

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Warren MacLennan Manager Planning - Manager, Regional, North, West, & Islands Planning

FROM Ben Kildare – Planner


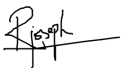

DATE 29 June 2023

SUBJECT *Designation in accordance with s181(3) of the Resource Management Act of the Auckland Unitary Plan(AUP) Operative in part (15 November 2016)*



This memorandum requests an update to Auckland Unitary Plan Operative in part

Reason for update – designation – alteration	
Chapter	K - Designations
Section	Vector Ltd
Designation only	
Designation #8890	Wellsford Substation
Locations:	1423 State Highway 1, Wellsford
Lapse Date	Given effect to (i.e. no lapse date)
Purpose	Electricity works (substation)
Changes to text (shown in underline and strikethrough)	- N/A
Changes to diagrams	N/A
Changes to spatial data	Updating designation boundaries to reflect the ownership of site and extent of electrical substation. Refer to Figure 4 of section 181(3) report on Wellsford Substation.
Attachments	Attachment 1: S181(3) report, decision report Attachment 2: Updated GIS viewer

Prepared by: Ben Kildare Planner	Text Entered by: Planning Technician
Signature: 	Signature: N/A
Maps prepared by: Rachel Joseph Geospatial Specialist	Reviewed by: Peter Vari Team Leader
Signature: 	Signature: 
Signed off by: Warren MacLennan	

Manager Planning - Manager, Regional, North,
West, & Islands Planning

Signature:

Wendy MacLennan

Attachment 1: S181(3) report, decision
report

Notice of requirement for a minor alteration to a designation under section 181(3) of the Resource Management Act 1991



Notice of requirement description

Designation number:	Designation 8890: Wellsford Substation
Requiring authority:	Vector
Site address:	1423 State Highway 1, Wellsford 0972

Summary

Auckland Council has received a request from Vector Ltd under section 181(3) of the Resource Management Act 1991 (RMA), dated 30 May 2023, to alter Designation 8890 Wellsford Substation.

It is considered after undertaking an assessment of the notice, that the proposed alteration meets the statutory tests of section 181(3) of the RMA and can therefore be processed and confirmed as a minor alteration.

Recommendation

1. That the proposed alteration of Designation 8890: Wellsford Substation in the Auckland Unitary Plan (Operative in Part) (AUP(OP)) be **approved** for the following reasons:
 - the alteration involves no more than minor changes to the effects on the environment associated with the use of the land;
 - the boundary adjustments do not affect surrounding landowners;
 - both the requiring authority and Auckland Council agree with the alteration; and
 - the land is owned and occupied by Vector Ltd.
2. That Designation 8890: Wellsford Substation is altered in the Chapter K: Designations in the AUP(OP).
3. That the GIS viewer maps be amended to reflect the minor change to the boundary of Designation 8890 Wellsford Substation.

1. Background

The substation has been present onsite since at least the 1970s. During the preparation of an outline plan of works process to enable upgrade of elements of the existing switchgear, Vector noticed the boundary of Designation 8890 and the substation site boundary did not align. Vector is seeking to modify the designation to cover the full substation site.

The substation has been designated for many years and is shown in the 1993 Rodney District plan and the 2011 Rodney District Plan which is the legacy plan immediately preceding the Auckland Unitary

Plan. The designation boundary in the 1993 District Plan (Figure 1 in Attachment A) covered the entire substation site, however the designation boundary in the 2011 District Plan (Figure 2 in Attachment A) did not cover the entire substation site meaning that part of the existing switchyard and associated hardstand area and building were not covered by the designation. The “rollover” of the designation into the Auckland Unitary Plan has perpetuated this situation. Vector is unsure as to why or how the designation boundary change occurred.

1.1. Minor alteration to a designation

Auckland Council has received a notice of requirement (NoR) for an alteration to a Designation 8890: Wellsford Substation from Vector Ltd under section 181(3) of the RMA. (see figure 5 in Attachment A)

Roughly one third ($1/3^{\text{rd}}$) (1500 square metres, more or less) of the existing substation site no longer falls within the designation. This includes part of the existing switchyard and associated buildings. The alteration request seeks to amend the boundary of Designation 8890 to cover the entire substation site owned by Vector.

1.2. Land affected by the alteration

The land affected by the alteration to the designation is located at 1423 State Highway 1, Wellsford. The current extent of Designation 8890 shown in the Auckland Unitary Plan maps as follows:

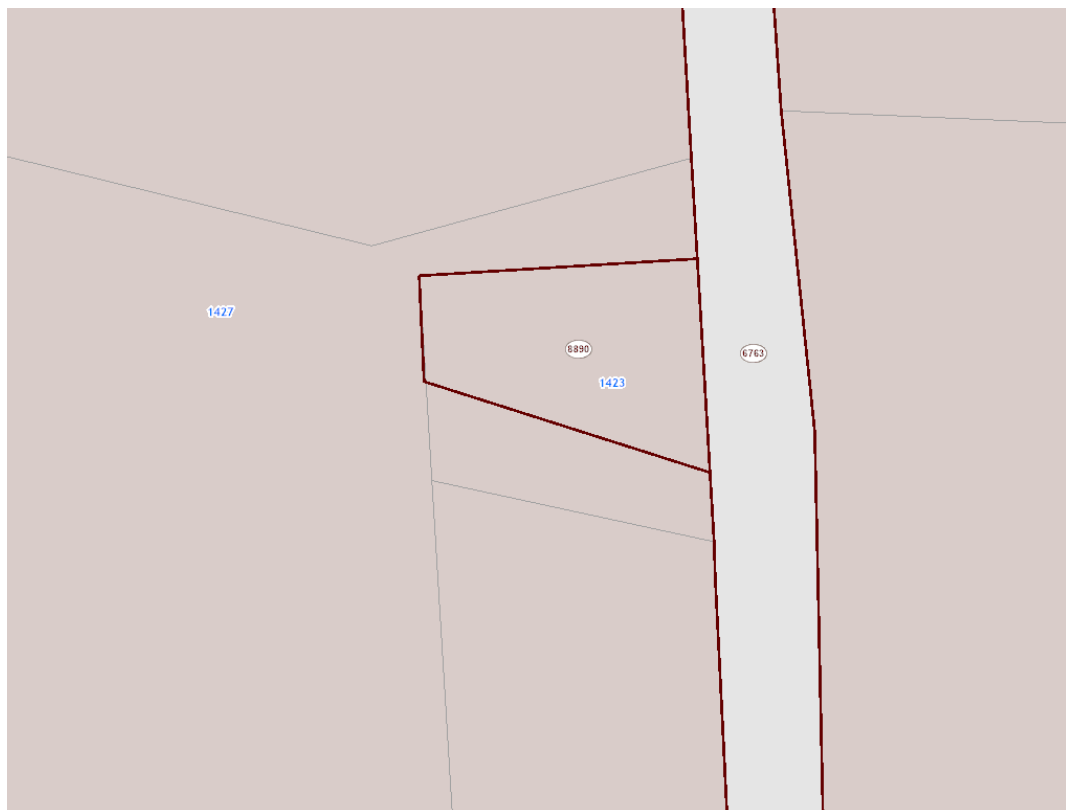


Figure 1: site location and existing designation boundary (outlined in dark brown). Designation is the trapezoidal shape to the left of designation 6763. (Source: Auckland Council Geomaps 13 June 2023).

The land affected is that immediately south (below) the southern boundary line of the designation to the site boundary line. The requiring authority has provided a site plan showing the extent of the alteration to the designation boundary (refer to figure 4 in **Attachment A**). The alteration sought will result in the entire site owned by Vector being included in Designation 8890.

1.3. Description of the site and existing environment

A site visit was conducted on 6 June 2023. The substation is on a 4,344 sq. m site and is located in a predominantly rural area on State Highway 1 south of Wellsford. The switchyard consists of electrical switchgear, hardstand area and two single-storey facilities buildings. As can be seen in Figure 3 in Attachment A the satellite image of the site. The switchyard is largely obscured from SH1 by a row of mature trees and the larger of the two buildings onsite. The predominant land use surrounding the Substation is pastoral farming and the land is zoned Rural - Rural Production Zone. There is a house to the southwest of the substation site, 50 metres at its closest point from the substation site boundary.

1.4. Delegated authority

The Team Leader – Regional North, West and Islands, Planning, Plans and Places has delegated authority, in accordance with Schedule 2A of the Auckland Council Delegations: Chief Executive Officer (updated May 2022), to exercise the council’s functions, powers, duties and discretions under the Resource Management Act 1991 in relation to section 181(3).

The NoR can therefore be considered by the Team Leader – Regional North, West and Islands Planning, Plans and Places and confirmed under section 181(3)(c).

1.5. Relevant statutory provisions

Section 181 “Alteration of designation” of the Resource Management Act 1991 states:

- (1) A requiring authority that is responsible for a designation may at any time give notice to the territorial authority of its requirement to alter the designation.*
- (2) Subject to subsection (3), sections 168 to 179 and 198AA to 198AD shall, with all necessary modifications, apply to a requirement referred to in subsection (1) as if it were a requirement for a new designation.*
- (3) A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed district plan if-*
 - (a) The alteration-*
 - (i) Involves no more than minor changes to the effects on the environment associated with the use or proposed use of land or any water concerned; or*
 - (ii) Involves only minor changes or adjustments to the boundaries of the designation or requirement; and*

(b) Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and

(c) Both the territorial authority and the requiring authority agree with the alteration – and sections 168 to 179 and 198AA to 198AD shall not apply to any such alteration.

(4) This section shall apply, with all necessary modifications, to a requirement by a territorial authority to alter its own designation or requirement within its own district.

2. Analysis of the proposed alteration

The relevant matters to consider are contained in section 181(3) of the RMA as outlined above.

