



PROPOSED FAR NORTH DISTRICT PLAN

**RECOMMENDATIONS OF THE INDEPENDENT HEARINGS
PANEL**

RECOMMENDATION REPORT 11

**Hearing 11: Renewable Energy, Infrastructure, Transport and
Designations**

March 2026

RECOMMENDATION REPORT 11

Recommendation Report 11 is to be read in conjunction with the **Preamble Report** and **Recommendation Reports 1, 16 and 17**.

Recommendation Report 11 contains the Panel's recommendations on Part 2 – District Wide Matters – Energy, Infrastructure, and Transport chapters and Part 3 – Areas Specific Matters – Designations.

Recommendation Report 11 also contains consequential amendments resulting from recommendations from other recommendation reports.

Recommendation Report 11 contains the following appendices:

Appendix 1: Schedule of Hearing Attendances

Appendix 2: Hearings Panel Recommended Amendments to the PDP – tracked from notified version (provisions not subsequently renumbered):

Appendix 2.1 Renewable Electricity Generation Chapter

Appendix 2.2 Infrastructure Chapter

Appendix 2.3 Transport Chapter

Appendix 2.4 Designation Chapter

Appendix 5: Summary table of the Hearings Panel recommended decisions on each submission point including:

Appendix 3.1 Recommended Decisions on Submissions - Renewable Electricity Generation Chapter

Appendix 3.2 Recommended Decisions on Submissions - Infrastructure Chapter

Appendix 3.3 Recommended Decisions on Submissions - Transport Chapter

Appendix 3.4 Recommended Decisions on Submissions - Designations Chapter

The Independent Hearings Panel for this hearing comprised Bill Smith – Independent panel member and Chairperson; Alan Watson - Independent panel member; Steve McNally - Council member and Commissioner.

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RECOMMENDATION REPORT 11

1. Introduction

1.1 Report Structure

This is **Recommendation Report 11** prepared by the Independent Hearings Panel appointed to hear and make recommendations with respect to submissions and further submissions lodged on the Proposed Far North District Plan (**PDP**).

This recommendation report makes findings and recommendations relating to submissions on the provisions in the following parts, sub-parts, chapters and sections of the PDP; and on a number of other general or miscellaneous matters.

PDP Part	PDP Sub-Part	PDP Chapter or Provisions
Part 2 – District-Wide Matters	Energy, Infrastructure and Transport	Infrastructure
		Renewable Electricity Generation
		Transport
Part 3 – Area Specific Matters		Designations

1.2 Section 32AA of the RMA

We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of Council’s hearing report authors, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments within or attached to the relevant hearing reports, provided within evidence for Submitters, and/or within the Council’s right of reply reports. Those reports are part of the public record and are available on the Council website.

Where our recommendation differs from the hearing report authors’ recommendations, we have incorporated our own s32AA evaluation into the body of our recommendation report as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.

As per Section 4.2 of the **Preamble Report** where we generally agree with the Council recommendations relating to the relief sought by those submitters who did not wish to speak at the hearing, we have concluded that these matters are not in contention. In that regard, we have focussed our discussion in this recommendation report on those submitters who presented evidence to us.

1.3 Consequential Amendments

This recommendation report contains consequential amendments, including to or from other plan chapters. These are discussed further in this report.

2. Procedural Issues

2.1 Pre-Hearing Meetings and Minute 13

The Panel directed (via Minute 13 dated 30 October 2024) that the Council, Transpower, Top Energy and the Telco Companies conference/hold pre-hearing meetings on the PDP Infrastructure chapter (whether it be in the form of a meeting/expert conferencing or mediation) to identify and discuss areas of agreement and/or disagreement, work through technical drafting issues, and narrow down key issues prior to the hearing. The invitation to attend was also extended to experts representing other submitters/further submitters. The reporting officer provided the Panel with a report on the pre-hearing outcomes of the meetings, and this has been taken into account when making our recommendations on this chapter. The report is titled “Memo – Far North PDP Infrastructure – Pre-Hearing Meetings”, undated.

We were told that the pre-hearing meetings were productive with progress made on a number of key issues, including the relationship with other PDP chapters and amendments to specific provisions to address key submission points. The Reporting officer advised us that he had made reference to the key outcomes and amendments that had been agreed or discussed at the meetings and advised that the discussions had been held on a “without prejudice” basis.

We wish to acknowledge and thank those parties who took part in the pre-hearing meetings.

2.2 National Planning Instruments

As discussed in section 3.2 and 3.3 in the **Preamble Report**, where any national policy or environmental standard was notified prior to the hearing these provisions have been incorporated in the hearing report and addressed at the hearing and in our evaluations and recommendations. With regard to the ten national policy statements and environmental standards that came into effect on 15 January 2026 (i.e. after all hearings had been completed) we have determined (following legal advice) that the Council can only give effect to those documents through a Schedule 1 variation or plan change process. See also Minutes 40-42 which address this matter.

Following Minute 41, we received a legal memorandum from Top Energy Limited with specific reference to the National Policy Statement for Infrastructure 2025 (**NPS-I**), National Policy Statement for Renewable Electricity Generation Amendment 2025 (**NPS-REG**); and National Policy Statement for Electricity Networks Amendment 2025 (**NPS-EN**).

Top Energy submit that further changes should be made to specific chapters of the PDP to better align those provisions with the updated National Planning Instruments. We have reviewed these suggested amendments and while we consider that there are some helpful suggested amendments, in the interests of natural justice, efficient plan integration and plan integrity, these are best left to a later plan change or variation process under Schedule 1 of the RMA.

3. Topic 1: Renewable Energy Generation

3.1 Relevant Provisions

The relevant provisions we address in the Recommendation Report for this topic relate to the Renewable Energy Generation chapter in Part 2 – District – Wide Matters of the PDP.

3.2 Overview of Submissions Received

A total of 16 original submissions (with 93 individual submission points) and 168 further submissions (with 722 individual submission points) were received on the Renewable Energy Generation topic.

As set out in the hearing report the main submissions on the Renewable Energy Generation topic came from:

- Iwi and Hapū Groups – Ngati Rangī ki Ngawha, Ngati Rangī ki Ngawha and Te Hiku Iwi Development Trust who generally supported the provisions in part but requested amendments.
- Top Energy who sought better integration between the provisions and the RPS and amendments to enable renewable energy activities to establish.
- Federated Farmers who generally supported the notified provisions with some minor amendments requested.
- Key Interest Groups including Forest and Bird and the Kapiro Conservation Trust seeking better integration between this chapter and other chapters particularly in regard to indigenous vegetation clearance.

Due to the clarity of the submissions, we were told that no correspondence or meetings with these submitters needed to be undertaken and there were no procedural matters in relation to this topic. There were no late submissions.

3.3 Key Issues

The key issues identified in the hearing report and in evidence are set out below:

- Key Issue 1: General
- Key Issue 2: Objectives
- Key Issue 3: Policies
- Key Issue 4: Notes
- Key Issue 5: Rules
- Key Issue 6: Definitions.

3.4 Key Issue 1 – General

3.4.1 Matters Raised in Submissions and Evidence

NRC (S359.033) seeks amendments to recognise the geographic limitations for some forms of renewable energy that they may be location specific. Also, to enhance access to renewable energy sources. Transpower (S454.033) requests that all infrastructure provisions be consolidated within the Infrastructure chapter of the PDP.

Top Energy (S483.076) seeks amendments to provide clarity around integration of this chapter with other chapters in the PDP so that the provisions of the Renewable Electricity Generation chapter have precedence. Te Runanga o Ngati Rehia seek amendments to ensure there are no impediments to climate change mitigation, that is for example, in relation to reflectivity and/or building height that may limit opportunities for small to medium scale solar or wind generation.

3.4.2 Hearings Panel Evaluation

We find that the relief sought by NRC regarding the geographic limitations and location specific nature of some forms of renewable energy are adequately addressed in the PDP as notified. The provisions specifically recognise the "operational need" and "functional need" for renewable electricity generation activities to be in particular locations, specifically Policy REG-P11 but also REG-O1, REG-P5 and REG-P6. We find that no amendments are needed.

Similarly, with respect to the request by NRC to enhance access to renewable energy sources, the notified provisions provide for several activities relating to renewable energy being permitted across all zones subject to compliance with permitted activity standards. The provisions include rules REG-R2, REG-R3, REG-R5 and REG-R6. REG-R7 provides for large scale renewable electricity generation as discretionary in all zones is deleted as a consequence of recommendations on other submissions, but provision for large scale renewable energy generation activity is provided for by the amended REG-R6 in relation to solar energy (restricted discretionary) and by REG-RY in relation to wind energy (discretionary).

As noted by the reporting officer, and with whom we agree, these provisions provide sufficient access to renewable energy resources and no amendments are needed to the PDP. We note too, that NRC did not propose any specific amendments.

In relation to the Transpower and Top Energy submissions, and the supporting evidence from Sharon Dines and David Badham, we agree that all infrastructure provisions should be consolidated within the Infrastructure chapter of the PDP. This should further clarify the relationship between the Infrastructure chapter and other PDP chapters. In this respect the reporting officer directed us to the Infrastructure hearing report *Key Issue 1: Relationship between Infrastructure Chapter and other PDP Chapters* which also applies to the renewable energy provisions.

Te Runanga o Ngati Rehia (S559.008) seek that there be no impediments in the PDP provisions for climate change mitigation that may limit opportunities for small to medium scale solar or wind generation. We agree and we would not want to see such opportunities unreasonably limited. However, we still need to ensure any potential

adverse effects are avoided or mitigated and the effects associated with flicker, glare or reflectivity as mentioned by the submitter are relevant considerations.

3.4.3 Hearings Panel Recommendations

The Hearings Panel recommend the following:

- a) That the submissions from NRC (S359.033), Transpower (S454.033) and Top Energy (S483.076) are accepted in part.
- b) That the submission from Te Runanga o Ngati Rehia (S559.008) is rejected.
- c) That all other general submissions on the Renewable Energy Generation chapter are accepted, accepted in part and rejected as set out in **Appendix 3.1**.

3.5 Key Issue 2 – Objectives

3.5.1 Matters Raised in Submissions and Hearings Panel Evaluation

REG-O1

Top Energy (S483.077) does not agree with the reporting officer's recommended amendments which remove the terms "*technical, operational and functional needs*" from REG-O1. They seek retention of the objective while agreeing with the amendment to REG-O3 that is to recognise and provide for the operational and functional needs of renewable energy generation activities being in particular environments. Mr Badham's view, which he explained in his evidence was that these objectives cover different matters.

We however, find that the operational and functional needs of electricity generation activities are already appropriately recognised and provided for under REG-O3. Including them also under REG-O1 would result in unnecessary duplication within the objectives framework. **Appendix 2.1** includes the amendments from the reporting officer that we adopt.

REG-O2

Top Energy agrees with the recommended amendments to REG-O2 but provides some other amendments that, supported in the evidence of Mr Badham, they consider better reflect the intent of the objective.

The reporting officer agrees, as we do. REG-O2 is accordingly amended as sought in Mr Badham's evidence. **Appendix 2.1** includes the amendments.

REG-O3

Forest and Bird (S511.047) does not support the amendments recommended to REG-O3. They were represented by Tim Williams, legal counsel. They are concerned that the objective is effectively "weighted" in favour of providing for renewable electricity activities and inappropriately limits how the adverse effects of those activities are to be managed. As pointed out by the Reporting Planner however, the wording of the objective does not imply that all renewable electricity generation activities will be recognised and provided for without constraint but rather, it clarifies that adverse effects are to be managed in a manner that recognises and provides for the operational and functional

requirements of such activities. This recognises that renewable energy resources are fixed in location and cannot be relocated.

Further, amendments are recommended by the reporting officer to clarify that the provisions in the renewable energy generation chapter are to be read together with the effects management policies in other PDP chapters, including the Ecosystems and Indigenous Biodiversity chapter. We find that this assists to meet the concerns of Forest and Bird in that it makes it clear that the adverse effects of renewable electricity generation activities are appropriately managed. We accordingly make no further amendments to the objective.

REG-O4

The objective is concerned with reverse sensitivity effects. For Top Energy (S483.080), Mr Badham seeks consistency with Policy 5.1.1(e) of the RPS and its direction to avoid the potential for reverse sensitivity effects, rather than retaining the reference to mitigating. In his evidence he references Policy 5.1.1(e) and its strong avoidance directive, stating inclusion of “*or otherwise mitigating*” is clearly inconsistent with giving effect to that directive. The Reporting officer does not agree and notes that the RPS policy applies broadly to all regionally significant infrastructure, whereas Policy D of the NPS-REG relates specifically to renewable electricity generation. Policy D states that “*Decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities*”.

