

21 Designations

21.1 Introduction

Designations are a tool which enables Requiring Authorities approved under the Resource Management Act 1991 to designate areas of land for a public work or network utility. A Requiring Authority can be a Minister of the Crown, a local authority or a network utility operator approved as a Requiring Authority under Section 167 of the Resource Management Act.

A Designation is a form of 'spot zoning' over a site or route in a District Plan. The 'spot zoning' authorises the Requiring Authority's work or project on the site or route without the need for a Land Use Consent from the Council. A Designation enables a Requiring Authority to undertake the works within the designated area in accordance with the Designation, the usual provisions of the District Plan do not apply to the designated site. The types of activities that can be designated include transport corridors, sewerage treatment plants, water reservoirs and schools.

Appendix 21.1 to this Chapter provides a schedule of Designations in the District. This schedule includes the associated Requiring Authority of the designated the land and the underlying zoning of the land parcel and its specific location within Part E — Maps (Map Series 2). These Designations are either existing Designations pursuant to Section 168, or new Designations which are included in the District Plan pursuant to Section 170 of the Resource Management Act.

It is appropriate to consult with any party that may be affected as a result of a notice of requirement for any new Designation and in particular, Heritage New Zealand Pouhere Taonga (NZHPT) and Tangata Whenua especially in Areas of Significant Interest to Maori or on any Maori Land or Treaty Settlement Land.



State Highway 1 through Kaiwaka

21.2 Resource Management Act Requirements

The procedure for designating land is set out in Part 8 of the Resource Management Act 1991. The first Schedule in the Resource Management Act 1991 contains the provisions for Designations in District Plans.

Section 168 and Section 168A of the Resource Management Act set out the information which must be included in a notice of requirement to designate a piece of land. When Council has received a notice they must make a recommendation to the Requiring Authority as to whether the Designation should be approved, modified or withdrawn.

The scope of the Designation defines what activities the Requiring Authority may undertake on the designated land, in accordance with section 176(1)(a). Section 176A of the Resource Management Act sets out the necessity for an outline plan of the public work, project or work to be constructed on designated land, to be submitted for consideration by the Council.

21.2.1 Requiring Authorities

The following organisations are Requiring Authorities as defined or approved under Section 166 of the Resource Management Act, and which have Designations in the Kaipara District:

Kaipara District Council	Minister of Police
Minister of Education	New Zealand Railways Corporation
Northpower Limited	Transpower New Zealand Limited
NZ Transport Agency	Minister of Justice
First Gas Limited	Channel Terminal Services Limited

21.3 How to Use this Chapter

This Chapter only applies if your property or the property you are proposing an activity on has a Designation on it, as shown in Map Series 2 — Part E of the Plan. For clarity, any instance where the Rules in this Chapter overlap (or duplicate) with a Rule in the Zone Chapters, the Rules of this Chapter will take precedence. However, if you are not a Requiring Authority and are doing works on a property with a Designation (not in accordance with that Designation) the Rules of the underlying Zoning (including Overlay) will also apply.

Issues, Objectives and Policies within each Chapter of the Plan are presented in no particular order of importance.

[Map Series 2, Part E](#)

21.4 Designation Rules

21.4.1 Permitted Activities

The following activities shall be Permitted Activities under this Chapter:

- a. Any Activity complying with the Performance Standards set out in Section 21.5 of this Chapter.

21.4.2 Restricted Discretionary Activities

The following activities shall be Restricted Discretionary Activities under this Chapter:

- a. Any Activity not complying with the Performance Standards set out in Section 21.5 of this Chapter.

21.5 Permitted Activity Performance Standards for Work to be Undertaken on Designated Land

Rule	Parameter	Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
21.5.1	Development by the Requiring Authority	<p>Development on designated land by the Requiring Authority in accordance with the Designation is a Permitted Activity if:</p> <ol style="list-style-type: none"> a. The development is for the purpose for which the land was designated; and b. An outline plan of public work is submitted to Council prior to the commencement of construction in accordance with Section 176A of the Resource Management Act 1991. Except where the following applies: <ul style="list-style-type: none"> • The development is a permitted work or utility set out in Chapter 10 — Network Utilities; • The development is works that have otherwise been approved under the Resource Management Act 1991; • The details of the proposed 	<p>Restricted Discretionary Activity (plus the activity status of any activity within the zone if Rule 21.5.1(a) does not apply).</p>	<p>Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ol style="list-style-type: none"> i. The extent to which the development is consistent with, or complimentary to, the purpose for which the land is designated; and ii. The extent to which the development is consistent with the Objectives and Policies of the underlying zoning.

		<p>development were supplied when a Requiring Authority made a requirement in respect of the work under Section 168 of the Resource Management Act 1991;</p> <ul style="list-style-type: none"> • Council has waived the requirement for an outline plan to be submitted; or • The development is for emergency work which the body or person responsible for its construction considers is immediately necessary to meet an emergency situation and outline drawings of the work are submitted to the Council as soon as practicable after the work has commenced. 		
21.5.2	Development not in accordance with Designation	<p>Development on designated land, which has the Requiring Authority's written Consent but is not in accordance with the Designation is a Permitted Activity if:</p> <ol style="list-style-type: none"> a. The development complies with the Performance Standards and Rules of the relevant underlying Zone. 	Restricted Discretionary Activity (plus the activity status of any activity within the zone that is not met).	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: <ol style="list-style-type: none"> i. The extent to which the development is consistent with, or complimentary to, the purpose for which the land is designated; and ii. The extent to which the development is consistent with the Objectives and Policies of the underlying zoning.