2.1. Assessment of Environmental effects (s181(3)(a)(i))

The requiring authority has provided an assessment of environmental effects (AEE) with the NoR. I consider the potential effects are as follows:

- Visual and landscape effects
- Noise effects

The visual impact of the substation designation is considered to be less than minor because the substation is pre-existing and has done so for many years and no extension or expansion to the substation is sought through this S181 process. The existing trees and building will not be changed through this process so the visual and landscape effects will remain as they currently are when viewed from SH1.

The nearest neighbouring dwelling is 50 metres away to the southwest on a Rural-Rural production zoned site of 47.69Ha. As the designation alteration is to redesignate an already existing portion of the substation equipment and buildings, and any future development of the substation is subject to an Outline Plan Of Works process. It is considered that there will be no change in terms of visual effects when viewed from the dwelling. As such the effects can be considered less than minor.

The substation is audible from a distance of about 10 metres. As noted above in terms of visual effects the closest dwelling is 50 metres away and as there is no change to any existing substation components the noise effects can be considered less than minor.

Any future expansion onto the currently undesignated area of the site would require an Outline Plan of works process under S176A of the RMA and any adverse effects can be addressed through that process.

The requiring authority considers that the proposed alteration to the designation involves no more than minor changes to the effects on the environment.

There is currently an OPW lodged with Council for works within the currently designated part of the site to upgrade existing switchgear, but no further major upgrading works are proposed at this substation in the short term.

I concur with the Requiring Authority that the effects on the environment resulting from the alteration will be minor.

2.2. Assessment of minor changes or adjustments to the boundary (s181(3)(a)(ii))

The assessment under 2.1 above means an assessment under S 181 (3)(a)(ii) is not necessary. However, it is appropriate to note that while the proposed designation alteration provides a significant increase in the area designated for the substation (1500 sq. m increase), I consider the extent of the boundary adjustment of the designation as minor, taking into account the fact that a significant proportion of the additional area is already covered by the existing substation structure, hardstand area and buildings.

2.3. Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners and occupiers agree with the alteration (s181(3)(b))

The requiring authority is the owner of the land directly affected by the proposed alteration. As such Vector considers that there are no owners or occupiers of land directly affected by the alteration to the designation.

I concur with the AEE assessment. The site the designation currently covers and over which the proposed alteration will occur is land owned by the Requiring Authority. Altering the designation does not directly impact other landowners as the proposal does not extend the designation onto adjacent property.

2.4. Agreement of both the territorial authority and the requiring authority (181(3)(c))

The alteration to the designation has been requested by the requiring authority, and therefore it agrees to the alteration. Auckland Council agrees with the proposed alteration for the following reasons:

- The alteration involves no more than minor changes to the environmental effects.
- Vector owns the site of the substation. The amendment to the designation boundary adds part of the substation that already exists and has done for many years.
- There are no owners other than the requiring authority directly affected by the alteration.

3. CONCLUSIONS AND RECOMMENDATIONS

3.1. Conclusions

The proposed alteration meets the statutory tests of Section 181(3) of the Resource Management Act 1991, in that:

- The alteration involves no more than minor changes to the environmental effects, and the alteration is to include parts of the substation that already exists and has done so for many years
- There are no owners or occupiers other than the requiring authority considered to be affected by the alteration.
- The council and the requiring authority agree with the alteration.

3.2 Recommendation

1. That pursuant to Section 181(3) of the Resource Management Act 1991, Vector's notice of requirement, dated 30 May 2023, for an alteration to Designation 8890: Wellsford Substation is **approved**.
2. That the Auckland Council GIS viewer maps be amended to reflect the minor change to the boundary of Designation 8890: Wellsford Substation.

Report Prepared by:

Date: 27 June 2023

Benjamin Kildare

Graduate Policy Planner

Regional North, West and Islands Planning



4. SECTION 181(3) DETERMINATION

Having read the council planner's report and recommendations on the notice or requirement, I am satisfied I have adequate information to consider the matters required by the Resource Management Act 1991 (the RMA) and to make a decision under delegated authority.

Accordingly, the notice of requirement for an alteration to Designation 8890 Wellsford Substation is confirmed under section 181(3) of the RMA as agreed and set out in section 3 of this report.

Name: Peter Vari

Title: Team Leader – Regional, North, West, and Islands Planning

Signed: P Vari

Date: 27 June 2023

SCHEDULE OF ATTACHMENTS

Attachment A:

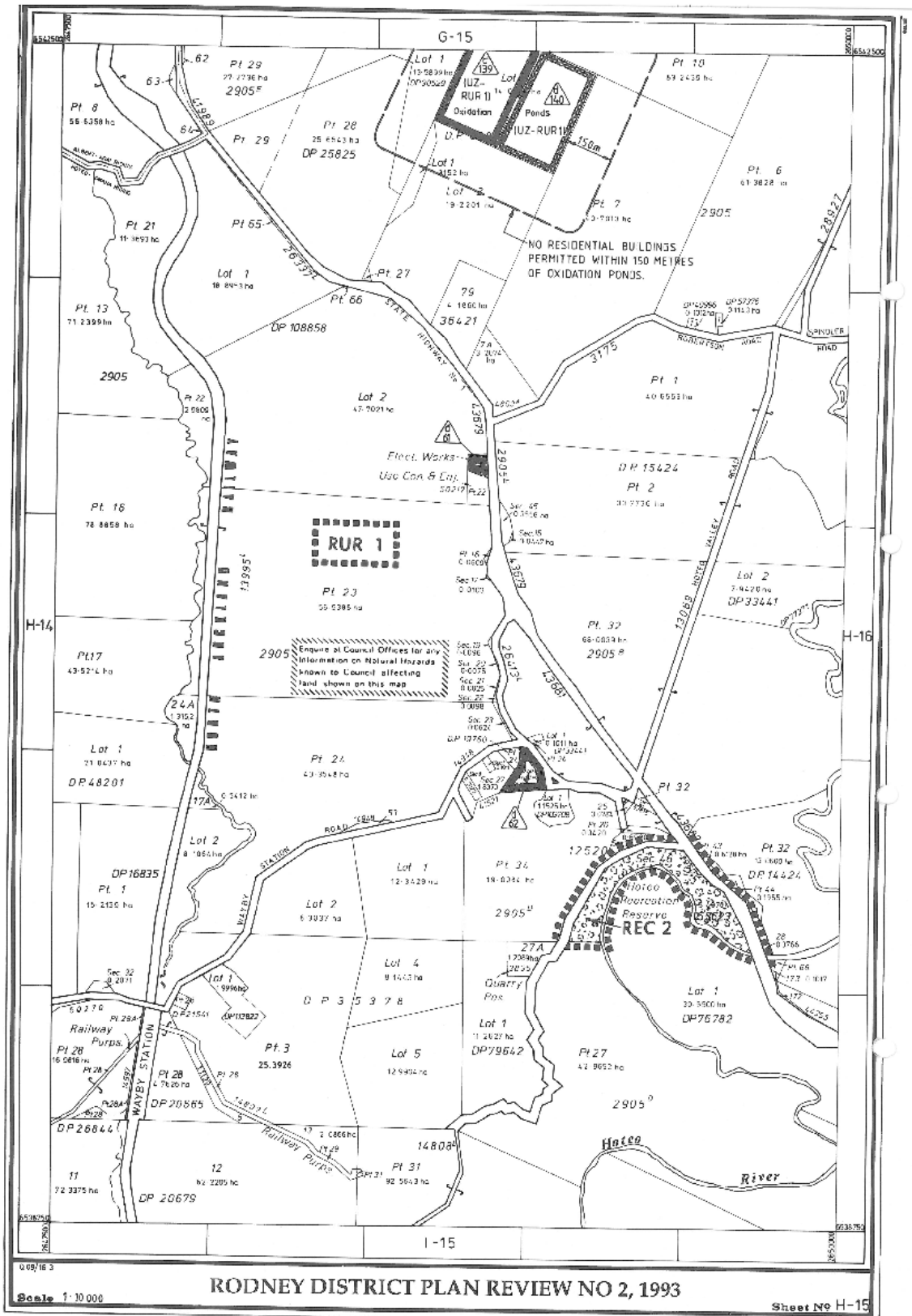


Figure 1: Designation from 1993 Rodney District Plan

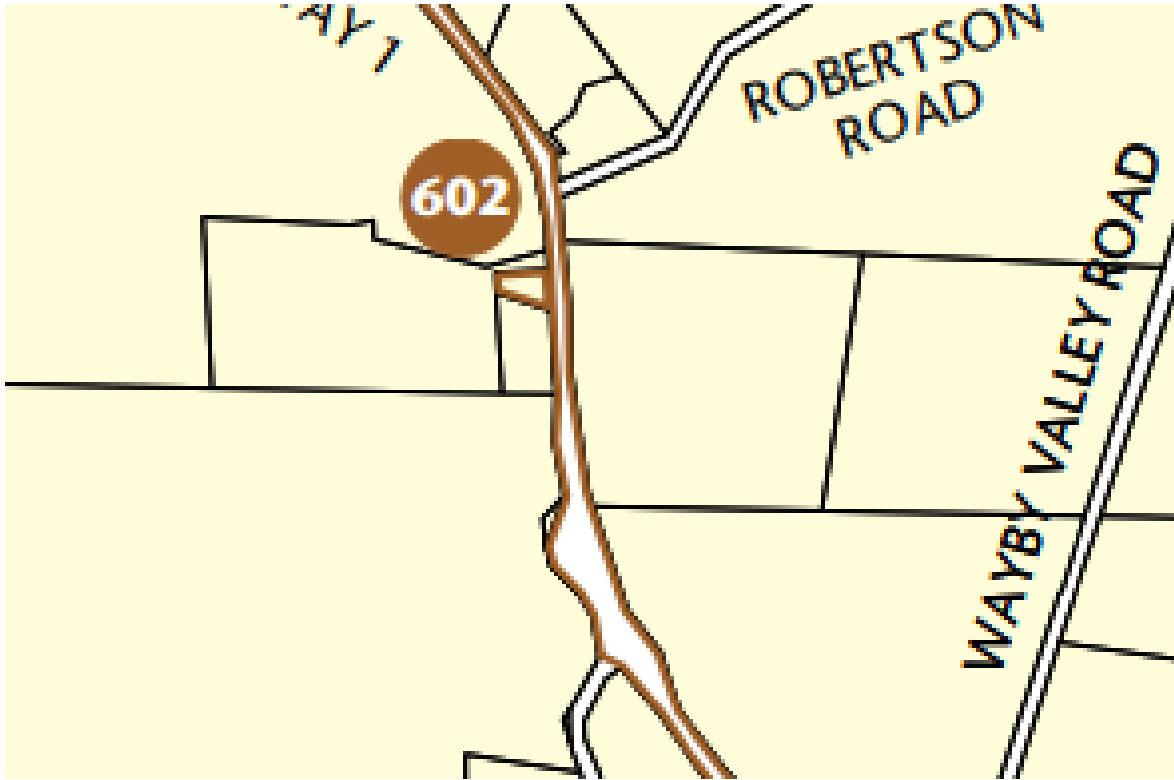


Figure 2: Designation in the former Rodney District Plan 2011.



