

21 Designations

21.1 Introduction

Designations are a tool which enables Requiring Authorities approved under the Resource Management Act 1991 to designate areas of land for a public work or network utility. A Requiring Authority can be a Minister of the Crown, a local authority or a network utility operator approved as a Requiring Authority under Section 167 of the Resource Management Act.

A Designation is a form of 'spot zoning' over a site or route in a District Plan. The 'spot zoning' authorises the Requiring Authority's work or project on the site or route without the need for a Land Use Consent from the Council. A Designation enables a Requiring Authority to undertake the works within the designated area in accordance with the Designation, the usual provisions of the District Plan do not apply to the designated site. The types of activities that can be designated include transport corridors, sewerage treatment plants, water reservoirs and schools.

Appendix 21.1 to this Chapter provides a schedule of Designations in the District. This schedule includes the associated Requiring Authority of the designated the land and the underlying zoning of the land parcel and its specific location within Part E – Maps (Map Series 2). These Designations are either existing Designations pursuant to Section 168, or new Designations which are included in the District Plan pursuant to Section 170 of the Resource Management Act.

It is appropriate to consult with any party that may be affected as a result of a notice of requirement for any new Designation and in particular, New Zealand Historic Places Trust and Tangata Whenua especially in Areas of Significant Interest to Maori or on any Maori Land or Treaty Settlement Land.



State Highway 1 through Kaiwaka

21.2 Resource Management Act Requirements

The procedure for designating land is set out in Part 8 of the Resource Management Act 1991. The first Schedule in the Resource Management Act 1991 contains the provisions for Designations in District Plans.

Section 168 and Section 168A of the Resource Management Act set out the information which must be included in a notice of requirement to designate a piece of land. When Council has received a notice they must make a recommendation to the Requiring Authority as to whether the Designation should be approved, modified or withdrawn.

The scope of the Designation defines what activities the Requiring Authority may undertake on the designated land, in accordance with section 176(1)(a). Section 176A of the Resource Management Act sets out the necessity for an outline plan of the public work, project or work to be constructed on designated land, to be submitted for consideration by the Council.

21.2.1 Requiring Authorities

The following organisations are Requiring Authorities as defined or approved under Section 166 of the Resource Management Act, and which have Designations in the Kaipara District:

- Kaipara District Council
- Minister of Education
- Northpower Limited
- NZ Transport Agency
- Vector Gas Limited
- Minister of Police
- New Zealand Railways Corporation
- Transpower New Zealand Limited
- Minister of Justice
- The New Zealand Refining Company Limited

21.3 How to Use this Chapter

This Chapter only applies if your property or the property you are proposing an activity on has a Designation on it, as shown in Map Series 2 – Part E of the Plan. For clarity, any instance where the Rules in this Chapter overlap (or duplicate) with a Rule in the Zone Chapters, the Rules of this Chapter will take precedence. However, if you are not a Requiring Authority and are doing works on a property with a Designation (not in accordance with that Designation) the Rules of the underlying Zoning (including Overlay) will also apply.

Designations providing for public works in the District

Issues, Objectives and Policies within each Chapter of the Plan are presented in no particular order of importance.

21.4 Designation Rules

21.4.1 Permitted Activities

The following activities shall be Permitted Activities under this Chapter:

- a) Any Activity complying with the Performance Standards set out in Section 21.5 of this Chapter.

21.4.2 Restricted Discretionary Activities

The following activities shall be Restricted Discretionary Activities under this Chapter:

- a) Any Activity not complying with the Performance Standards set out in Section 21.5 of this Chapter.

