



3rd August 2021

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Far North District Plan Review: Rollover of existing designations which have not lapsed without modification

Thank you for your letter dated 17th May 2020 that invites Spark New Zealand Trading Limited (Spark) to rollover its existing designations into the Proposed Far North District Plan.

Pursuant to Clause 4 of the First Schedule to the Resource Management Act 1991, Spark requests that all its existing designations, as included in the attached schedule, are rolled over without modification. This includes the sites currently identified in the designation schedule as TC25 (Paihia Exchange), TC28 (Kaikohe Exchange), TC34 (Russell Heights Exchange) and TC128 (Kerikeri Town Telecommunications). The purpose of the existing designations is *Land Uses for Telecommunication and Radio Communication purposes, including telephone exchange*.

The designations are subject to conditions. The designation descriptor for all Spark sites should be updated to SPK as per the November 2019 National Planning Standards, Table 15.

On 30 November 2011, Chorus New Zealand Limited (Chorus) and Telecom New Zealand Limited (Telecom) demerged into two separate companies. Details of how existing Telecom designations were to be treated after that time was dealt with in the Telecommunications (TSO, Broadband, and Other Matters) Amendment Act 2011. Under that Act, a new Section 69XI was inserted into the Telecommunications Act 2001 approving Chorus as a requiring authority under the Resource Management Act 1991 (RMA).

Further, a new Section 69XJ was inserted into the Telecommunications Act 2001. This section allowed the Minister for Communications and Information Technology, before separation day and by way of Gazette Notice, to issue two lists comprising all of the designations for which Telecom was formerly responsible. These lists detailed:

- a) designations that are to be transferred to Chorus; and
- b) designations that are to be additionally granted back as a secondary designation to Telecom.

As part of the demerger process between Telecom and Chorus, certain designations transferred to Chorus were also granted back to Telecom (who later became Spark) as secondary or later designations. This is where the site was transferred to Chorus but Spark still operated

infrastructure on that site. In this instance, some of the designations where the requiring authority is shown as Telecom in the District Plan were transferred to Chorus. However, three sites in the attached schedule identified as TC25, TC28 and TC34 were transferred back to Spark as later or secondary designations. Spark requests that the designation schedule clearly identifies that the Chorus designation is the primary designation and the Spark designation is the secondary designation in regard to existing designations TC25, TC28 and TC34.

Spark and Chorus now use a consistent purpose nationally for their designations. The current purpose as shown in the Far North District Plan is *"Land Uses for Telecommunication and Radio Communication purposes, including telephone exchange"*. Spark requests that this terminology be updated in the schedule to *"Telecommunications and Radio Communications and Ancillary Purposes"*. This is only a consistency change and not a modification to the designations as the same general scope of activities is enabled by either terminology and the same conditions will continue to apply. The updated purpose is shown in the attached schedule.

Spark requests that all conditions applying to former Telecom designations are rolled over onto Spark designations.

Legacy designation TC29 was not transferred to Chorus and is no longer required by Spark and as such no longer required to be designated.

Please direct any queries and correspondence on this matter to Fiona Matthews, Senior Environmental Planner, Spark email – Fiona.Matthews@spark.co.nz.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Fiona Matthews', written in a cursive style.

Fiona Matthews
Senior Environmental Planner
Spark New Zealand Trading Limited