Appendix 21.1 - Schedule of Designations

ID	Map No.	Designation/Purpose	Requiring Authority	Underlying Zoning
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D1	3	Education Purposes Aranga Primary School and House	Minister of Education	Rural
D2	13	Education Purposes Arapohue Primary School and House	Minister of Education	Rural
D3	9,36,37	Education Purposes Community College Outpost	Minister of Education	Residential
D4	9,34,36	Education Purposes Dargaville High School	Minister of Education	Residential
D5	9,34,36	Education Purposes Dargaville Intermediate School	Minister of Education	Residential
D6	9,34,37	Education Purposes Dargaville Primary School	Minister of Education	Residential
D7	9,34,37	Defence Purposes (Dargaville)	Minister of Defence	Commercial
D8	20,21,51	Electricity Substation and Telecommunications Operations (Kaiwaka)	Northpower	Rural
D9	15	Electricity Substation and Telecommunications Operations (Mareketu)	Northpower	Rural
D10	18	Electricity Substation and Telecommunications Operations (Ruawai)	Northpower	Rural
D11	15,16,20	Electricity Substation (Maungaturoto)	Transpower NZ Ltd	Rural
D12	9,10,35	Electricity Substation and Telecommunications Operations (Dargaville)	Northpower	Residential
D13	20, 50	Electricity Substation and Telecommunications Operations (Maungaturoto)	Northpower	Rural
D14	18,42	Fire Service Purposes (Ruawai)	Kaipara District Council	Residential
D15	9,36,37	Justice Purposes - Courthouse (Dargaville)	Minister of Justice	Commercial
D16	6	Education Purposes Kaihu Valley Primary School and House (Maropiu Road)	Minister of Education	Maori Land
D17	9,36,37	Local Government Purposes	Kaipara District Council	Commercial
D18	18	Local Purpose (Te Maire Community Hall) Purposes	Kaipara District Council	Rural
D19	21,57	Education Purposes Mangawhai Primary School	Minister of Education	Residential
D20	19,43	Education Purposes	Minister of	Rural

		Matakohe Primary School	Education	
D21	20, 48	Education Purposes Maungaturoto Primary School	Minister of Education	Commercial
D22	24	Education Purposes Te Kura Kaupapa Maori o Ngaringa o Matariki	Minister of Education	Rural
D23	20	Education Purposes Otamatea High School and House (Bickerstaffe Road)	Minister of Education	Rural
D24	20	Education Purposes Otamatea High School House (Bickerstaffe Road)	Minister of Education	Rural
D25	19,44	Education Purposes Paparoa Primary School	Minister of Education	Residential
D26	18,42	Police Purposes (Ruawai)	Minister of Police	Residential
D27	9,36,37	Police Purposes - Police Station (Dargaville)	Minister of Police	Residential
D29	20,21,51	Education Purposes Kaiwaka Primary School and House	Minister of Education	Residential
D30	20,21,51	Proposed Service Lane (Kaiwaka)	Kaipara District Council	Commercial
D31	9,36,37	Proposed Service Lane (Dargaville)	Kaipara District Council	Commercial
D32	7,8,9,10, 15,20,21, 24,36, 37,47	Railway Purposes	NZ Railways Corporation	Rural
D33	13	Refuse Disposal Purposes (Parawanui Landfill)	Kaipara District Council	Rural
D34	9,34	Refuse Disposal Purposes (Dargaville Landfill)	Kaipara District Council	Residential
D35	13,41	Refuse Disposal Purposes (Glinks Gully Landfill)	Kaipara District Council	Rural
D36	23,26	Refuse Disposal Purpose (Tinopai Landfill)	Kaipara District Council	Rural
D37	20,21,51	Refuse Disposal Purposes (Kaiwaka Landfill)	Kaipara District Council	Rural
D38	18	Refuse Disposal Purposes (Te Maire Landfill)	Kaipara District Council	Rural
D39	22	Refuse Disposal Purposes (Pouto Road)	Kaipara District Council	Rural
D40	22	Refuse Disposal Purposes (Kellys Bay)	Kaipara District Council	Rural
D41	6	Refuse Disposal Purposes (Omamari Landfill)	Kaipara District Council	Rural

