

Form 18

Notice of requirement by Minister, local authority, or requiring authority for designation or alteration of designation.

To: Queenstown Lakes District Council (Territorial Authority)

In accordance with Clause 4 of the First Schedule of the Resource Management Act 1991 the Queenstown Lakes District Council ("QLDC") (Requiring Authority) gives notice of requirement for the alteration and deletion of existing designations for public work in respect of land where a restriction is necessary for the safe or efficient functioning or operation of a public work.

SITE TO WHICH THE REQUIREMENT APPLIES:

This Notice of Requirement applies collectively to the Queenstown Lakes District Council's designations listed below (note the references numbers are the reference numbers currently used in the Operative District Plan):

22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 63, 64, 65, 66, 67, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 83, 85, 88, 89, 90, 92, 93, 94, 95, 96, 98, 99, 100, 101, 106, 107, 109, 110, 111, 113, 116, 117, 118, 121, 126, 127, 129, 131, 133, 134, 135, 136, 138, 140, 142, 143, 146, 148, 149, 152, 153, 154, 156, 157, 158, 159, 160, 161, 162, 164, 165, 168, 169, 170, 171, 176, 177, 178, 181, 182, 183, 184, 186, 187, 190, 191, 193, 195, 203, 205, 207, 214, 215, 222, 223, 226, 227, 228, 232, 234, 235, 236, 237, 238, 239, 242, 246, 248, 249, 251, 252, 254, 256, 257, 258, 265, 268, 271, 273, 274, 275, 276, 277, 280, 283, 284, 286, 287, 288, 289, 290, 292, 293, 294, 296, 297, 301, 302, 303, 307, 308, 309, 310, 311, 313, 319, 320, 324, 325, 330, 332, 333, 334, 335, 336, 342, 345, 353, 357, 374, 375, 376.

The legal descriptions and references to the location of each of the sites affected by the abovementioned Designations and the details of their purpose are contained in the colour coded table of Designations contained within **Appendix [A]** of the information submitted with the overall Designations Chapter work to the Queenstown Lakes District Council.

As described in the covering letter to the Queenstown Lakes District Council, the majority of the alterations to these designations are small scale corrections for reasons such as:

- Providing the correct legal descriptions of the Designated sites;
- Providing the correct purpose for the Designated sites in accordance with their Certificates of Title;
- Incorporating adjacent landholdings into existing Designations where they have been developed for the same purpose but not formally recognised by a Designation i.e. Recreation Reserves;

- Correcting existing mapping errors particularly where the Designations do not match the physical services which they are intended to overlay;
- To update the noise standards in the Designations to the industry best practise 2008 versions, essentially rectifying an oversight of Plan Change 27A;
- To delete Designations that have lapsed or are no longer required;

The specific alterations to each of the above mentioned designations (or the reasons for their deletion) are detailed within the colour coded table of Designations in **Appendix [A]**.

The proposed alterations will correctly identify and protect the QLDC's existing infrastructure and reserves for which they are financially responsible for.

The proposed alterations to the Designations will enable QLDC to clearly and accurately identify the affected land parcels to the community through the District Plan text and planning maps and will offer certainty regarding the expectations for use of the land.

Further, the proposed alterations to the Designations will enable QLDC to undertake future works on the identified landholdings within the scope of the Designations purpose without necessitating a land use consent and will also formally restrict any other party from carrying out work on the subject sites that could prevent or hinder their continued use for its intended purpose without the requiring authorities' permission.

Given the above, it is important that the minor errors identified with the existing Designations are rectified to ensure that there are no inadvertent omissions that prevent the effective functioning of the Designations in the future.

POTENTIAL EFFECTS ON THE ENVIRONMENT:

The proposed alterations (and deletions) of the existing Designations described above and within the colour coded table in **Appendix [A]** are not considered to result in any significant adverse effects on the environment.

As detailed above, the Designations, the land on which they occur and the infrastructure services they apply to generally already exist and are utilised for their proposed purpose.

Over time and in part as a result of subsequent subdivision and development, a large proportion of the existing Designations contain incorrect legal descriptions. Similarly, the increases in the accuracy of as-built services information has highlighted minor errors with Designation mapping where the services information and Designation overlays do not align.

The research and review of the Designations as part of the District Plan Review has also highlighted adjoining land parcels that are currently being used as part of and are classified as Reserves on their Certificates of Titles but are not covered by existing formal Designations.

In addition, as a result of an oversight in the drafting of Plan Change 27A, while the noise standards within the other chapters of the Operative District Plan were updated to the latest (2008) versions of the acoustic standards in line with industry best practise, the Designations Chapter remained unchanged. The proposed alterations seek to rectify this situation and ensure that the noise standards in the Designations Chapter refer to the 2008 versions of the relevant standards as opposed to the outdated 1991 standards.

While Clause 20A in the First Schedule of the RMA provides for minor corrections to be made to existing Designations, it is accepted, based upon legal advice, that what might seem to be a minor error, capable of rectification under Clause 20A, i.e. an incorrect legal description, can have wider ramifications, particularly in the content of Designations, where the requiring authority does not own the land, or in situations where the legal description has been relied upon for property related searches, where often the location of land designated for particular purposes has impacted on a decision to purchase property.

For much the same reasons, it is also considered that the Clause 20A process would not be available for annotations on the District Plan maps to be corrected. While the physical works may have already been constructed and the effects associated with the same therefore form part of the existing environment, such changes are not considered to fall within the scope of "minor" to which Section 20A is directed.

The reference to the outdated noise standard in the Designations Chapter is also not an error per se. Rather it is in the nature of an oversight, in that the Designations were not amended as part of Plan Change 27A. Again, based on legal advice these small changes cannot be corrected pursuant to Clause 20A.

Accordingly, and for full transparency it is considered appropriate that the changes described above be notified in the District Plan Review so that should there be any effects as described above, they can be addressed through this public process.

However, while the changes are not considered to be minor in the context of Clause 20A, on the face of it, it is considered that the effects on the environment from the changes to these existing Designations most certainly would be as a result of their existing operation and use within the environment accompanied by a lack of known complaints.

Overall, the effects of the Designations operation and use already occur and form part of the existing environment. The proposed changes are largely an exercise on paper to ensure that the Designations, their location and any applicable conditions are accurate.

ALTERNATIVE SITES:

As identified previously, the Designations listed above and subject to this Notice of Requirement are existing Designations. Accordingly, there are no viable alternatives that need to be considered to achieve.

THE PROPOSED ALTERATION IS REASONABLY NECESSARY FOR ACHIEVING THE OBJECTIVES OF THE REQUIRING AUTHORITY BECAUSE:

The key objective of the requiring authority in relation to this notice is to ensure that the Designations adequately provide for the on-going operation, maintenance and upgrades of vital community infrastructure and reserves for which the QLDC is financially responsible for and that the community has an expectation of the level of effects that may be generated.

Further, the alterations will provide for and allow the maintenance, upgrade or construction of existing and future proposed facilities associated with the Designations without necessitating further land use consents due to the existing errors identified.

CONSULTATION:

The alterations to the existing Designations as described above and in **Appendix [A]** will be available for public submissions when the Proposed District Plan is publicly notified.



Signed for the Queenstown Lakes District Council by Sean Dent
Resource Management Consultant

08 June 2015
Date