

20. RECOMMENDATIONS FOR OTHER REQUIRING AUTHORITIES NEW DESIGNATIONS AND ROLLOVER OF EXISTING DESIGNATIONS PROPOSED BANKS PENINSULA DISTRICT PLAN

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PURPOSE OF REPORT

1. The purpose of this report is for the Council to consider and make recommendations to the respective Requiring Authorities whether they ought to confirm the existing and new designations included in the 1997 Proposed Banks Peninsula District Plan (the Proposed Plan) pursuant to Section 171 of the Resource Management Act (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 the Council convened a hearing.
4. The officer's report presented at the 17 August hearing set out recommendations on whether to accept or reject the submissions, but did not 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. The points of error are set out in paragraphs 4 and 5 below. As a result, a decision was made to reserve the Banks Peninsula District Council (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 has been resolved by undertaking a case by case assessment of who would be directly affected. It is noted that by far the majority of the sites are either leased or owned by the Requiring Authority itself or owned by the Council and thus knowledge of a designation is expected. In regard to a small number of third parties ie landowners on which the designated activity is taking place, such activities are long established.
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 the 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 various Requiring Authorities (excluding the Council) requested the inclusion of a total of 45 existing and new designations in the Proposed Plan. During the preparation of each assessment report (see paragraph 7) 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.
9. **Appendix B** (separately circulated) contains a report for each Requiring Authority 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 the Requiring Authority designations. In doing so, and given the time lapse between notification and the present time, officers have sought clarification from the relevant requiring authorities as to the scope and purpose of designations as well as confirmation of the ongoing need for some of the sites to be designated. The requiring authorities have been consulted during preparation of these recommendations to the point where a broad understanding of all changes has resulted.

Process

10. Council must make a recommendation to the Requiring Authorities pursuant to section 171 of the Act. Thereafter, each Requiring Authority shall advise the Council whether they accept or reject the Council's recommendations in whole or in part in accordance with section 172. A Requiring Authority may modify a requirement if, and only if, that modification is recommended by the Council or is not inconsistent with the requirement as notified. Where a Requiring Authority rejects the recommendation in whole or in part, or modifies the requirement, the Authority must give reasons for its decision. Once the Requiring Authority has made its decisions on the new and modified designations, the Council must serve notice of the decisions on each of the submitters and any landowners and occupiers directly affected by the decision.
11. 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 to the Environment Court. The Council can also appeal to the Environment Court against the decision of a requiring

FINANCIAL IMPLICATIONS

12. The rollover 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. During this process clarification has been sought from the relevant Requiring Authorities as to the scope and purpose of certain designations, legal descriptions and locations as well as confirmation of the ongoing need for the sites to be designated. It is further noted that the Proposed Plan was publicly notified allowing for submissions and further submissions to be received on each of the designations under consideration.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Recommend to each of the Requiring authorities specified in Appendix B confirmation of the designations as per the recommendations contained in Appendix B, and below as follows pursuant to section 171 of the Resource Management Act 1991.

MET SERVICE DESIGNATION

It is recommended that the Council make the following recommendations in accordance with clause 9(2) of Schedule 1 of the Act:

- (a) Recommend to the Met Service that it confirm the Requirement to designate the site at Dalglishs Road, Le Bons Bay for the purpose of Meteorological Activities (Automatic Weather Station) subject to the following condition:
 - (i) That the height of any buildings located on the designated site shall not exceed 7.5m except for any pole structure which shall not exceed 15m.

The above recommendation is made subject to the following further change:

- (ii) Amend Appendix II of the Proposed Plan to include the area (0.04ha) of the designation.

RADIO NZ DESIGNATION:

It is recommended that the Council make the following recommendations in accordance with clause 9(2) of Schedule 1 of the Act:

- (a) Recommend to Radio New Zealand Limited that the existing designation with modifications at Gebbies Pass be confirmed subject to the following further modification to the planning map legend of the Proposed Plan:

- (i) Amend the planning map legend by replacing the label 'RT – Radio Transmission (NZ Public Radio)' with the label 'RT – Radiocommunication, telecommunication and ancillary purposes and land uses (Radio New Zealand)'.
- (b) Include in Appendix II of the Proposed Plan the designation locality, address, purpose, name of designating authority, legal description, area, under-lying zone and map reference to accurately describe the designation as follows:

POLICE DESIGNATIONS

It is recommended that the Council make the following recommendations in accordance with clause 9(2) of Schedule 1 of the Act:

- (a) Recommend to the Minister of Police that the existing designation with modifications for the Police Station and Residence, Akaroa be confirmed subject to corrections being made to Appendix II of the Proposed Plan:
 - (i) Include the Residential Conservation Zone in the 'Underlying Zone' column; and
 - (ii) Amend the name of the Designating Authority from 'NZ Police' to 'Minister of Police'.
- (b) Recommend to the Minister of Police that the existing designation with modifications for the Police Station, Lyttelton be confirmed with the following corrections to Appendix II of the Proposed Plan:
 - (i) Replace the legal description 'Sec 356, SO 14205' with 'Sec 356, Town of Lyttelton';
 - (ii) Include the Town Centre Zone in the 'Underlying Zone' column;
 - (iii) Include planning map S2 in the 'Map No.' column, and delete the letters 'TC'; and
 - (iv) Amend the name of the Designating Authority from 'NZ Police' to 'Minister of Police'.
- (c) Change the designation code legend for the planning maps as follows:
 - (l) P - Police Station (NZ Police) (Minister of Police)

NZRC DESIGNATION (LYTTELTON – RAILWAY PURPOSES)

It is recommended that the Council make the following recommendations in accordance with clause 9(2) of Schedule 1 of the Act:

- (a) Recommend to NZRC that the existing designation with modifications be confirmed with the following further modifications and corrections to the Proposed Plan:
 - (i) Amend planning map S1 to adjust the boundary between the Railway Purposes designation and the Sewage Treatment designation;
 - (ii) Amend planning map S1 and S2 by replacing the label 'T' (Railway) on the designation site with the label 'R' (Railway);
 - (iii) Amend the planning map legend by replacing the label 'T – Railway (Tranz Rail)' with the label 'R – Railway (New Zealand Railways Corporation)';
 - (iv) Amend the name of the Requiring Authority from 'Tranz Rail' to 'New Zealand Railways Corporation';
 - (v) Include the legal description of the site, which is Pt Section 314 TN of Lyttelton, Pt Section 344 TN of Lyttelton, Lot 1 DP 76823 (CB41B/813), Section 1 SO 19973, Lot 1 DP 76824 (CB 41B/814);
 - (vi) Include the area of the designation, which is approximately 3.6437 ha in area; and
 - (vii) Replace the underlying zone 'PT' with 'LP' (Lyttelton Port).
- (b) Accept submission 404.01.

NZTA DESIGNATION:

It is recommended that the Council make the following recommendations in accordance with clause 9(2) of Schedule 1 of the Act:

- (a) Recommend to NZTA that the existing designation District Wide – State Highway 75 be confirmed with a condition in relation to silent file areas along its route as follows:
 - (i) That iwi be consulted prior to any works to SH 75 that pass within Silent File Areas 026, 027 and 028.

The above recommendation is made subject to the following further changes to Appendix II:

- (ii) Amend the address of the designation to 'State Highway 75 (from the Motukarara culvert (RP14/9.52) to the 50 km/h sign at the northern entrance to Akaroa, 45m south of Old Coach Road (RP61/17.59)'.
 - (iii) The addition of a notation on planning maps R3, R7, R8, R9, S11, S12, S13, S14, S15, S16, S27 and S28 of the Proposed Plan to indicate the district wide designation over SH 75.
 - (iv) Corrections be made to Appendix II of the Proposed Plan by amending the name of the Designating Authority from 'Transit NZ' to 'NZTA' .
 - (v) Amend the 'Map No.' column to add planning maps R8, R9, S11, S12, S13, S14, S15, S16, S27, S28.
- (b) Recommend to NZTA that the existing designation for Lyttelton – State Highway 74, from the Lyttelton Tunnel Roundabout up to and including the intersection with Cashin Quay be confirmed subject to:
 - (i) Modifying the address of the designation to 'State Highway 74 (From the Lyttelton Tunnel Roundabout up to and including the intersection with Cashin Quay (RP26/0.72))' in Appendix II of the Proposed Plan.
 - (ii) Replacing the designation and purpose 'Motorway – State Highway' with 'Road – State Highway' in Appendix II of the Proposed Plan.
 - (iii) The addition of a note on planning maps S1 and S2 to indicate the designation over SH 74.
 - (iv) Amending the name of the Designating Authority from 'Transit NZ' to 'NZTA' in Appendix II of the Proposed Plan.
 - (v) Including planning map S1 in the "Map No." column.
 - (c) Recommend to NZTA that the existing designation for Lyttelton – State Highway 74, Motorway be confirmed subject to:
 - (i) Including the designation in Appendix II of the Proposed Plan with the purpose 'Motorway – State Highway'
 - (ii) The addition of a note on planning map S2 to indicate the designation over SH 74, Motorway, as per Appendix II of the Proposed Plan.
 - (iii) Amending the name of the Designating Authority from 'Transit NZ' to 'NZTA' in Appendix II of the Proposed Plan.
 - (iv) Amending the address of the designation to 'State Highway 74 Motorway (Tunnel Portal at the Lyttelton end to the Lyttelton Tunnel roundabout (RP26/0.00))' in Appendix II of the Proposed Plan.
 - (d) Accept submissions 432.26 and F641 and accept in part submission 432.24.
 - (e) Recommend to NZTA that the legend for the planning maps should be updated to delete reference to Transit NZ and include reference to NZTA as the Requiring Authority for the State Highway and Motorway designations.