D42	18	Education Purposes Ruawai College and House	Minister of Education	Rural
D43	18	Education Purposes Ruawai Primary School and House	Minister of Education	Rural
D44	9,10,35	Education Purposes Selwyn Park Primary School (Dargaville)	Minister of Education	Residential
D45	9,36,37	Service Lane (Dargaville)	Kaipara District Council	Commercial
D46	13,40	Sewage Treatment Purposes (Te Kopuru Oxidation Ponds)	Kaipara District Council	Rural
D47	13,41	Sewage Treatment Purposes (Glinks Gully Treatment Area)	Kaipara District Council	Rural
D48	20,21,51	Sewage Treatment Purposes (Kaiwaka)	Kaipara District Council	Rural
D49	20,47	Sewage Treatment Purposes (Maungaturoto)	Kaipara District Council	Industrial
D50	20,50	Sewage Treatment Purposes (Maungaturoto)	Kaipara District Council	Rural
D51	10,35	Sewage Treatment Purposes (Dargaville Oxidation Ponds)	Kaipara District Council	Industrial
D52	16,20,21,24,31,50	State Highway 1	NZ Transport Agency	Rural
D53	1,3,4,6,7,9,10,13,14,18,19,20,29,35,36,37,38,42,44,45,47,48,50	State Highway 12	NZ Transport Agency	Rural
D53/1	19, 43	State Highway 12, safety improvements	NZ Transport Agency	Rural
D54	7,8,9,10,31,35	State Highway 14	NZ Transport Agency	Rural
D55	8,31	Education Purposes Tangiteroria Primary School	Minister of Education	Rural
D56	7	Education Purposes Tangowahine Primary School	Minister of Education	Rural
D57	13,40	Education Purposes Te Kopuru Primary School and House	Minister of Education	Residential
D58	17,21,53	Electricity Substation and Telecommunications Operations (Mangawhai)	Northpower	Rural
D59	23,26,59	Education Purposes Tinopai Primary School and House	Minister of Education	Residential

D60	9,34,36	Water Supply Purposes (Dargaville)	Kaipara District Council	Residential
D61	20,48	Water Supply Purposes (Maungaturoto)	Kaipara District Council	Rural
D62	17, 20, 21, 50	Gas Pipeline (refer to attached conditions)	First Gas Ltd	Rural
D63	16, 17, 21, 24	Petroleum Pipeline (refer to attached conditions)	Channel Terminal Services Ltd	Rural
D64	22	Education Purposes Pouto Primary School and House	Minster of Education	Rural
D65	9, 34	Telecommunications operations (Dargaville)	Northpower	Rural
D66	19	State Highway 12	NZ Transport Agency	Rural
D67	17, 21, 56	Electricity Substation and Telecommunications Operations (Mangawhai Central) (refer to attached conditions)	Northpower	Estuary Estates (Mangawhai Central) Subzone 7 Services
D68	21	Education Purposes Te Kura Kaupapa Māori o Ngāringaomatariki (refer to attached conditions)	Minister of Education	Rural

Conditions attached to Designation D62 First Gas Limited

1. PURPOSE OF DESIGNATION

- 1.1 The designation by First Gas Limited (First Gas) is for the operation, maintenance, repair, upgrade and renewal of the existing gas transmission pipeline and ancillary facilities as required for the transportation of gas and described as follows:
- i. the existing 150mm gas transmission pipeline between the Auckland Council boundary near Vipond Road and the Whangarei District Council boundary near Artillery Road and Massey Road,
 - ii. the lateral pipeline from Brown Road Main Line Valve to the Maungaturoto Delivery Point,
 - iii. the Delivery Point at Maungaturoto,
 - iv. the Main Line Valve station at Brown Road.
- 1.2 For the purposes of these conditions the designation is subject to the following limitations:
- renewal shall be limited to works on the gas transmission pipeline and will be limited to replacement of sections of the pipeline with sections having equivalent diameter and maximum allowable operating pressure, and no more than 50 lineal meters of pipeline will be excavated at any particular time.
 - Upgrade will be limited to adding or replacing above ground components provided the district plan relevant permitted activity standards are complied with.
 - The designation affects land legally described in Appendix 2 "Schedule of Affected Land" of Volume 3 of the Notice of Requirement as

submitted to the Kaipara District Council.

2. RESTRICTIONS OF DESIGNATION

2.1 No persons shall:

- erect any building or structure on the designated corridor; or
 - erect any fence with supports which extend more than 0.4m into the ground from the surface; or
 - erect any other improvement or plant any tree or shrub; or
 - disturb the soil below a depth of 0.4 metres from the surface; or
 - do anything on or to the land within the designated corridor which would or could damage or endanger the pipelines;
- within the designated corridor without first obtaining the written consent of First Gas.

For the avoidance of doubt, such written consent shall not be required for ordinary cultivation, digging, excavating, tilling, and working soil to a depth of less than 0.4m or where First Gas has provided specific written approval prior to the designation coming into effect. A minimum of 1m cover shall remain above the top of the pipe after any ordinary cultivation, digging or excavation has taken place.

Landowners and/or developers can apply to First Gas for consent to do any work on the land within the designation corridor. First Gas will review each application with the landowner/developer and work to achieve the most suitable outcome for all parties. First Gas may give its written consent subject to reasonable conditions including the power to revoke the consent in specified circumstances.

First Gas agrees to not unreasonably withhold its consent.

Works or activities that would or could damage or endanger the Pipelines include, for example, the use of heavy compaction or vibration machinery or equipment, pile driving machinery and equipment, trenching, excavation or drilling (including micro drilling and directional drilling).