In that respect we find that the wording “... *avoiding, or otherwise mitigating, the reverse sensitivity effects...*” in REG-O4 to be appropriate, rather than deleting the words “*or otherwise mitigating*” from the objective as sought by Mr Badham. The retention of the current wording gives greater weight to the NPS-REG and provides more targeted direction with respect to renewable electricity generation activities and reverse sensitivity effects.

3.5.2 Hearings Panel Recommendations

The Hearings Panel recommends wording amendments to Objectives REG-O1, REG-O2, REG-O3 and REG-O4 for the reasons included above in our evaluation. The recommended amendments are identified in **Appendix 2.1**.

Accordingly, the Hearings Panel recommend the following:

- a) That the submission from Top Energy (S483.077) is accepted in part;
- b) That the submission from Forest and Bird (S511.047) is accepted in part; and
- c) That all other submissions are accepted, accepted in part or rejected as set out in **Appendix 3.1**.

3.6 Key Issue 3 – Policies

3.6.1 Matters Raised in Submissions and Hearings Panel Evaluation

REG-P2

Forest and Bird (S511.048) do not support the recommended amendments to this policy and particularly the use of the term “enable” as they consider this implies permitted activity status. The reporting officer does not agree and points out that the term “enable” signals general support or intent rather than an absolute obligation to set permitted activity status for activities.

We note that the policy seeks to enable the continued operation, maintenance, repair, and replacement of renewable energy activities in order to maintain or increase generation activity. That is supported by the recommended new rule REG-RX and REG-R1. REG-R1 is a permitted activity with no conditions which is appropriate for operation, maintenance, repair and removal whereas REG-RX relating to upgrading or repowering existing facilities is a restricted discretionary activity with defined matters of discretion. There is the ability to refuse consent to an upgrade or repowering proposal where the relevant matters are not met.

We find in that context the use of the term “enable” to be appropriate.

REG-P5 and REG-P6

The reporting officer’s recommendation is for the deletion of REG-P5 and REG-P6 and to rely on the relevant effects management policies in the ecosystems and indigenous biodiversity chapter to avoid inconsistencies. Forest and Bird agree but are concerned that problems with other provisions could undermine this approach. The reporting officer points out that is not an issue because amendments to the Overview section and Note 1, which are intended to clarify the specific District-Wide matters chapters may apply to renewable electricity generation and he quotes Note 1 to support his view.

We agree with the reporting officer’s advice.

REG-P8

Top Energy does not support the recommended wording of REG-P8 for the same reasons as outlined above in relation to REG-O4 and which we address above.

We accordingly recommend no amendments to REG-P8.

REG-P9

Top Energy does not support the recommended wording of REG-P9 and seeks it be deleted for the reasons including that it fails to give effect to the enabling provisions of the NPS-REG, the RPS, and the Strategic Direction chapter of the PDP. Mr Badham details his concerns in evidence pointing out that renewable energy resources do not necessarily follow zone boundaries for technical, operational and functional reasons and that there is no justification for having a low and arbitrary “no more than minor” effects threshold linked to a strong “avoid” policy. Further, that an avoid policy is inconsistent with the enabling provisions for renewable electricity generation within the NPS-REG, the RPS, the Strategic Direction chapter of the PDP and the REG chapter objectives.

The reporting officer disagrees and pointed out that the NPS-REG does not require unqualified enabling of renewable electricity generation activities in all zones, it promotes and enables such activities but also recognises the need to manage adverse effects.

We agree with the reporting officer for those reasons shown above and in the hearing report, and as otherwise stated in his reply. We also find that using an effects threshold of “no more than minor” is an appropriate measure and that its use is not necessarily limited to being only for notification considerations. We also recognise, as the reporting officer did, that the current wording of REG-P9 is inconsistent with the recommended amendments to REG-R6 and REG-RY. Those rules provide for large and community scale renewable electricity generation activities as permitted activities in the Rural Production, Maori Purpose and Open Space zones, subject to compliance with permitted activity standards that ensure that adverse effects will be no more than minor. We find agreement that REG-P9 needs to be amended to reflect this broader approach which better aligns with the recommended rule framework.

Top Energy also has concerns regarding the use of the phrase “adverse effects will be no more than minor” stating it is not appropriate in the context of this plan provision. It is however, in our view appropriate because large and community scale renewable electricity generation activities are considered to be regionally significant infrastructure which is referred to in the RPS as requiring to be such that “adverse effects are avoided, remedied or mitigated to the extent that they are no more than minor.” There are also other references that give a clear and appropriate basis for adopting the same effects threshold as in REG-P9. Accordingly, we find that the use of the phrase “adverse effects will be no more than minor” is appropriate and consistent with the higher order direction in the RPS.

The amended provision is included in **Appendix 2.1**.

REG-P10 and REG-P11

Top Energy requests that REG-P10 be moved to be a matter for consideration under REG-P11. However, we find agreement with the reporting officer that there needs to be a commitment to ensure that during decommissioning of any renewable electricity generation activity that the buildings and the like are removed or the site otherwise mitigated to be compatible with future land use. That is more appropriate as a requirement than as a “consideration”.

New Policy

Top Energy seeks the inclusion of a new policy specifically enabling activities associated with the investigation, identification, and assessment of potential sites and energy sources for renewable electricity generation. We agree with this request (see REG-PX) along with amendments to REG-P3 for the reasons outlined by Top Energy.

3.6.2 Hearings Panel Recommendations

The Hearings Panel recommends the following:

- a) No amendments to REG-P2, REG-P8, REG-P10 and REG-P11 for the reasons above in our evaluation.
- b) REG-P5 and REG-P6 are recommended to be deleted for the reasons above in our evaluation.
- c) REG-P9 is recommended to be amended for the reasons above in our evaluation.

d) A new policy is recommended along with amendments to REG-P3 as follow:

REG-PX

Enable activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation.

REG-P3

Enable new small scale renewable electricity generation activities ~~and activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation~~ where the activity:

- a. *is of a form, location, and scale that minimises adverse effects on the environment; and*
- b. *will not result in significant adverse effects on the character and amenity values of the zone.*

The separation of a new standalone policy to “*Enable activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation*” provides clearer policy direction by distinguishing investigation activities from new small-scale renewable electricity generation activities. This amendment improves the efficiency and effectiveness of the policy framework by recognising investigation activities as a distinct phase of development. This better gives effect to the RPS, particularly Method 5.4.3, and responds to the directive in clause 1(a) to be “as permissible as possible.” It is also consistent with Policy F and Policy G in the NPS-REG which provide separate direction for investigation vs small/community scale.

The amendment to REG-P9 to explicitly reference community scale, Māori Purpose and Open Space zones ensures that the policy framework aligns with the recommended rules in the Renewable Electricity Generation chapter. This change improves clarity by aligning the listed zones with those in which renewable electricity generation activities are already anticipated and can be appropriately located. The amendment does not introduce additional regulatory burden but instead improves internal consistency within the chapter.

Accordingly, we recommend that:

- a) The submission by Forest & Bird (S511.048) is accepted in part;
- b) The submissions from Top Energy (S483.082) is accepted in part; and
- c) That all other submissions are accepted, accepted in part or rejected as set out in Appendix 3.1.

3.7 Key Issue 4 – Notes

3.7.1 Matters Raised in Submissions and Evidence

Forest and Bird (S511.050) requests that Note 1 state that Area Specific Matters may apply to renewable energy generation activities. They also raise concerns regarding the permissibility of renewable energy generation activities within the Natural Open Space

zone where the renewable energy generation activities override the zone rules. The reporting officer does not agree and points out that the only permitted rules that apply to all zones relate to operation, upgrading, and investigation activities and to small scale electricity generation activities. These have minimal adverse effects, and other renewable energy generation activities would require at least a restricted discretionary activity consent which provides adequate protection within the zone. This framework appropriately balances the need to enable renewable energy generation activities with the protection of identified values through the District Wide matters.

3.7.2 Hearings Panel Evaluation

We find agreement with the reporting officer and recommend no amendments to Note 1.

3.7.3 Hearings Panel Recommendations

The Hearings Panel recommends no amendments to Note 1.

Accordingly, we recommend that the submission from Forest and Bird (S511.050) is rejected as identified in **Appendix 3.1**.

3.8 Key Issue 5 – Rules

3.8.1 Matters Raised in Submissions and Hearings Panel Evaluation

REG-R3, REG-R4, REG-R5

Top Energy (S483.095) sought amendments to Rule REG-R3 to ensure that renewable electricity generation investigation activities themselves are provided for, as the current wording would only apply to buildings associated with such activities, not the activities themselves. The reporting officer agreed with amendment to REG-R3 to clarify this intent but did not support the amended wording of PER-1, which would allow for an unlimited number of buildings and structures provided the gross floor area (**GFA**) of each does not exceed 25m². Wording “*limiting the total GFA of all buildings and structures to 50m²*” was considered by the Officer to be more appropriate. We agree.

Similarly, we agree with the retention of PER-2 and PER-3 as recommended by the reporting officer. It is important to ensure that buildings and structures associated with investigation activities are not located within the identified public or access areas. However, the provisions (PER-1 to PER-3) should more clearly specify that they apply to buildings and structures, rather than to the investigation activities themselves, which are permitted and not subject to any of the standards.

Mr Williams for Forest & Bird raises concerns regarding the proposed deletion of the matters of discretion relating to vegetation clearance in REG-R3, REG-R4, and REG-R5. He suggests including a specific provision to explicitly state that Part 2 – District-Wide Matters of the PDP applies to renewable electricity generation activities. However, we do not see that as being necessary, as the applicability of the District-Wide Matters is already appropriately addressed through the recommended Note 1 and text in the Overview section that make it clear these chapters apply to renewable electricity generation activities where relevant.

3.8.2 Hearings Panel Recommendations

For the reasons above, we recommend the following amendments to REG-R3.

REG-R3

~~New buildings or structures associated with in-stream hydro investigation and electricity generation, a Renewable energy generation investigation activities~~, excluding in-stream structures (new and upgrading)

All zones

Activity status: Permitted

Where:

PER-1

~~The building or structure~~ Any building or structure located above ground associated with the investigation activity does not exceed a GFA of 25m² and the total GFA of all buildings or structures shall not exceed 50m² in total.

PER-2

~~# Any building or structure~~ is not located on an esplanade reserve or strip, marginal strip or any consented or planned public access area.

PER-3

~~# Any building or structure~~ is not located on any unformed road.

Accordingly, we recommend that the submissions from Top Energy (S483.095) and Forest and Bird (S511.051, S511.052, S511.053) be accepted in part. These are identified in **Appendix 3.1**.

3.8.3 Matters Raised in Submissions and Hearings Panel Evaluation

REG-R6 and REG-RY

Top Energy (S483.100) stated that they did not request the separation of the rules into “solar” and “wind” provisions. The reporting officer pointed out that while they did not explicitly seek separate rules, submission point S483.101 requested a new restricted discretionary activity rule for large-scale solar renewable electricity generation activities which the reporting officer considered to be appropriate. This was because it is an efficient method to ensure that non-compliance with the permitted standards for solar generation results in a restricted discretionary activity status, while non-compliance for wind generation defaults to discretionary activity status.

Top Energy also submitted that there is no basis for applying a discretionary activity classification to wind generation compared to solar. However, there is no scope to alter this classification, as Top Energy’s submission specifically addressed restricted discretionary status for solar generation only. We note that that solar generation activities generally result in fewer and more widely accepted effects compared to wind generation, which justifies the different activity status for each. We indicated at the hearing that a non-complying activity status might be more appropriate for wind generation where permitted standards are not met, noting there is scope to do so given the notified version of REG-R7 was a non-complying activity when the wind farm noise standards are not

complied with. The reporting officer recommended REG-RY be updated to reflect this approach. We agree with that amendment.

Top Energy also submitted that the permitted activity rule should apply to “all zones.” Mr Badham clarified that this might not include all zones but suggested that at least industrial zones should be included. We agree with the reporting officer that REG-R6 and REG-RY do not apply across all zones and that the zones recommended by the reporting officer are appropriate. Those zones are the Rural Production, Maori Purpose and Open Space zones.

3.8.4 Hearings Panel Recommendations

For the reasons above, the Hearings Panel do not recommend any amendments to REG-R6.

The Hearings Panel recommend the following amendments to REG-RY.