MINISTER OF EDUCATION DESIGNATIONS:

It is recommended that the Council make the following recommendations in accordance with clause 9(2) of Schedule 1 of the Act:

- (a) Recommend to the Minister of Education that the existing designation with modifications for Area School, Akaroa be confirmed subject to "Secondary School" being deleted from the designation and purpose and retaining the notation "Area School" to Appendix II and the following corrections being made to Appendix II of the Proposed Plan:
 - (i) Amend the legal description to add "... Lots 1-4, DP 6474, Secs 130, 130x, Town of Akaroa".
 - (ii) Amend the Map No. column to add planning map "S10.1".
 - (iii) Amend the underlying zone column to add the Town Centre Zone.
 - (iv) Amend the name of the Designating Authority from "Ministry of Education" to "Minister of Education".
- (b) Recommend to the Minister of Education that the existing designation with modifications for Primary School, Diamond Harbour be confirmed subject to modification of planning map S7 to show the designation over the access to the school site from Hunters Road and the following corrections being made to Appendix II of the Proposed Plan:
 - (i) Amend the designation and purpose to delete "(Diamond Harbour School)".
 - (ii) Amend the legal description to "Pt Lot 1 DP 14050, Blk XV Halswell and Blk I Pigeon Bay".
 - (iii) Replace the site area "1.7275" ha "1.7958" ha.
 - (iv) Amend the name of the Designating Authority from "Ministry of Education" to "Minister of Education".
- (c) Recommend to the Minister of Education that the existing designation with modifications for Primary School, Duvauchelle be confirmed with a condition as follows:
 - (i) That iwi be consulted prior to any works within Silent File Area 026 (located in the south western portion of the site).

The above recommendation is made subject to the following further changes to Appendix II being made to Appendix II of the Proposed Plan:

- (ii) Delete from the designation and purpose column "(Duvauchelle School)".
- (iii) Amend the name of the Designating Authority from "Ministry of Education" to "Minister of Education".
- (d) Recommend to the Minister of Education that the existing designation with modifications for Primary School, Governors Bay be confirmed and the following corrections being made to Appendix II of the Proposed Plan:
 - (i) Amend the address of the site from "Jetty Road and Cresswell Avenue" to "Merlincote Crescent".
 - (ii) Amend the designation and purpose to delete "(Governors Bay School)".
 - (iii) Amend the legal description to add "... Pt RS 126, Blk III, Halswell SD".
 - (iv) Amend the name of the Designating Authority from "Ministry of Education" to "Minister of Education".
- (e) Recommend to the Minister of Education that the existing designation with modifications for Primary School, Le Bons Bay be confirmed subject to the modification of planning map S20 to include the designation site over Pt RS 9329 and the following corrections being made to Appendix II of the Proposed Plan:
 - (i) Amend the designation and purpose to delete "(Le Bons Bay School)".
 - (ii) Amend the legal description to add "... 9329, Blk VI, Okains SD".
 - (iii) Amend the name of the Designating Authority from "Ministry of Education" to "Minister of Education".

