

19. STAFF RECOMMENDATIONS FOR ROLLOVER OF BANKS PENINSULA DISTRICT COUNCIL EXISTING DESIGNATIONS

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PURPOSE OF REPORT

1. The purpose of this report is for Council to consider and make a decision on whether it will confirm the Banks Peninsula District Council (BPDC) designations, with or without modifications, impose conditions or withdraw the designations pursuant to section 168A of the Resource Management Act 1991 (the Act).
2. For a number of designations the report also concludes the outstanding decisions required on submissions to individual designations. These submissions have been previously considered by the hearings panel of the day but have yet to be adopted by the Council. The matters are largely procedural, and of a minor nature, but need to be adopted for completeness.

EXECUTIVE SUMMARY

3. On 27 January 1997 the Banks Peninsula District Council Proposed Plan (Proposed Plan) was publicly notified. Submissions and further submissions were received in relation to both the Council's designations and the designations of other requiring authorities. On 17 August 1998 Council convened a hearing.
4. The officer's report presented at the hearing set out recommendations on whether to accept or reject the submissions, but did not, as it should have done, contain any consideration or recommendations on the designations themselves. It became apparent at the hearing that two procedural errors had been made with respect to the treatment of the designations through the Proposed Plan process. As a result, a decision was made to reserve the BPDC decisions on the submissions until such time as two procedural errors had been resolved and the BPDC was in a position to make recommendations on the Requiring Authorities designations, and make decisions in respect to its own designations. A decision report was drafted after deliberation but not released (**Appendix A** – separately circulated).
5. The first procedural error was that no evidence was found suggesting the notification process set out in clause 5(1B) (notification to directly affected parties) of Schedule 1 of the Act was undertaken. It has been 13 years since notification of the Proposed Plan and it is possible that information may have been lost and no error actually occurred. If an error did exist it is mitigated by the fact that the BPDC is the directly affected party as owners of the Council designated sites and therefore the procedural error is not considered fatal to the overall process.
6. The second procedural error was that the recommendations contained in the officer's report presented at the 17 August 1998 hearing was incomplete. The report was required to recommend to BPDC to make a decision on each of its own proposed designations and a recommendation to each of the requiring authorities responsible for designations included in the Proposed Plan. It failed to do so. However, the work done to prepare the recommendations contained in this report and the recommendations themselves has resolved the second procedural error in that the officer recommendations are now complete.
7. Before notifying a proposed plan, councils are required under Clause 4 Schedule 1 of the Act, to provide requiring authorities, including itself, that have designations in the operative district plan (which have not expired) with the opportunity to include their existing designations in the proposed plan, with or without modification, and to include new designations.

8. The BPDC included a total of 49 existing and new designations in the Proposed Plan, for which it acts in the role of Requiring Authority. The designations relate to a range of Council owned or administered facilities including: Waste water treatment and disposal facilities; Cemeteries; Water supply facilities; Waste management facilities; Quarries and a public toilet. During the preparation of each assessment report (see paragraph 8) a variety of errors or irregularities were identified and include:
- incorrect or incomplete Certificate of Title references;
 - identification of the need for specific name and/or address changes both in the District Plan text and planning maps;
 - incorrect descriptions;
 - inconsistency in the use or omission of conditions attached to designations; and
 - a lack of distinction between the designations relating to different Requiring Authorities in Appendix II of the District Plan.
 - A lack of supporting information underpinning inclusion of designations.
9. **Appendix B** (separately circulated) contains a report for each BPDC designation that reassesses the proposed new and existing (modified) designations, the above errors and irregularities, considers the issues raised together with the submissions and makes a comprehensive recommendation to the Council on each of BPDC own designations. In doing so, and given the time lapse between notification and the present time, each designation has been determined by a comparison of the site as it is shown in the relevant Transitional Plan and as it is now shown in the Proposed Plan. In addition, clarification was sought from the relevant Council officers as to the scope and purpose of designations as well as confirmation of the ongoing need for the sites to be designated.