Map Series 2, Part E

21.5 Permitted Activity Performance Standards for Work to be Undertaken on Designated Land

Rule	Parameter	Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
21.5.1	Development by the Requiring Authority	<p>Development on designated land by the Requiring Authority in accordance with the Designation is a Permitted Activity if:</p> <p>a) The development is for the purpose for which the land was designated; and</p> <p>b) An outline plan of public work is submitted to Council prior to the commencement of construction in accordance with Section 176A of the Resource Management Act 1991. Except where the following applies:</p> <ul style="list-style-type: none"> - The development is a permitted work or utility set out in Chapter 10 – Network Utilities; - The development is works that have otherwise been approved under the Resource Management Act 1991; - The details of the proposed development were supplied when a Requiring Authority made a requirement in respect of the work under Section 168 of the Resource Management Act 1991; - Council has waived the requirement for an outline plan to be submitted; or - The development is for emergency work which the body or person responsible for its construction considers is immediately necessary to meet an emergency situation and outline drawings of the work are submitted to the Council as soon as practicable after the work has commenced. 	Restricted Discretionary Activity (plus the activity status of any activity within the zone if Rule 21.5.1(a) does not apply).	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: <ul style="list-style-type: none"> i) The extent to which the development is consistent with, or complimentary to, the purpose for which the land is designated; and ii) The extent to which the development is consistent with the Objectives and Policies of the underlying zoning.
21.5.2	Development not in accordance with Designation	<p>Development on designated land, which has the Requiring Authority's written Consent but is not in accordance with the Designation is a Permitted Activity if:</p> <p>a) The development complies with the Performance Standards and Rules of the relevant underlying Zone.</p>	Restricted Discretionary Activity (plus the activity status of any activity within the zone that is not met).	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: <ul style="list-style-type: none"> i) The extent to which the development is consistent with, or complimentary to, the purpose for which the land is designated; and ii) The extent to which the development is consistent with the Objectives and Policies of the underlying zoning.

Appendix 21.1 - Schedule of Designations

ID	Map No.	Designation/Purpose	Requiring Authority	Underlying Zoning
D1	3	Education Purposes Aranga Primary School and House	Minister of Education	Rural
D2	13	Education Purposes Arapohue Primary School and House	Minister of Education	Rural
D3	9,36,37	Education Purposes Community College Outpost	Minister of Education	Residential
D4	9,34,36	Education Purposes Dargaville High School	Minister of Education	Residential
D5	9,34,36	Education Purposes Dargaville Intermediate School	Minister of Education	Residential
D6	9,34,37	Education Purposes Dargaville Primary School	Minister of Education	Residential
D7	9,34,37	Defence Purposes (Dargaville)	Minister of Defence	Commercial
D8	20,21,51	Electricity Substation and Telecommunications Operations (Kaiwaka)	Northpower	Rural
D9	15	Electricity Substation and Telecommunications Operations (Mareketu)	Northpower	Rural
D10	18	Electricity Substation and Telecommunications Operations (Ruawai)	Northpower	Rural
D11	15,16,20	Electricity Substation (Maungaturoto)	Transpower NZ Ltd	Rural
D12	9,10,35	Electricity Substation and Telecommunications Operations (Dargaville)	Northpower	Residential
D13	20, 50	Electricity Substation and Telecommunications Operations (Maungaturoto)	Northpower	Rural
D14	18,42	Fire Service Purposes (Ruawai)	Kaipara District Council	Residential
D15	9,36,37	Justice Purposes - Courthouse (Dargaville)	Minister of Justice	Commercial
D16	6	Education Purposes Kaihu Valley Primary School and House (Maropiu Road)	Minister of Education	Maori Land
D17	9,36,37	Local Government Purposes	Kaipara District Council	Commercial
D18	18	Local Purpose (Te Maire Community Hall) Purposes	Kaipara District Council	Rural
D19	21,57	Education Purposes Mangawhai Primary School	Minister of Education	Residential
D20	19,43	Education Purposes Matakoho Primary School	Minister of Education	Rural
D21	20, 48	Education Purposes Maungaturoto Primary School	Minister of Education	Commercial
D22	24	Education Purposes Te Kura Kaupapa Maori o Ngaringa o Matariki	Minister of Education	Rural
D23	20	Education Purposes Otamatea High School and House (Bickerstaffe Road)	Minister of Education	Rural
D24	20	Education Purposes Otamatea High School House (Bickerstaffe Road)	Minister of Education	Rural
D25	19,44	Education Purposes Paparoa Primary School	Minister of Education	Residential
D26	18,42	Police Purposes (Ruawai)	Minister of Police	Residential
D27	9,36,37	Police Purposes - Police Station (Dargaville)	Minister of Police	Residential
D29	20,21,51	Education Purposes Kaiwaka Primary School and House	Minister of Education	Residential
D30	20,21,51	Proposed Service Lane (Kaiwaka)	Kaipara District Council	Commercial
D31	9,36,37	Proposed Service Lane (Dargaville)	Kaipara District Council	Commercial
D32	7,8,9,10,11,12,15,20,21,24,36,37,47	Railway Purposes	NZ Railways Corporation	Rural
D33	13	Refuse Disposal Purposes (Parawanui Landfill)	Kaipara District Council	Rural