- (f) Recommend to the Minister of Education that the existing designation with modifications for Primary School, Oxford Street, Lyttelton be confirmed subject to the modification of planning map S2 to include the designation over Pt Res 35 and Pt Res 36 and the following corrections being made to Appendix II of the Proposed Plan:
- (i) Amend the designation and purpose to delete "(Lyttelton Main School)".
 - (ii) Amend the legal description to add "... Pt Res 35, 36, Blk IV, Halswell SD".
 - (iii) Replace the site area "0.4095 ha" with "0.886 ha".
 - (iv) Amend the "Underlying Zone" column in Appendix II to include the Town Centre Zone.
 - (v) Amend the name of the Designating Authority from "Ministry of Education" to "Minister of Education".
- (g) Recommend to the Minister of Education that the existing designation with modifications for Primary School, Voelas Road, Lyttelton be confirmed with an appropriately worded condition relating to the protection of the listed pohutukawa located on site and the following corrections being made to Appendix II of the Proposed Plan (note wording of condition to be suggested by Minister of Education):
- (i) Amend the designation and purpose to delete "(Lyttelton West School)".
 - (ii) Amend the legal description to add "... Secs 247-249, Sec 348, Blk IV Halswell SD".
 - (iii) Replace the site area "0.6066 ha" with "0.6092 ha".
 - (iv) Amend the name of the Designating Authority from "Ministry of Education" to "Minister of Education".
- (h) Recommend to the Minister of Education that the existing designation with modifications for Primary School, Okains Bay be confirmed with the following corrections also being made to Appendix II of the Proposed Plan:
- (i) Amend the designation and purpose to delete "(Okains Bay School)".
 - (ii) Amend the legal description to add "... SO 3091, Blk IV, Okains SD".
 - (iii) Replace the site area "1.2141 ha" with "1.2428 ha".
 - (iv) Amend the name of the Designating Authority from "Ministry of Education" to "Minister of Education".
- (i) Recommend to the Minister of Education that it confirm the Requirement to designate the site of Primary School, Little River for the purpose of a Primary School with the following corrections also being made to Appendix II of the Proposed Plan:
- (i) Amend the designation and purpose to delete "(Little River School)".
 - (ii) Amend the legal description to add "... Blk XIII, Pigeon Bay SD".
 - (iii) Amend the name of the Designating Authority from "Ministry of Education" to "Minister of Education".
- (j) Acknowledges that the requirement for Primary School, Wainui has been withdrawn and the Council remove all references to the designation from Appendix II of the Proposed Plan.

ORION DESIGNATIONS:

It is recommended that the Council make the following recommendations in accordance with clause 9(2) of Schedule 1 of the Act:

- (a) Recommend to Orion that the existing designation with modifications for an Electrical Substation at Pawsons Valley Road, Duvauchelle be confirmed with a condition as follows:
- (i) That the Electrical Substation at Pawsons Valley Road, Duvauchelle shall not create exposures to power frequency electric and magnetic fields in areas normally accessible to the public in excess of the International Commission on Non-Ionising Radiation Protection Guidelines.

The above recommendation is made subject to the following further changes to Appendix II

- (ii) Amend the designation and purpose to "Electrical Storage Depot and Electrical Substation" in Appendix II of the Proposed Plan.
 - (iii) Modify the legal description of the designation in Appendix II of the Proposed Plan to "Lot 2 DP 30785 and Lot 4 DP 359112".
 - (iv) Modify the area of the designation in Appendix II of the Proposed Plan to "0.3938" ha.
 - (v) Amend the name of the Designating Authority from "Southpower" to "Orion" in Appendix II of the Proposed Plan.
 - (vi) Modify planning map S15 to show the designation over Lot 2 DP 30785 and Lot 4 DP 359112.
- (b) Recommend to Orion that the existing designation with modifications for an Electrical Substation at Purau Road, Teddington be confirmed with a condition as follows:
- (i) That the Electrical Substation at Teddington Purau Road, Teddington shall not create exposures to power frequency electric and magnetic fields in areas normally accessible to the public in excess of the International Commission on Non-Ionising Radiation Protection Guidelines.