Process

10. Council is the Requiring Authority for all the designations considered in this report, it must consider and make a decision on each of the modified and new designations in accordance with the provisions of section 168A of the Act.
11. Once the Council has made decisions on its new and modified designations, it must serve notice of its decisions on each of the submitters and any landowners and occupiers directly affected by the decision. Sections 173 and 174 of the Act set out the provisions for notification of decisions and appeal rights and provide for any person who has made a submission to appeal the decision of the territorial authority to the Environment Court.

FINANCIAL IMPLICATIONS

12. The roll over of existing and proposed new designations forms part of the agreed and current financial year district plan work programme in which internal officers and external consultant cost have been budgeted.

Do the Recommendations of this Report Align with 2006-19 LTCCP budgets?

13. Yes. Covered by existing unit budget.

LEGAL CONSIDERATIONS

14. There is a legal process for dealing with Councils own existing and proposed new designations to be incorporated in a Proposed Plan.
15. The process, mentioned above, is familiar to the Council and should create no particular risks or liabilities if followed correctly.

Have you considered the legal implications of the issue under consideration?

16. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

17. Aligns with LTCCP 2009-2019, p192: Prioritised programme of plan changes is prepared and approved by the Council on an annual basis; and
18. Aligns with – A prioritised work programme, matched to staff capacity and availability, to be presented for Council approval annually by 30 June of the following financial year.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

19. Yes, see above.

ALIGNMENT WITH STRATEGIES

20. No specific alignment with any Council strategies.

CONSULTATION FULFILMENT

21. The Proposed Plan has been publicly notified allowing for submissions to be received on each of the designations under consideration.
22. Each designation has been determined by a comparison of the site as it is shown in the relevant Transitional Plan and as it is now shown in the Proposed Plan. Where it was considered appropriate, clarification was sought from the relevant Council officers as to the scope and purpose of designations as well as confirmation of the ongoing need for the sites to be designated.

Recommendation

It is recommended that the Council:

- (a) Confirm the recommendations made below for each designation of the Banks Peninsula District Council (BPDC) and as set out in reports contained in Appendix B pursuant to section 168A of the Resource Management Act 1991.

BPDC WASTEWATER DESIGNATIONS

It is recommended that the Council in accordance with clause 9(2) of Schedule 1 of the Resource Management Act 1991:

- (a) Confirm the existing designation with modifications at Pauaohinekotau Head for the Diamond Harbour wastewater treatment plant subject to amending the purpose notation of the designation from 'Sewage Works (Church Bay)' to 'Wastewater Treatment Plant' in Appendix II of the Proposed Plan:
 - (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Replacing the locality 'Church Bay' with 'Diamond Harbour'
 - (3) Replacing the address 'Church Bay Foreshore' with 'Pauaohinekotau Head'
 - (4) Include the underlying zoning of the site, which is 'RV' Recreational Reserves.
- (b) Confirm the existing designation with modifications of the Duvauchelle wastewater treatment plant subject to further modifying Appendix II of the Proposed Plan by amending the notation of the designation from 'Sewage Treatment Plant' to 'Wastewater Treatment Plant'.
 - (i) Modify planning map S15 of the Proposed Plan by amending planning map S15 to show the designation covering Lot 1 DP 12513 instead of Pt Lot 3 DP 5105.

