

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Warren MacLennan, Manager Regional, North, West and Islands Planning

FROM Jo Hart Senior Policy Planner, North, West and Islands Planning


DATE 10 November 2021

SUBJECT **Designation in accordance with section 181(3) of the Resource Management Act in 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 – alteration to a designation	
Chapter	AUP(OIP) GIS Viewer
Section	AUP(OIP) GIS Viewer
Designation only	
Designation # 4310	Whenuapai Airbase – Minister of Defence
Locations:	Brigham Creek Road, Kowhai Road, Kauri Road and Bristol Road, Whenuapai
Lapse Date	Given effect to (i.e., no lapse date)
Purpose	Defence purposes (as defined by section 5 of the Defence Act 1990) – air base
Changes to text (shown in underline and strikethrough)	No changes to text
Changes to diagrams	No changes to diagrams
Changes to spatial data	Alteration to the designation boundary to include additional land at Totara Road Refer to Attachment B & C
Attachments	Attachment A – s181(3) recommendation and decision report Attachment B – map of land to be included in Designation 4310 Attachment C – Updated GIS Viewer

<p>Prepared by: Jo Hart Senior Policy Planner, North, West and Islands Planning</p>	<p>Text Entered by: Planning Technician</p>
<p>Signature: </p>	<p>Signature: N/A</p>
<p>Maps prepared by: Mitesh Bhula Geospatial Specialist</p>	<p>Reviewed by: Eryn Shields Team Leader - North, West and Islands Planning</p>
<p>Signature: </p>	<p>Signature: </p>
<p>Signed off by: Warren MacLennan Manager Planning – Regional, North, West and Islands.</p>	
<p>Signature: </p>	

Attachment A – s181(3)
recommendation and 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 4310: Whenuapai Airbase
Requiring authority:	Minister of Defence
Site address:	Brigham Creek Road, Kowhai Road, Kauri Road and Bristol Road, Whenuapai.

Summary

Auckland Council has received a request from the Minister of Defence under section 181(3) of the Resource Management Act 1991 (RMA), dated 13 October 2021, to alter Designation 4310: Whenuapai Airbase (Attachment A).

After undertaking an assessment of the notice of requirement, 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 4310: Whenuapai Airbase 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 alteration involves only minor adjustments to the boundaries of the existing designation
 - both the requiring authority and Auckland Council agree with the alteration
 - the land is owned by the Minister of Defence.
2. That the GIS viewer Management Layer in the Auckland Unitary Plan (Operative in part) is amended to reflect the adjustment to the designation boundary.

1. Background

Designation 4310: Whenuapai Airbase was rolled over from the legacy Auckland Council District Plan (Waitākere City Section) 1998. Designation 4310 provides for the operation of Whenuapai Airbase for “*Defence Purposes (as defined by section 5 of the Defence Act 1990) – Air Base*”.

