

UNITARY PLAN UPDATE REQUEST MEMORANDUM



TO Celia Davison, Manager Planning, Central South Unit




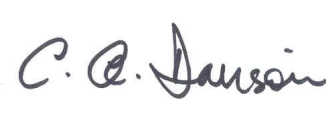
FROM Katrina David, Senior Policy Planner, Central South Unit

DATE 4 February 2021

SUBJECT **Removal of Designation 3004 in accordance with s182 of the Resource Management Act (RMA) of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016)**

This memorandum requests an update to the Auckland Unitary Plan (Operative in part).

Reason for update – Removal of Designation 3004	
Chapter	Chapter K Designations AUP GIS Viewer
Section	Schedules and Designations – Counties Power Limited AUP GIS Viewer
Designation only	
Designation #3004	Waiuku Substation (Cornwall Road)
Location	Cornwall Road (part of Lot 2 DP 384042), Waiuku
Lapse Date	31 August 2022, unless given effect to prior
Purpose	Electricity supply purposes.
Changes to text (shown in underline and strikethrough)	Remove Designation 3004 from Chapter K in its entirety from the AUP text
Changes to diagrams	N/A
Changes to spatial data	Remove designation 3004 in its entirety from the AUP GIS Viewer
Attachments	Attachment A: S182 Report Attachment B: Updated GIS Viewer

Prepared by: Katrina David Senior Policy Planner, Central South Unit	Maps prepared by: Aching Konyak Geospatial Specialist
Signature: 	Signature: 
Reviewed by: Katrina David Senior Policy Planner, Central South Unit	Signed off by: Celia Davison Manager Planning, Central South Unit
Signature: 	Signature: 

Attachment A: S182 Report

Removal of a designation under section 182 of the Resource Management Act 1991



To: Craig Cairncross – Team Leader, Planning Central and South
From: Katrina David – Senior Policy Planner, Planning Central and South
Date: 2 February 2021
Subject: Removal of Designation 3004 in the Auckland Unitary Plan

Summary

Auckland Council has received a request from Counties Power Limited (Counties Power) under section 182 of the Resource Management Act 1991 (RMA), dated 10 December 2020, to remove in full Designation 3004 Waiuku Substation (Cornwall Road).

A section 182(1) request is required to uplift the existing designation in full which is no longer required by Counties Power.

Auckland Council, as the territorial authority, is required to amend its district plan, without using the process in Schedule 1, as soon as reasonably practicable after receiving a section 182 request.

It is recommended that the removal be accepted.

Recommendation

1. That the section 182 request from Counties Power Limited for the removal of Designation 3004 Waiuku Substation (Cornwall Road) in the Auckland Unitary Plan be **accepted** for the following reasons:
 - notice of the removal has been served on every person as required by section 182(1)
 - the land is no longer required for the purpose of electricity supply as provided for by the designation
 - the designation is no longer required to provide for electricity supply.
2. That Designation 3004 Waiuku Substation (Cornwall Road) be removed, as soon as reasonably practicable, in the Designation Overlay and Chapter K Designations where the text needs to be deleted in the Auckland Unitary Plan.

1. Description

1.1. References

Designation number:	3004 Waiuku Substation (Cornwall Road)
Lodgement date:	10 December 2020
Requiring authority:	Counties Power Limited
Reporting officer:	Katrina David
Site address:	Cornwall Road (part of Lot 2 DP 384042), Waiuku
UP Zoning:	Business: Light Industry