- (ii) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (iii) Include Pt Lot 21 DP 3473 and the eastern half of Lot 1 DP 28014 within the boundaries of the designation by way of S181(3) of the Act.
- (c) Confirm the existing designation with modifications on the foreshore of Governors Bay for the Governors Bay wastewater treatment plant subject to modifying Appendix II of the Proposed Plan by amending the notation of the designation from 'Governors Bay Sewage Treatment Works to 'Wastewater Treatment Plant'.
- (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
- (d) Confirm the existing designation with modifications at Cashin Quay, Lyttelton for the Lyttelton wastewater treatment plant subject to modifying Appendix II of the Proposed Plan by:
- (i) Amending the notation of the designation from 'Lyttelton Sewage Treatment Plant' to 'Wastewater Treatment Plant'.
 - (ii) Including reference to the existence of conditions on this designation and list the conditions below Appendix II.
 - (iii) Modify planning map S1 of the Proposed Plan by amending planning map S1 to show the designation boundary following the legal site boundaries of Lot 1 DP 71318.
 - (iv) Amend Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Amending the size of the designation from '0.8522 ha' to '0.8797 ha'.
- (e) Withdraw the Requirement for the Akaroa sewage treatment plant at Beach Road, Akaroa and remove all references to the designation from Appendix II and planning map R9 of the Proposed Plan.
- (f) Confirm the Requirement to designate the existing wastewater treatment plant located on the site legally described as Lot 2 DP 79380, at Tikao Bay Road, Tikao Bay subject to modifying Appendix II of the Proposed Plan by amending the purpose of the designation from 'Sewage Disposal Site' to 'Wastewater Treatment Plant'.
- (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Including the legal description of the site, being 'Lot 2 DP 79380'.
 - (3) Including the area of the designation, which is '0.5665 ha'.
- (g) Confirm the Requirement to designate the existing sewage pumping station located in the road reserve of Tikao Bay Road, Tikao Bay subject to an appropriately worded condition requiring all new activities on the site to comply with a noise limit at the boundary of any residential site consistent with the residential noise standards set out in Chapter 33 Noise of the Proposed Plan.
- (i) Modify Appendix II of the Proposed Plan by:
 - (1) Amending the notation of the designation from 'Sewage Pumping Station' to 'Wastewater Pumping Station'.
 - (2) Including reference to the existence of conditions on this designation of conditions on this designation and list the conditions below Appendix II.

- (ii) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Including the area of the designation, which is '0.014 ha'.
- (h) Confirm the Requirement to designate the existing sewage pumping station located at Lot 21 DP 45004, Tikao Bay Road, Tikao Bay subject to an appropriately worded condition requiring all new activities on the site to comply with a noise limit at the boundary of any residential site consistent with the residential noise standards set out in Chapter 33 Noise of the Proposed Plan.
 - (i) Modify Appendix II of the Proposed Plan by:
 - (1) Amending the purpose of the designation from 'Sewage Treatment Plant' to 'Wastewater Pumping Station'.
 - (2) Including reference to the existence of conditions on this designation and list the conditions below Appendix II.
 - (ii) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
- (i) Withdraw the Requirement for the Wainui sewage treatment plant at Cemetery Road, Wainui and remove all references to the designation from Appendix II and planning map S18 of the Proposed Plan.
- (j) Reject submissions 766.196, F784 and F949.
- (k) Confirm Commissioner decisions on conditions of designation in Part 2 Appendices BPDC Wastewater Designations.

BPDC CEMETERY DESIGNATIONS

It is recommended that the Council in accordance with clause 9(2) of Schedule 1 of the Resource Management Act 1991:

- (a) Confirm the existing designation for the three existing cemeteries at Beach Road, Akaroa.
 - (i) That the two individual designations over the site as identified in Appendix II of the Proposed Plan not be proceeded with and that the original area identified in the Transitional Plan and on planning map S10 of the Proposed Plan be confirmed subject to an appropriately worded condition relating to the protection of the listed Monterey pines located on site.
 - (ii) Modify Appendix II of the Proposed Plan by:
 - (1) Merging the two separate listings so there is only one listing for the Akaroa Cemeteries.
 - (2) Amending the designation and purpose to read 'Akaroa Cemeteries'.
 - (3) Amending the legal description to read 'Res 4997, Res 56, Res 2546 and Res 116'.
 - (4) Amending the designation area to read '3.1449 ha'.
 - (iii) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.