The above recommendation is made subject to the following further change to Appendix II:

- (ii) Amend the name of the Designating Authority from "Southpower" to "Orion".
- (c) Recommend to Orion that it confirm the Requirement to designate the site at Old Coach Road and Old German Bay Road, Akaroa for the purpose of an Electrical Substation subject to the following conditions:
- (i) That the Electrical Substation at Old Coach Road and Old German Bay Road, Akaroa shall not create exposures to power frequency electro-magnetic fields in areas normally accessible to the public in excess of the International Commission on Non-Ionising Radiation Protection Guidelines.
 - (ii) The erection of any building on the site which is over 3m in height or 10m² in area shall be setback a minimum of 7.5m from all site boundaries.
 - (iii) A landscaping plan being presented to the Council for approval prior to the construction of an Electrical Substation at the site. The landscaping plan shall:
 - (1) Be prepared by a suitably qualified landscape architect; and
 - (2) Provide for the screening of the Substation and other on-site equipment from the adjoining properties and the Akaroa Harbour through appropriate planting and landscaping; and
 - (3) Include details of the size and species of plants and the location of plantings.
 - (iv) All landscaping works detailed in the approved landscaping plan being carried out immediately following completion of the site development and construction works, or if this is not practicable, in the next planting season. All planting shall be maintained by Orion on an ongoing basis. If any plant that is part of the landscape works is found to be diseased, dead or dying it shall be replaced with vegetation of similar species, no later than the next planting season.
 - (v) All activities shall be designed and operated so as to ensure that the set noise limits are not exceeded at any point within the notional boundary of any dwelling. The set noise limits shall be 40 dBA (L10) and 70 dBA (Lmax) at night time (2200 hours to 0700 hours), and 50 dBA (L10) at all other times (0700 hours to 2200 hours).

The above recommendation is made subject to the following further change to Appendix II:

- (vi) Amend the name of the Designating Authority from "Southpower" to "Orion".

- (d) Recommend to Orion that it confirm the Requirement to designate the site at Bay View Road, Diamond Harbour for the purpose of an Electrical Substation subject to the following condition:

- (i) That the Electrical Substation at Bay View Road, Diamond Harbour, shall not create exposures to power frequency electro-magnetic fields in areas normally accessible to the public in excess of the International Commission on Non-Ionising Radiation Protection Guidelines

The above recommendation is made subject to the following further change to Appendix II:

- (ii) Amend the name of the Designating Authority from "Southpower" to "Orion".

- (e) Recommend to Orion that it confirm the Requirement to designate the site at Ernest Adams Drive, Governors Bay for the purpose of an Electrical Substation subject to the following conditions:

- (i) The proposed Electrical Substation at Ernest Adams Drive, Governors Bay shall not create exposures to power frequency electro-magnetic fields in areas normally accessible to the public in excess of the International Commission on Non-Ionising Radiation Protection Guidelines.
- (ii) The erection of any building on the site which is over 3m in height or 10m² in area shall be setback a minimum of 2m from all site boundaries.
- (iii) Landscaping shall be undertaken along the northern and eastern boundaries when an Electrical Substation is constructed at the site.
- (iv) That all activities on the site shall be designed and operated so as to ensure that the set noise limits are not exceeded at any point within the notional boundary of any dwelling. The set noise limits shall be 40 dBA (L10) and 70 dBA (Lmax) at night time (2200 hours to 0700 hours), and 50 dBA (L10) at all other times (0700 hours to 2200 hours).

The above recommendation is made subject to the following further change to Appendix II:

- (v) Amend the name of the Designating Authority from "Southpower" to "Orion".

- (f) Recommend to Orion that it confirm the Requirement to designate the site at Church Road, Little River for the purpose of an Electrical Substation subject to the following conditions:

- (i) That the Electrical Substation shall not create exposures to power frequency electric and magnetic fields in areas normally accessible to the public in excess of the International Commission on Non-Ionising Radiation Protection Guidelines.

The above recommendation is made subject to the following further changes to Appendix II:

- (ii) Amend the name of the Designating Authority from "Southpower" to "Orion".

- (g) Recommend to Orion that it confirm the Requirement to designate the site at Reserve Terrace, Lyttelton for the purpose of an Electrical Substation subject to the following condition:

- (i) The Substation at Reserve Terrace shall not create exposures to power frequency electric and magnetic fields in areas normally accessible to the public in excess of the International Commission on Non-Ionising Radiation Protection Guidelines.

The above recommendation is made subject to the following further changes to Appendix II:

- (ii) Amend Appendix II to include planning map S1 in the "Map No." column.
- (iii) Amending the name of the Designating Authority from "Southpower" to "Orion" in Appendix II.

- (h) The site of the Electrical Substation, Simeon Quay, Lyttelton is erroneously listed as a designation in Appendix II of the Proposed Plan and this notation in its entirety should be deleted as soon as possible.