2.2 No person shall undertake road opening, trenching, excavation, or drilling (including micro drilling and directional drilling) or lay underground high voltage power lines either in parallel with or intersecting First Gas's gas-pipelines, without first obtaining First Gas's written approval.

2.3 However, subject to restriction 2.4, the restrictions in 2.1 and 2.2 above do not apply, and First Gas's consent is not required under section 176 of the Resource Management Act 1991 to the following activities, provided that a Road Opening Notice has been obtained from the Kaipara District Council:

- any road widening or associated works,
- any repair, maintenance, or upgrade to existing road surface,
- any repair, maintenance, or upgrade to any existing network utility infrastructure.

Provided in all cases that

- soil is not disturbed below a depth of 4m from the surface; and
- after works, the finished surface level is not reduced below the pre-existing surface datum.

Where works in the above categories would exceed depth of 0.4m from the surface and/or after completion of such works the finished surface level is proposed to be reduced below the pre-existing surface datum then application shall be made to First Gas for consent to do the works. First

Gas will review each application with the applicant and work to achieve the most suitable outcome for all parties. First Gas may give its written consent subject to reasonable conditions and agrees to not unreasonably withhold its consent.

- 2.4 The exception provided by restriction 2.3 will only apply from the date that Kaipara District Council formally adopts and implements either the Code of Practice for Working in Roads, Auckland Region or a National Code of Practice for Working in Roads developed pursuant to the January 2008 Cabinet paper *Management of Utilities' Access to Road, Rail and Motorway Corridors*, provided the National Code of Practice adopted contains substantially similar provisions to those contained in the Code of Practice for Working in Roads, Auckland Region requiring notification to utility providers of works intended by other parties in the vicinity of existing utility infrastructure.

3. CONDITIONS

- 3.1 The works to give effect to the designation shall be generally in accordance with the plans and information submitted by First Gas Limited (*First Gas*) in support of the Notice of Requirement in the documents entitled "Manukau - Whangarei Gas Pipelines - Notice of Requirement for a Designation" (Volumes 1, 2 and 3).
- 3.2 The maximum width of the designation shall be as follows:
- within road reserve (along road reserve /state highway) 6 metres,
 - within Road reserve (across road reserve/ state highway) 6 metres,
 - non-road reserve 12 metres (other than those areas where the existing easement width is less than 12 metres wide - in such circumstances the designation width shall be the width of the easement).
- 3.3 All pipeline maintenance, repair, upgrade or renewal activities outside road reserves that involve excavation shall be in accordance with the Guide to Land Access for the Oil and Gas Industry and Landowners (2002).
- 3.4 All pipeline maintenance, repair, upgrade, or renewal activities within road reserves that involve excavation shall be pursuant to the Road Opening Notice requirements of the Council.
- 3.5 Where maintenance, repair, upgrade, and renewal activities involving excavation are undertaken pursuant to the designation, appropriate sediment and erosion measures shall be employed, in accordance with the Operative Kaipara District Plan 2013.
- 3.6 Scheduled maintenance, repair, upgrade or renewal work and associated activities shall be limited to between the hours of 7am and 7pm, Monday to Saturday (excluding public holidays) except with the prior approval of the Council.
- 3.7 All works or activities related to the designation shall be undertaken in compliance with New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34: 2001).
- 3.8 The noise from maintenance works, repair, upgrade, and renewal activities shall be measured, assessed, and controlled in accordance with the procedures and limits set out NZS

6803:1999 Acoustics - Construction Noise.

- 3.9 First Gas shall consult with Transit New Zealand at least 30 working days prior to carrying out any works or activities on, in or under State Highways, except in emergency situations.
- 3.10 First Gas shall consult with the Council at least 15 working days prior to carrying out any works or activities on, in or under Council-controlled roads, except in emergency situations.
- 3.11 The requiring authority shall respond within 15 working days of receiving any request for its written approval under section 176 of the Resource Management Act 1991.

4. ADVICE NOTES

- 4.1 Access to overhead electricity transmission lines, poles or supporting structures shall be maintained at all times in accordance with the Electricity Act 1992.
- 4.2 First Gas has confirmed that it will consult with landowners and occupiers who may be affected by maintenance, repair, upgrade or renewal activities to reach fair and reasonable arrangements for entry, and to address any matters regarding effects of maintenance, repair, upgrade or renewal activities, including restoring the surface of the land following maintenance, in accordance with its relevant obligations under the pipeline easement.
- 4.3 This designation traverses earlier Transit New Zealand designations that are protected pursuant to sections 176 and 177 of the Resource Management Act 1991, and State Highways which are protected pursuant to sections 51 and 52 of the Transit New Zealand Act 1989. Where that occurs, the Requiring Authority may only carry out its activities with the written consent of Transit New Zealand.
- 4.4 The Requiring Authority is obliged to operate the pipelines and ancillary facilities in accordance with the requirements of AS2885: Pipelines — Gas and Petroleum Liquids, the Health and Safety in Employment (Pipelines) Regulations 1999 and in accordance with the authorisations issued for those facilities in terms of the Petroleum Act 1937.
- 4.5 Emergency works may be performed in line with the First Gas advice booklet by excavation to 0.4m depth and thereafter the use of hand tools only. Emergency operations should be notified immediately to First Gas who provide an on-call service outside of normal working hours.
- 4.6 An authority may need to be obtained from the New Zealand Historic Places Trust to destroy, damage or modify an archaeological site in accordance with the Historic Places Act 1993.
- 4.7 The Requiring Authority may need to seek resource consent from the Northland Regional Council in accordance with the provisions of the Northland Regional Council Water and Soil Plan for Northland.
- 4.8 The Kaipara District Council intends to adopt the National Code of Practice for Utilities' Access to the Road and Rail Corridors with the

applicable Corridor Access request superseding the Application to trench Across Unsealed or Sealed Road.