- (b) Confirm the existing designation with modifications for the existing cemetery at Le Bons Bay.
- (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
- (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Replacing the site area '2.5571 ha' with '2.5 ha'.
 - (3) Amending the site address from 'Cemetery Road' to 'Le Bons Bay Cemetery Road'.
- (c) Confirm the existing designation with modifications for the existing cemetery at Reserve Terrace, Lyttelton.
- (i) Incorporate the new designation over the existing right of way immediately adjacent to the cemetery within the listing for the existing cemetery designation at Reserve Terrace.
- (ii) Modify Appendix II of the Proposed Plan by:
- (1) Merging the two separate listings so there is only one listing for the Lyttelton Cemetery.
 - (2) Amending the designation and purpose to read 'Cemetery and Right of Way (Lyttelton)'.
 - (3) Amending the legal description to read 'Res 45 & 46 and Lot 43 DP 9983'.
 - (4) Amending the designation area to read '0.8306 ha'.
- (iii) Modify planning map S1 of the Proposed Plan by amending the planning map S1 to identify the extent of the designation over Res 45, & 46 and Lot 43 DP 9983.
- (iv) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
- (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Amending the underlying zoning to correctly identify the site as being within the Residential Zone.
- (d) Confirm the Requirement to designate the existing cemetery on the site legally described as Lot 2 DP 10339, at Kaituna Valley Road, Kaituna Valley subject to modifications to planning map R7 of the Proposed Plan by amending planning map R7 to identify the location of the designation over Lot 2 DP 10339.
- (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
- (e) Confirm the Requirement to designate the existing cemetery on the site legally described as Lot 1 DP 11713 at Oxford Street, Lyttelton.
- (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
- (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Amending the underlying zoning to correctly identify the site as being within the Residential Zone.
- (f) Confirm the Requirement to designate the existing right of way on the site legally described as Lot 43 DP 9983, immediately adjacent to the exiting Lyttelton Cemetery at Reserve Terrace.
- (i) Incorporate the new designation over the right of way within the listing for the existing cemetery designation at Reserve Terrace.

- (ii) Modify Appendix II of the Proposed Plan by:
 - (1) Merging the two separate listings so there is only one listing for the Lyttelton Cemetery.
 - (2) Amending the designation and purpose to read 'Cemetery and Right of Way (Lyttelton)'.
 - (3) Amending the legal description to read 'Res 45 & 46 and Lot 43 DP 9983'.
 - (4) Amending the designation area to read '0.8306 ha'.
- (iii) Modify planning map S1 of the Proposed Plan by amending planning map S1 to identify the extent of the designation over Res 45, & 46 and Lot 43 DP 9983.
- (iv) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Amending the underlying zoning to correctly identify the site as being within the Residential Zone.

BPDC WATER SUPPLY DESIGNATIONS

It is recommended that the Council in accordance with clause 9(2) of Schedule 1 of the Resource Management Act 1991:

- (a) Confirm the existing designation with modifications at L'Aube Hill, Akaroa for the purpose of a water reservoir and treatment station.
 - (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Replacing the underlying zoning 'Ru' (Rural) with 'RR' (Recreational Reserves).
- (b) Withdraw the designation for water supply (Diamond Harbour) at Bay View Road, Diamond Harbour from the Proposed Plan.
 - (i) Remove of all references to the designation from Appendix II and planning map S8 of the Proposed Plan.
 - (ii) Review the need to retain the existing gazette notice Water Works NZGZ 1915 p 953 that applies to the site.
- (c) Confirm the existing designation with modifications at Okains Bay Road, Duvauchelle for the purpose of a water treatment plant.
 - (i) Modify Appendix II of the Proposed Plan by:
 - (1) Replacing the address 'road reserve (off Okains Bay Road)' with '29 Okains Bay Road.;
 - (2) Replacing the designation and purpose 'water treatment plant' with 'water treatment plant and reservoir'.
 - (3) Replacing the legal description 'road reserve' with 'Sections 1, 3 and 5 SO 19957 including the intervening road reserve'.
 - (4) Including the site area of 0.1690 ha.
 - (ii) Amend planning map S14 to show the designation covering Sections 1, 3 and 5 SO 19957 as well as the intervening road reserve.
 - (iii) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.