Activity status where compliance not achieved with PER-1, PER-2, PER-3, PER-4, PER-5 or PER-6: Discretionary.

Activity status where compliance not achieved with PER-5: Non-complying.

The proposed amendment to REG-R3 clarifies that the rule applies to renewable electricity generation investigation activities, rather than being limited to the construction of buildings or structures associated with such activities. This change is necessary to ensure that the scope of the rule appropriately reflects the intent of the policy framework, which is to enable investigation activities as a legitimate and distinct activity. The amendment addresses ambiguity in the recommended version of the rule, which referred specifically to buildings and structures, and excluded investigation activities that do not involve any built form. This clarification enhances the efficiency and effectiveness of the rule by ensuring that such activities are explicitly recognised and appropriately managed within the planning framework.

The cost of the amendment is minimal, as it does not alter the activity status or introduce any additional regulatory burden. The amendment provides greater certainty for plan users and applicants by clearly signalling that investigation activities, regardless of whether they involve buildings or structures, are subject to the provisions of REG-R3. The amendment represents a more appropriate and efficient way to achieve the objectives and policies of the Renewable Electricity Generation chapter.

Accordingly, the submission from Top Energy (S483.100) is accepted in part.

3.9 Key Issue 6 – Definitions

3.9.1 Matters Raised in Submissions and Hearings Panel Evaluation

Top Energy (S483.014) provided evidence seeking the combination of the definitions for “small-scale” and “community-scale” renewable electricity generation activities, and recommended that these be amended to align with the definition in the NPS-REG. However, the PDP contains specific rules that apply separately to small-scale and community-scale renewable electricity generation activities and so combining these terms would likely create interpretive and implementation issues.

However, there is merit in aligning the definitions more closely with the terminology and intent of the NPS-REG and the hearing report provided recommended amendments to the definitions of “large-scale” and “community-scale” renewable electricity generation to improve consistency with the NPS-REG.

3.9.2 Hearings Panel Recommendations

For the reasons above and those shown in the hearing report, the Hearings Panel recommend amendments to the definitions for ‘large-scale renewable electricity generation’ and ‘community-scale renewable electricity generation’ to align the definitions more closely and to improve consistency with the NPS-REG. The definitions are shown in **Appendix 2.1, Definitions in Recommendation Report 17.**

On that basis the submission from Top Energy (S483.014) is accepted in part.

4. Topic 2: Infrastructure

4.1 Relevant Provisions

The relevant provisions we address in this topic are the provisions in the Infrastructure chapter, including the overview, objectives policies, rules and standards.

4.2 Submissions and Key Issues

A total of 333 original submissions and 1,129 further submissions were received on the Infrastructure topic.

There were no late submissions on this topic, and we have dealt with the pre-hearing meetings held on this topic above under the heading ‘Procedural Issues’.

The following submitters provided hearing statements, evidence and/or attended Hearing 11 raising issues relevant to the Infrastructure chapter:

- Ara Poutama – Department of Corrections,
- A.W and D.M Simpson,
- Elbury Holdings,
- Errol James McIntyre,
- Far North Holdings Limited,
- Fiona King,
- Fire and Emergency New Zealand,
- Kaitaia Marae Incorporated Society,
- KiwiRail Holdings Limited,
- Leah and Sean Freling, LK King Limited,
- Oromahoe LandOwners, Oromahoe Trust,

- Royal Forest and Bird Protection Society of New Zealand,
- Tapuaetahi Incorporated,
- The Telco Companies (Chorus New Zealand Limited, Spark New Zealand Trading Limited, One New Zealand Group Limited, Connexa Limited and FortySouth),
- Top Energy Limited, and
- Transpower New Zealand Limited.

A number of submitters generally support the recommendations in the Infrastructure hearing report. This includes the Department of Corrections, KiwiRail, the Telco Companies, and Transpower (although the Telco Companies and Transpower both requested some further amendments as outlined below).

As such, we only address evidence and statements at the hearing where additional comment is required. In doing so, we have grouped the issues from submitters in evidence and hearings as follows:

Key Issue 1: Infrastructure chapter objectives and policies

Key Issue 2: Infrastructure chapter rules, standards and definitions

Key Issue 3: Subdivision rules

Key Issue 4: Critical Electricity Lines (**CELS**)

Key Issue 5: Kaitaia drainage schemes.

4.3 Key Issue 1-Relationship Between Infrastructure Chapter and other PDP Chapters

4.3.1 Matters Raised in Submissions and Evidence

Mr Williams for Forest and Bird (S511.046) raised concerns at the hearing and in relation to the recommended amendments by the reporting officer following the hearing. The concerns included the objectives limiting how the adverse effects of infrastructure can be managed, that they do not state the outcome sought, that being appropriate management of adverse effects, and the objectives provide special treatment of all infrastructure. In relation to the policies, he supported amendments to avoid conflict with the Ecosystems and Indigenous Biodiversity chapter of the PDP but subject to that not limiting the ability of consent authorities to consider that and other PDP chapters when managing the adverse effects of infrastructure activities.

Transpower (S454.032) through Ms Dines supported the new policy that had been sought regarding giving effect to the NPS-ET and resolving conflicts with the NZCPS. She did also point out some minor corrections/amendments that were needed.

Mr Badham for Top Energy (S483.054) sought to have the word “*avoid*” replaced with “*manage*” and removal of the need for landowners to agree to new infrastructure in I-P11. He also sought the PDP refer to “*providing for*” in I-P12, in addition to just “*recognising*”.

4.3.2 Hearings Panel Evaluation

I-O4 and I-P2

The reporting officer points out in his reply that the intent of his recommended amendments to I-O4 and I-P2 is not to constrain the assessment and management of the adverse effects of infrastructure. Rather the intent of these recommendations includes ensuring the operational need and functional need of infrastructure to be in particular environments is recognised and provided for when managing adverse effects. Operational need and functional need are well established concepts that are defined in the National Planning Standards and the PDP and are particularly important considerations for infrastructure. We note too, that it is common in national, regional and district planning documents to recognise the operational need and functional need of infrastructure activities when considering and managing adverse effects.

Further, the intent is to remove direction relating to managing adverse effects on natural values, coastal values etc from within the Infrastructure chapter where this both duplicates and conflicts with more specific effects management policies in other District-wide PDP chapters (Coastal Environment, Ecosystems and Indigenous Biodiversity etc.). The reporting officer disagreed with Mr Williams that these amendments give “*special treatment*” to all infrastructure and “*limit*” the way adverse effects are to be managed. Rather, these amendments reinforce the key effects management policies in higher order direction (including the NZCPS) which are given effect to through the relevant PDP chapters.

We find agreement with the reporting officer in these respects. There is a need to provide for infrastructure, and it is apparent that it is sought to be achieved whilst having due regard to the potential for adverse effects and managing any adverse effects accordingly as required by the RMA and the various applicable planning documents.

I-PX

We agree with the evidence from Ms Dines for Transpower and agree too with the formatting issues and clarifications that she raises. A new policy is recommended accordingly. This is identified in **Appendix 2.2**.

I-P11

The reporting officer notes that the policy is not framed as an absolute “*avoid*” policy as suggested by Mr Badham for Top Energy as it is caveated with “*unnecessarily constrain*”. In terms of the second limb of the policy “*unless the owners of the land agree to the new infrastructure*”, he agrees with Mr Badham that this wording could be problematic and recommends these words are deleted from I-P11, which is also better aligned with the corresponding I-O6. We agree. The amendments are identified in **Appendix 2.2**.

I-P12

We agree with the reporting officer in recommending that policy I-P12 is retained as notified in order to recognise the benefits of new technology in infrastructure but without placing a firm obligation on applicants and Council processing planners to provide for these benefits.

I-P13

The reporting officer has agreed with Mr Badham regarding the reference to I-S1 and I-S1 in clause (b) of I-P13 and has accordingly recommended that the reference be deleted as not being needed. Similarly, in relation to the requested new objective, policy and rule for infrastructure in the road corridor regarding the benefits of infrastructure, we agree with the reporting officer that it is not needed given that is already achieved through I-O2 and I-P4 in the Infrastructure chapter which seek to recognise and provide for the benefits of infrastructure throughout the District, including in the road corridor (noting that this is not mapped but instead adopts the adjoining zoning).

Top Energy requested a new objective, policy and rule for infrastructure in the road corridor. This would, according to the reporting officer, permit the operation, maintenance, repair and removal of existing infrastructure in the road corridor which I-R1 already does. The only difference in the relief sought by Mr Badham for Top Energy is in relation to upgrading of infrastructure in the road corridor where this would be permitted without any controls on the size and location of the upgrade. We agree with the reporting officer that this is overly permissive. The controls in I-R3 are appropriate within the road corridor to manage potential adverse effects on adjoining zones.

We find agreement with both the reporting officer and Mr Badham that the direction to encourage infrastructure to be located in road corridors should not be limited to linear infrastructure as there are other types of infrastructure that are appropriate to be located within the road corridor (e.g. telecommunication facilities). The reference to “new linear” in I-P9 is accordingly recommended to be deleted.

4.3.3 Hearings Panel Recommendations

For the above reasons, the Hearings Panel recommend that:

- a) I-PX is amended to address minor corrections;
- b) I-P9 is amended to delete the word “new linear”;
- c) I-P11 is amended to remove the words “*unless the owners of the land agree to the new infrastructure*”;
- d) I-P13 is amended to delete the reference to I-S1 and I-S1 in clause (b).

The recommended amendments to I-PX, I-P9, I-P11 and I-P13 amendments are set out in **Appendix 2.2** address cross referencing issues, better achieve the policy intent, and improve workability of the provisions. The amendments are an appropriate way to achieve the relevant PDP objectives in accordance with section 32AA of the RMA.

Consequently, we recommend that the submissions from Forest and Bird (S511.046), Transpower (S454.032) and Top Energy (S483.054) are all accepted in part as identified in **Appendix 3.2**.

4.4 Key Issue 2: Infrastructure Chapter Rules, Standards and Definitions

4.4.1 Matters Raised in Submissions and Evidence

The submitters raised matters relating to the following:

- Upgrading existing network utilities

- New overhead lines and poles, telecommunication and antenna towers
- Telecommunication kiosks
- Buildings and structures within 10m of Critical Electricity Lines
- Construction of three waters infrastructure
- Radio frequency fields and Electric magnetic fields
- Infrastructure in the roading corridor
- Definition of upgrading.

4.4.2 Hearings Panel Evaluation

I-R3 upgrading of existing above ground network utilities

Top Energy (S483.059, S483.060) sought structural amendments and additional words. The reporting officer noted that these do not materially improve the clarity of the rule and create inconsistencies with other rules in the Infrastructure chapter. We agree with the reporting officer and find that the changes sought are not necessary.

I-R7 New overhead lines and poles, telecommunication and antenna towers

Mr Horne provided evidence in support of the Telco Companies. We agree with his recommendations regarding the height in relation to boundary within and at the interface of residential zoned sites and a 1m diameter limit for antennas and headframes for telecommunication facilities in the road reserve. The amendments he seeks serve to manage potential adverse amenity/visual effects which are constructive and appropriate amendments.

The reporting officer does not support amendments sought by Mr Horne in relation to separate rules for overhead electricity lines and support structures and for telecommunication poles and antennas, these referring to alternative height limits in different zones. This is due to there being insufficient evidence to support the amendments. Also, in terms of the request to remove the word “new” from the rule is not supported by the reporting officer because upgrades are provided for by I-R3 as restricted discretionary activities rather than defaulting to other rules in the chapter that are arguably more stringent when seeking consent. We find agreement with the reporting officer for the reasons stated.

We accept the reporting officer’s view that steel lattice towers are more visually intrusive structures than poles used for electricity lines or telecommunications and therefore that a lower permitted height for towers is appropriate. We also find that definitions for tower and pole are not necessary as the difference between them is well understood.

I-R8 Telecommunication kiosks

We understood from the hearing process that the requested amendments from Top Energy are no longer needed because this provision was intended to provide for typical standalone phone booths that have become less common.

I-R12 Buildings and structures within 10m of Critical Electricity Lines

Top Energy subsequently reversed their relief sought in relation to this provision and the reporting officer sought deletion of it and that there be reliance on PER-2 that requires compliance with NZECP 34:2001 for new buildings and structures and for extensions to existing buildings and structures that do not comply with PER-1. We agree with that amendment that sees the introduction of the NZECP standard to the rule.

