
SECTION 13: DESIGNATIONS

13.01 INTRODUCTION

The provisions for Designations under Part VIII of the Resource Management Act establish the authority and mechanisms by which Requiring Authorities and Heritage Protection Authorities may obtain an interest in land, water, sub soil or air space for purposes related to public works, projects or works, or for heritage protection.

13.02 APPLICATION

Under Part VIII of the Resource Management Act those with financial responsibility for a public work can 'require' land to be designated for that public work. Under Section 166 a Requiring Authority means a Minister of the Crown, a local authority or a Network Utility operator approved as a requiring authority under section 167 of the Act.

When a Requiring Authority serves a Notice of Requirement on the Council to include a designation in the Plan, the Council is required to give effect to this request. Such 'notices of requirement' are required to include certain information as set out in section 168 or section 168A of the Act, and to follow the procedures also set out in the Act and First Schedule to the Act.

The procedures which need to be followed to include a Designation in the plan are comprehensive and ensure that a Requiring Authority undertakes a full assessment of the effects of the activity on the environment prior to notifying a Notice of Requirement. All notices of requirement should convey in clear language the uses and activities to which 'designated' land may be put.

All Notices of Requirements for designations received by the Council will be assessed in accordance with the provisions of the Resource Management Act 1991. Likewise, any request by a requiring authority to alter a designation in the plan will be assessed in accordance with the relevant provisions of the Act. The information required to accompany all notices, and alterations, is set out in the Act and there are provisions for the Council to require additional information if this is necessary.

13.03 EFFECT OF A DESIGNATION

Under section 176 of the Act where a designation is included a district plan it has the following effect.

- (1) *Where a designation is included in a district plan..., then notwithstanding anything to the contrary in the plan and regardless of any resource consent, but subject to sections 9(3) and 11 to 15:*
 - (a) *The requiring authority responsible for the designation may do anything that is in accordance with the designation; and*

(b) *No person may, without the prior written consent of that requiring authority, do anything in relation to the land that is the subject of the designation including –*

- (i) *Undertaking any use of the land described in section 9(4); and*
- (ii) *Subdividing the land; and*
- (iii) *Changing the character, intensity, or scale of the use of the land -*

that would prevent or hinder the public work or project or work to which the designation relates.

(2) *The provisions of a district 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 effect of this is that the use specified in the designation is given priority in the plan. It is however, still subject to the statutory restrictions in respect of other uses, including land use controlled by the regional council, subdivision, and for other uses in relation to river or lake beds, water, or discharges.

All designated sites have an underlying zoning. That zoning shall apply where the site is not used for the purpose for which it is designated, and compliance with performance standards applying to that zone and activity is required.

All work undertaken on a designated site shall be undertaken in accordance with the Notice of Requirement creating that designation, and any conditions attaching to the Requirement at the time the designation was confirmed.

13.04 SCHEDULE II

All requirements for designations and existing designations are identified in Schedule II of the Plan and shown on the planning maps.

All existing legal roads, including state highways, are designated in the plan and shown on the planning maps. No new road widening or extensions to legal road are proposed. The State Highway designation provides for the existing state highways in the District (Nos. 3 and 45) and the functions, operations and powers of Transit New Zealand in accordance with the Transit New Zealand Act 1989.

The railway corridor as it passes through the district is also designated. This includes land held, used or occupied for railway purposes and includes all land out to the legal boundary of the rail corridor.

13.05 RULES

13.05.1 The underlying zoning applying to legal roads, including state highways, in the plan is the same as the land adjoining that road. Where the zone changes from one side of the road to the other, the underlying zoning applies to the centre line of that road.

13.06 LAKE ROTORANGI DESIGNATION

- 13.06.1 The decision setting out all the relevant provisions that apply to the Lake Rotorangi designation is contained in Appendix IV.