- (d) Confirm the existing designation with modifications for the existing water reservoir at Dyers Pass Road, Governors Bay.
 - (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Replacing the underlying zoning 'SS' (Small Settlement) with 'Ru' (Rural).
- (e) Confirm the existing designation with modifications for the existing water reservoir at Governors Bay Road, Governors Bay.
 - (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
- (f) Confirm the existing designation with modifications for the existing water reservoir at Hays Rise, Governors Bay.
 - (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
- (g) Confirm the existing designation with modifications for the existing water reservoir at Lachie Griffen Rise.
 - (i) Modify Appendix II of the Proposed Plan by:
 - (1) Replacing the legal description 'Lot 20 DP 57247' with 'Lot 17 DP 57247'.
 - (2) Replacing the site area '0.0288 ha' with '0.0592 ha'.
 - (ii) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
- (h) Confirm the existing designation for the existing water pumping station and reservoir at 42 Exeter Street, Lyttelton.
 - (i) Not proceed with the proposed modification to increase the area of the designation and the original area as identified in the Transitional Plan be reinstated in the Proposed Plan.
 - (ii) Modify Appendix II of the Proposed Plan by replacing the site area '0.1012 ha' with '0.0400 ha'.
 - (iii) Amend planning map S2 to show the designation covering the rear half of Lot 1 DP 67378 only, as shown in the Transitional Plan.
 - (iv) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Replacing the legal description 'Town Section 122' with 'Lot 1 DP 67378'.
- (i) Confirm the Requirement to designate the existing water reservoir and treatment station located on the site legally described as Pt RS 598, at Alymers Valley Road, Akaroa.
 - (i) Modify planning map R9 of the Proposed Plan by:
 - (1) Amending planning map R9 to show the designation over Pt RS 598 instead of over a portion of RS 5575.
 - (2) Amending planning map R9 by replacing the label 'WT' (Waste Transfer Station) next to the designation site with the label 'WS' (Water Supply).

- (ii) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
- (j) Confirm the Requirement to designate the existing water pump located on the site legally described as Lot 1 DP 52754, at Koromiko Place, Church Bay subject to the following condition:
- All new activities shall be designed and operated such that the set noise limits are not exceeded at the boundary of any residential site. The set noise limits shall be 40 dBA (L_{10}) and 70 dBA (L_{max}) at night time (2200 hours to 0700 hours), and 50 dBA (L_{10}) at all other times (0700 hours to 2200 hours).*
- (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
- (k) Confirm the Requirement to designate the existing water reservoir site located on the site legally described as Lot 20 DP 57247, at Clem Patterson Place, Governors Bay.
- (i) Modify Appendix II of the Proposed Plan by:
 - (1) Replacing the legal description 'Lot 17 DP 57247' with 'Lot 20 DP 57247'.
 - (2) Replacing the site area '0.0592 ha' with '0.0288 ha'.
 - (ii) Modify planning map S5 of the Proposed Plan by replacing the label 'ST' (Sewage Treatment) next to the designation site with the label 'WS' (Water Supply).
 - (iii) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC';
- (l) Confirm the Requirement to designate the existing water reservoir and treatment station located on the site legally described as Lot 4 DP 54593, at Council Hill Road, Little River.
- (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'; and
 - (2) Replacing the address 'Council Road' with 'Council Hill Road'.
- (m) Withdraw the Requirement to designate the site legally described as Lot 9A DP 14974 at Cornwall Road, Lyttelton for the purpose of a Pump Station by removing all references to the designation from Appendix II and planning map S2 of the Proposed Plan.
- (n) Withdraw the Requirement to designate an area of road reserve in Cornwall Road for the purpose of an underground water reservoir by removing all references to the designation from Appendix II and planning map S2 of the Proposed Plan.
- (o) Confirm the Requirement to designate the existing water reservoir and pump station located in the road reserve at Somes Road, Lyttelton.
- (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Including the area of the designation, which is approximately 750 square metres in size.
- (p) Confirm the Requirement to designate the existing water reservoir and treatment station located on the site legally described as Pt RS 4122 at Takamatua Valley Road, Takamatua.
- (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:

- (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
- (2) Including the area of the designation, which is approximately 0.78 hectares in size.