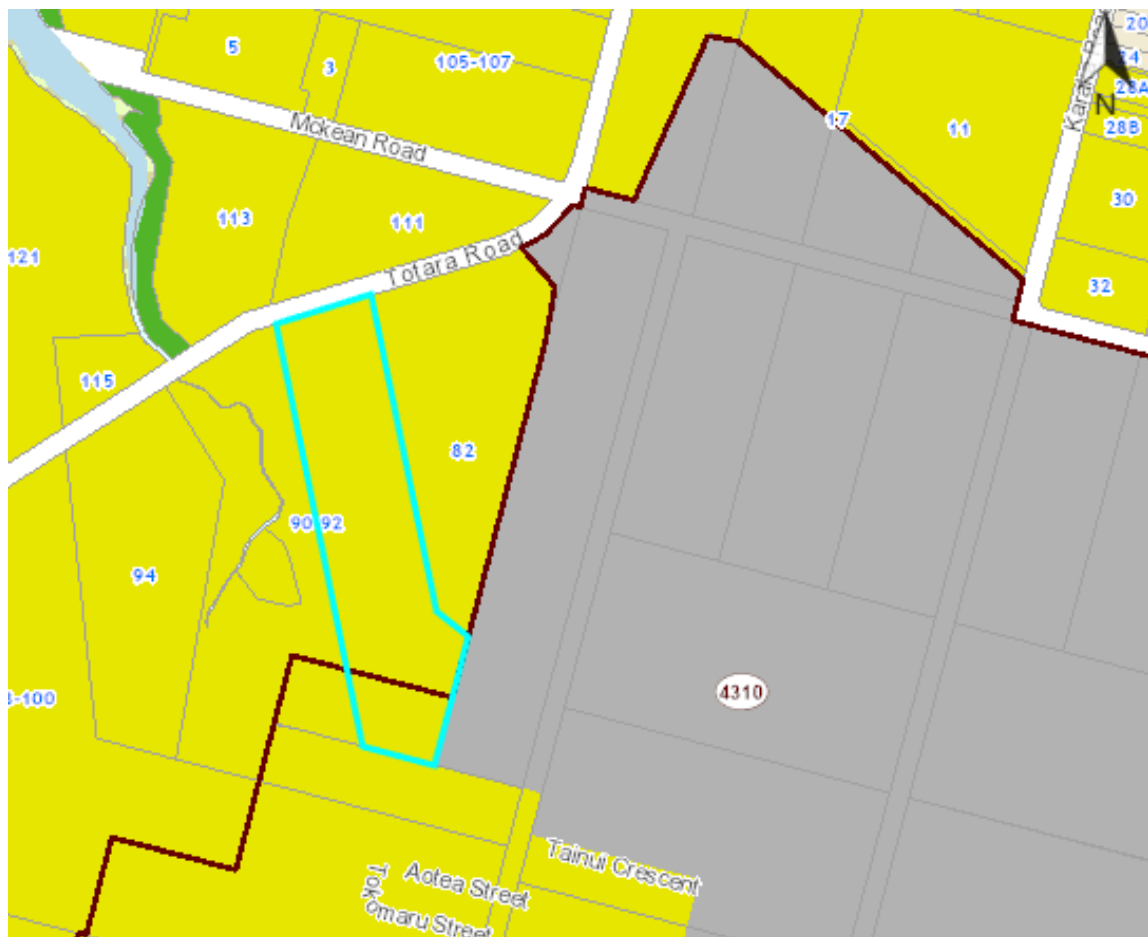
1.1. Minor alteration to a designation

Auckland Council has received a notice of requirement (NoR) for an alteration to Designation 4310: Whenuapai Airbase under section 181(3) of the RMA. The alteration is required to alter the boundary of the existing designation to include a parcel of land (part of Lot 2 DP 62343) of approximately 3.88 hectares.

The requiring authority is not seeking any other amendments to the remainder of Designation 4310. No amendments to the designation conditions are being sought.

