

designations



1 INTRODUCTION

A *designation* is a provision made in the District Plan under Part VIII of the Resource Management Act to give effect to a requirement made by a *requiring authority*. *Designations* allow land to be secured for public works or other projects and facilitate the establishment of what are often necessary or essential services.

A *requiring authority* means a:

- Minister of the Crown;
- Local Authority; or
- *Network Utility Operator* approved as a *requiring authority* under section 167 of the *Act*.

A *network utility operator* means a person who undertakes various network utility operations such as water supply, drainage, sewerage, roads, railways, telecommunications, electricity or gas. These are defined in Section 166 of the *Act*.

2 PROCESS

The procedures and requirements for making a *designation* are set out in Part VIII of the *Act*.

Any *requiring authority* may notify the Council of a requirement for a *designation* for a project or work. A notice of requirement must include the following:

- the reasons why the *designation* is needed; and
- a description of the *site* in respect of which the requirement applies and the nature of the proposed public work, project or work, and any proposed restrictions; and
- the *effects* that the public work or work project will have on the *environment*, and the ways in which any adverse *effects* may be mitigated, and the extent to which alternative *sites*, routes and methods have been considered; and
- any information required to be included in the notice by a plan or regulations; and
- a statement of the consultation, if any, that the *requiring authority* has had with any persons likely to be affected by the *designation*, public work, or project or work; and
- a statement specifying all other *resource consents* that the *requiring authority* may need to obtain in respect of the activity to which the requirement

relates, whether or not the *requiring authority* has applied for such consents.

When a Territorial Authority proposes to issue notice of a requirement for a *designation*, it must publicly notify the requirement under section 168A of the *Act*.

In accordance with section 169 of the *Act*, the Council may at any reasonable time before the hearing of a requirement request further information from the *requiring authority*.

3 COUNCIL CONSIDERATION

As detailed in section 171 of the *Act*, when considering a *designation* requirement, Council must have regard to the matters set out in the notice (together with any further information supplied), and must also have particular regard to:

- whether the *designation* is reasonably necessary for achieving the objectives of the public work, project or work for which the *designation* is sought; and
- whether adequate consideration has been given to alternative *sites*, routes, or methods of achieving the public work or project or work; and
- whether the nature of the work, project or work means that it would be unreasonable to expect the *requiring authority* to use an alternative *site*, route or method; and
- all relevant provisions of any national policy statement, New Zealand coastal policy statement, regional plans or district plans.

After considering a requirement, the Council recommends to the *requiring authority* that the authority either:

- confirms the requirement and any conditions as to duration, with or without modification and subject to such conditions as the Council considers appropriate; or
- withdraw the requirement.

The Council must give reasons for the recommendations.

4 PROPOSED WORK ON DESIGNATED LAND

Section 176A provides for an outline plan of the public work, project or work to be constructed on *designated land* to be submitted by the *requiring authority* to the Council (unless certain conditions apply), to allow the Council to request changes before *construction* is commenced.

An outline plan must show:

- The *height*, shape and bulk of the public work, project or work; and
- The location on the *site* of the public work, project or work; and
- the likely finished contour of the *site*; and
- The vehicular access, circulation, and the provision for *car parking*; and
- The landscaping proposed; and
- Any other matters to avoid, remedy or mitigate any adverse *effects* on the *environment*.

Within 20 days after receiving the outline plan, the Council may request the *requiring authority* to make changes to the outline plan, and has the right to appeal the *requiring authority's* decision to the Environment Court.



1.0 GENERAL

The following rules shall apply to any notice of requirement for a *designation*, or to alter a *designation*, or to outline drawings of works on *designated* land.

1.1 INFORMATION REQUIREMENTS - NOTICE OF REQUIREMENT

In the case of any notice of requirement for a *designation* under section 168 of the Resource Management Act 1991, or notice of requirement for an alteration to a *designation* under section 181 of the Resource Management Act 1991 the following information shall be provided in accordance with Section 168(3)(d) of the Resource Management Act 1991.

- (a) where the applicant is not a Minister of the Crown or a local authority, details of the Minister's 'Gazette' notice approval which empowers the applicant as a *requiring authority* including any specified terms and conditions.
- (b) The proposed sequence and timing of implementation of the work or project. If any of the work is not to be commenced within a five year period, that particular part of the work and its timing, and the reasons why the requirement needs to be included now, shall be specified.
- (c) Proposals for the use and *maintenance* of those parts of the *land* which will not be developed for five or more years where the *land* is in the ownership of the *requiring authority*.

NOTES

1. Outline Plans of Work are generally required to be submitted in respect of any work carried out in relation to a *designation* - see Section 176A of the Act. In assessing any Outline Plan of Works, the Council will have regard to relevant objectives, policies and rules applying to the underlying *Human Environment* and *Natural Area(s)* applying to the *land*.
2. Written consent to use, subdivide or change the character, intensity or scale of the use of *designated land* for other than *designated* purposes where the use, *subdivision* or change would prevent or hinder the work to which the *designation* relates, is required from the *requiring authority* prior to the commencement of the activity.
3. *Any Activity* not in accordance with a *designation* on a *designated site* is subject to relevant *City-Wide Rules*, *Human Environment Rules* and *Natural Area Rules* relating to the *site*.
4. If *any activity* is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.

2.0 CONDITIONS TO WHICH DESIGNATIONS ARE SUBJECT

Each *designation* is identified on the *Human Environments* Map in the Maps Section of the *Plan* by a unique alpha-numeric identifier. The letters identify the *requiring authority* (refer to the schedule) and the numbers refer to each specific *designation*. Each *designation* contains specific conditions which are included in the *Designations Appendix*. Some also contain special restrictions which accompany the *designation*.

2.1 SCHEDULE OF REQUIRING AUTHORITIES IN WAITAKERE CITY

AC	Airways Corporation of New Zealand Ltd
ARC	Auckland Regional Council
BCL	Broadcast Communications Limited
DeptJ	Minister of Corrections
MD	Minister of Defence
ME	Minister of Education
MP	Minister of Police
MSW	Minister of Social Welfare
NZR1	The Requiring Authority for the NZ Railways Corporation Limited Designation
PH	Telecom New Zealand Limited
PNZ	United Networks Limited
RNZ	Radio New Zealand and New Zealand Public Radio
TSNZ	Transit New Zealand
TP	Transpower New Zealand Limited
WCC	Waitakere City Council
WSL	Watercare Services Limited