2.0 Background

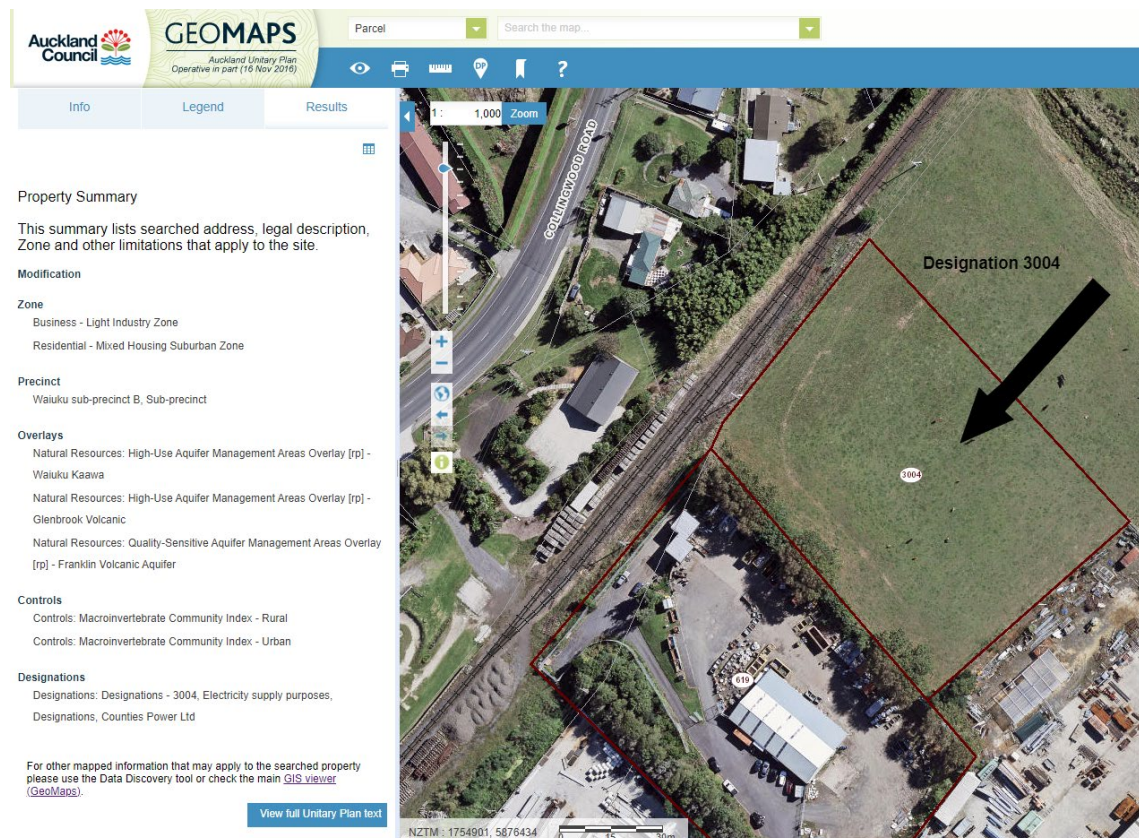
2.1 Details of designation

Designation 3004 Waiuku Substation (Cornwall Road) is for the purpose of electricity supply. The location of the designation is shown in Map 1 below.

Designation 3004 has 11 conditions relating to the establishment, operation and maintenance of a substation.

It is a rollover of Designation 150 from the legacy Auckland Council District Plan (Franklin Section) 2000, with a lapse date of 31 August 2022, unless given effect to prior.

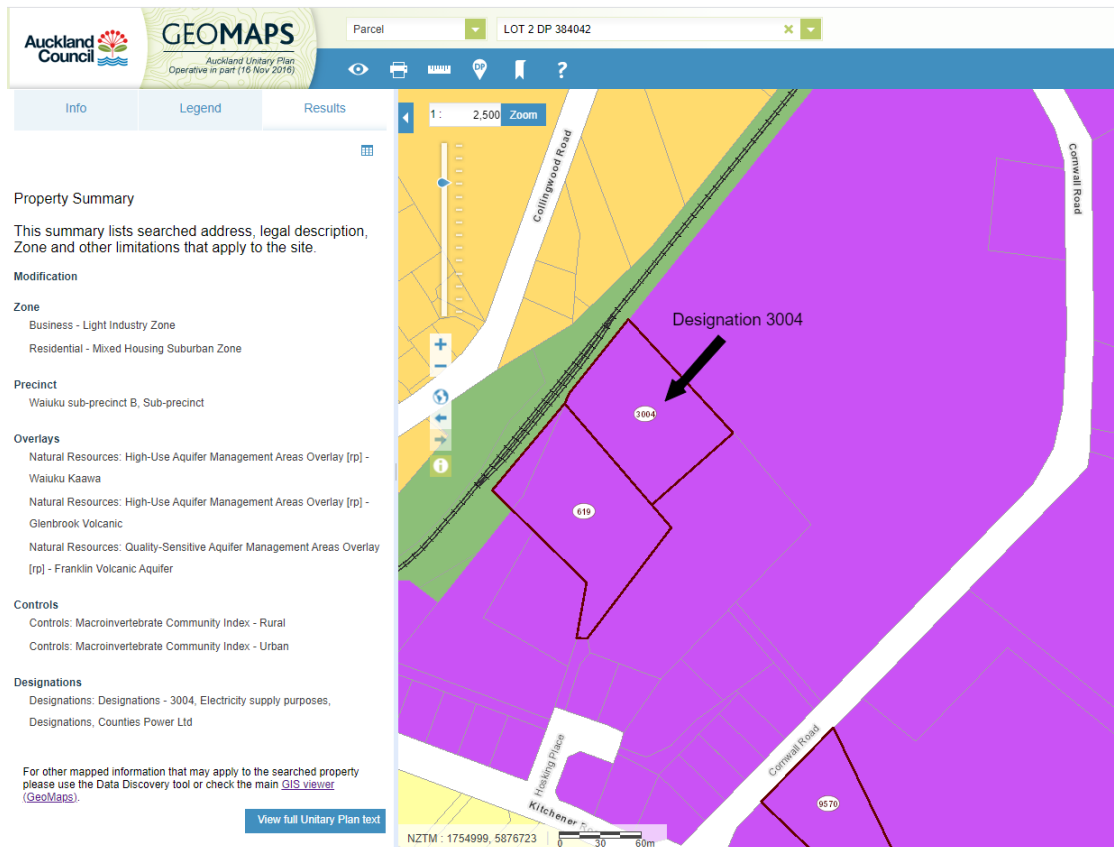
Map 1: Location of Designation 3004 with aerial photo