- 4.9 Where works or activities are proposed on, in or under Council-controlled roads, First Gas and the Council will undertake consultation in accordance with the principles of collaboration and coordination contained in the January 2008 Cabinet paper Management of Utilities' Access to Road, Rail and Motorway Corridors.

Conditions attached to Designation D63 Channel Terminal Services Ltd

1. PURPOSE OF DESIGNATION

- 1.1 The designation by Channel Terminal Services Ltd (CTS) is for the operation, maintenance and repair, upgrade and renewal of the existing petroleum transmission pipeline and ancillary facilities as required for the transportation of refined fuel products, and described as follows:
- i. the existing 275mm petroleum transmission pipeline;
 - ii. the existing isolation valves;
 - iii. cathodic protection terminals; and
 - iv. surface marker posts and warning signage
- located between the northern district boundary extending from Artillery Road and the southern district boundary extending from Mangawhai Road at Kaiwaka.
- 1.2 The designation is subject to the following limitations:
- renewal shall be limited to works on the petroleum transmission pipeline and will be limited to replacement of sections of the pipeline with sections having equivalent diameter and no more than [50] lineal metres of pipeline will be excavated at any particular time.
 - upgrade will be limited to adding or replacing aboveground components provided the district plan relevant permitted activity standards are complied with.
- 1.3 The designation affects land legally described in Appendix III "List of Property Owners located along the RAP Route" to the Notice of Requirement as submitted to Kaipara District Council.

2. RESTRICTIONS OF DESIGNATION

- 2.1 No persons shall:
- erect any structure, or
 - erect any fence with supports which extend more than 0.4m into the ground from the surface, or
 - plant any tree or shrub, or
 - disturb the soil below a depth of 0.4m from the surface, or
 - do anything on or to the land which would or could damage or endanger the pipeline
- within the designated corridor without first obtaining the written consent of CTS.

For the avoidance of doubt, such written consent shall not be required for ordinary cultivation, digging, excavating, tilling and working soil to a depth of less than 0.4m or where CTS- has provided specific written approval prior to the designation coming into effect. A minimum of 1m cover shall remain above the top of the pipe after any ordinary cultivation, digging or excavation has taken place.

Landowners and/or developers can apply to CTS for consent to do any work on the land within the designation corridor. CTS will review each application with the landowner and/or developer and work to achieve the most suitable outcome for all parties. CTS may give its written consent subject to reasonable conditions including the power to revoke the consent in specified circumstances.

CTS agrees to not unreasonably withhold its consent.

Works or activities that would or could damage or endanger the pipelines include, for example, the use of heavy compaction or vibration machinery or equipment, pile driving machinery and equipment, trenching, excavation or drilling (including micro drilling and directional drilling).

2.2 No person shall undertake road opening, trenching, excavation or drilling (including micro drilling and directional drilling), or lay underground high voltage power lines >450v either parallel with or intersecting CTS's petroleum pipeline, without first obtaining written approval from CTS.

2.3 However, subject to restriction 2.4, the restrictions in 2.1 and 2.2 above do not apply, and CTS's consent is not required under section 176 of the Resource Management Act 1991 to the following activities, provided that a Road Opening Notice has been obtained from the Kaipara District Council:

- any road widening or associated works;
- any repair, maintenance or upgrade to existing road surface; and
- any repair, maintenance or upgrade to any existing network utility infrastructure.

Provided in all cases that:

- soil is not disturbed below a depth of 0.4m from the surface; and
- after works, the finished surface level is not reduced below the pre-existing surface datum.

Where works in the above categories would exceed a depth of 0.4m from the surface and/or after completion of such works the finished surface level is proposed to be reduced below the pre-existing surface datum then application shall be made to CTS for consent to do the works. CTS will review each application with the applicant and work to achieve the most suitable outcome for all parties. CTS may give its written consent subject to reasonable conditions, and agrees to not unreasonably withhold its consent.

2.4 The exception provided by restriction 2.3 will only apply from the date that Kaipara District Council formally adopts and implements either the Code of Practice for Working in the Road, Auckland Region or a National Code of Practice for Working in Roads which may be developed pursuant to the January 2008 Cabinet paper Management of Utilities' Access to Road, Rail and Motorway Corridors, provided the Code of Practice adopted and implemented contains provisions that are substantially similar to those contained in the Code of Practice for Working in Roads, Auckland Region, requiring notification to utility providers of works intended by other parties in the vicinity of existing utility infrastructure.