ID	Map No.	Designation/Purpose	Requiring Authority	Underlying Zoning
D34	9,34	Refuse Disposal Purposes (Dargaville Landfill)	Kaipara District Council	Residential
D35	13,41	Refuse Disposal Purposes (Glinks Gully Landfill)	Kaipara District Council	Rural
D36	23,26	Refuse Disposal Purpose (Tinopai Landfill)	Kaipara District Council	Rural
D37	20,21,51	Refuse Disposal Purposes (Kaiwaka Landfill)	Kaipara District Council	Rural
D38	18	Refuse Disposal Purposes (Te Maire Landfill)	Kaipara District Council	Rural
D39	22	Refuse Disposal Purposes (Pouto Road)	Kaipara District Council	Rural
D40	22	Refuse Disposal Purposes (Kellys Bay)	Kaipara District Council	Rural
D41	6	Refuse Disposal Purposes (Omamari Landfill)	Kaipara District Council	Rural
D42	18	Education Purposes Ruawai College and House	Minister of Education	Rural
D43	18	Education Purposes Ruawai Primary School and House	Minister of Education	Rural
D44	9,10,35	Education Purposes Selwyn Park Primary School (Dargaville)	Minister of Education	Residential
D45	9,36,37	Service Lane (Dargaville)	Kaipara District Council	Commercial
D46	13,40	Sewage Treatment Purposes (Te Kopuru Oxidation Ponds)	Kaipara District Council	Rural
D47	13,41	Sewage Treatment Purposes (Glinks Gully Treatment Area)	Kaipara District Council	Rural
D48	20,21,51	Sewage Treatment Purposes (Kaiwaka)	Kaipara District Council	Rural
D49	20,47	Sewage Treatment Purposes (Maungaturoto)	Kaipara District Council	Industrial
D50	20,50	Sewage Treatment Purposes (Maungaturoto)	Kaipara District Council	Rural
D51	10,35	Sewage Treatment Purposes (Dargaville Oxidation Ponds)	Kaipara District Council	Industrial
D52	16,20,21,24,51,52	State Highway 1	NZ Transport Agency	Rural
D53	1,3,4,6,7,9,10,13,14,18,19,20,29,35,36,37,38,42,44,45,47,48,50	State Highway 12	NZ Transport Agency	Rural
D53/1	19, 43	State Highway 12, safety improvements	NZ Transport Agency	Rural
D54	7,8,9,10,31,35	State Highway 14	NZ Transport Agency	Rural
D55	8,31	Education Purposes Tangiteroria Primary School	Minister of Education	Rural
D56	7	Education Purposes Tangowahine Primary School	Minister of Education	Rural
D57	13,40	Education Purposes Te Kopuru Primary School and House	Minister of Education	Residential
D58	17,21,53	Electricity Substation and Telecommunications Operations (Mangawhai)	Northpower	Rural
D59	23,26,59	Education Purposes Tinopai Primary School and House	Minister of Education	Residential
D60	9,34,36	Water Supply Purposes (Dargaville)	Kaipara District Council	Residential
D61	20,48	Water Supply Purposes (Maungaturoto)	Kaipara District Council	Rural
D62	17, 20, 21, 50	Gas Pipeline	Vector Gas Ltd	Rural
D63	16, 17, 21, 24	Petroleum Pipeline (refer to attached conditions)	New Zealand Refining Company Limited	Rural
D64	22	Education Purposes Pouto Primary School and House	Minster of Education	Rural
D65	9, 34	Telecommunications operations (Dargaville)	Northpower	Rural
D66	19	State Highway 12	NZ Transport Agency	Rural

Conditions attached to Designation D63 New Zealand Refining Company

1. PURPOSE OF DESIGNATION

1.1 The designation by The New Zealand Refining Company Limited (NZRC) is for the operation, maintenance and repair, upgrade and renewal of the existing petroleum transmission pipeline and ancillary facilities as required for the transportation of refined fuel products and described as follows:

- (i) the existing 275mm petroleum transmission pipeline;
- (ii) the existing isolation valves;
- (iii) cathodic protection terminals; and
- (iv) surface marker posts and warning signage

located between the northern district boundary extending from Artillery Road and the southern district boundary extending from Mangawhai Road at Kaiwaka.

