



SECTION 42A REPORT

Officer's written right of reply 1 July 2025

Hearing 11 – Designations

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1 Introduction

1.1 Background

1. My full name is Lynette Morgan. I am the writer of the original Section 42A Report for Hearing 11 the Designations Chapter.
2. In the interests of succinctness, I do not repeat the information contained in Section 2.1 of the Section 42A Report and request that the Hearings Panel ("the Panel") take this as read.

2 Purpose of Report

3. This Right of Reply is being provided at the request of the Panel who had advised at the hearing they did not seek a reply on designations to matters arising at the hearing.
4. However, the Panel have sought further comment on the evidence given by Lucklaw Farms Ltd namely, Mr Stuart Ryan Barrister, Ms Melanie Dixon Ecologist, Mr James Blythe Hydrologist, and Mr Gavin Sole in respect of, Designation FN160 Rangiputa Oxidation Pond (FN160) Submission 551.007.
5. Ms Losaline Finekifolau, Team Leader Infrastructure Consenting and Ms Louise Wilson Senior Infrastructure Planner FNDC, also gave evidence.
6. I seek this Right of Reply be read in conjunction with my Memorandum dated 21 May 2025, already submitted.

3 Consideration of Evidence

3.1 Lucklaw Farms Ltd

7. The evidence given by Lucklaw Farms Ltd while related to the land on which the Rangiputa Oxidation Pond (FN160) is situated did not relate to the request for confirmation of the designation. The evidence was focused on issues Lucklaw Farms Ltd say they have in respect of the environmental effects that are occurring from the operational issues arising from the existing Resource Consent in respect of FN160.
8. Far North District Council officers gave evidence of the monitoring of FN160 by FNDC and NRC and the next Resource Consent renewal process.

Analysis

9. As set out in my S42A report designations authorise the use of land for a particular project or public work (such as a school, police station, state highway, substation or other infrastructure). The PDP rules do not apply to a public work, project or work undertaken by a requiring authority pursuant to any approved designation and any conditions attached.
10. Lucklaw submitted designation FN160 be amended so its conditions, address the adverse effects to the environment from the operation of the wastewater ponds for Rangiputa and provided the following evidence to the Hearings Panel.



- a. Hydrology evidence from Mr James Blythe who gave evidence on:
 - the hydrology of Lakes Rotokawau (west and east) on the Karikari Peninsula and their surrounding wetland extents; and
 - the potential connectivity of contaminants out of the Rangiputa Wastewater Treatment Plant (WWTP) with reference to recent wet weather monitoring of overflow pathways.
 - b. Ecology evidence by Ms Melanie Dixon who gave evidence on:
 - the ecological values of the Puwheke Beach, the Rangikawau lakes and surrounds and their vulnerability to any contaminants in treated (on untreated) water discharged from Rangiputa Wastewater Treatment Plant (WWTP); and
 - the possible contaminants from Rangitputa WWTP and the risk that these may be entering wetland areas (including dune lakes).
 - c. Wastewater treatment evidence by Mr Graham Sole who gave evidence on:
 - current wastewater reticulation and treatment system;
 - current wastewater flows and rainfall;
 - current monitoring results; and
 - treatment capacity.
11. The evidence provided largely focussed on matters that are not controlled by the Designation and are the domain of the Northland Regional Council. The evidence focused on Lucklaw Farms Ltd issues in respect of compliance and monitoring of those matters. These are not matters the Panel can consider in terms of confirmation of FN160.
 12. On this basis I retain my position as set out in the S42A report Designation FN160 should be confirmed with no modifications.