Figure 3: Satellite image of switchyard, showing the designation and property boundaries.

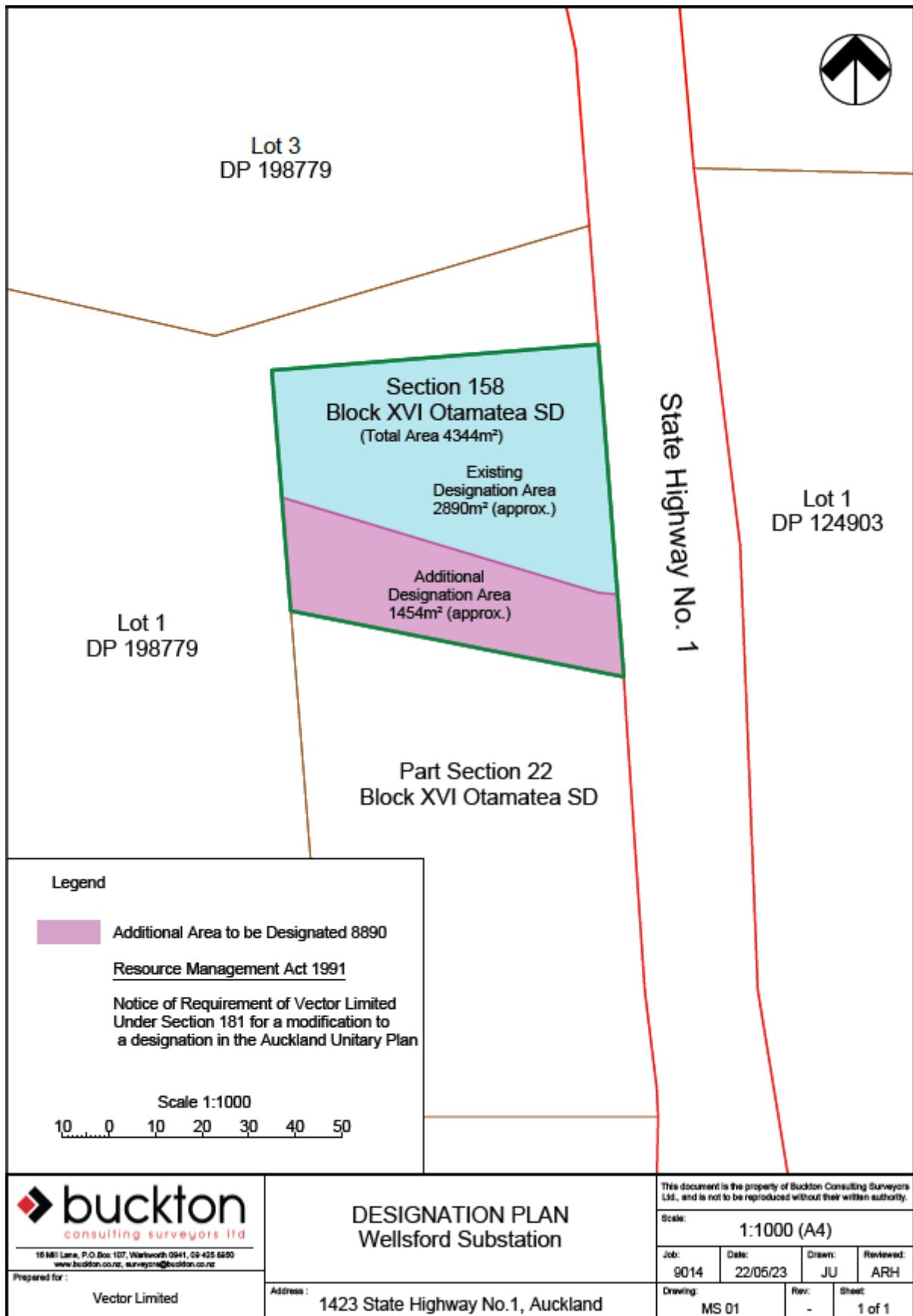


Figure 4: map of additional area to be designated.