1.2 The designation is subject to the following limitations:

- renewal shall be limited to works on the petroleum transmission pipeline and will be limited to replacement of sections of the pipeline with sections having equivalent diameter and no more than [50] lineal metres of pipeline will be excavated at any particular time.
- upgrade will be limited to adding or replacing aboveground components provided the district plan relevant permitted activity standards are complied with.

1.3 The designation affects land legally described in Appendix III "List of Property Owners located along the RAP Route" to the Notice of Requirement as submitted to Kaipara District Council.

2. RESTRICTIONS OF DESIGNATION

2.1 No persons shall:

- erect any structure, or
- erect any fence with supports which extend more than 0.4m into the ground from the surface, or
- plant any tree or shrub, or
- disturb the soil below a depth of 0.4m from the surface, or
- do anything on or to the land which would or could damage or endanger the pipeline

within the designated corridor without first obtaining the written consent of NZRC.

For the avoidance of doubt, such written consent shall not be required for ordinary cultivation, digging, excavating, tilling and working soil to a depth of less than 0.4m or where NZRC has provided specific written approval prior to the designation coming into effect. A minimum of 1m cover shall remain above the top of the pipe after any ordinary cultivation, digging or excavation has taken place.

Landowners and/or developers can apply to NZRC for consent to do any work on the land within the designation corridor. NZRC will review each application with the landowner and/or developer and work to achieve the most suitable outcome for all parties. NZRC may give its written consent subject to reasonable conditions including the power to revoke the consent in specified circumstances.

NZRC agrees to not unreasonably withhold its consent.

Works or activities that would or could damage or endanger the pipelines include, for example, the use of heavy compaction or vibration machinery or equipment, pile driving machinery and equipment, trenching, excavation or drilling (including micro drilling and directional drilling).

2.2 No person shall undertake road opening, trenching, excavation or drilling (including micro drilling and directional drilling), or lay underground high voltage power lines >450v either in parallel with or intersecting NZRC's petroleum pipeline, without first obtaining NZRC's written approval.

2.3 However, subject to restriction 2.4, the restrictions in 2.1 and 2.2 above do not apply, and NZRC's consent is not required under section 176 of the Resource Management Act 1991 to the following activities, provided that a Road Opening Notice has been obtained from the Kaipara District Council:

- any road widening or associated works;
- any repair, maintenance or upgrade to existing road surface; and
- any repair, maintenance or upgrade to any existing network utility infrastructure.

Provided in all cases that:

- soil is not disturbed below a depth of 0.4m from the surface; and
- after works, the finished surface level is not reduced below the pre-existing surface datum.

Where works in the above categories would exceed a depth of 0.4m from the surface and/or after completion of such works the finished surface level is proposed to be reduced below the pre-existing surface datum then application shall be made to NZRC for consent to do the works. NZRC will review each application with the applicant and work to achieve the most suitable outcome for all parties. NZRC may give its written consent subject to reasonable conditions, and agrees to not unreasonably withhold its consent.

2.4 The exception provided by restriction 2.3 will only apply from the date that Kaipara District Council formally adopts and implements either the Code of Practice for Working in the Road, Auckland Region or a National Code of Practice for Working in Roads which may be developed pursuant to the January 2008 Cabinet paper *Management of Utilities' Access to Road, Rail and Motorway Corridors*, provided the Code of Practice adopted and implemented contains provisions that are substantially similar to those contained in the Code of Practice for Working in Roads, Auckland Region, requiring notification to utility providers of works intended by other parties in the vicinity of existing utility infrastructure.