1.2. Land affected by the alteration

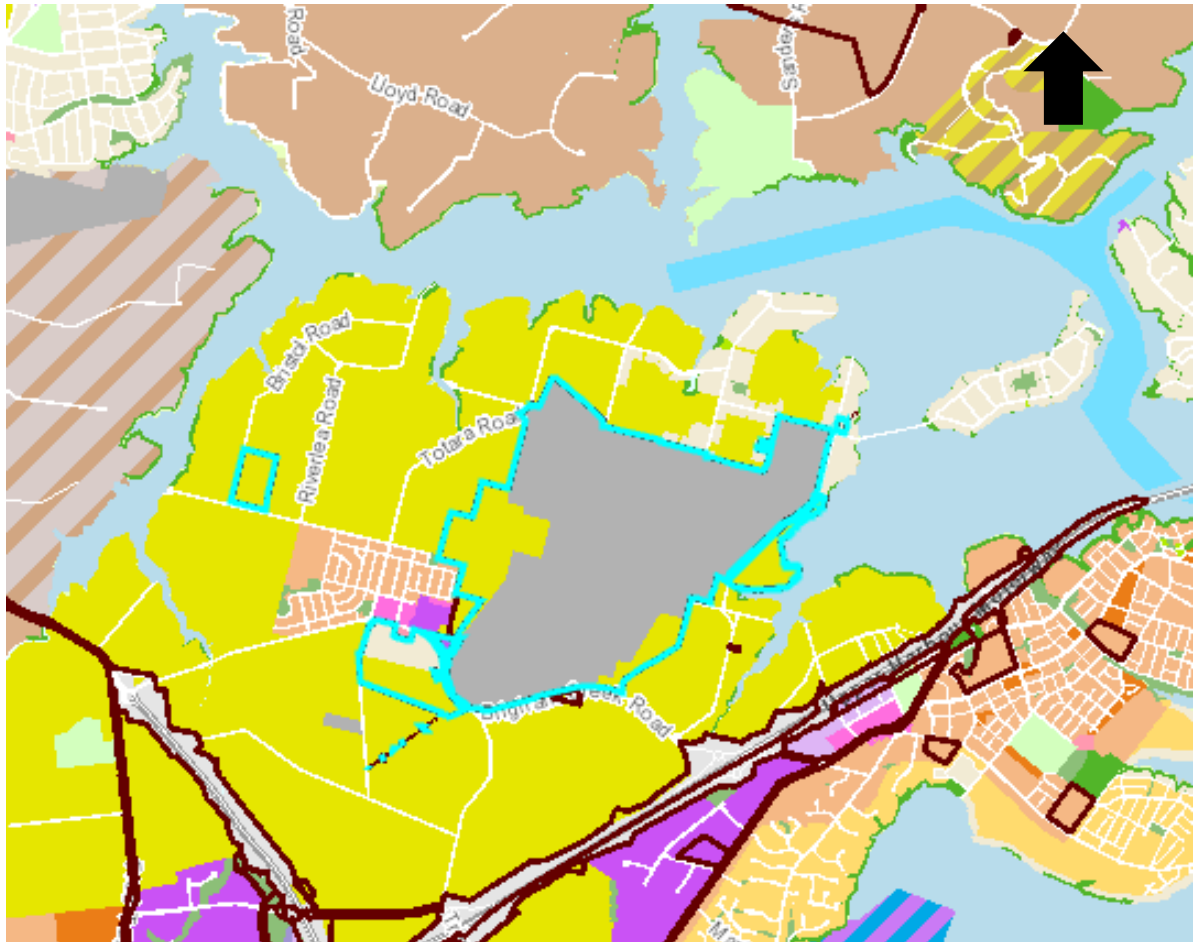
The land affected by the alteration to the designation is located immediately adjacent to existing development (Rifle Range) west of Tamatea Avenue as shown below in Map 1:



Map 1: AUP map showing vicinity of proposed alteration. The alteration area is outlined in blue with the existing designation outlined in brown.

1.3. Description of the site and existing environment

Designation 4310 is located within the Whenuapai area adjacent to Whenuapai Village. The majority of the land within the designation is zoned Special Purpose with the remaining land zoned Future Urban Zone (refer to Map 2 below).



Map 2: AUP GIS Viewer map showing Designation 4310 outlined in blue (27 October 2021).

The Defence land at Whenuapai and the airbase itself, is a significant contributor to the overall character and amenity of the existing neighbourhood. The Defence land is highly modified, developed and in active use by the Royal New Zealand Air Force (RNZAF). The airbase has two major runways as well as greenfield areas maintained as a buffer. Defence housing is located to west of the runways, hangars and other defence buildings.

There are several properties zoned Light Industry located to the west of the entrance of the airbase on Brigham Creek Road. Whenuapai Village is located to the west of the Light Industry zoned land. Areas of residential development, previously provided for through the Housing Accords and Special Housing Areas Act 2013, are located adjacent to the south-west boundary of Designation 4310, to the north and further west past the village on Brigham Creek Road. An area of older housing is located west from the airbase entrance on the southern side of Brigham Creek Road. The remainder of the land in the vicinity of the airbase is zoned Future Urban and is rural countryside living in character (refer to Map 3 below).



Map 3: AUP GIS viewer aerial photo showing Designation 4310 outlined in blue.

1.4. Description of the works

The Whenuapai Airbase is a significant defence facility located in the Auckland Region and is of strategic importance both regionally and nationally. Designation 4310 provides for the operation of the airbase for Defence purposes and the Minister is seeking to extend the boundary of the designation to include additional land. There are no changes sought either to the purpose or the existing conditions.

The alteration does not provide for any specific works. The requiring authority has advised that the alteration land is likely to be developed as a secondary access for vehicles and pedestrians from Totara Road. The requiring authority states, in the NoR, that the secondary access will support the RNZAF's ability to be prepared to assist the wider public in times of need such as disaster. The alteration also ensures that a secondary means of access is preserved should the existing access become compromised or need to close for a short time.