- (i) Accept submission 442.01 be accepted in part and submission 446.01 be rejected.
- (j) Amend the legend for the planning maps to include the name of the Requiring Authority Orion NZ Ltd in the designation codes.

TELECOM DESIGNATIONS:

It is recommended that the Council make the following recommendations in accordance with clause 9(2) of Schedule 1 of the Act:

- (a) Recommend to Telecom that the existing designation with modifications at L'Aube Hill, Akaroa be confirmed and Appendix II of the Proposed Plan be corrected by:
 - (i) Amending the designation and purpose to delete '(Akaroa Radio Station)'.
 - (ii) Amending the legal description to add 'CT 33B/504'.
- (b) Recommend to Telecom that the existing designation with modifications at Rue Jolie, Akaroa be confirmed and Appendix II of the Proposed Plan be corrected by:
 - (i) Amending the designation and purpose to delete '(Akaroa Exchange)'.
 - (ii) Replacing the legal description 'Lot 2 DP 72189' with 'Lot 1 DP 72189 (CB39D/549)'.
- (c) Recommend to Telecom that the existing designation with modifications at Whero Avenue, Diamond Harbour be confirmed and Appendix II of the Proposed Plan be corrected by:
 - (i) Amending the designation and purpose to delete '(Diamond Harbour)'.
 - (ii) Amending the legal description to add 'CT 33B/209'.
- (d) Recommend to Telecom that the existing designation with modifications at State Highway 75, Duvauchelle be confirmed and Appendix II of the Proposed Plan be corrected by:
 - (i) Amending the designation and purpose to delete '(Duvauchelle Exchange)'.
 - (ii) Amending the legal description to add 'Block XV Pigeon Bay SD (CT 36D/1082)'.
- (e) Recommend to Telecom that the existing designation with modifications at Main Road, Governors Bay be confirmed and Appendix II of the Proposed Plan be corrected by:
 - (i) Amending the designation and purpose to delete '(Governors Bay Exchange)'.
 - (ii) Amending the legal description to add 'CT 33A/1095'.
- (f) Recommend to Telecom that the existing designation with modifications at Le Bons Bay Road, Le Bons Bay be confirmed and Appendix II of the Proposed Plan be corrected by:
 - (i) Amending the designation and purpose to delete '(Le Bons Bay Exchange)' from the designation and purpose.
 - (ii) Amending the legal description to add 'CT 33A/1129'.
- (g) Recommend to Telecom that the existing designation with modifications at Little Akaloa Road, Little Akaloa be confirmed and Appendix II of the Proposed Plan be corrected by:
 - (i) Amending the designation and purpose to delete '(Little Akaloa SMA Radio Station)'.
 - (ii) Amending the legal description to add 'CT 29K/903'.
- (h) Recommend to Telecom that the existing designation with modifications at State Highway 75, Little River be confirmed and Appendix II of the Proposed Plan be corrected by:
 - (i) Amending the designation and purpose to delete '(Little River Exchange)'.
 - (ii) Amending the legal description to add 'CT 32K/5'.

- (i) Recommend to Telecom that the existing designation at Broadleaf Lane, Mt Pleasant (off Summit Road) be confirmed subject to the following conditions:
- (i) That no building shall exceed a maximum height of 9m, except for a support structure up to a maximum height of 38m.
 - (ii) That all future works involving new support structures shall require a visual effects assessment to be carried out by a suitably qualified professional and submitted as part of the Outline Plan.

The above recommendation is made subject to the following further modifications and amendments:

- (iii) Replacing the site area '0.2352 ha' with '2.9898 ha' in Appendix II of the Proposed Plan.
 - (iv) Modifying planning map R1 to show the designation over Pt RS 500 & 34917, Pt Lot 1 DP 4018 & Pt Lots 1 & 2 DP 11832, Blk 1 Sumner SD, and Pt Res 3817 Blk XVI Christchurch (CT 33F/720).
 - (v) Amending the location description 'Lyttelton' to 'Mt Pleasant' in Appendix II.
 - (vi) Amending the address to add '(off Summit Road)' in Appendix II.
 - (vii) Amending the designation and purpose to delete '(Mt Pleasant Radio Station)' in Appendix II.
 - (viii) Amending the legal description to 'Freehold Area: Pt RS 500 & 34917, Pt Lot 1 DP 4018 & Pt Lots 1 & 2 DP 11832, Blk 1 Sumner SD; Ground Lease Area: Pt Res 3817 Blk XVI Christchurch (CT 33F/720)' in Appendix II.
- (j) Recommend to Telecom that the existing designation with modifications at Mt Pearce (off the Summit Road) be confirmed subject to the following conditions:
- (i) That no building shall exceed a maximum height of 7.5m, except for a support structure up to a maximum height of 35m.
 - (ii) That all future works involving new support structures shall require a visual effects assessment to be carried out by a suitably qualified professional and submitted as part of the Outline Plan.