3. CONDITIONS

- 3.1 Subject to these conditions, works shall be undertaken in general accordance with the plans and information submitted by the requiring authority in the documents entitled "*Proposed Designation Relating to the Refinery to Auckland Pipeline*".
- 3.2 The maximum width of the designation shall be as follows: *
- for land, not including roads 12 metres;
 - for land comprising roads and rail corridor under which the pipeline crosses, or is contained within 6 metres.
- 3.3 All pipeline maintenance, repair, upgrade and renewal activities within road reserves that involve excavation shall be pursuant to the Road Opening Notice requirements of the Council.
- 3.4 All pipeline maintenance, repair, upgrade and renewal activities outside road reserves that involve excavation shall be in accordance with the Guide to land Access for the Oil and Gas Industry and Landowners (2002).
- 3.5 Where maintenance, repair, upgrade and renewal activities involving excavation are undertaken pursuant to the designation, appropriate sediment and erosion measures shall be employed, in accordance with the Operative Kaipara District Plan.
- 3.6 Scheduled maintenance, repair, upgrade or renewal work and associated activities shall be limited to between the hours of 7am and 7pm, Monday to Saturday (excluding public holidays) except with the prior approval of the Council.
- 3.7 All works or activities related to the designation shall be undertaken in compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001).
- 3.8 The noise from maintenance works, repair, upgrade and renewal activities shall be measured, assessed and controlled in accordance with the procedures and limits set out NZS 6803:1999 Acoustics — Construction Noise.
- 3.9 NZRC shall consult with Transit New Zealand at least 30 working days prior to carrying out any works or activities on, in or under State Highways, except in emergency situations.
- 3.10 NZRC shall consult with the Council at least 15 working days prior to carrying out any works or activities on, in or under Council-controlled roads, except in emergency situations.
- 3.11 The requiring authority shall respond within 15 working days of receiving any request for its written approval under section 176 of the Resource Management Act 1991.

4. ADVICE NOTES

- 4.1 Access to overhead electricity transmission lines, poles or supporting structures shall be maintained at all times in accordance with the Electricity Act 1992.
- 4.2 NZRC has confirmed that it will consult with land owners and occupiers who may be affected by maintenance works, repair, upgrade or renewal activities to reach fair and reasonable arrangements for entry, and to address any matters regarding effects of maintenance, repair, upgrade or renewal activities, including restoring the surface of the land following maintenance, in accordance with its relevant obligations under the pipeline easement.
- 4.3 This designation traverses earlier Transit New Zealand designations that are protected pursuant to sections 176 and 177 of the Resource Management Act 1991, and State Highways which are protected pursuant to sections 51 and 52 of the Transit New Zealand Act 1989. Where that occurs, the Requiring Authority may only carry out its activities with the written consent of Transit New Zealand.
- 4.4 The Requiring Authority is obliged to operate the pipelines and ancillary facilities in accordance with the requirements of AS2885: Pipelines — Gas and Petroleum Liquids, the Health and Safety in Employment (Pipelines) Regulations 1999 and in accordance with the authorisations issued for those facilities in terms of the Petroleum Act 1937.
- 4.5 Emergency works may be performed in line with the Vector advice booklet by excavation to 0.4m depth and thereafter the use of hand tools only. Emergency operations should be notified immediately to Vector Gas Ltd who provide an on-call service outside of normal working hours.
- 4.6 An authority may need to be obtained from the New Zealand Historic Places Trust to destroy, damage or modify an archaeological site in accordance with the Historic Places Act 1993.
- 4.7 The Requiring Authority may need to seek resource consent from the Northland Regional Council in accordance with the provisions of the Northland Regional Council Water and Soil Plan for Northland.
- 4.8 The Kaipara District Council intends to adopt the National Code of Practice for Utilities' Access to the Road and Rail Corridors with the applicable Corridor Access request superseding the Application to trench Across Unsealed or Sealed Road.
- 4.9 Where works or activities are proposed on, in or under Council-controlled roads, NZRC and the Council will undertake consultation in accordance with the principles of collaboration and coordination contained in the January 2008 Cabinet paper *Management of Utilities' Access to Road, Rail and Motorway Corridors*.