3. CONDITIONS

3.1 Subject to these conditions, works shall be undertaken in general accordance with the plans and information submitted by the requiring authority in the documents entitled "Proposed Designation Relating to the

Refinery to Auckland Pipeline".

- 3.2 The maximum width of the designation shall be as follows:
- for land, not including roads 12 metres;
 - for land comprising roads and rail corridor under which the pipeline crosses, or is contained within 6 metres.
- 3.3 All pipeline maintenance, repair, upgrade and renewal activities within road reserves that involve excavation shall be pursuant to the Road Opening Notice requirements of the Council.
- 3.4 All pipeline maintenance, repair, upgrade and renewal activities outside road reserves that involve excavation shall be in accordance with the Guide to Land Access for the Oil and Gas Industry and Landowners (2002).
- 3.5 Where maintenance, repair, upgrade and renewal activities involving excavation are undertaken pursuant to the designation, appropriate sediment and erosion measures shall be employed, in accordance with the Operative Kaipara District Plan.
- 3.6 Scheduled maintenance, repair, upgrade or renewal work and associated activities shall be limited to between the hours of 7am and 7pm, Monday to Saturday (excluding public holidays) except with the prior approval of the Council.
- 3.7 All works or activities related to the designation shall be undertaken in compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001).
- 3.8 The noise from maintenance works, repair, upgrade and renewal activities shall be measured, assessed and controlled in accordance with the procedures and limits set out NZS 6803:1999 Acoustics — Construction Noise.
- 3.9 CTS shall consult with Transit New Zealand at least 30 working days prior to carrying out any works or activities on, in or under State Highways, except in emergency situations.
- 3.10 CTS shall consult with the Council at least 15 working days prior to carrying out any works or activities on, in or under Council-controlled roads, except in emergency situations.
- 3.11 The requiring authority shall respond within 15 working days of receiving any request for its written approval under section 176 of the Resource Management Act 1991.

4. ADVICE NOTES

- 4.1 Access to overhead electricity transmission lines, poles or supporting structures shall be maintained at all times in accordance with the Electricity Act 1992.
- 4.2 CTS has confirmed that it will consult with land owners and occupiers who may be affected by maintenance works, repair, upgrade or renewal activities to reach fair and reasonable arrangements for entry, and to

address any matters regarding effects of maintenance, repair, upgrade or renewal activities, including restoring the surface of the land following maintenance, in accordance with its relevant obligations under the pipeline easement.

- 4.3 This designation traverses earlier Transit New Zealand designations that are protected pursuant to sections 176 and 177 of the Resource Management Act 1991, and State Highways which are protected pursuant to sections 51 and 52 of the Transit New Zealand Act 1989. Where that occurs, the Requiring Authority may only carry out its activities with the written consent of Transit New Zealand.
- 4.4 The Requiring Authority is obliged to operate the pipelines and ancillary facilities in accordance with the requirements of AS2885: Pipelines — Gas and Petroleum Liquids, the Health and Safety in Employment (Pipelines) Regulations 1999 and in accordance with the authorisations issued for those facilities in terms of the Petroleum Act 1937.
- 4.5 Emergency works may be performed in line with the First Gas advice booklet by excavation to 0.4m depth and thereafter the use of hand tools only. Emergency operations should be notified immediately to First Gas who provide an on-call service outside of normal working hours.
- 4.6 An authority may need to be obtained from the New Zealand Historic Places Trust to destroy, damage or modify an archaeological site in accordance with the Historic Places Act 1993.
- 4.7 The Requiring Authority may need to seek resource consent from the Northland Regional Council in accordance with the provisions of the Northland Regional Council Water and Soil Plan for Northland.
- 4.8 The Kaipara District Council intends to adopt the National Code of Practice for Utilities' Access to the Road and Rail Corridors with the applicable Corridor Access request superseding the Application to trench Across Unsealed or Sealed Road.
- 4.9 Where works or activities are proposed on, in or under Council-controlled roads, CTS and the Council will undertake consultation in accordance with the principles of collaboration and coordination contained in the January 2008 Cabinet paper *Management of Utilities' Access to Road, Rail and Motorway Corridors*.

Conditions attached to Designation D67 Northpower

1. All structures and buildings must not exceed a maximum height of 8 metres and a maximum total building coverage of 60%.
2. All structures and buildings must be setback a minimum of 7.5 metres from the front boundary.
3. All structures and buildings must not exceed a height of 3.0 metres plus the shortest horizontal distance between the building and the road boundary.
4. All activities must be conducted within buildings. Outdoor storage or stockpiles of materials or equipment is prohibited with the exception that short term activities and storage outside buildings is permitted in emergency situations.