The above recommendation is made subject to the following amendments to Appendix II of the Proposed Plan:

- (iii) Amending the designation and purpose to delete '(Mt Pearce Radio Station)'.
 - (iv) Amending the designating authority from 'Telecom NZ Ltd and Broadcast Communications Ltd' to 'Telecom NZ Ltd'.
 - (v) Amending the legal description to add 'Akaroa SD (CT 481/171)'.
- (k) Recommend to Telecom that the existing designation with modifications at Okains Bay Road, Okains Bay be confirmed subject to:
- (i) Modifying planning map S22 to show the designation as 'TR', instead of 'WT' purposes.
 - (ii) Amending the designation and purpose to delete '(Okains Bay SMA Radio Station)' in Appendix II of the Proposed Plan.
 - (iii) Amending the legal description to add 'CT 33F/194' Appendix II of the Proposed Plan.
- (l) Recommend to Telecom that the existing designation with modifications at Pigeon Bay Road, Pigeon Bay be confirmed and Appendix II of the Proposed Plan be corrected by:
- (i) Amending the designation and purpose to delete "(Pigeon Bay Exchange)"
 - (ii) Amending the legal description to add 'CT 33B/54'.
- (m) Recommend to Telecom that it confirm the Requirement to designate the site at State Highway 75, Ataahua for telecommunication and radiocommunication and ancillary purposes and that the following corrections be made to Appendix II of the Proposed Plan:
- (i) Amend the designation and purpose to delete '(Ataahua Exchange)'.
 - (ii) Amend the legal description to add 'Blk III Ellesmere SD (CT 33A/1042)'.

- (n) Recommend to Telecom that it confirm the Requirement to designate the site at Summit Road, Hilltop for telecommunication and radiocommunication and ancillary purposes subject to the following conditions:
- (i) That no building shall exceed a maximum height of 7.5m, except for a support structure up to a maximum height of 30m.
 - (ii) That future works involving new support structures shall require a visual effects assessment to be carried out by a suitably qualified professional and submitted as part of the Outline Plan.

The above recommendation is made subject to the following amendments to the Proposed Plan:

- (iii) Modifying the planning map R4 of the Proposed Plan to accurately show the location of the facility adjacent to the eastern site boundary of Lot 5 DP 4902.
 - (iv) Amending the designation and purpose to delete '(Hilltop Land Mobile Station)' in Appendix II.
 - (v) Amending the legal description to add 'Block XIV Pigeon Bay SD (CT 16K/1154)' in Appendix II.
- (o) Recommend to Telecom that it confirm the Requirement to designate the site at Canterbury Street, Lyttelton for telecommunication and radiocommunication and ancillary purposes and the following corrections be made to Appendix II of the Proposed Plan:
- (i) Amend the designation and purpose to delete '(Lyttelton Exchange)'.
 - (ii) Amend the legal description to add 'Block IV Halswell SD (CT 33F/89)'.
 - (iii) Replace the site area '0.422 ha' with '0.442 ha'.
- (p) Recommend to Telecom that it confirm the Requirement to designate the site at Worsleys Road, Marleys Hill for telecommunication and radiocommunication and ancillary purposes subject to the following conditions:
- (i) No building shall exceed a maximum height of 9m, except a support structure up to a maximum height of 37m.
 - (ii) That future works involving new support structures shall require a visual effects assessment to be carried out by a suitably qualified professional and submitted as part of the Outline Plan.

The above recommendation is made subject to the following amendments to Appendix II of the Proposed Plan:

- (iii) Amending the designation and purpose to delete 'Marleys Hill Land Mobile Station'.
 - (iv) Amending the legal description to add 'Blk IV Halswell SD (CT 33B/208)'.
- (q) Accept in part submission 463.54 be accepted in part.

