

PART 12 DESIGNATIONS AND REQUIREMENTS

Land that is designated for specific land uses, developments, or other activities is identified and numbered as such on the Plan Maps. A Schedule at the back of the Plan Maps provides the details of the purpose or nature of each designation, the "underlying zoning", and the body which is financially responsible for the designation (the designating authority e.g. "Minister of Education"). Designations range from "primary school" to "building line restriction for roading and amenity purposes". A designation has the effect of not allowing any other activity or development to proceed unless:

- it is in accordance with the underlying zoning, and
- has the consent of the designating authority.

New designations are incorporated into the Plan by way of a designating authority 'making an application'. This application is a "notice of requirement" (proposing to have land designated for a specific purpose). Such notices are processed in a similar way to applications for resource consents.

The information to accompany a notice of requirement is set out in Sections 168 and 168A of the Act. This includes details of the public work, project or work alternatives considered, results of consultations with affected parties and related resource consents to be obtained. Additional information required by the District Council is set out below.

12.1 RULE 12.1 - REQUIRED INFORMATION

Every notice of requirement shall be accompanied by the prescribed administration charge and shall incorporate or state:

- a. Sufficient drawings to adequately illustrate the proposal.
- b. Whether the proposed work is a public work in terms of the Act, or if the requirement is for a proposed project or work by a network utility operator, details of the Order in Council which empowers the applicant as a requiring authority in this case, including any specified terms and conditions.
- c. A statement of the objectives of the requiring authority that the requirement is necessary to achieve.
- d. The degree to which the work complies with Part II of the Act.
- e. How the work impacts on any relevant provisions of national, coastal and regional policy statements and Regional plans.
- f. The degree to which the work meets the objectives, policies, and rules of this Plan, including those objectives and policies of Part 15.1 and the relevant zoning, or conflicts with those of the surrounding or predominant Zone.
- g. Details of current ownership of the subject land, the proposed land acquisition programme, and site clearance proposals.
- h. The proposed sequence and timing of implementation of the work or project clearly identifying any part of the work which may not be commenced for 5 years or more.

- i. Proposals for the use and maintenance of those parts of the land which will not be developed for 5 or more years, in particular, identification of those buildings and structures which could continue to be used and maintained in the meantime.
- j. Details of the effects the work or project will have on the environment, particularly on any natural or physical resource identified in this Plan as having special value or significance, (including versatile land), on the character and amenity of the locality, and on the public infrastructure. In addition, a description of the forecasting methods used to assess longer term and cumulative effects on the environment shall be provided.
- k. Where hazardous substances may be used in the construction or operation of the work or project, the degree of risk to public health and safety arising from the storage, use, disposal or transportation of such substances shall be evaluated.
- l. If the site is already designated or subject to a heritage protection order, a statement as to what that designation or order is for, whether the previous designation has been fully put into effect and if not, the extent to which it has been put into effect, and the generated effects of the existing designation.

12.2 RULE 12.2 - CONDITIONS

Conditions, appropriate to the circumstances, may be recommended on all requirements to address the following matters:

- The remedying or mitigation of any likely adverse effect of the proposed public work, project or work on the environment;
- The period within which the designation will be given effect;
- The operation or design of the public work, project or work having regard to achieving the purpose of the required public work, project or work.

Other conditions may also be recommended according to the particular proposal, its nature, site and location, and the relevant provisions of the Plan and the Act.

12.3 RULE 12.3 - OUTLINE DRAWINGS FOR DESIGNATED LAND

12.3.1 No work on designated land shall proceed or commence unless the provisions of Rule 12.3 have been satisfied or completed:

- a. Outline drawings of works to be constructed by or on behalf of a requiring authority on designated land shall be submitted to the Council for its consideration before construction is commenced, unless the works have been otherwise approved under this Plan. The outline drawings shall show the height, shape and bulk of the work, its location on the site, the likely finished contour of the site, vehicular access and circulation, and landscaping provisions.
- b. The provisions of clause (a) shall not apply in respect of:
 - i. Any work which the body or person responsible for its construction considers is immediately necessary to:
 - safeguard life or property; or
 - maintain or restore communication or transport links.
 - ii. Dams and bridges.
 - iii. Any Permitted public work or utility set out in Rule 15.0.
 - iv. Such other works in respect of which the Council considers it to be impracticable or unnecessary to prepare outline drawings.

- c. Any temporary work which the body or person responsible for its construction considers is immediately necessary to meet any emergency situation may be constructed without first advising the Council under clause (a) if outline drawings of the work are submitted to the Council as soon as practicable after the work has been commenced.
- d. Outline drawings of a work need not be submitted to the Council under clause (a) if details of the proposed work were supplied when a requiring authority made a requirement in respect of the work and the works have been otherwise approved under Section 168 of the Act, or when outline drawings were submitted with an alteration to a designation under Section 181 of the Act.

12.3.2 The Council, after considering the proposals included in the outline drawings under clause 12.3.1 above may, within 20 working days after receipt of the drawings, request the designating authority to make changes to all or any of the proposals contained in the drawings so that the proposals comply more fully with the conditions imposed at the time the designation was put in place or with any request of the Council in terms of the matters for consideration under clause 12.3.1 above.

12.4 RULE 12.4 - USE OF DESIGNATED LAND

An approved designation is a rule in the District Plan and its effect is that the requiring authority is generally empowered to undertake any activities in accordance with the designation.

The provisions of the Plan shall apply in relation to any land that is subject to a designation only to the extent that the land is used for a purpose other than the designated purpose. The use shall be in accordance with other provisions of the Plan, including Part 15.1 if the activity is a *network or other utility*, and the underlying zoning. The Schedule at the back of the Plan Maps states the underlying zoning for land subject to a designation.

Where a designation runs across a number of Zonings and there is any doubt as to the underlying zoning at some point or position of the designation, then the Council will assign the zoning which is immediately adjacent and/or predominant in that locality or area.

Land which is subject to a requirement for a designation is protected against uses which would prejudice its future acquisition and use in accordance with the designated purpose.

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