(q) Reject submissions 766.196, F784, F949 and accept submission 1005.26.

BPDC WASTE MANAGEMENT, QUARRY AND PUBLIC TOILET DESIGNATIONS

WASTE MANAGEMENT

It is recommended that the Council in accordance with clause 9(2) of Schedule 1 of the Resource Management Act 1991:

- (a) Withdraw the designation for refuse disposal at Gollans Bay, Lyttelton from the Proposed Plan and remove all references to the designation from Appendix II and planning map R1 of the Proposed Plan.
- (b) Withdraw the Requirement to designate the Akaroa landfill for the purpose of refuse disposal and remove all references to the designation from Appendix II and planning map R9 of the Proposed Plan.
- (c) Confirm the Requirement to designate the existing waste transfer station location on the site legally described as Lot 1 DP 73901, at Onawe Flat Road, Barrys Bay subject to the following conditions:
 - (i) The facility being shall be operated in accordance with the 'Akaroa Transfer Station Draft Transfer Station Management Plan – Appendix D1, Volume 2 Environmental Assessment: Banks Peninsula Landfills and Transfer Station' Woodward-Clyde in January 1995, or subsequent revisions, except that:
 - (1) Scrap metal for recycling shall be limited to that able to be transported by a standard single axle car trailer. No car bodies shall be accepted.
 - (2) No shredder, chainsaw or other noisy machinery shall be operated outside of the hours 0800-1800, Monday to Friday and 0800-1300 Saturdays.
 - (ii) The site shall be developed and landscaped in accordance with the concept plans presented by Lucas Associates at the hearing for resource consent 95/0483 including the plant species specified, except to the extent that the concept plans were varied by resource consent LUC 96/090. All planting shall be undertaken and maintained in accordance with recognised standards and any deceased plantings replaced during the following planting season.
 - (iii) Domestic and recycling skips, gatehouse, recycling bins and garage shall be painted colour 12b21 (flax) of the British Standard 5252 (1976) colour range.
 - (iv) Modifying Appendix II of the Proposed Plan by:
 - (1) Amending the purpose of the designation from 'Refuse Transfer Station & Disposal Area' to 'Waste Transfer Station'; and
 - (2) Including reference to the existence of conditions on this designation.
 - (v) Correcting Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Amending the legal description of the designation from 'Pt RS 8449' to 'Lot 1 DP 73901'.
 - (3) Amending the size of the designation from '0.7 ha' to '0.8328 ha'.

- (d) Confirm the Requirement to designate the existing waste transfer station located on the site legally described as Res 800, at Le Bons Bay Cemetery Road, Le Bons Bay and undertake appropriate steps to change the specified 'Cemetery' purpose of the Local Purpose Reserve over the portion of the site that is subject to this Requirement.
- (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
- (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Including the area of the designation, which is approximately '0.0570 ha'.
 - (3) Amending the site address from 'Cemetery Road' to 'Le Bons Bay Cemetery Road'.
- (e) Confirm the Requirement to designate the existing waste transfer station located on legal road adjacent to Little Akaloa Road, Little Akaloa.
- (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
- (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Including the area of the designation, which is approximately '0.0225 ha'.
- (f) Confirm the Requirement to designate the existing waste transfer station located on legal road adjacent to the intersection of Chorlton Road and Okains River Road, Okains Bay subject to amending the address of the designation from 'Okains Bay-Chorlton Road' to 'Chorlton Road-Okains River Road' in Appendix II of the Proposed Plan.
- (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
- (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Including the area of the designation, which is approximately '0.0325 ha'.