1.2 Land affected by removal

The location of Designation 3004 is listed in Chapter K of the Auckland Unitary Plan as Cornwall Road (part of Lot 2 DP 384042), Waiuku. The mapped extent of this designation is shown in Map 2 below.

Map 2: Designation 3004 with underlying zoning as shown by the Designation Overlay in the Auckland Unitary Plan GEOMAPS



Counties Power has provided a site plan showing the extent of the designation which is to be removed (refer to Attachment A).

The land covered by Designation 3004 (Part lot DP 384042) is not owned by Counties Power. Rather it is privately owned by Baseline (2018 Limited). Counties Power has provided a copy of a letter sent to the property owners informing them of this section 182 request to remove Designation 3004 from their property (refer to Attachment A).

1.3 Delegated authority to consider alterations to designations

The Team Leader - Planning Central and South (Plans and Places Tier 5) has delegated authority, in accordance with Schedule 2A of the Auckland Council Delegations: Chief Executive Officer (updated February 2017), to exercise the Council's functions, powers, duties and discretions under the Resource Management Act 1991 in relation to Section 182 to approve a removal of a designation.

The section 182 request to remove the designation can therefore be considered by the Team Leader – Central and South (Plans and Places Tier 5) and accepted or declined.

1.4 Relevant Statutory Provisions

Section 182 of the RMA allows a requiring authority to remove a designation or part of a designation if it no longer wants it. To do this the requiring authority shall give notice to:

- a) the territorial authority concerned; and
- b) every person who is known by the requiring authority to be the owner or occupier of any land to which the designation relates; and
- c) every other person who, in the opinion of the requiring authority, is likely to be affected by the designation.

Section 182(2) states that as soon as reasonably practicable the territorial authority shall, without using the process in Schedule 1, amend its district plan accordingly.

Section 182(5) requires that if the territorial authority considers that the effect of the removal of part of a designation on the remaining designation is more than minor, it may, within 20 working days of receipt of a section 182 notice, decline to remove that part of the designation. The section 182 request is to remove Designation 3004 in its entirety, therefore section 182(5) does not apply in this instance.

It is considered that Counties Power has met its requirements under section 182(1) and that Designation 3004 Waiuku Substation (Cornwall Road) for the following reasons:

- notice of the removal has been served on every person as required
- the land is no longer required for the purpose of electricity supply as provided for by the designation
- the designation is no longer required to provide for electricity supply.

2.0 Recommendation

That pursuant to Section 182 of the Resource Management Act 1991 that the removal of Designation 3004 Waiuku Substation (Cornwall Road) be **accepted** and the Auckland Unitary Plan (Operative in part) Designations Overlay and the text in Chapter K Designations be amended accordingly. See Attachment B for amendments.

Prepared by: Katrina David
Senior Policy Planner
Planning Central and South

Accepted Craig Cairncross
Team Leader
Planning Central and South

Declined

by:

Signature:



Signature:



Date: 2 February 2021

SCHEDULE OF ATTACHMENTS:

Attachment A: Counties Power s182 Notice of Removal of Designation 3004 (letter to Auckland Council and Baseline (2018) Limited) dated 10 December 2020

Attachment B: Amendments to Chapter K and Designation Overlay, Auckland Unitary Plan Designation 3004

Attachment A: Counties Power s182 Notice of Removal of Designation 3004 (letter to Auckland Council and Baseline (2018) Limited) dated 10 December 2020

10 December 2020

By email

Attention Bronnie Styles

**S182: Notice of removal of designation 3004 Auckland Unitary Plan (operative in part)
Cornwall Road (part of Lot 2 DP 384042), Waiuku**

To Auckland Council

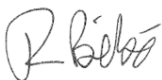
And to Baseline (2018) Limited

Counties Power Limited gives notice that it no longer requires the following designation:

Designation 3004 as described in the Auckland Unitary Plan (operative in part), located on part of Lot 2 DP 384042, Cornwall Road, Waiuku and shown on the plan attached as Attachment 1 to this notice.