I-R7 Construction of three waters infrastructure

We find that reference to the FENZ Code of Practice in this rule is not necessary or entirely appropriate as a matter of discretion and that otherwise, reference to “*level of service*” in the matters of discretion will enable the FENZ Code of Practice to be considered where appropriate.

I-S1 Radio frequency fields and I-S2 Electric magnetic fields

We find we are not able to accept the submission and the evidence of Mr Badham for Top Energy regarding the non-complying status of these fields when they are generated by activities. This is due to this status recognising that close consideration is necessary because of the need to protect human health. As such, a more lenient status is not supported.

Definition of upgrading

We find that a definition of “*upgrading*” is appropriate and in particular it will assist in describing the purpose of upgrading infrastructure when that is considered as a restricted discretionary activity in I-R3. In providing his view on that issue Mr McPhee also questioned the reference to “major upgrades” in recommended new I-PX. We acknowledge what he says in this respect but, as stated by the reporting officer, the reference to major upgrades is intended to give effect to the NPS-ET which refers to major upgrades in Policy 4. We make no recommendations for further changes in these respects. The amended definition is identified in **Appendix 2.1**, Definitions in **Recommendation Report 17**.

I-R17 Construction and upgrading of above ground water supply, wastewater systems, or stormwater infrastructure

Fire and Emergency NZ (**FENZ**) sought that reference to their Code of Practice regarding water supply be included as a matter of discretion. The reporting officer did not agree pointing out that it is not appropriate to reference a third-party code of practice in the PDP and that it would add complexities and costs. We acknowledge the reporting officer’s point, but this is not raised as a requirement but as a matter to be considered. There are also particular public benefits in ensuring that as part of any construction and upgrading of water supply that regard is given to what may be sought by FENZ. We accordingly add an additional matter of discretion as sought by FENZ to be:

g. in the case of water supply, the NZ Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

4.4.3 Hearings Panel Recommendations

For the reasons above, the Hearings Panel recommend:

- a) Further amendments to I-R7 to include additional permitted activity conditions that apply the relevant PDP height in relation to boundary standards within and at the interface of any residential zoned sites (excluding when located in road corridor) and a 1m diameter limit for antennas and headframes for telecommunication facilities within the road reserve.
- b) Further amendments to delete condition (1) within PER-1 of I-R12 so that the rule is primarily focused on compliance with NZECP 34:2001 for new buildings and structures and for extensions and additions to existing buildings and structures that do not comply with PER-1.
- c) The addition to I-R17 of the matter of discretion above in relation to water supply.

The recommended amendments to I-R7 are intended to provide additional controls to manage the potential adverse amenity/visual effects associated with telecommunication facilities to support the expanded coverage of the rule whereas the recommended amendments to I-R12 and I-R13 simplify the rules to focus on compliance with NZECP 34:2001 for buildings and the Electricity (Hazards from Trees) Regulations 2003 for tree planting. The recommended amendment to I-R17 is to take account of the needs of FENZ when considering matters associated with water supply. The recommended amendments to these three rules are an appropriate, efficient and effective way to achieve the relevant PDP objectives in accordance with section 32AA of the RMA.

The recommended amendments to the provisions are identified in **Appendix 2.2**.

Consequentially, with regard to multiple submissions points on this topic we recommend that the submissions are accepted, accepted in part or rejected as set out in **Appendix 3.2**.

4.5 Key Issue 3: Subdivision Rules

4.6 Matters Raised in Submissions and Evidence

Ms Dines on behalf of Transpower (S454.095) highlighted an error in an activity status and Mr Badham for Top Energy (S483.167) and Mr McPhee for the Oramahoe Land Owners had different views on subdivision regarding subdivision in proximity to Critical Electricity Lines.

4.6.1 Hearings Panel Evaluation

The drafting error in SUB-R9 highlighted by Ms Dines is acknowledged and accordingly we recommend that “*non-applicable*” is replaced by “*non-complying*”.

In relation to SUB-R10, Subdivision of a site within 32m of the centre line of the Critical Electricity Line Overlay, the reporting officer noted that it is the intent of the provisions to improve the visibility and compliance with the associated national regulations. We agree with Mr McPhee that SUB-R10 needs to be refocused to confirm compliance with NZECP-34:2001. We accordingly recommend that it is amended to be a controlled activity where it can be demonstrated that the proposed building platform can accommodate buildings that comply with the safe distance setbacks in NZECP 34:2001 and discretionary activity when compliance is not achieved. We prefer the reporting officer’s wording for this rule.

Our recommendation in this respect differs to the relief sought by Mr Badham on behalf of Top Energy which is for a more stringent rule. That requested relief for a restricted discretionary activity condition requiring a 32m blanket setback for building platforms to the centre line of Critical Electricity Lines (**CELs**) and non-complying status for non-compliance with this condition which is in our view overly onerous. It would have significant impacts on some landowners and there appears to be no technical or planning basis for such a large setback to existing electricity lines and in that respect, we do not accept Mr Badham's evidence.

Mr Badham also appears to consider that CELs as regionally significant infrastructure should be treated the same as the National Grid due to the direction in Policy 5.1.1 and Policy 5.1.3(c) of the RPS. The reporting officer disagreed, pointing out that the national significance of the National Grid is recognised in the NPS-ET which the PDP must give effect to. Policy 10 and 11 in the NPS-ET also provides clear direction to avoid reverse sensitivity effects on the National Grid, to ensure that the operation, maintenance, upgrading, and development of the National Grid is not compromised, and to provide a buffer corridor to protect the National Grid from sensitive activities.

4.6.2 Hearings Panel Recommendations

For the above reasons, the Hearings Panel recommend that:

- a) SUB-R9 is amended to correct the drafting error described above.
- b) SUB-R10 is amended to provide a controlled activity pathway for subdivision within 32m of CELs where it can be demonstrated the building platforms accommodate building(s) that comply with NZECP 34:2001.

These amendments are identified in the Subdivision Chapter, **Appendix 2 in Recommendation Report 16.**

Our recommended amendments to SUB-R9 address a drafting error. The recommended amendments to SUB-R10 refine the rule to demonstrate that building platforms can accommodate buildings that comply with NZECP 34:2001. On this basis, we consider that the recommended amendments to these two rules are an appropriate, efficient and effective way to achieve the relevant PDP objectives in accordance with section 32AA of the RMA.

Accordingly, with regard to the submissions we recommend that the submissions from Transpower (S454.095); Top Energy (S483.168) and Oromahoe Land Owners are accepted in part, as set out in **Appendix 3.2.**

4.7 Key Issue 4: Critical Electricity Lines (CELs)

4.7.1 Matters Raised in Submissions and Evidence

The Oromahoe LandOwners (FS371.030) raised concerns with the inclusion of CELs in the PDP and particularly the inclusion of the 33kV lines. A number of further submitters raised concerns with inclusion of the CELs in the PDP and in particular the inclusion of the 33kV lines. Those further submitters include Oromahoe Trust, Oromahoe 18R2B2B2 Trust and its associated Hapū, Tapuaetahi Incorporation, A.W. and D.M. Simpson. These

submitters were represented by a number of persons at the hearing including Andrew McPhee, Wiremu Tane, Aaron Simpson, Stephen Boys, and Gary Stanners.

Far North Holdings Limited raised concerns that applying the CEL Overlay to all zones does not take into account the development design at the Ngawha Innovation and Enterprise Park zone (**NIEPZ**) which has already considered the existing 110kV lines.

Top Energy provided an opposing view to the other submitters.

4.7.2 Hearings Panel Evaluation

It was clear from the concerns and questions raised at the hearing that there are divergent views on the appropriateness of the CEL mapping and provisions in the PDP. In respect of our considerations, we were assisted by the planning evidence from Andrew McPhee for the Oramahoe Land Owners, Wayne Smith for the NIEPZ and David Badham for Top Energy.

The reporting officer assisted our considerations by providing his views under headers of the issues he saw as needing to be clarified or responded to in relation to CELs. We provide our views using the same headers, as follow.

The process to include CELs in the PDP

A number of questions and concerns were raised about the process to include CELs in the PDP. In this respect, the Oramahoe Land Owners and others had concerns about Top Energy lines on their properties and the process to potentially include the 33kV CELs in the PDP. We accept the understanding of the reporting officer that the intent of the Far North District Council was to include both the 110kV and 33kV lines in the CEL Overlay when it was notified. We have no reason to determine otherwise.

Whether CEL meet the RPS definition of RSI and are these required to be mapped

As stated in evidence by Mr Badham, the 110kV lines and 33kV lines meet the definition of regionally significant infrastructure in term of criteria (1)(d) and (1)(e) in Appendix 3 of the RPS. For this reason, we find it is appropriate that CELs should by definition include both 110kV and 33kV lines noting the above, that this was the intent when the PDP was notified. We agree with Mr Badham in his evidence in this respect.

The reporting officer advised there are no specific requirements in the higher order documents to map CELs like there is for the National Grid under Policy 10 and Policy 11 of the NPS-ET. This is reflected in Method 5.3.5 of the RPS which states NRC will work with relevant stakeholders to “*Identify and, where appropriate, map the location of regionally significant infrastructure*”. This RPS method and the supporting explanation make it clear that it is at the discretion of the Northland Regional Council and territorial authorities to map regionally significant infrastructure when this is deemed to be appropriate.

We find in this respect that mapping CELs is an appropriate method to help protect this infrastructure from the adverse effects of new subdivision and development. We find that mapping significant infrastructure such as CELs in the PDP is also an appropriate and effective method to provide certainty on the location of this infrastructure and the

relevant rules or other requirements that may apply when new subdivision or development is proposed near these lines.

Options for CEL provisions within the PDP

Having determined the inclusion of CELs in the PDP the next issue is to consider what (if any) provisions apply to CELs to protect those lines from inappropriate development. We do not see that mapping for information purposes only affords sufficient protection. The reporting officer advised it was important to emphasise that the CEL rules in the PDP require compliance with the relevant national regulations being NZECP 34:2001 (I-R12) and the “Tree Regulations”¹ (I-R13) rather than introducing additional requirements. That is, if a proposed building or structure complies with NZECP 34:2001 then it will be permitted under PER-2 in I-R12. The same applies to tree planting that complies with Tree Regulations under PER-2 in I-R13. The reporting officer stated that this appears to have been misinterpreted by some submitters and was a key point in his view.

It follows then that there is still a need to consider whether it is appropriate for the PDP to require compliance with national regulations that sit outside the PDP. The reporting officer advised there were two options to respond to some of the concerns raised by submitters. One option is to delete the CEL provisions (I-R12, I-R13, SUB-10). The rationale for this option is that there is no need for the PDP to require compliance with national regulations under the Electricity Act 1993 as these must be complied with regardless of what the PDP says, which we consider to be a valid argument. This option could still retain the CEL mapping in the PDP.

A second option would be to retain the CEL provisions. The rationale for this option is that including the CEL provisions in the PDP improves the visibility and therefore compliance with NZECP 34:2001 and the Tree Regulations. It is the case we were advised that electricity distribution companies consistently raise similar concerns as Top Energy that these regulations are reactive and often not complied with and seek greater certainty through district plan rules to require and improve compliance with these regulations. We find agreement with the reporting officer that this option is the most appropriate to protect CELs from inappropriate subdivision and development. It does reinforce existing requirements in the NZECP 34:2001 and the Tree Regulations but also serves to improve visibility and compliance with these provisions when subdivision and new development is proposed near CELs. It is an appropriate method to give effect to Policy 5.1.3 in the RPS.

In all of our considerations regarding CELs we acknowledge the appearance at the hearing of the representatives of the Oramahoe Land Owners with whom we had the opportunity for useful discussion. As above, we do find that there is justification for CELs being mapped in the PDP and for there being associated provisions that serve to provide protection. We acknowledge that the landowners have provided access as may be necessary for maintenance and the like but be that as it may, the PDP should be ensuring, in addition to the Electricity Act, that sufficient access and protection to CEL is afforded through the PDP. We do not find that “formalising” those arrangements through the PDP will necessarily create any problems for the landowners.

With regard to whether the NIEPZ should be exempt from CEL, Mr Smith provided supplementary evidence confirming that development platforms in the Ngawha SPZ are

setback 20m from the 110kV lines crossing the site and future development within other development platforms near the 33kV lines can comply with NZECP 34:2001. Mr Smith also expressed the view that “*Compliance with NZECP 34:2001 is considered to be a more acceptable solution to achieve the outcomes sought by the proposed CEL provisions*”.