QUARRY DESIGNATIONS AND COMBINED WASTE MANAGEMENT AND QUARRY DESIGNATIONS

- (a) Confirm the existing designation with modifications over the sites legally described as Rural Section 41246 and 41247 at State Highway 75, Birdlings Flat for the purpose of a quarry and waste transfer station and that the designation be confirmed as it is shown on planning map R7 of the Proposed Plan, and that the site legally described as Res 2426 is not included within the boundaries of the designation subject to:
- (i) Modifying Appendix II of the Proposed Plan by:
- (1) Amending the legal description of the designation so that it reads 'Rural Section 41246 and 41247'.
 - (2) Replacing the site area '10.0992' with '7.9230'.
- (ii) Correcting planning map R7 of the Proposed Plan by amending planning map R7 of the Proposed Plan by replacing the label 'RE' (Refuse Disposal) next to the designation site with the label 'WT' (Waste Transfer Station).
- (iii) Correcting Appendix II of the Proposed Plan in order to accurately describe the designating authority by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
- (iv) Investigating whether there is a need to change the specified 'Gravel' purpose of the Local Purpose Reserve over Res 2426, given the site is no longer used for this purpose.

- (b) Withdraw the Requirement to designate the site legally described as RS 39511 at Jones Road, Birdlings Flat for the purpose of quarrying and remove all references to the designation from Appendix II and planning map R7 of the Proposed Plan.
- (c) Withdraw the Requirement to designate the site legally described as Lot 1 DP 25356 at Wainui Main Road, Tikao Bay for the purpose of quarrying and remove all references to the designation from planning map S18 of the Proposed Plan.

PUBLIC TOILET DESIGNATIONS

- (d) Withdraw the Requirement to designate the site legally described as Lot 27 DP 26174 at Lake Terrace Road, Birdlings Flat for the purpose of public toilets and remove all references to the designation from Appendix II and planning map S29 of the Proposed Plan.
- (e) Reject submissions 9.01, 472.27, 1005.20, F140 and accept submission 1058.108 and F869.

BACKGROUND

Process

23. Before notifying a proposed plan, councils are required under Clause 4 of Schedule 1 of the Act, to provide requiring authorities, including itself, that have designations in the operative district plan (which have not expired) with the opportunity to include their existing designations in the proposed plan, with or without modification, and to include new designations.
24. The BPDC included a total of 49 existing and new designations in the Proposed Plan when it was notified on 27 January 1997, for which it acts in the role of Requiring Authority. The designations relate to a range of Council owned or administered facilities including:
 - Waste water treatment and disposal facilities and pump stations (9 sites)
 - Cemeteries (12 sites)
 - Water supply facilities including water treatment sites, pump stations and reservoirs (18 sites)
 - Waste management facilities including refuse disposal sites and waste transfer stations (7 sites)
 - Quarries (2 sites)
 - Public toilets (1 site)
25. Of the 49 BPDC designations, six relate to existing designations that have been rolled over from the various Transitional Plans with no modification. A further 17 existing designations have been included in the Proposed Plan with modifications and an additional 26 new designations are proposed by way of Requirement.

Assessment and Decisions on Designations

26. As the Council is the Requiring Authority for all the designations considered in this report, it must consider and make a decision on each of the modified and new designations in accordance with the provisions of section 168A of the Act.
27. In considering the effects on the environment of the requirements, the Council must have particular regard to the following matters set out in section 168A(3) of the Act:
 - (a) *any relevant provisions of—*
 - (i) *a national policy statement;*
 - (ii) *a New Zealand coastal policy statement;*
 - (iii) *a regional policy statement or proposed regional policy statement;*
 - (iv) *a plan or proposed plan; and*
 - (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
 - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
 - (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
 - (d) *any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement.*

28. In accordance with section 168A(4) the Council must make one of the following decisions on the requirements:
- confirm the requirement
 - modify the requirement
 - impose conditions
 - withdraw the requirement
29. Section 168A enables the Council to make a decision on its own new and modified designations, whereas, the Council can only make recommendations in respect to the other Requiring Authority designations.
30. With respect to the six existing designations that have been rolled over into the Proposed Plan without modification and on which no submissions have been received, the Council is unable to make a decision. These designations must be rolled over into the Proposed Plan without further formality in accordance with Clause 9(3) Schedule 1 of the Act.
31. Once the Council has made decisions on its new and modified designations, it must serve notice of its decisions on each of the submitters and any landowners and occupiers directly affected by the decision. Sections 173 and 174 of the RMA set out the provisions for notification of decisions and appeal rights and provide for any person who has made a submission to appeal the decision of the territorial authority to the Environment Court.