The detail of any works to be constructed on the designated land, including any matters to avoid, remedy or mitigate any adverse effects on the environment from those works, would be provided for through an Outline Plan of Works under section 176A of the RMA.

1.5. Delegated authority

The Team Leader – Regional, North, West and Islands Planning has delegated authority, in accordance with the Auckland Council Delegations: Chief Executive Officer (updated February 2021), 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 and approved or declined under section 181(3)(c).

1.6. 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 NoR only briefly addresses the potential environmental effects of the alteration. The requiring authority considers that the effects of the alteration will be less than minor.

The requiring authority states the following in its NoR:

The extension of the designation will provide additional space for Defence Purposes including access. The activities that would be authorised are of the same or similar character and intensity and have the same or similar effects as those that are presently carried out on the immediately adjacent Designation 4310.

In summary, addition of the alteration land to the existing Designation 4310 will not:

- *Materially decrease the separation distance between either of the neighbouring land parcels and Designation 4310.*
- *Introduce any new classes of activity or structure to the general locality.*
- *Have any minor or more than minor effects on neighbours.*

I agree with the requiring authority's statement. The alteration involves only a minor change or adjustment to the boundary of the existing designation. No specific works are proposed as part of the alteration. Future works will require an Outline Plan of Works to be submitted to Auckland Council unless a waiver has been requested and then granted. The Outline Plan of Works must show:

- the height, shape, and bulk of the public work, project, or work
- the location on the site of the public work, project, or work
- the likely finished contour of the site
- the vehicular access, circulation, and the provision for parking
- the landscaping proposed
- any other matters to avoid, remedy or mitigate any adverse effects on the environment.

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

The alteration requires a minor change to the boundaries of the designation. The land subject to the alteration is owned by the New Zealand Defence Force (NZDF).

I agree with the requiring authority that including the additional land within the designation boundary allows the Minister of Defence to be able to undertake any future works provided for by the alteration subject to conditions. In addition, the alteration to the boundary of the existing designation can only be implemented through section 181 of the RMA.

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 land subject to the alteration is owned by the requiring authority. The requiring authority states in its NoR that the land is currently grazed under licence. The portion of the licence required for the development of access will be revoked when the land is required. The grazing licence holders do not live on site, using the land periodically for a limited purpose. Therefore, this does not meet the definition of 'occupier' in section 2 of the RMA where 'an inhabitant occupier is a person who, while not living there all the time, can be seen as the person exercising actual domination and control over the property'. The grazing licence is also subject to the requiring authority's right to use the whole, or any part, of the land for its own purpose.

The requiring authority considers that no other consultation is required in accordance with 181(3)(b).

I agree with the requiring authority that there are no owners or occupiers of land directly affected that need to be provided written notice, or need to agree to the alteration.

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
- the alteration involves only minor changes to the boundary
- the land is owned by the NZDF and occupied by the RNZAF.

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
- there are no more than minor changes or adjustments to the boundaries of the existing designation
- the land is owned by the NZDF and occupied by the RNZAF.
- the council and the requiring authority agree with the alteration.

4.2 Recommendations

1. That pursuant to Section 181(3) of the Resource Management Act 1991, the Minister of Defence's notice of requirement for an alteration to Designation 4310: Whenuapai Airbase is **approved**.
2. That the GIS viewer Management Layer of the AUP(OP) is amended to reflect the adjustment to the designation boundary.

Report Prepared by:

Jo Hart

Senior Policy Planner

Regional, North, West and Islands Planning

Date: 27 October 2021



4. SECTION 181(3) DETERMINATION

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

Accordingly, the notice of requirement for an alteration to Designation 4310: Whenuapai Airbase is **approved** under section 181(3) of the RMA.