Counties Power Limited requests the territorial authority to amend the district plan accordingly as required by section 182 of the Resource Management Act 1991.

Yours Sincerely



Rachel Bilbé

Land and Easements Team
Counties Power Limited

Attached:

Attachment 1: Plan showing location of designation 3004

Attachment 1 – Location of designation



**Attachment B: Amendments to Chapter K and Designation Overlay,
Auckland Unitary Plan Designation 3004**

Designation Schedule - Counties Power Ltd

Number	Purpose	Location
3000	Electricity supply purposes	104 Manukau Road, Pukekohe
3001	Electricity supply purposes	125 Kitchener Road, Waiuku
3002	Electricity supply purposes	Batty Road (Lot 1 DP 56769), Kingseat
3003	Electricity supply purposes	Hillview Road (Lot 1 DP 109070), Ramarama
3004	Electricity supply purposes [Deleted]	Cornwall Road (part of Lot 2 DP 384042), Waiuku [Deleted]
3005	Electricity supply purposes • (Pukekohe to Tuakau 110kV overhead electricity line)	104 Manukau Road to Buckland Road, Pukekohe
3006	Electricity supply purposes	9 Ponga Road, Opaheke
3008	Electrical supply purposes	Whitham Road (Lot 1 DP 175576), Glenbrook
3009	Electrical supply purposes	201 Quarry Road, Drury

3004 Waiuku Substation (Cornwall Road)

Designation Number	3004
Requiring Authority	Counties Power Ltd
Location	Cornwall Road (part of Lot 2 DP 384042), Waiuku
Rollover Designation	Yes
Legacy Reference	Designation 150, Auckland Council District Plan (Franklin Section) 2000
Lapse Date	31 August 2022, unless given effect to prior

Purpose

Electricity supply purposes.

Conditions

1. Establishment of Substation on Site

The Outline Plan of Works for the establishment of the substation on the site must comply with the following:

- a. The works to give effect to the designation must be undertaken in general accordance with the information submitted by Counties Power in support of the Notice of Requirement contained in the document titled: Notice of Requirement for a Designation for a New Electricity Substation in Waiuku, Notice of Requirement and assessment of Environmental Effects dated August 2007 prepared by Boffa Miskell and additional information dated 12 October 2007 (and any subsequent addenda or errata provided by the requiring authority at or before the hearing of the Notice of Requirement on 25 February 2008).
- b. The Outline Plan of Works to be submitted pursuant to section 176A of the Resource Management Act 1991 to establish the substation on site shall include the following:
 - i. Construction Management Plan;
 - ii. Traffic Management Plan;
 - iii. Property and Landscape Management Plan; and
 - iv. Design and layout of the substation.
- c. The Construction Management Plan to be submitted pursuant to section 176A of the Resource Management Act 1991 and required by Condition 1.b.i. must include:
 - i. Indicative plan/report for the sequence of activities (inclusive of earthworks and volumes) proposed;
 - ii. The timing of the activities;
 - iii. The name and contact details of project manager;
 - iv. The expected duration of the works;
 - v. The requiring authority must also circulate the Construction Management Plan prior to construction commencing to all directly adjoining neighbours, Glenbrook Vintage Railway and occupiers of 121 Collingwood Road;
 - vi. An accidental discovery protocol for archaeological remains and a commitment to include site works methodology incorporating the supervision of the earthworks by an iwi representative; and
 - vii. Silt, dust and sediment controls associated with earthworks.
- d. The Traffic Management Plan to be submitted pursuant to section 176A of the Resource Management Act 1991 and required by Condition 1.b.ii. must be prepared by a suitably qualified

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person for the purposes of working on, or in close proximity to roads and public places.