As noted above, I-R12 simply requires compliance with NZECP 34:2001. Mr Smith states in evidence that development within the NIEPZ already has been, or will be, designed to achieve this. As such, I-R12 should present no consenting issues for development within the NIEPZ that complies with NZECP 34:2001. Accordingly, we see no need to exempt the NIEPZ from the CEL rules in the PDP.

In addition to the above considerations we note, in relation to Top Energy’s submission and Mr Badham’s evidence regarding subdivision within 32m of the centreline of CELs, that we discuss that matter above, under our evaluation of the subdivision rules.

4.7.3 Hearings Panel Recommendations

For the above reasons, we recommend that the PDP include both the 110kV and 33kV lines and that the CEL rules (I-R12, I-R13, SUB-R10) are retained in the PDP with our recommended amendments to focus on compliance with NZECP 34:2001 and the Tree Regulations.

The section 32AA evaluation of our recommended amendments to I-R12, I-R13 and SUB-R10 is provided above under Issue 2 and Issue 3. These amendments have refined the rules to focus on compliance with the relevant national regulations, while ensuring the PDP does not impose additional restrictions.

The mapping of existing CEL in the District is an appropriate way to give effect to the direction in Policy 5.1.3 of the RPS to avoid the adverse effects of new subdivision and development on the operation, maintenance and upgrade of RSI.

We adopt the evidence of Mr Badham in relation to s32 RMA considerations, that including the analysis undertaken by the Council for the Infrastructure chapter having satisfactorily considered the CEL mapping and relevant considerations.

Accordingly, we recommend that the submissions points on this Key Issue are accepted, accepted in part or rejected as set out in **Appendix 3.2**.

4.8 Key Issue 5: Kaitaia drainage schemes

4.8.1 Matters Raised in Submissions and Evidence

Fiona King (FS155.33), Elbury Holdings (S485.029), LJ King Limited (S464.030), and Leah Frieling (S358.025) made submissions that the PDP include maps and provisions relating to drainage areas and channels as defined in the Draft Management Plans and Far North District Council Land Drainage Bylaw 2019 and the Draft Management Plan 2017.

Fiona King presented on these submissions at the hearing and raised a number of more specific concerns with how the Kaitaia Drainage Scheme is being managed and considered by FNDC. Key concerns raised at the hearing include:

There is a need to ensure the drainage scheme is better considered in planning decisions, a significant amount of effort and resources have been invested in the scheme which is not being recognised.

The Council Land Drainage Bylaw is not being adequately administered and enforced which is why these schemes need to be recognised in the PDP.

There are a number of issues that need to be addressed, e.g. requirements for buildings to be setback 10m from land drainage drains on certain types of vegetation and planting etc.

4.8.2 Hearings Panel Evaluation

The presentation at the hearing from Ms King provided a better understanding of the submitters' concerns, that they consider the Bylaw is inadequate and would like more recognition of drainage schemes in the PDP in order to protect those schemes from inappropriate development.

The reporting officer however did not recommend the PDP is amended to include maps of drainage schemes throughout the District (or within Kaitaia) and associated provisions (setbacks) to protect those schemes because:

Mapping all drainage schemes in the District in the PDP then including 10m setbacks to manage development near these schemes would affect a large number of landowners. This would present natural justice issues and result in potential impacts that need to be considered further and quantified (properties and area of land affected). There would need to be much more information on the likely benefits, costs and risks associated with this request to support such a recommendation to the PDP.

The Far North Land Drainage Bylaw is being reviewed, and this is likely to provide an opportunity to address the concerns of submitters in a more targeted and efficient manner. In terms of the Bylaw not being administered in the manner it should, then representations could be made to the Council.

There can and should be consideration of drainage schemes when land use changes and development is proposed near these schemes.

We acknowledge the concerns and the presentation from Ms King but find agreement with the reporting officer that there are other methods of providing recognition of the District's drainage schemes and believe that this issue needs to be considered by the Council in another forum to ensure that the likely benefits, costs and risks are fully considered and those landowners who may be affected are aware of and able to participate, if they choose, to ensure no natural justice issues are infringed.

4.8.3 Hearings Panel Recommendations

For the reasons set out above, we recommend that the submissions from Fiona King (FS155.33), Elbury Holdings (S485.029), LJ King Limited (S464.030), and Leah Frieling (S358.025) be rejected. This is set out in **Appendix 3.2**.

5. Topic 3: Transport

5.1 Relevant Provisions

The relevant provisions addressed in the hearing report for this topic relate to the Transport chapter.

The Panel considers that it is worth noting here, for Council's information, the implications for the Far North District Council of the National Policy Statement on Urban Development (**NPS-UD**) as it will affect parking requirements throughout the District and is something that the Council **HAS** to comply with.

The PDP was prepared to give effect to the National Policy Statements that were in effect at the time of notification (27 July 2022). One of the policy statements considered was the NPS-UD as it was decided that, at the time of notification, the NPS-UD did not apply to the Far North District on the basis that the District did not contain an 'urban environment'.

We were told via the hearing report and at the hearing that Council acknowledges that once the Kerikeri-Waipapa Spatial Plan – Te Pātukurea (**KKWSP**) is adopted (June 2025), Kerikeri and Waipapa will meet the criteria for an area 'intended to be' an urban environment under the NPS-UD, which will define Council as a Tier 3 local authority. The most significant implication of the Council being defined as a Tier 3 local authority is that the NPS-UD direction relating to car parking now applies. Policy 11 of the NPS-UD requires that district plans of Tier 3 local authorities do not set minimum car parking requirements (other than for accessible parking spaces). Policy 11 is implemented via clause 3.28, which requires the removal of objectives, policies, rules, or assessment criteria requiring a minimum number of car parking spaces to be provided.

We were also told that Council had sought legal advice as to whether the NPS-UD requires the removal of parking requirements across the entire Far North District or just in urban environments. The legal advice confirmed that the removal of parking requirements applies to the entire District, that the PDP as a whole must not set minimum parking requirements and that the NPS-UD provisions for car parking do not distinguish between urban and non-urban environments in this way.

5.2 Submissions and Key Issues

A total of 326 original submissions points and 632 further submissions points were received on the Transport topic. Of the 326 original submissions, 93 were in support, 119 supported in part, two were neutral and 58 were in opposition. It was noted that 54 submissions were recorded as not stating a position. The 632 further submissions covered a wide range of issues and viewpoints, with the majority requesting a range of amendments to specific Transport (**TRAN**) provisions.

The submissions were all covered in the hearing report and the appendices provided to us with the main submissions coming from NZTA, MOE, Nga Tai Ora, Kapiro Residents Association, Carbon Neutral NZ, Te Hiku Development Trust, KiwiRail, Top Energy, Twin Coast Cycle Trail, Lynley Newport, Nicole Wooster, BR and R Davies, Foodstuffs, Paihia Properties and Haigh Workman Limited.

The submissions covered several key themes and these were shown in the Executive Summary.

The key changes recommended in the hearing report related to:

- a) Amendments to the overview, objectives, policies and rules of the TRAN chapter to give effect to the NPS-UD, specifically with respect to car parking minimums;
- b) Remove all references to the Engineering Standards in the TRAN provisions where they were being used to determine activity status and/or whether a resource consent is required;
- c) Include content from the Engineering Standards where it is needed to manage adverse environmental effects related to traffic and transport issues to effectively ‘decouple’ the Engineering Standards from the PDP;
- d) Introduce new provisions relating to the management of level crossings over railway corridors;
- e) Clarify the relationship between TRAN provisions and provisions in Part 2 of the PDP, to be consistent with the Renewable Energy and Infrastructure chapters;
- f) Improve the consistency between provisions within the TRAN chapter and also with provisions in other chapters such as the Subdivision chapter;
- g) Introduce a new Transport Network Hierarchy map to show the road classifications for all vested roads in the Far North District to assist with interpretation of the TRAN chapter provisions;
- h) Provide a permitted pathway for maintenance of the existing transport system and existing vehicle crossings with an existing road corridor, without the need to comply with standards relating to road or vehicle crossing design; and
- i) Other various amendments in response to submitter requests.

The reporting officer (Ms Pearson) stated that in preparing her report that she had relied on the expert advice of transportation planner Mr Mat Collins who had prepared a report on the provisions of the TRAN chapter (the “Abley Report”) which was attached as Appendix 3 to her report.

The key issues identified in the hearing report and in submissions are set out below:

- Key Issue 1: Reference to Engineering Standards
- Key Issue 2: Parking
- Key Issue 3: Trip Generation
- Key Issue 4: General Matters
- Key issue 5: TRAN Overview, Objectives and Policies
- Key issue 6: TRAN Rules - General Comments
- Key issue 7: TRAN-R2

- Key issue 8: TRAN-R3 and TRAN-R4
- Key issue 9: TRAN-R6, TRANR7, TRAN-R8 and TRAN-R9
- Key issue 10: Standards – General Comments
- Key issue 11: TRAN-S2, TRANS-S3 and TRAN-S5
- Key Issue 12: TRAN-S4
- Key Issue 13: TRAN-Tables 2-8, 10
- Key Issue 14: TRAN-Table 9

Submitters who provided evidence, hearing statements and/or attended the hearing raising issues relevant to the Transport topic were Foodstuffs North Island Limited, Fire and Emergency NZ (**FENZ**), KiwiRail Holdings Limited (**KiwiRail**) (S416), McDonalds Restaurants NZ Limited (**McDonalds**) (S416), Te Whatu Ora – Health New Zealand (**Health NZ**) (S42), Top Energy Limited (S483), Waiaua Bay Farm Ltd (S463), Waipapa Pine Limited and Adrian Broughton Trust (**Waipapa Pine Ltd**), Waka Kotahi New Zealand Transport Agency (**NZTA**) (S356), Woolworths NZ Limited (**Woolworths**) (S458) and Z Energy Ltd (S336).

The reporting officer's view was that most submitters generally supported her recommendations while some submitters raised common issues. As such, she only addressed evidence in her right of reply where she considered that additional comment was required and grouped the issues raised where appropriate. She did not comment on the evidence/statements from Top Energy Limited and Z Energy Ltd as neither of these submitters had any outstanding concerns with the Transport chapter.

The reporting officer also noted the hearing statement prepared on behalf of Waiaua Bay Farms by Mr Tuck confirming that Waiaua Bay Farms will pursue all outstanding matters relating to transport through the rezoning hearings and as such had no further comments to make in relation to the statement.

Having taken into account the submissions, hearing report, the evidence and submissions at the hearing the Panel generally agrees with the view of the reporting officer and her approach in the right of reply.

The right of reply grouped the outstanding matters under the following headings:

- Issue 1 – Jurisdictional overlap with NZTA functions (TRAN-R2 and TRAN-R9)
- Issue 2 – Trip generation (TRAN-R5 and TRAN-Table 11)
- Issue 3 – Integrated Transport Assessments for the Hospital Zone (TRAN-P7)
- Issue 4 – Other evidence on Transport Rules and Standards.

We address these as follows.

5.3 Key Issue 1: Jurisdictional overlap with NZTA functions (TRAN-R2 and TRAN-R9)

5.3.1 Matters Raised in Submissions and Hearings Panel Evaluation

There were opposing views with respect to how the Transport chapter manages sites or activities that have access onto a State Highway with Mr Andrew McPhee on behalf of Waipapa Pine Ltd (S384, FS374) contending that any consideration of new or altered vehicle crossings accessed from a State Highway or Limited Access Road (**LAR**) should be determined by NZTA and not by the Council. To resolve this issue Mr McPhee considered that TRAN-R9 should be amended to be a controlled activity, with the matters of control limited to whether approval for the crossing has been obtained from NZTA.

Mr Bruce Hawkins on behalf of Waka Kotahi NZTA (S356) supported the position in the hearing report with respect to TRAN-R2, TRAN-R5 and TRAN-R9 and considered that there was no jurisdictional overlap or duplication of NZTA functions. Mr Hawkins noted that NZTA has a limited range of powers pertaining to its core functions and, in achieving its aims, must operate in partnership with local authorities charged with administration of land use and environmental management under the RMA. He considered that this is particularly important when managing the effects of new land uses proposed by landowners/developers, and changes of uses, on State Highway and LAR traffic efficiency and safety.

Mr Badham on behalf of Foodstuffs (S363) stated that there was still a confusing overlap between TRAN-R2 and TRAN-R9 that had not been resolved by amendments recommended in the hearing report. Mr Badham pointed to the conflict between the heading of TRAN-R2, which specifically “*excludes access from a State Highway or Limited Access Road*”, and the reference in TRAN-R2, PER-3 to the vehicle crossing not being off a State Highway. Mr Badham’s assessment was that the full discretionary activity status for failing to comply with TRAN-R2, PER-3 conflicts with TRAN-R9 for “*new or altered vehicle crossings access from a State Highway or Limited Access Road*”, which states that these are a restricted discretionary provided they comply with the standards in TRAN-S2.