Name: Eryn Shields

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

Signed: 

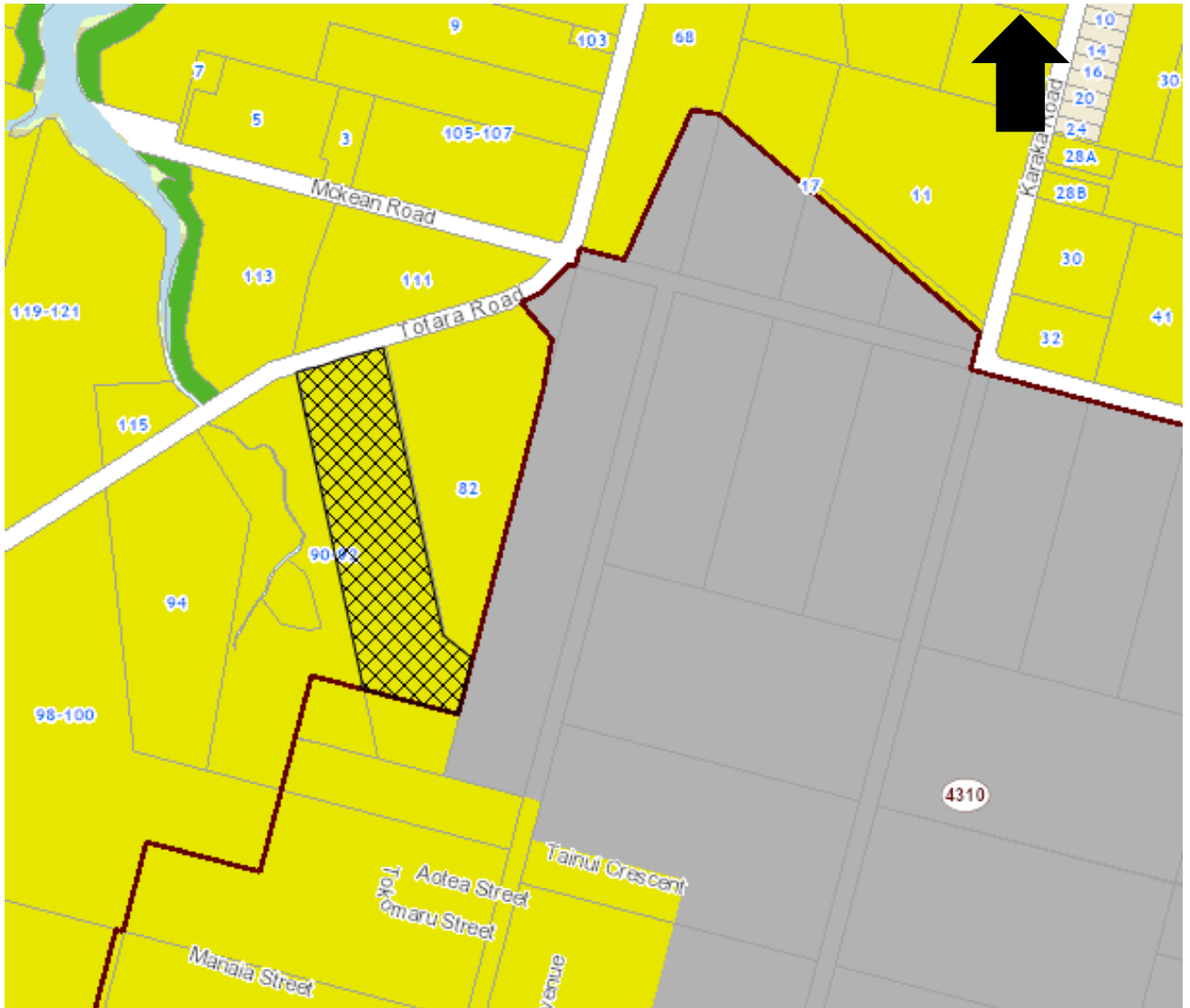
Date: 29 October 2021

SCHEDULE OF ATTACHMENTS

Attachment A: Minister of Defence Section 181(3) Notice of Requirement
Attachment B Further information emails

Attachment B – map of land to be
included in Designation 4310

Attachment B: Map of land required to be included in Designation 4310 – remainder of Lot 2 DP 62343 (shown as hatched area)



Attachment C – Updated GIS Viewer

BEFORE



Designations

public

AFTER



Designations

public

0 50 100 200 Metres

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: 1/12/2021

NZDF - Alternation to Designation 4310 - Additional land to Totara Road



Plans and Places