BACKGROUND

Process

22. 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.
23. The Requiring Authorities listed below requested the inclusion of a total of 45 existing and new designations in the Proposed Plan when it was notified on 27 January 1997:
 - Meteorological Service – An automatic weather station (1 site)
 - Radio New Zealand – A radiocommunication and telecommunication site (1 site)
 - Minister of Police – Police Stations (2 sites)
 - New Zealand Railways Corporation – Railway corridor (1 site)
 - New Zealand Transport Agency – State Highways and a Motorway (4 sites)
 - Minister of Education – Schools (12 sites)
 - Orion – Electrical Substations (8 sites)
 - Telecom – Radiocommunication and telecommunication sites (16 sites)
24. Of the 45 Requiring Authority designations, one relates to an existing designation that has been rolled over from the Transitional Plan with no modification. A further 30 existing designations have been included in the Proposed Plan with modifications and an additional 13 new designations are proposed by way of Notice of Requirement. In addition, one designation has been addressed as a miscellaneous matter as it was incorrectly included in Appendix II of the Proposed Plan by a submission.

Assessment and Recommendations on Designations

25. The Council must consider and make a recommendation to the Requiring Authority concerned on each of the existing (modified) and new designations in accordance with the provisions of section 171 of the Act.
26. When considering a requirement and any submissions received, the Council must consider the effects on the environment of the requirement, having particular regard to the following matters set out in section 171(1) 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 recommendation on the requirement.*

27. In accordance with section 171(2) the Council may recommend to the Requiring Authority to:
- confirm the requirement
 - modify the requirement
 - impose conditions
 - withdraw the requirement
28. Section 171 enables the Council to only make recommendations in respect to the other Requiring Authority designations. It is the Requiring Authority itself who makes the final decision.
29. With respect to the one existing designation that has been rolled over into the Proposed Plan without modification and on which no submissions have been received, the Council is unable to make a recommendation. This designation must be rolled over into the Proposed Plan without further formality in accordance with Clause 9(3) Schedule 1 of the Act.
30. In accordance with section 172 each Requiring Authority shall advise the Council whether they accept or reject the Council's recommendations in whole or in part. A Requiring Authority may modify a requirement if, and only if, that modification is recommended by the Council or is not inconsistent with the requirement as notified. Where a Requiring Authority rejects the recommendation in whole or in part, or modifies the requirement, the authority must give reasons for its decision.
31. Once the Requiring Authority has made its decisions on the new and modified designations, the Council must serve notice of the decisions on each of the submitters and any landowners and occupiers directly affected by the decision.
32. Sections 173 and 174 of the Act sets out the provisions for notification of decisions and appeal rights and provide for any person who has made a submission to appeal the decision to the Environment Court. The Council can also appeal to the Environment Court against the decision of a Requiring Authority.

Appendix B Assessment Structure

33. The assessment is divided into nine parts, as follows:
- Part 1: Introduction and Background to the Requiring Authority Designations
 - Part 2: Meteorological Service Designations
 - Part 3: Radio New Zealand Designations
 - Part 4: Minister of Police Designations
 - Part 5: New Zealand Railways Corporation Designations
 - Part 6: New Zealand Transport Agency Designations
 - Part 7: Minister of Education Designations
 - Part 8: Orion Designations
 - Part 9: Telecom Designations
34. Parts 2 to 9 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 recommend to each Requiring Authority that they confirm each of the designations with or without modification, whether conditions should be applied or whether they should be withdrawn. The reports also include 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 officer's recommendations as its recommendations.
35. 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.

36. The assessment of the Requiring Authorities 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. Some of the requiring authorities did not provide robust documentation, such as assessments of effects or proposed conditions, to support the inclusion of the designations in the Proposed Plan.
37. The opportunity to ask for more information from the requiring authorities on their designations is generally best taken before notification of the requests in the Proposed Plan, or shortly thereafter. However, where appropriate and given the time lapse between notification and the present time, clarification from the relevant requiring authorities has been sought as to the scope and purpose of designations as well as confirmation of the ongoing need for some of the sites to be designated

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38. 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

39. 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.
40. 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.
41. In addition a further recommendation is made to amend to the legend to the planning maps to reflect the change of name of some of the requiring authorities.
42. The objective is to have the designations of all Requiring Authorities included in the Proposed Plan updated as a further step to the BPDC Proposed District Plan becoming an operative district plan.