5. All activities must be conducted so as to ensure the following noise limits are not exceeded outside of the boundary of the designation:
 - a. 55dB LA eq between 0700 and 1900 (Monday to Saturday); 50dB LA eq between 1900 and 2200 (Monday to Saturday) and 0700 to 2200 (Sunday and public holidays); and 45dB LA eq and 75dB LA fmax between 2200 and 0700 (at any other time), except for emergency service vehicles and the operation of emergency service call-out sirens;
 - b. Sound levels shall be measured in accordance with NZS 6801: 2008 "Acoustics — Measurement of Environmental Sound" and assessed in accordance with NZS 6802: 2008 "Acoustics — Environmental Noise".
Note: The use of generators is exempt from the requirement of Condition 5 where the use is required in emergency situation to ensure continuous supply of power, or where urgent maintenance is required.
6. External lighting is prohibited between the hours of 22:00 and 07:00 with the exception of motion activated security lighting or during emergency works and other maintenance work requiring out of hours activity.
7. External lighting must not exceed the following standards:
 - a. The light spill onto any other site measured at the designation boundary does not exceed 10 lux at any receiving property boundary or 15 lux at any road reserve boundary; and
 - b. The artificial lighting complies with AS/NZS 1158:1996; or
 - c. The lighting is required under health and safety regulations.
8. The construction of the substation shall be in general accordance with the plan referenced 'Proposed Site Plan' Drawing MWC-40010, Revision 7 dated 12 April 2022.
9. An outline plan of works pursuant to section 176A of the Resource Management Act 1991 must be submitted to Council for any new structures and/or equipment, other than the following:
 - a. Works referenced in Condition 8, or
 - b. Structures and/or equipment which are to replace the existing structures and/or equipment on the site at the time of consideration or application of an outline plan of works and/or equipment installed inside the proposed substation, or
 - c. Any temporary structures erected for the purposes of allowing maintenance or repair of existing structures and/or equipment for up to a period of one month unless written confirmation is obtained from the Resource Consents Manager (or delegated representative) for an alternative timeframe and will be removed once any maintenance or repair has ceased, or
 - d. Technology, structures and/or equipment permitted by the underlying District Plan Zone rules as they exist at the time of installation.
10. The activities on the site must not exceed the reference levels for public exposure to 50 Hz electric and magnetic fields set out in the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines at all times: electric field strength: 5 kV/m and magnetic flux density: 100 microtesla.
11. The Requiring Authority shall, at its expense, engage an electrical engineer to

carry out measurement of the electric and magnetic fields emitting from the substation to confirm compliance with the ICNIRP guidelines. An engineer's report with measurement results shall be provided to Council within three months of the substation commencing operation and within three months of the commencement of operation of any additional transformers or capacity upgrades. The report shall be submitted to the Resource Consents Manager (or delegated representative).

12. The landscape planting within the 2.5m front yard setback shall be implemented and maintained in perpetuity.

ADVICE NOTES

1. Pursuant to Section 184 of the Resource Management Act 1991, this Designation will lapse on the expiry of five years after the date that it was incorporated into the District Plan if it has not been given effect to.
2. No costs shall be imposed on affected Landowners as a result of the proposal.
3. All archaeological sites are protected under the provisions of the Historic Places Act 1993. It is an offence under that act to modify, damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to the New Zealand Historic Places Trust for an authority to modify, damage or destroy an archaeological site(s) where avoidance of effect cannot be practised.
4. If subsurface archaeological evidence (shell, midden, hangi, storage pits, etc.) should be unearthed during construction, work should cease in the immediate vicinity of the remains and the Historic Places Trust should be contacted.
5. In the event of koiwi (human remains) being uncovered, work should cease immediately and the Tangata Whenua of the area shall be contacted so that appropriate arrangements can be made.

Conditions attached to Designation 68 Te Kura Kaupapa Māori o Ngāringaomatariki

1. Purpose:

"Educational Purposes" for the purpose of this designation shall, in the absence of specific conditions to the contrary:

- a. Enable the use of the facilities on the designated site by and for the educational benefit of any pre-school and school age students (i.e. years 0 to 13) regardless of whether they are enrolled at an institution located on that designated site;
- b. Enable the provision of supervised care and study opportunities for students outside school hours in school facilities;
- c. Enable the provision of community education (e.g.: night classes for adults) outside school hours in school facilities;
- d. Include but not be limited to the provision of academic, sporting, social and cultural education including through:
 - i. Formal and informal recreational, sporting, and outdoor activities and competitions whether carried out during or outside school hours;
 - ii. Formal and informal cultural activities and competitions whether carried out during or outside school hours; and

- iii. The provision of specialist hubs and units (including language immersion units and teen parenting units) for students with particular educational requirements or special needs;
- e. Enable the use of facilities for the purposes associated with the education of students including assemblies, functions, fairs and other gatherings whether carried out during or outside school hours;
- f. Enable the provision of associated administrative services; car-parking and vehicle manoeuvring; and health, social services and medical services (including dental clinics and sick bays); and
- g. Enable housing on site for staff members whose responsibilities require them to live on site (e.g. school care taker) and their families.

2. Lapse Date

The designation shall lapse on the expiry of 10 years from the date on which it is included in the District Plan if it has not been given effect to before the end of that period.

3. Definitions

In these conditions the following terms are used, as defined:

“District Council” means the Chief Operating Officer, Kaipara District Council or their delegate.

“Requiring Authority” means the Minister of Education or their nominee.