Mr Badham recommended three changes to address his concerns, and these were clearly shown in the Council right of reply. They related to TRAN-R2 PER-3 being deleted to address the unnecessary confusion and overlap with TRAN-R9, a single rule within TRAN-R9 should state that a new or altered vehicle crossing accessed from a State Highway or LAR is a restricted discretionary activity; the reference to standard TRAN-S2 should be deleted as it is unnecessary; and the default to a full discretionary activity under TRAN-R9 is unnecessary as full discretion is not required for consideration of a new or altered vehicle crossing to the State Highway or LAR.

Mr Badham also appeared on behalf of McDonalds and made a similar submission with respect to TRAN-R9 to that of Foodstuffs, i.e. that a simple restricted discretionary activity is appropriate where there is a new or altered vehicle crossing onto the State Highway or a LAR and that defaulting to a full discretionary activity for non-compliance with TRAN-S2 is unnecessary.

The hearing report responded to the issue of alleged jurisdictional overlap between the PDP and the functions of NZTA in paragraphs 188 to 191 and the position of the reporting officer had not changed as a result of the evidence or statements received. However, the

point was made that NZTA must operate in partnership with district councils to ensure their respective decision-making processes align and do not conflict with each other and there is no risk that the land use decisions made under a district plan and the vehicle crossing approval process under the Government Roadway Powers Act are not aligned. We agree that the resource consent process is the vehicle that brings the two decision-making processes together to enable this decision-making partnership, rather than creating a duplication of function.

The Reporting officer agreed with Mr Badham that the reference to State Highways in TRAN-R2, PER-3 should be deleted as it does create conflict with TRAN-R9. However, her intention in the hearing report was to separate the scope of these two rules and retaining the reference to State Highways in TRAN-R2, PER 3 was an oversight. However, she did not consider that PER 3 needs to be deleted entirely as it still needs to refer to arterial roads.

With respect to the most appropriate activity status for TRAN-R9 the reporting officer after considering the evidence agreed with TRAN-R9 being a restricted discretionary activity, as she considered it important that Council retains the ability to decline the resource consent if NZTA had fundamental concerns with a proposed access onto a State Highway or LAR. If TRAN-R9 was a controlled activity, as proposed by Mr McPhee, Council is required to grant the resource consent, even if the State Highway or LAR access will not be granted by NZTA, again resulting in the granting of a resource consent that cannot be given effect to. We agree with the reporting officer's view and accept her recommendations for the reasons above.

With respect to TRAN-R9 (as raised by Foodstuffs and McDonalds) and whether it is appropriate to require a new or altered vehicle crossing or access onto a State Highway or LAR to comply with TRAN-S2 to remain a restricted discretionary activity and to obtain consent for a full discretionary activity if TRAN-S2 is not complied with, the reporting officer agreed with Mr Badham that the matters of discretion already listed in TRAN-R9 are sufficient to consider the potential impacts on the transport network resulting from vehicle crossings onto a State Highway or LAR. We also agree.

In relation to vehicle crossings onto State Highways or LAR and whether they should not be required to comply with TRAN-S2 the Reporting officer's view was that an applicant should ensure that a vehicle crossing is at least designed to meet TRAN-S2, with any other requirements from NZTA applied in addition to this standard, not in place of but did agree that a full discretionary activity status is not required if TRAN-S2 is not complied with and that a restricted discretionary activity status is equally appropriate for TRAN-R9 and for a non-compliance with TRAN-S2. We agree with the reporting officer's view.

For consistency the reporting officer considered the above issue as it applied to other parts of TRAN-R2 (the rule that manages vehicle crossings onto all other roads) that require compliance with standards for vehicle crossings or manage the location of vehicle crossings e.g. PER-4, PER-5, PER-6 and PER-Y and considered that restricted discretionary activity status would also be appropriate for non-compliance with PER-3 of TRAN-R2, otherwise crossings onto arterial roads would have a more onerous activity status than crossings onto State Highways or Limited Access Road (**LAR**).

The reporting officer recommended that the matters of discretion set out in TRAN-R9 be used in TRAN-R2 for non-compliance with these permitted conditions, which would again ensure that TRAN-R2 and TRAN-R9 are consistent in how they direct where vehicle crossings are located and how they are to be formed. She considered that there is sufficient scope in the submissions requesting that the relationship between TRAN-R2 and TRAN-R9 be more clearly defined and consistent for the Panel to make this change. We agree.

In her addendum right of reply the reporting officer commented on an error that had been identified by Mr Papesch on behalf of Waiau Bay Farm Ltd in relation to TRAN-Table 9 with respect to how it applied to the Kauri Cliffs zone.

Mr Collins confirmed that Mr Papesch had identified an error and that it should be corrected to accurately reflect Table 3-16 in the 2023 Engineering Standards. The reporting officer agreed with this position and recommended that TRAN-Table 9 is amended as the correction is clearly within scope of submissions requesting decoupling of the Engineering Standards from the PDP, as ensuring accurate alignment between TRAN-Table 9 and Table 3-16 of the Engineering Standards is part of that process. We agree with this view and with the amendment.

5.3.2 Hearings Panel Recommendations

For the reasons outlined above, the Hearings Panel recommend that the submissions on this Key Issue are accepted, accepted in part or rejected as set out in **Appendix 3.3** and that the following amendments are made:

- a) The reference to State Highways in TRAN-R2, PER 3 is deleted.
- b) That non-compliance with PER-3 to PER-6 and PER-Y of TRAN-R2 is a restricted discretionary activity, using the same matters of discretion that are used in TRAN-R9.
- c) That non-compliance with TRAN-S2 is a restricted discretionary activity, rather than a discretionary activity.

These amendments are identified in **Appendix 2.3**.

The section 32AA evaluation for clearly separating the scope of TRAN-R2 and TRAN-R9 was set out in Key Issue 7 of the hearing report. As the amendment to TRAN-R2, PER 3 to remove the State Highway reference is part of that separation and was missed in error, we agree with the reporting officer that further evaluation under section 32AA is not required.

We consider that amending the activity status of both TRAN-R2 and TRAN-R9 to be restricted discretionary in a wider range of situations will lead to more efficient and effective decision making. The potential adverse effects on the transport network resulting from new or altered vehicle crossings are well known and understood, meaning full discretionary activity status is unnecessary. Plan users will also have a clearer understanding of the types of matters that need to be addressed through a restricted discretionary resource consent application, which provides more certainty for both applicants and Council staff. As such, we consider that the amendments to TRAN-R2 and

TRAN-R9 are an appropriate way of giving effect to the relevant objectives in terms of section 32AA of the RMA.

5.4 Key Issue 2: Trip generation (TRAN-R5 and TRAN-Table 11)

5.4.1 Matters raised in evidence and Hearings Panel Evaluation

Mr Badham and Mr Hills provided evidence on behalf of Foodstuffs North Island Limited (S363.010) (**Foodstuffs**) in relation to TRAN-R5 and the associated trip generation threshold in TRAN-Table 11 for supermarkets. Their evidence was that the 200m² permitted threshold for supermarkets was too low and would lead to triggering unnecessary and costly assessments. They recommended an increase to 750m² to align with standards more recently adopted in Whangārei and Auckland.

No representative from Woolworths (S458.005) appeared at the hearing but a statement was tabled in advance of the hearing by Mr Ross Burns clarifying the relief that Woolworths was now requesting since reviewing the hearing report and this was shown in the Right of Reply report.

Mr Badham on behalf of McDonalds (S385.008, S385.009) had two remaining areas of contention with the trip generation provisions (being TRAN-R5 and TRAN-Table 11). He considered that the hybrid approach of using defined and undefined terms in TRAN-Table 11 sends a conflicting message to plan users and will create uncertainty when assessing proposals for compliance with TRAN-R5. Mr Badham considered that the NZTA framework for informing thresholds is a blunt tool and did not necessarily need to be the only consideration when setting trip generation thresholds and was concerned that the thresholds in TRAN-Table 11 will create consenting barriers for developments, particularly when activities are otherwise permitted under the PDP.

The reporting officer in her right of reply considered that Mr Badham's statement did not clearly specify what relief would be acceptable to resolve these issues and instead cross referenced to the relief requested in submission points S385.008 and S385.009, neither of which suggest specific wording amendments for either TRAN-R5 or TRAN-Table 11.

This issue was covered extensively at the hearing by the various experts and Mr Collins also provided more detail as to why 200m² is an appropriate threshold to require an ITA for a supermarket in his reply evidence which was supplied with the Right of Reply report. Ms Pearson who was relying on Mr Collins advice, recommended that the 200m² threshold be retained. We were told that the 200m² threshold did not indicate whether the size of a supermarket (or extension) is appropriate, it is simply a trigger for when more detailed information is required from a suitably qualified and experienced transport professional to understand the potential impact of a proposal on the transport network. Raising the trip generation threshold for supermarkets only moves the bar for when an ITA is required, it does not indicate whether the associated resource consent application for the activity will be approved.

Ms Pearson's Right of Reply report reiterated that the 200m² threshold for supermarkets equates to 200 Equivalent Car Movements (**ECM**) per day and 40 ECM per hour, which is the exact same threshold for all land use activities in TRAN-Table 11.

We were told that Increasing the GFA threshold for supermarkets would mean that the supermarket threshold would be out of step with all other activities listed in TRAN-Table

11, which all have their GFA thresholds set using the same 200 ECM per day and 40 ECM per hour. We note that Mr Hills and Mr Collins were both in agreement that the conversion process for translating these ECM into a GFA threshold for supermarkets, using industry standard vehicle trip rates set by NZTA, is appropriate.

Mr Collins' reply evidence provided more details on why the 200 ECM per day and 40 ECM per hour thresholds were also appropriate for supermarkets but did indicate that he could support a minor GFA threshold increase from 200m² to 225m² to reflect a mid-point between the daily and hourly ECM thresholds, but he did not support the requested increase to 750m² as raising the threshold to this level would effectively allow supermarkets to generate more than three times as much traffic as any other land use activity in TRAN-Table 11 before any ITA assessment is required.

We were told at the hearing that with the car parking minimums being recommended to be removed from the Transport chapter, that ITAs will become a more critical tool for assessing the impact of developments on the transport network under the PDP as the removal of car parking minimums means that trip generation becomes the only metric that sets the point where the scale of an activity warrants more detailed consideration from a transport perspective. Ms Pearson's view was that this lends weight to the argument for keeping the trip generation threshold at 200m² for supermarkets, so that this level of transport analysis and information is not just reserved for the most significant and large-scale developments in the Far North.

At the hearing we (the Panel) did ask for more information about the scale of supermarkets in the Far North District to better understand how proportionately the 200m² threshold applies to the size of supermarkets currently. We were told in the Right of Reply report that Woolworths operates three existing stores in Kerikeri, Kaikohe and Paihia and that the GFA of these stores range from 1,200m² – 3,800m². Mr Badham had also provided information about the size of the six Four Square stores operated by Foodstuffs in the Far North as part of supplementary evidence provided to the Hearing Panel for Hearing 9 – Rural and confirmed that the GFA ranges from 450m² (Houhora) to 1,120m² (Ruawai). Mr Badham did not provide GFA figures for Foodstuffs supermarkets in urban zones and the Reporting officer assumed they are similar in scale to those operated by Woolworths.

The view of the reporting officer in her right of reply was that the scale of existing supermarkets in the Far North was not a particularly relevant factor when setting a trip generation trigger for an ITA. The zone rules manage the scale of supermarkets from a land use perspective and it is those GFA thresholds set by the zone rules that indicate whether the scale of a new supermarket (or an extension of an existing supermarket) is appropriate in the context of the zone it is proposed in. The trip generation thresholds in TRAN-Table 11 simply set out when an ITA is required for any land-use activity that generates more than 200 ECM/day or 40 ECM/hour, which is the same threshold for all land use activities, regardless of the type of activity, the zone it is located in or whether it is new or existing.