Recommendation

13. For the reasons above, I do not recommend any changes to Designation FN160.

Section 32AA Evaluation

14. As no further changes are recommended, no additional evaluation under S32AA is required.



3.2 Additional Information / Questions from the Hearing Panel

15. The Panel also sought a further comment in respect of Designations MS124 and MS143 and my recommendation and comments in paragraphs 121- 125.
16. As set out in my S42A report I made repeated attempts to make contact with MetService and have them provide the necessary information. At the time of hearing no response had been received.
17. During the preparation of this right of reply I made a further attempt to contact MetService who have now responded and have provided additional information. I attach the email dated Thursday 26 June 2025, sent by Mr Jeremy Lumley Senior Project for the Panel's assistance.
18. Mr Lumley explained the consultant planner had provided incorrect mapping advice in respect of MS124 and MS143, this is explained in the 26 June 2025 email. Mr Lumley also noted an error in the designation description of MS143 and seeks an amendment to the same, further explanation of that is set out in (22). I have recommended changes to the designation be accepted and have provided a revised designation with this Report with the changes shown in red text (with red underline for new text).
19. MS124 –The weather station MS124 appeared to be crossing private land, including the area used to access a dwelling on the property. It was unclear what arrangements had been made with the private landowners for access to the site to the weather station or how private access was being managed. Mr Lumley helpfully set out in his email the mapping area of the weather stations for MS124 and MS143 noting these were on the same parcel of land and owned by the same landowner (certificate of titles were also provided). The new map is shown below and the correct site is showing in purple.



20. Mr Lumley's email advised the landowner and Metservice have a lease arrangement. Given the information provided I now seek the following in respect of MS124:
21. MS124 be confirmed but amended as per the updated map provided by the authority dated 26 June 2025.
22. MS143- Mr Lumley's email set out the mapping extent for MS143 noting it is located across a boundary line. The email also confirmed both parcels of land are owned by the same landowner. The new map is shown below, and the correct site is showing in purple. In confirming the legal owners, it was noted the legal description was not correct the legal description of the designation needs to be amended to include the words Paoneone A Block.

Recommendation

23. I now recommend the following in respect of MS143:
24. MS143 be confirmed but amended as per the updated map provided by the authority dated 26 June 2025.
25. The site identifier be amended to included Paoneone A Block as per appendix 1.



From: Jeremy Lumley
Sent: Thursday, 26 June 2025 12:03 pm

To: Lynette Morgan
Subject: Re: Meteorological Service of New Zealand Ltd Designations

CAUTION: This email originated from outside Far North District Council.
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Kia ora again Lynette

In hindsight those plans that Sandhira produced are misleading as to two of the actual weather station sites. I have edited up the plans again to show the correct areas for the weather stations relating to MS124 and MS143.

You can see the outline of the fenced enclosure area for the weather stations in each image in Sandhira's earlier report. I have outlined these areas in purple in the attached images.

I now also see that MS143 is located across a boundary line. In fact both parcels of land are owned by the same owner, and MetService has a lease with them. I've attached copies of both titles for info. The description of this designation needs to change to include 'Paoneone A Block' also.

I must apologise for these errors in the initial submission. Hopefully things are still be progressed for these designations.

Thank you for your help.

Ngā mihi – Kind regards

Jeremy

 **JEREMY LUMLEY**
Senior Project Manager, Observations Infrastructure
Meteorological Data Services
MetService – Te Ratonga Tiorangi



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From: Jeremy Lumley
Date: Thursday, 26 June 2025 at 10:40 AM
To: Lynette Morgan
Subject: Re: Meteorological Service of New Zealand Ltd Designations

Thanks for the follow up email Lynette.

I'm sorry that your email went unanswered. I'm juggling too much in my role sorry and missed following up the email.

Sandhira did in fact leave Stantec, and I can see the reason for your questions.

Let me put something together to answer your queries. I will get back to you later today.

Thank you

Ngā mihi – Kind regards

Jeremy



JEREMY LUMLEY

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From: Lynette Morgan
Date: Monday, 24 March 2025 at 10:53 AM
To: Jeremy Lumley
Subject: FW: Meteorological Service of New Zealand Ltd Designations

Kia Ora Jereme

I sent the below email to Sandhira but it has bounced back, please see below.

I am trying to finalise my report for the upcoming hearing and need to address the issue below. Can you advise?

I look forward to hearing from you

Nā

Lynette



Lynette Morgan

Policy Planner - District Plan

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Te Kaunihera o Te Hiku o te Ika | Far North District Council

Pokapū Kōrero 24-hāora | 24-hour Contact Centre 0800 920 029
fndc.govt.nz



From: Lynette Morgan

Sent: Monday, 24 March 2025 10:43 am

To: Sandhira.Naidoo@stantec.com

Subject: Meteorological Service of New Zealand Ltd Designations

Importance: High

Kia ora Sandhira

I am the s42a report writer for FNDC on designations. As well as this email I will follow up with a phone call.

I attached your confirmation of the rollover designations. You will see the two diagrams the marker and amended designation looks to cross a private access, Can you advise the following:

is this correct?

If so; does it need to?

I look forward to hearing from you.

Nā

Lynette



Lynette Morgan

Policy Planner - District Plan

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