4. General

The Requiring Authority shall give notice in writing to the District Council of the intention to commence works at least two months prior to the start of any construction activities on site.

The Requiring Authority shall ensure that all contractors working within the site have been provided with a copy of these conditions are aware of their requirements.

5. Outline Plan Exemption

That an outline plan of works shall not be required for:

- a. Any internal building works other than those that result in a net increase in the number of classrooms or classroom equivalents;
- b. General building maintenance and repair including but not limited to re-painting, re-cladding, and re-roofing;
- c. Installing, modifying, and removing playground furniture and sports structures (e.g. goal posts), and shade canopies;
- d. Amending any internal pedestrian circulation routes/pathways;
- e. Installing, maintaining or repairing any in ground infrastructure services such as stormwater, sewerage and water lines and connections, including any ancillary earthworks;

- f. Provision of landscaping and gardens, provided that it does not conflict with any designation condition or alter landscaping required as mitigation as part of an outline plan for other works;
- g. General site maintenance and repair work, or boundary fencing otherwise permitted by the Kaipara District Plan;
- h. Installing, modifying, or removing minor ancillary buildings and structures (e.g. garden/storage sheds, temporary construction buildings/offices); or
- i. Any temporary mobile facilities or structures (e.g. oral health clinic, life education class, emergency generator).

6. Noise

The noise level arising from the operation of the school must comply with the following noise levels when measured within the boundary of any residentially zoned site, or within the notional boundary 20m from any dwelling on any site in any rural zone:

Time	Noise Level (Leq) dBA
Monday to Saturday 7am to 10 pm	55 dB LAeq (15 min)
Sunday 9am to 6pm	
All other times	45 dB LAeq (15 min) 75 dB L AF max

These noise levels shall not apply to noise from standard school outdoor recreational activities occurring between 8am and 6pm Monday to Saturday.

Noise levels shall be measured and assessed in accordance with NZS 6801:2008 "Measurement of Environmental Sound" and NZS 6803:1999 "Acoustics — Construction Noise".

Noise from construction shall not exceed the limits recommended in, and shall be measured in accordance with, New Zealand Standard NZS 6803:1999 "Acoustics — Construction Noise".

7. Setbacks

- a. 10m from road boundaries.
 - b. 3m from all other boundaries.
- "Building" in the context of this condition means a permanent structure intended for occupation by people or chattels.

8. Landscape Plan

As part of the first Outline Plan, the Requiring Authority shall prepare a Landscape Plan to be implemented to mitigate the landscape and visual effects of the property on any existing or consented dwellings at 148 Settlement Road, 178 Settlement Road, 4 Vista Lane, 15 Vista Lane, 22 Tawa Avenue, 40 Tawa Avenue, 50 Tawa Avenue and the lot legally described as SEC2 SO 21917. The Landscape Plan shall be prepared by a suitable qualified and experienced Landscape Architect and shall include:

- a. A site layout plan showing areas to be planted to mitigate visual amenity effects.

- b. A schedule of the species to be planted including botanical name, average plant size time of planting, plant density and average mature height of each.
- c. Maintenance requirements for a three-year period following planting.
- d. Details regarding the timing of all plantings and intended time frame by which suitable mitigation will be achieved.

9. Design Statement

As part of the first Outline Plan and any subsequent outline plan to increase classrooms or classroom equivalents, the Requiring Authority shall provide in writing a statement summarising the outcomes of any internal design review process in relation to the layout and design of buildings, including any building design features to reduce the apparent bulk and scale of the proposed building/s.

10. Stormwater Management Plan

As part of the first Outline Plan and any subsequent outline plan to increase classrooms or classroom equivalents, the Requiring Authority shall provide a Stormwater Management Plan prepared by a suitably qualified and experienced engineer. That Plan shall address the collection, diversion, and disposal of stormwater generated on the site from any/all buildings and impervious surfaces. Where any specific stormwater management (such as attenuation) or treatment is required, that shall be identified and installed at the appropriate time. Any upgrading of existing Council drainage channels identified in the Plan (including any new discharge structures) shall be undertaken subject to approval of the Council's appropriate asset manager.

11. On-Site Carpark

As part of the first Outline Plan and any subsequent outline plan to increase classrooms or classroom equivalents, the Requiring Authority shall undertake a parking study. The parking study shall be done by an appropriately qualified engineer and/or transportation planner to determine the appropriate amount of staff and visitor car parking. Any recommendations made in the parking study are to be incorporated into the Outline Plan.

12. Pick-Up/Drop-Off Facility

An on-site pick-up and drop-off facility designed to accommodate buses and private vehicles shall be provided. The number and design of pick up and drop off bays shall be determined by an assessment of the peak demand, to be demonstrated by a transport assessment by an appropriately qualified engineer and/or transportation planner. This assessment is to be submitted as part of the first outline plan and any subsequent outline plan to increase classrooms or classroom equivalents.

13. Travel Plan

Prior to opening of the school, the Requiring Authority shall, either directly or through the School Board of Trustees, develop a Travel Plan which provides specifically for measures to reduce private motor vehicle dependence. The Travel plan shall be maintained and regularly updated to respond to changes to the school and transport system while the school is operating under this designation.