Designation 8890 -
Alteration Applicatic

Figure 5: AEE request from Vector May 2023.

Applicant: Vector Limited

Site: Designation 8890 -
Wellsford Substation –
1423 State Highway
One

Report Title: Alteration of a
Designation under
S181

Report Date: May 2023

Report Version: Final

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Appendix One: Designation Modification Plan

Appendix Two: Record of Title

1. Introduction

Vector Limited (“**Vector**”) has a designation in the Auckland Unitary Plan – Operative in Part (“**AUPOP**”) (Designation 8890) at 1423 State Highway One. This designation is for the Wellsford Substation which has been operational for many years.

Vector is currently upgrading the switchgear at this substation and during the preparation of the Outline Plan of Works it was identified that part of the site was not designated. A review of the former Rodney District Plan shows that this part of the site was not designated in that District Plan and this error has been carried over into the AUPOP.

It is unclear why the error may have occurred in the first instance as the area not designated is the older part of the substation. However, it appears that at some stage a new title was formed for this lower part of the site from its parent site and for whatever reason the designation was not modified at that stage to encompass the new title.

Vector is therefore seeking to modify the extent of Designation 8890 so it covers the full substation site. The plan showing the additional area to be designated is included in Appendix One.

No changes to the conditions of the designation are proposed nor considered necessary.

As the alteration being sought involves no more than a minor change to the effects on the environment associated with the use or proposed use of land and the designation extent, and on the basis that Council is in agreement with the changes, then the alterations to the Designation can be undertaken under s181(3) of the Resource Management Act 1991 (the Act).

The additional area to be designated is owned by Vector Northern Properties Limited. There is no other land directly affected by the proposed modification to the designation boundary.

Property Information

Site Address:	1423 State Highway One
Legal Description:	Sec 158 Blk XVI Otamatea Survey District SO 49911. The Record of Title is included as Appendix One.
Property Owner:	Vector Northern Properties Ltd.
Site Area:	4434m ²
Underlying Zoning:	Rural – Rural Production
Designation:	8890, Wellsford Substation

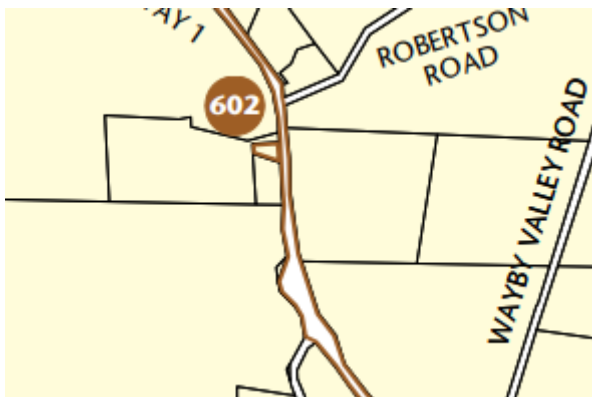


Figure One: Designation in the Former Rodney District Plan



Figure Two: *AUPOP Planning Map with the Area on the Site South of the Red Line Not being Designated.*

8890 Wellsford Substation

Designation Number	8890
Requiring Authority	Vector Ltd
Location	1423 State Highway 1, Wellsford
Rollover Designation	Yes
Legacy Reference	Designation 602, Auckland Council District Plan (Rodney Section) 2011
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

Electricity works (substation).

Conditions

No conditions.

