

Submission on Proposed Plan Change 30 Designations Wanganui District Plan

Clause 6 of First Schedule, Resource Management Act 1991

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Preliminary Matters

This is a submission on Proposed Plan Change 30 Designations (PPC30).

New Zealand Defence Force (NZDF) **could not** gain an advantage in trade competition through this submission.

This submission relates to provisions in PPC30 that relate to designations D6 and D7, held by the Minister of Defence, and the text included on designation.

NZDF wishes **to be heard** in support of this submission.

If others make a similar submission, **we will consider** presenting a joint case with them at the hearing.

Submission Point 1

Plan provision: Condition of Designations D6 and D7 Minister of Defence

NZDF **supports** this provision **in part**.

Relief sought:

Retain the two designations, but amend the wording of the condition attached to each, as follows (deletions in ~~strike through~~, additions in underline):

"That no an Outline Plan of Works is not required for works and projects that comply with the rules of the underlying zone unless an underlying zone rule is breached".

Reasons:

The condition recorded in the designation table in PPC30 uses different wording to that included in the Minister of Defence's roll-over notice. This is in breach of the RMA – PPC30 should exactly reflect the Minister's roll-over notice. Notwithstanding this, NZDF acknowledges that the intent of the condition included in PPC30 is similar to that included in the roll-over notice, and it appears that the change is an attempt to simplify the wording included in the roll-over notice. With this in mind, NZDF requests the wording set out above is used. It removes the double-negative used in the condition included in PPC30 and therefore makes it clearer, while still achieving the aim of simplifying the condition.

Submission Point 2

Plan provision: Legal description for Designation D7

NZDF **supports** this provision **in part**.

Relief sought:

Make a correction to the legal description included for designation D7, as follows (addition in underline):

"Pt Lots 1 DP 822, Pt Lot 1 DP 10523"

Reasons:

This change corrects a typographical error.

Submission Point 3

Plan provision: Text on designation

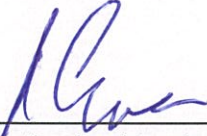
NZDF **supports** this provision **in part**.

Relief sought:

To make amendments to the text on designations, as shown in Attachment 1 to this submission.

Reasons:

Designations can be relatively mysterious mechanisms to those who do not deal with them on a day-to-day basis. The process for the creation and operation of designations is set out in the RMA, and legislation can be difficult for a member of the public to understand. The District Plan can therefore offer a very useful service by explaining the legislation in 'plain English'. However, any explanation must be very careful in the wording used, to ensure it accurately reflects the words used in, and the intent of, the legislation. There is a risk to Council and holders of designations, where explanations are not accurate, of misunderstanding and unrealistic expectations by the public. The changes proposed in Attachment 1 to this submission are intended to improve the accuracy of the explanation included in the District Plan.



 Person authorised to sign
 on behalf of New Zealand Defence Force

Date 11/10/13

Attachment 1: Amendments to Designation Text

Introduction

Designation is the formal process for the ~~requirement authorisation of the use~~ of land for a public work or ~~imposing a restriction~~ in respect of land, water, sub soil or air space for the safe or efficient functioning or operation of a public work. It is ~~the equivalent of an alternative to~~ a land use consent ~~application~~ for a public project or work of a network utility.

Designations are shown on the District Plan maps as a red border around the area that the designation applies too. A reference number will also be shown on the maps which will link to the information on this designation held in the District Plan.

Designations can only be held by Requiring Authorities.

A requiring authority is specified ~~in the RMA~~ as any of the following:

- a Minister of the Crown
- a local or regional authority
- a network utility operator, ~~who is~~ approved by the Minister for the Environment; ~~and~~ is someone who:
 - distributes gas, petrol or geothermal energy by pipeline
 - is an electricity operator or electricity distributor
 - distributes water supply (including irrigation)
 - operates a telecommunications or radio communications network
 - operates a sewage system, road or railway line
 - is an airport authority
 - provides approach control services for airports
 - undertakes ~~a work identified by (under a regulation)~~ as a network utility operation.

Once a site is designated for a particular purpose, the requiring authority is able to:

- proceed with the specific work on the site as if it was permitted by the district plan, ~~which may included entering private land to undertake investigations~~
- control activities that occur on the site, to prevent the landowner doing anything that would compromise the future work (this is the case even if the requiring authority does not own the site)
- apply to the Minister of Lands to compulsorily purchase or lease all or part of the land under the Public Works Act 1981 ~~enter private land to undertake investigations.~~

New or ~~Alteration to~~ a Designation

When Requiring Authorities 'require' ~~a designation~~ for public work, this is referred to as a Notice of Requirement. When the requirement is included in the Plan, following Council assessment and requiring authority confirmation, it becomes a designation.

Using a Designated Site

When land is designated in the District Plan it can ~~only~~ be used for the purpose for which it has been set aside, ~~regardless of any rules to the contrary in the district plan.~~ ~~Council~~ There may ~~behave imposed~~ conditions ~~that~~ the designated work ~~has to comply with.~~ ~~However,~~ ~~a~~ All designated land has an underlying zoning (generally the zoning which applies to adjacent land) and this zoning applies:

- (a) when ~~re~~ a designation is removed or
- (b) for works which are not in accordance with the designation purpose.

~~Before When an activity undertaken on the designated land that would prevent or hinder the public work not covered by the Designation will occur~~, the applicant must obtain written permission from the Requiring Authority and lodge this with Council.

Outline Plan ~~of Works~~ & Waivers

An outline plan of a public work, project, or work to be undertaken on designated land must be submitted by the requiring authority to the Council before the proposed work is commenced, to allow Council to request any changes it considers necessary (refer Section 176A, RMA).

An outline plan must show the physical features of the work, its location and relationship to the site and any other matters to avoid remedy or mitigate any adverse effects on the environment. The outline plan procedure enables Council to better ascertain the effects of future development and ~~comment on how~~ ~~ensure~~ they ~~should be~~ ~~are~~-controlled.

An outline plan is not required if the work has otherwise been approved under the RMA, or if details of the work have been incorporated into the designation or if the Council waives the requirement. ~~The Council will consider granting a waiver A waiver to an outline plan may be granted~~ if the following circumstances apply:

1. The value of the proposed works are low; ~~and~~
2. The work is necessary to the purpose of the designation; ~~and~~
3. The work will not significantly change the built density or scale of the site; and
4. There will be no increase in human occupancy on the site.