With regard to the submissions from McDonalds, and after reviewing submission points S385.008 and S385.009 again, the reporting officer considered that the issue relating to 'undefined' terms such as 'drive-thru' and 'restaurants/bars/cafes' in TRAN-Table 11 is better resolved through the Urban Zones topics being heard in Hearing 14. In the reporting

officer's view, using (and potentially defining and rationalising) these terms have broader implications than just the TRAN chapter and these types of activities are most commonly found in urban zones. From discussions with the reporting officer for the Urban Zones topic Ms Pearson understood that there are submission points on the lack of definitions for these terms (or similar) already allocated to the Urban Zones topic (e.g. 'drive-through activity' in the Mixed Use zone and 'restaurants cafes and takeaway food outlets' in the Light Industrial zone). If any definitions are recommended for these terms in the Urban Zone hearing reports, she will address any consequential changes to the TRAN chapter as part of the final miscellaneous Hearing 17 reporting.

McDonalds did not specify what trip generation threshold for 'drive-thru' and 'restaurants/bars/cafes' in TRAN-Table 11 would satisfy their concerns, as this had not been requested in either the original submission from McDonalds or in Mr Badham's statement. We were told that the only comment on this issue from McDonalds was that the thresholds for these two activities should be increased as they have been set using a 'blunt tool' without consideration of other factors, however no alternative threshold had been suggested. As such, the Reporting officer was unable to determine what increase in the trip generation threshold for these two activities would satisfy McDonalds and reiterated her position as put forward by Mr Collins in paragraph 36 of reply evidence that the thresholds for drive-thru activities and restaurants/bars/cafes are appropriate as they are consistent with the ODP, have been established using industry standard trip rates, and activities in TRAN-Table 11 and are consistent with the thresholds in other comparative district plans.

As such, the reporting officer did not recommend any changes to TRAN-Table 11 in response to the hearing statement on behalf of McDonalds.

5.4.2 Hearings Panel Recommendations

Based on the evidence from Ms Pearson and Mr Collins and having taken into consideration the other expert evidence we recommend that the trip generation threshold for supermarkets in TRAN-Table 11 for supermarkets is increased from 200m² to 225m² to more accurately reflect the mid-point between 200 ECM/day and 40 ECM/hour. This amendment is identified in **Appendix 2.3**.

As the suggested increase in GFA for supermarkets is minor and continues to reflect the 200 ECM/day and 40 ECM/hour limits that TRAN-Table 11 has used for all listed activities, we do not consider that additional evaluation under section 32AA of the RMA is required.

Accordingly, we recommend that the submissions on this Key Issue are accepted, accepted in part or rejected (as set out in **Appendix 3.3**).

5.5 Key Issue 3: Integrated Transport Assessments for the Hospital Zone (TRAN-P7)

5.5.1 Matters raised in submission and evidence and Hearings Panel Evaluation

Ms Hamilton (planning) and Ms Foulwer (corporate) on behalf of Health NZ (S42) provided evidence which supported most of the recommendations for the Transport chapter, shown in the hearing report except for TRAN-P7 with both proposing that the Hospital zone should be exempt from the requirement in TRAN-P7 to provide an Integrated Transport Assessment (ITA) for the following reasons:

Public hospital and healthcare services are fundamentally different to other land uses (many of which are designed to attract patronage / value trip generation).

The drivers for health service demand exist – regardless of whether the hospital or health service activities are provided or not – and are beyond the control of Health NZ e.g. whether someone needs to make an emergency trip to a hospital.

Many of the transport effects that may be identified in an ITA cannot be managed or controlled through the design of sites used for public health activities and it is not reasonable to curtail the scale of health services to address transport issues i.e. reduce the scale of a hospital or the level of service provided.

Requiring the preparation of an ITA will direct health funding away from the provisions of public health care services for the community in the Far North e.g. if Health NZ are required to contribute to roading upgrades, this will redirect health funding away from the provision of public health care services.

Ms Hamilton confirmed at the hearing that the requested exemption for hospitals and healthcare services from the ITA requirements was limited to land zoned Hospital and is not being requested for all healthcare services across the Far North District. The three sites zoned Hospital, being the two Health NZ facilities – Kaitaia Hospital and Bay of Islands Hospital (in Kawakawa) and the privately run Rāwene Hospital that provides health services to the Hokianga.

In her right of reply the reporting officer acknowledged (as does the Panel) the pressure on healthcare funding for Far North hospitals that was raised by Ms Hamilton and Ms Fowler at the hearing. We also understand why there is a concern with the financial cost of providing an ITA as part of a hospital upgrade proposal if the trip generation thresholds are exceeded.

The reporting officer's view was that singling out hospitals as the only activities that do not need to provide an ITA sets a precedent that is inappropriate when there are other similar activities that could equally argue that the trips to their operations are based on 'need' rather than a choice. She considered that Ms Hamilton's example of the education sector is an excellent comparison as follows:

- Both hospitals and schools receive government funding and are under pressure financially to deliver services;
- Both hospital land and land used for schools is valuable and a scarce resource;
- Both hospitals and schools are located where the community need is greatest and the demand for both healthcare and education services is there, regardless of whether the facilities are there, or have sufficient capacity; and
- People have little choice over how frequently they visit hospitals or schools and little choice in the timing of when those trips are made.

The reporting officer also considered that a comparison could also include trips associated with childcare facilities and kohunga reo as most families would argue that attending early childhood education is not a choice, it is necessary for pre-school education and to provide childcare for working parents.

The reporting officer did however, agree with Ms Hamilton that, to a certain extent, trips to supermarkets are not trips that people have a choice to make or not make – obtaining the basic necessities for a household is a need, not a want. The key difference, in her view, to a hospital visit is that there is more flexibility as to when trips to a supermarket are made and how frequently, but it is another comparative example of an activity where it is need that drives trips, rather than choice.

The reporting officer maintained her view that if an activity generates traffic, the potential impact of that traffic on the safe and efficient operation of the transport network is the same, whether those trips are based on a want or a need. A hospital not providing an ITA when they undertake a significant extension or upgrade that results in trips exceeding those provided for in TRAN-Table 11 does not mean that those trips do not occur, or that the transport network is not impacted, as this will happen regardless. However, it does mean that there is no information about current performance levels of the network prior to any extension or upgrade of a hospital occurring or understanding of how increased traffic from the hospital extension could impact the network. This means it will be difficult to understand if any roading upgrades are required (either immediately or at some point in the future), which means there is a missed opportunity to allow Council/NZTA to factor in those upgrades into their upcoming works programmes. The reporting officer's position was strongly supported by Mr Collins in his reply evidence.

As a result of the reporting officer reviewing the original submissions from Health NZ she noted that Health NZ was only asking for an exemption for hospitals from the ITA requirements under Policy TRAN-P7 – they are not asking for an exemption from complying with the trip generation thresholds in TRAN-Table 11, or the requirement for a resource consent under TRAN-R5 if those thresholds are exceeded. She also stated that Health NZ did not submit on TRAN-R5 or TRAN-Table 11 which means that Health NZ has not opposed the trip generation threshold for hospitals or healthcare activities (which is 250m²) or the requirement to obtain a resource consent for when those thresholds are exceeded. This being the case if a healthcare activity or a hospital on land zoned Hospital results in an increase of 250m² GFA or greater, resource consent will still be required under TRAN-R5 for infringing that threshold.

Ms Pearson's view was that even if we (the Panel) decided to exempt development within the Hospital zone from providing an ITA, a resource consent was still required under TRAN-R5. The only outcome would be that Health NZ is not required to provide the supporting information or analysis that would normally be provided in an ITA to assist Council to understand the potential effects of the proposal on the transport network. In her view, this would make it very difficult for Council to make its consent decision and would undermine the sole purpose of TRAN-R5 and TRAN-Table 11, which is to set a threshold for when an ITA is needed. Ms Pearson also noted that Health NZ did not provide any transport evidence at the hearing to support why an ITA is not warranted for the specific hospital sites in the Far North.

Given the above analysis, the reporting officer does not consider it appropriate to provide an exemption to the ITA requirement for Hospital zoned land as requested by Health NZ.

Having considered the submission and evidence, the Panel agrees with the reporting officer's view and that of Mr Collins (the only expert transport/traffic evidence received)

that the three Hospital zone sites should not be exempt from preparing an ITA as required in TRAN-P7.

5.5.2 Hearings Panel Recommendations

The Hearings Panel recommend that no exemption is provided for the three Hospital zone sites within the Far North District from the need to prepare an ITA in TRAN-P7, based on the evidence before us.

As no changes are recommended, no further analysis under section 32AA of the RMA is required.

Accordingly, we recommend that the submission from Health NZ (S42) is rejected. This is identified in **Appendix 3.3**.

5.6 Key Issue 4: Other Evidence on Transport Rules and Standards

5.6.1 Matters Raised in Evidence and Hearings Panel Evaluation

Mr Badham on behalf of Foodstuffs (S363.011) supported decoupling the engineering standards from the Transport chapter, however he had concerns with the wording of Note 2 above the rule table that still requires further clarification as to the relationship between the Transport chapter and the engineering standards. In particular, Mr Badham was concerned with:

- The use of the word ‘will’ in Note 2, which does not clarify what approval ‘will’ be required or what the requirements are. It also does not reflect that not every proposal for access, roads, footpaths or carparking ‘will’ require engineering approval. Mr Badham recommends replacing ‘will’ with ‘may’.
- The reference to “the most recently adopted” standards, which he considers to be *ultra vires* as this unspecific language does not meet the requirements for the incorporation of documents are set out in clause 30 of Schedule 1 of the RMA.

Ms Heppelthwaite on behalf of KiwiRail (S416.024) supported most of the recommendations to the Transport chapter with respect to provisions relating to the railway corridor. The one exception was the explanatory note in TRAN-SX which, relying on corporate evidence provided by Mr Paetz, she requested that this explanatory note be deleted as Mr Paetz argues that TRAN-SX should apply to all rail level crossings, irrespective of whether they have barrier arms or not.

Mr Roberts pre-circulated a hearing statement on behalf of FENZ but did not appear at the hearing. Instead, Mr Brown appeared on behalf of FENZ to answer questions. However, we note that Mr Robert’s statement confirmed that FENZ supported the following amendments in the hearing report:

- a) The reference to emergency response access in TRAN-P3(b).
- b) The inclusion of an explanatory note in TRAN-R2 referring to the emergency responder requirements in the Building Code and FENZ guidance on those requirements. Mr Roberts confirms that this note is a minimum requirement and interim measure, as it has limited statutory weight, and that FENZ’s preference is TRAN-R2 as notified (see below).

FENZ continued to request the following amendments to the TRAN chapter and Mr Brown spoke to these issues:

- A reference to the Fire and Emergency New Zealand F5-02 GD Designers' Guide to Firefighting Operations: Emergency Vehicle Access in the introduction of the TRAN chapter (as opposed to within TRAN-P3 as originally requested).
- Retention of TRAN-R2, PER-2 as notified to ensure compliance with the SNZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice remains a permitted condition for new or altered vehicle crossings and access.
- An amendment to TRAN-S1 to include emergency responder access as a matter of discretion, noting that although car parking minimums have been removed, TRAN-S1 still controls all on-site parking and manoeuvring areas and therefore emergency responder access is still relevant.
- An amendment to TRAN-Table 9 to align with the requirements of SNZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice with respect to emergency responder access.

The reporting officer confirmed verbally at the hearing that she could support altering the word 'will' in Note 2 to 'may' but did not consider that there was a *vires* issue with referring to the Engineering Standards generally in a non-statutory part of the Transport chapter. Mr Badham confirmed at the hearing that he agreed with Ms Pearson's position and no longer recommended specifically referring to the April 2022 version of the Engineering Standards in Note 2.

The reporting officer had recommended a change to the wording of Note 2 in Appendix 1 of her right of reply accordingly and we have accepted her recommendation.

Both Mr Collins and Ms Pearson agreed with the position put forward by KiwiRail at the hearing that the note for TRAN-SX could be deleted so that the standard applies to all rail level crossings, regardless of whether barrier arms are present. Ms Pearson recommended deletion of this note in Appendix 1 accordingly and we have accepted her recommendation.

The reporting officer, Ms Pearson, stated that she could support amending matter of discretion (b) in TRAN-S1 to refer to the potential for adverse effects on the safety and efficiency of the transport network, including emergency responder access. She accepted the point put forward by Mr Roberts in the FENZ planning statement that despite the parking minimums being removed, TRAN-S1 still manages onsite parking design and manoeuvring and considering emergency responder access is a relevant consideration when designing those spaces. She had recommended a change to this matter of discretion in Appendix 1 accordingly and we agree with this recommendation.