Attachments

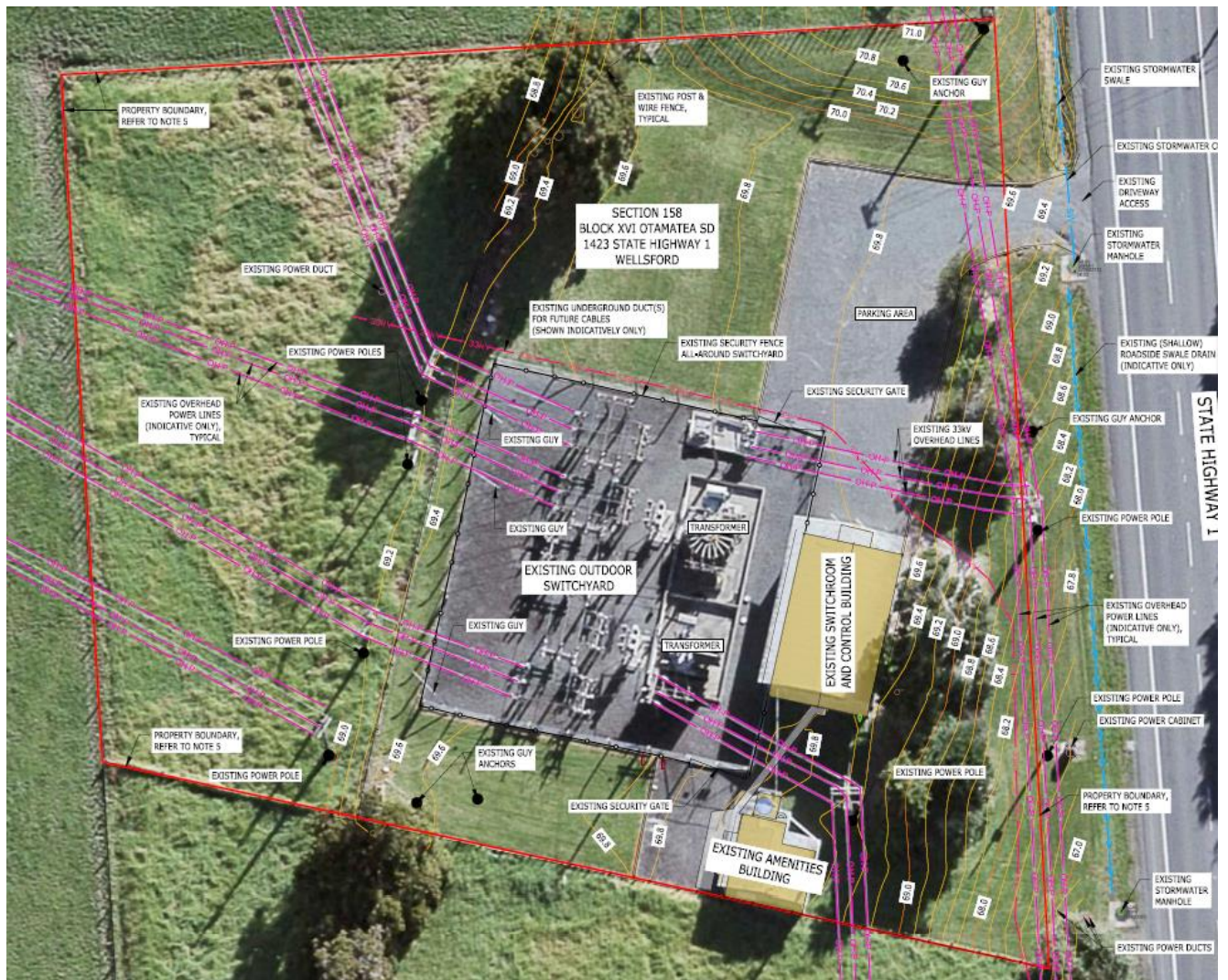
No attachments.

Figure Three: *Designation Sheet from the AUPOP*



Photograph One:

The Subject Site with the Red Line Being the Current Designation Southern Boundary (from the AC Unitary Plan)



Photograph Two: Current Substation Layout

2. Assessment of Effects

The additional area to be designated includes:

- (1) Part of the current switchroom;
- (2) Amenities building (which is to be removed shortly); and
- (3) Part of the outdoor switchyard (part of which is to be removed shortly but the metaled yard is to be retained).

The modification to the designation is to correct an error in the AUPOP which only shows part of the existing substation site being designated. The modification does not seek to change the purpose of the site and any future external works within this area will be subject to the outline plan process.

There is currently an OPW lodged with Council for works within the currently designated part of the site and no further major upgrading works are proposed at this substation in the short term.

It is considered that the modification to the designation will not have any effects on the environment and no parties will be affected by it.

Appendix One: **Designation Modification Plan**



Lot 3
DP 198779

Section 158
Block XVI Otamatea SD
(Total Area 4344m²)

Existing
Designation Area
2890m² (approx.)

Additional
Designation Area
1454m² (approx.)

State Highway No. 1

Lot 1
DP 124903

Lot 1
DP 198779

Part Section 22
Block XVI Otamatea SD

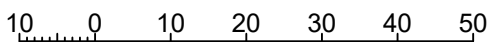
Legend

 Additional Area to be Designated 8890

Resource Management Act 1991

Notice of Requirement of Vector Limited
Under Section 181 for a modification to
a designation in the Auckland Unitary Plan

Scale 1:1000



16 Mill Lane, P.O.Box 107, Warkworth 0941, 09 425 8950
www.buckton.co.nz, surveyors@buckton.co.nz

Prepared for :
Vector Limited

DESIGNATION PLAN
Wellsford Substation

Address :
1423 State Highway No.1, Auckland

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Scale:
1:1000 (A4)

Job:	Date:	Drawn:	Reviewed:
9014	22/05/23	JU	ARH

Drawing:	Rev:	Sheet:
MS 01	-	1 of 1

Appendix Two: **Record of Title**



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **NA35C/329**
Land Registration District **North Auckland**
Date Issued 11 August 1976

Prior References
GN 504024.1

Estate Fee Simple
Area 4344 square metres more or less
Legal Description Section 158 Block XVI Otamatea Survey
District