Appendix B Assessment Structure

32. The assessment is divided into five parts, as follows:
- Part 1: Introduction and Background to the Council's Designations
 - Part 2: Wastewater Designations
 - Part 3: Cemetery Designations
 - Part 4: Water Supply Designations
 - Part 5: Waste Management, Quarries and Miscellaneous Designations
33. Parts 2 – 5 of the report set out an assessment of each of the designations taking into account any relevant submissions. The reports present an officers recommendation to the Council as to whether it should decide to confirm each of the designations with or without modification, whether conditions should be applied or whether they should be withdrawn. The assessment also includes a summary of the modifications required to the planning maps and Appendix II Designations of the Proposed Plan, should the Council decide to accept the recommendations.
34. In addition to the recommended modifications, a number of drafting errors have been identified in the schedule of designations and on the planning maps. These drafting errors will need to be corrected in the Proposed Plan whether or not the Council decides to accept the recommendations of this report.
35. The assessment of the new and modified designations has been limited by the lack of information available and the amount of time that has elapsed since notification of the Proposed Plan in 1997. The BPDC did not provide any documentation, such as assessments of effects or proposed conditions, to support the inclusion of the designations in the Proposed Plan. Nor was any comment made as to whether the Council considered the designations to be direct roll-overs to the Proposed Plan without modification, roll-overs with modifications requested or requirements for new designations. The designations simply appear on the planning maps and in the schedule of designations set out in Appendix II of the Proposed Plan.
36. The status of each designation has been determined by a comparison of the site as it is shown in the relevant Transitional Plan and as it is now shown in the Proposed Plan. Where appropriate clarification was sought from the relevant Council officers as to the scope and purpose of designations as well as confirmation of the ongoing need for the sites to be designated.

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37. The objectives and policies in respect to designations are set out in Chapter 36 – Utilities of the Proposed Plan. Few other references are made in the Proposed Plan to the use of designations and the statements in Chapter 36 do not demonstrate a robust understanding of the purpose and process of achieving designations through the Act and district plan processes. However, they do indicate general support for the use of designation as a planning tool for larger scale works and services and utility projects. The relevant sections of Chapter 36 are set out below:

ISSUE

Large scale utility projects, works or operations may be more appropriately undertaken in terms of a designation in the Plan rather than through a resource consent.

OBJECTIVE

To encourage the designation of more significant utilities by network utility operators with requiring authority status.

POLICY 2A

Utilities of a large scale and capacity, which are not allowed as a permitted or discretionary activity, should be designated.

EXPLANATION AND REASONS

The designation procedure in Part VIII of the Act makes provisions for public works and network utility operations. Designations are evaluated for the work or project to which they relate and in terms of their impact on the environment.'

General Recommendations on Designations in the Proposed Plan

38. During preparation of designation reports it became clear that conditions of designations required attention due to inconsistency within the Proposed Plan. In some instances existing conditions are attached to only some of the existing designations. In other cases there is no reference at all to existing conditions in Appendix II of the Proposed Plan. Also new conditions are recommended. Should Council confirm conditions, it is recommended that a new section after Appendix II is inserted to include all conditions of designations within the District Plan.
39. Designations currently appear in Appendix II in alphabetical order based on their location. No distinction is made between the designations relating to different requiring authorities. It is recommended that the list of designations in Appendix II be altered so that the designations of each of the different requiring authorities are grouped together.
40. There is a need to make amendments to the legend for the planning maps to reflect the change of name of the Council, as Requiring Authority, from BPDC to CCC.
41. The overall objective is to have Council designations updated as a further step to the BPDC Proposed District Plan becoming an operative district plan.