The reporting officer also considered that adding a reference to the Fire and Emergency New Zealand F5-02 GD Designers' Guide to Firefighting Operations: Emergency Vehicle Access as part of the Introduction text could be supported as a signpost to plan users that best practice information is available to inform the design of their proposals. However, she did not consider that reference to the document is essential, as set out in her hearing report, but had included recommended text in Appendix 1 if we (the Panel) decided to adopt the suggestion of Mr Roberts.

We have adopted the suggestion of Mr Roberts and recommend the text shown in **Appendix 2.3**.

The reporting officer did not consider that the language used in SNZ: PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008) is appropriate to be used in the context of the Transport chapter but that it may be appropriate for other chapters as the primary purpose of SNZ PAS 4509:2008 is to manage water supplies for fire-fighting, not access to properties for emergency responders. After reviewing SNZ PAS 4509:2008 in more detail the reporting officer confirmed that only one paragraph in the background text for Section 6 – Fire Service Vehicle Access to Water Source makes any reference to access requirements for fire service appliances.

The reporting officer noted that that the paragraph states that the New Zealand Building Code has final authority with respect to appropriate roading widths, surfaces and gradients, which is consistent with her hearing report (paragraph 309). It was also The reporting officer's view that the language used in this paragraph is not certain enough to be used as the basis for a permitted activity condition under TRAN-R2, in particular:

The wording says that 'in general' the roading gradient should not exceed 16%, which indicates that in some scenarios gradients more than 16% could be appropriate. Mr Brown indicated at the hearing that, although a maximum gradient of 16% is ideal, it is not necessarily needed everywhere and there are other factors that contribute to whether a gradient is appropriate or not, including the seal of the access. The advice of Mr Collins that 16% is unnecessarily restrictive compared to other districts and that it would have a major impact on the ability to develop land across the Far North District if it were a permitted activity requirement.

The wording states "the minimum roading width should not be less than 4m" but does not clarify if this should be the minimum formed carriageway width or the minimum legal width. As Mr Collins clarified at the hearing (and in his reply evidence), the maximum width of a fire appliance is 2.55m and a minimum formed carriageway width of 3m is sufficient to allow a fire appliance to access the site (3m being the narrowest formed width provided for in TRAN-Table 9). TRAN-Table 9 also sets a minimum legal width of an access at 4m, which is in line with the 4m roading width discussed in SNZ PAS 4509:2008. Ms Pearson's view (based on the advice of Mr Collins) was a 4m legal width would account for the scenario put forward by Mr Brown at the hearing, being the need to open doors and access the sides of the appliance along a rear access driveway with fences constructed along both boundaries.

The reporting officer, relying on the advice of Mr Collins in his reply evidence that a maximum carriageway height of 4m is not necessary for all sites in terms of being clear of structures as not all sites need to use the accessway for emergency responders, i.e. some sites can be accessed by fire appliances directly from the street or private road. The reporting officer also considered it overly onerous to include rules or standards in the Transport chapter to require that all accessways be kept clear of hanging cables and vegetation. While she recognised that this is an ideal situation from the perspective of FENZ, rules/standards of this type would be difficult to administer, monitor and ensure ongoing compliance with and, in her view, are not an efficient way to manage the issue.

In response to the question from the Panel regarding maximum gradients for private accessways in the ODP, Ms Pearson confirmed that Appendix 3B-1 of the ODP specified:

A maximum sealed gradient of 1:4 (25%) for all zones; except for Commercial and Industrial zones and the Orongo Bay Special Purpose Zone, where the maximum sealed gradient is 1:5 (20%).

As such, the 22% maximum gradient proposed in TRAN-Table 9 is more stringent than the ODP for most zones, but slightly more permissive for Mixed Use, Light Industrial, Heavy Industrial and Orongo Bay zones.

Taking all of the above into consideration, the reporting officer did not change her position from the hearing report with respect to deleting the reference to SNZ PAS 4509:2008 from TRAN-R2. The reporting officer considered that the minimum legal width of 4m, combined with the minimum formed carriageway width of 3m in TRAN-Table 9 is sufficient to provide for fire appliances. She also considered that the specific and measurable standards in TRAN-Table 9 are preferable to the non-specific language used in SNZ PAS 4509:2008, but they achieve the same outcome for roading width as requested by FENZ. For the reasons set out above, she did not agree that further restrictions on gradient or carriageway height are necessary to provide for fire appliances.

We agree with the reporting officer's position and reasoning.

5.6.2 Hearings Panel Recommendation

The Hearings Panel recommend that the submissions from Foodstuffs Ltd ((S363.011) and KiwiRail (S416.024) are accepted, as identified in Appendix 3.3.

The Hearings Panel also recommends the following amendments:

- a) The word 'will' is amended to 'may' in Note 2 above the Rule table.
- b) The explanatory note for TRAN-SX is deleted.
- c) Matter of discretion (b) in TRAN-S1 is amended to refer to emergency responder access.
- d) Reference to the Fire and Emergency New Zealand F5-02 GD Designers' Guide to Firefighting Operations: Emergency Vehicle Access should be added into the Introduction text.

These amendments are identified in **Appendix 2.3**.

The Panel has adopted the recommendations from the reporting officer and recommend these accordingly. We have also considered the reporting officer's comment on including FENZ Guidelines in the Introduction text and although she considered it not necessary, we are of the view that by adding it, it will alert plan users to the FENZ Guidelines and will not detract from the Transport chapter.

The Hearings Panel also recommend that the amendment to the definition of limited access road be included in the Definitions chapter of the PDP. This is identified in **Appendix 2.1**, Definition in **Recommendation Report 17**.

Note 2 above the rule table, the explanatory note for TRAN-SX and the introduction are non-statutory parts of the Transport chapter and do not require evaluation in terms of section 32AA of the RMA.

We consider that the additional reference to emergency responder access in matter of discretion (b) in TRAN-S1 is a minor change to clarify that consideration of emergency responder access is part of assessing the safety and efficiency of the transport network. As the intent of the matter of discretion is not changing, we do not consider that further evaluation under section 32AA of the RMA is required.

6. Topic 4: Designations

6.1 Relevant Provisions

The relevant provisions were addressed in the hearing report for this topic and relate to the Designations chapter.

Nineteen (19) requiring authorities lodged notices under clause 4 of the Act to include 158 designations in the PDP some with or without modification. 41 of the designations were rollovers without modification, 145 were rollovers with modification and three were new designations. The hearing report at section 2.6 covered the 'Evaluation and recommendation process' that should be followed. For those notices of requirement that are included without modification and on which the Council has received no submissions the Council must simply 'roll over' the designation in the PDP.

The 19 requiring authorities including the Far North District Council (**FNDC**) with existing designations in the ODP gave notice, within the 40 working days of the PDP being notified, in respect of some or all of their existing designations requiring that they be included in the PDP (with or without modification). One authority sought a new designation.

A full list of the designations was shown in Appendix 1 to the hearing report.

We were advised (see 2.7.4 of the hearing report) that pre-hearing meetings were held with FNDC and NZTA Waka Kotahi to clarify some issues.

We were also provided with a report 'Appendix 1 Addendum – Officers Recommended Amendments to Designation Chapter' which was also tabled at the hearing on 28 March 2025. The report covered some very minor amendments to some of the Minister of Corrections and Spark NZ Limited designations.

In the right of reply the reporting officer provided the Panel with additional information on designation FN 253 – KKWWTP (Kerikeri Wastewater Treatment Plant), with the information relating to an application to amend FN 253 which was made and granted after the PDP was notified. The new conditions were set out in Appendix 1 to the Addendum and have been read and considered by the Panel.

As a result of a request from the Panel the reporting officer provided an addendum to the right of reply report relating to the Lucklaw Farms Limited submission on the Rangiputa Oxidation Pond – FN 160 and on the Meteorological Service of New Zealand Limited (**Met Service**) designations for MS 124 and MS 143.

In respect of MS 124 and MS 143 the reporting officer had tried on a number of occasions prior to the hearing to seek clarity from the Met Service and this had not been forthcoming

and as a result had recommended accordingly. The Panel was concerned that the designations may not be correct and requested the reporting officer to try and resolve the issue with the Met Service.

6.2 Submissions and Key Issues

A total of 10 original submissions and one further submission were received on the Designations topic. The reporting officer covered evaluation of the designations in sections 3.2.1 to 3.2.16 of the hearing report and we have taken this evaluation into account when making our recommendations (if needed). The vast majority of the designations were simply 'rolled over' without any modifications.

6.3 Matters Raised in Submissions and Hearings Panel Evaluation

The submissions covered only minor issues and we only heard and/or received legal submissions or evidence at the hearing from a very small number of submitters on mainly minor issues.

As outlined in the hearing report, the designations in the PDP included 41 which were simply rollovers without modifications, 145 were rollovers with minor modifications and three (3) were new.

In the right of reply the reporting officer provided the Panel with additional information on designation FN253 – KKWTP, with the information relating to an application to amend FN253 which was made and granted after the PDP was notified. The new conditions were set out in Appendix 1 to the addendum.

In the addendum right of reply dated 1 July 2025 the reporting officer (as outlined above) responded to a request from the Panel for further information on designations FN 160, MS 124 and MS 143. We are grateful to the reporting officer for pursuing the issue with Met Service to ensure that its designations are shown correctly in the PDP.

For those notices which were included without modification and on which the Council had received no submissions, the Council (Panel) is not allowed to make a recommendation and must simply include the 'roll over' designation in the PDP. This is what we have done.

A list of all designations was contained in Appendix 1 to the hearing report.

The reporting officer had held some pre-hearing meetings with FNDC and NZTA and this was reported on in section 2.7.4 of the hearing report. The hearing report also included comment on, and recommendations to the Panel on each designation including those which were 'roll overs' and had received no submissions.

At the hearing we received little evidence in opposition to the designations with submitter Lucklaw Farms Limited providing legal submissions and evidence in support of its submissions. This is commented on above and below.

Lucklaw Farms Limited submission was in opposition to designation FN 160 – Rangiputa Oxidation Pond. We received legal submissions and evidence to support the submission and we heard from representatives of Lucklaw Farms Limited at the hearing, and also from Council officer's. During questioning at the hearing, it was apparent that Lucklaw Farms Limited's opposition was against the operation and maintenance of the oxidation

ponds and not the designation *per se*. This was also clear from the written evidence supplied to us. Although Mr Ryan's written submissions referred to additional conditions being added to FN 160 this was not pursued at the hearing and during questioning Mr Ryan indicated that Lucklaw Farms Limited would be pursuing a possible review of the resource consent (Consent CON20070263501 issued July 2008 with an expiry of 30 November 2032) with the NRC. We reached the same view of the evidence and submission from Lucklaw Farms Limited as the reporting officer in her right of reply.

Without evidence to the contrary, and after reading all of the submissions, further submissions, evidence and legal submissions, we accept the recommendations of the reporting officer as shown in the hearing report and the right of reply. The right of reply reporting officer's position was that FN 160 should be confirmed with no modifications.

6.3.1 Hearings Panel Recommendations

In accordance with clause 9 (3) of Schedule 1 of the Act no recommendations or decisions are made for designations that are included in the PDP without modification or on which no submissions were received. These are shown in **Appendix 2.4**.

In accordance with clause 9 (1) of Schedule 1 and Section 171 (2) (a) and (b) of the Act, the Panel recommends to the relevant requiring authority that it confirms the requirement where no modifications are required, or modifies the requirements as set out in Appendix 2 to this report and that the Designations chapter of the PDP is amended in accordance with the changes outlined in Appendix 2 of this Report.

The Panel recommends that the submissions and further submissions) are accepted, accepted in part or rejected as outlined in **Appendix 3.4**.

7. Conclusion

For the reasons set out in this recommendation report, we recommend the adoption of a set of changes to the PDP provisions relating to the Renewable Electricity Generation, Infrastructure, Transport and Designations chapters.

The Hearings Panel recommended amendments are shown in **Appendices 2.1 – 2.4**.

Our recommendations also include recommendations for consequential amendments to or from other recommendation reports.

We have had regard to the submissions and further submissions received, the evidence tabled and presented to us and to the council's hearing reports (including the rights of reply). We have also incorporated our own s32AA evaluation when needed into the body of our recommendation report as part of our reasons for any recommended amendments.

Accordingly, we recommend that the submissions and further submissions should be accepted, accepted in part or rejected, as set out in this recommendation report and in the table of Recommended Decisions on Submissions in **Appendices 3.1 – 3.4**.

Overall, we consider that our recommendations will ensure the PDP achieves the statutory requirements, national and regional policy directions, and provide for the PDP being easier to implement and understand for users of it.