Registered Owners
Vector Northern Property Limited

Interests

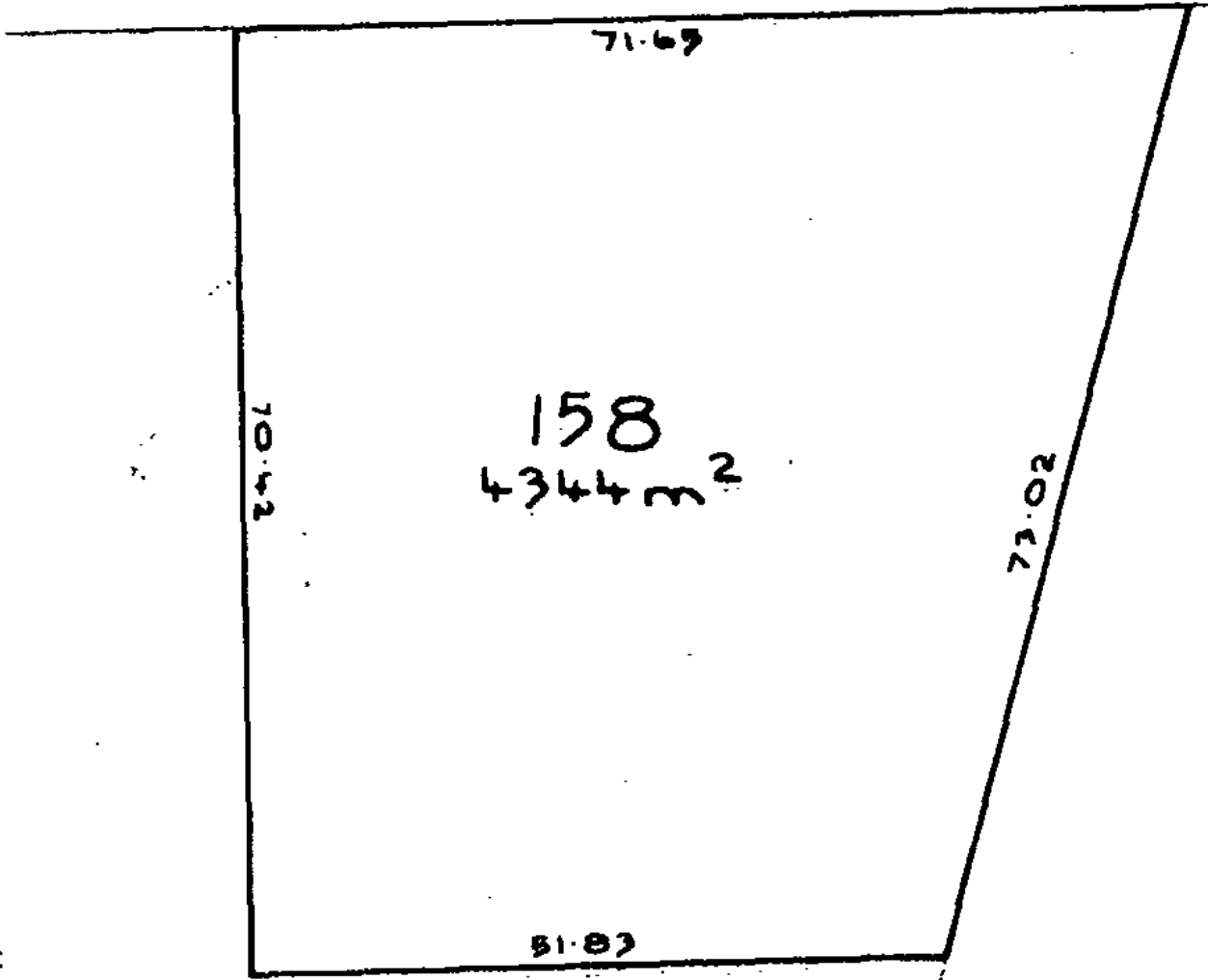


[Handwritten Signature]

Assistant Land Registrar

XVI Otamatea SD

S. H. No 1



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Report Prepared By:
David Hay

Version: Final

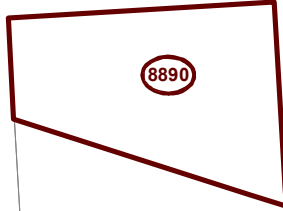
Updated: 24 May 2023

Osborne Hay (North) Limited Phone: 09 425-9844
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Attachment 2: Updated GIS viewer

BEFORE

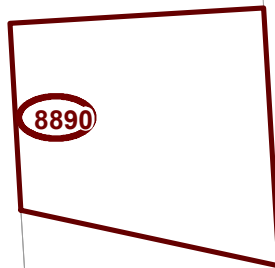


Sh 1

 Designations

 Parcel boundary

AFTER



Sh 1

 Designations

 Parcel boundary



Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Date: 17/07/2023

Alteration to Designation D8890 Vector Ltd.



Plans and Places