~~e. The Property and Landscape Management Plan to be submitted pursuant to section 176A of the Resource Management Act 1991 and required by Condition 1.b.ii. shall detail species, gardening and maintenance specifications. The Property and Landscape Plan must incorporate the following elements:~~

- ~~i. Identification of all hard and soft landscape works (including fences) and how landscaping will provide a buffer between the activity and adjacent Glenbrook Vintage Railway reserve, nearby dwellings and roads;~~
- ~~ii. Details of the intended species, preferably natives, plant sizes at the time of planting, their likely heights on maturity and how planting will be staged, established and maintained;~~
- ~~iii. A commitment to replacing planting if the initial work fails;~~
- ~~iv. Provisions and methods to ensure landscaping works do not unduly interfere with any overland flow path;~~
- ~~v. A water supply to ensure that all plantings are maintained in perpetuity;~~
- ~~vi. A colour scheme to mitigate adverse visual effects and ensure low reflectivity of external surfaces of structures on the site;~~
- ~~vii. Maintenance and upkeep of structures;~~
- ~~viii. Demonstrate evidence of consultation and input with Glenbrook Vintage Railway in the landscape design;~~
- ~~ix. Demonstrate evidence of consultation with the owner of 121 Collingwood Road on stormwater design and treatment;~~
- ~~x. Plantings shall be designed so as to comply with Electricity (Hazards from Trees) Regulations 2003 or successor; and~~
- ~~xi. Substation compound and building shall be setback at least 3m from all boundaries.~~

~~The Property and Landscape Management Plan must be given effect to as soon as reasonably possible following the approval of the plan and no later than the first planting season following completion of the works on the site. The landscaping must be irrigated and maintained for the life of the substation.~~

~~f. The substation must be designed and constructed in such a manner as to comply with the following noise emission standards. The noise level measured within the notional boundary (a line 20m from the façade of any dwelling) or legal boundary (where this is closer) of any existing dwelling shall not exceed the following limits:~~

7.00 am – 8.00	50dBA
8.00 pm – 7.00	40dBA
10.00 pm – 7.00	65dBA

~~The noise levels must be measured and assessed in accordance with the requirements of NZS 6801:1991 Measurement of Sound and NZS 6802:1991 Assessment of Environmental Sound.~~

~~g. The requiring authority must submit, to Auckland Council within three months of commissioning the substation, an acoustic design certificate provided by a qualified acoustic engineer confirming that the design will ensure compliance with the performance standard set out in condition 1.f.~~

2. Timeframe of Designation

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~~Pursuant to section 184(1)(c) of the Resource Management Act 1991, the expiry period for the designation for construction, operation and maintenance of an electricity substation at a nominal voltage of up to 110kV on part of a property legally described as Lot 2 DP 384042, shall be ten years.~~

~~3. Decommissioning Existing Substation~~

~~Within one year of the commencement of operation of the new substation, the existing substation on Kitchener Road shall be decommissioned and a decommissioning plan shall be submitted to Auckland Council pursuant to section 176A of the Resource Management Act 1991.~~

~~4. Earthworks Associated with any Site Development~~

~~a. Prior to commencing any earthworks the Requiring Authority must install all the necessary erosion and sediment control measures as shown in the Auckland Council's TP 90 and be responsible for preventing, controlling and stopping the loss of soil and silt and any damage caused by earthworks on adjacent properties. All necessary erosion and sediment measures once installed are to be maintained to ensure continual operation until the development has been completed and the site fully stabilized.~~

~~b. All earthworks must occur between the hours of 7.00 am and 6.00 pm Monday to Saturday.~~

~~5. Overland Flow~~

~~a. The finished land level and grade of the earthworks and land forming must be such that it does not impede, restrict or block the existing overland flow from adjacent properties and that an adequate flow path over the site shall be maintained.~~

~~b. The finished land level and grade of the earthworks and land forming must be such that it does not divert, redirect and concentrate runoff onto adjacent properties.~~

~~6. Noise during Construction~~

~~That the Requiring Authority must comply with the noise standards set out in Acoustic Construction Noise NZS 16803:1999 at all times while any construction works are being constructed on site.~~

~~7. Site Access~~

~~The site must be secure from unauthorised public access at all times during construction.~~

~~8. Lighting~~

~~All exterior on-site lighting must be positioned and aimed within the site, away from adjacent properties and public roads so as to minimise the level of spill light and glare.~~

~~9. Hazardous Substances~~

~~The Requiring Authority must ensure that any transformer oil storage areas are bunded. Bunds shall be sufficient capacity to contain the release from the total volume of all storage vessels located in each bunded area.~~

~~10. Surface Water~~

~~The Requiring Authority must maintain and regularly clean all stormwater catch pits, channels, grates, pipes and other stormwater collection systems to ensure they operate in an effective manner.~~

~~11. Electrical Interference~~

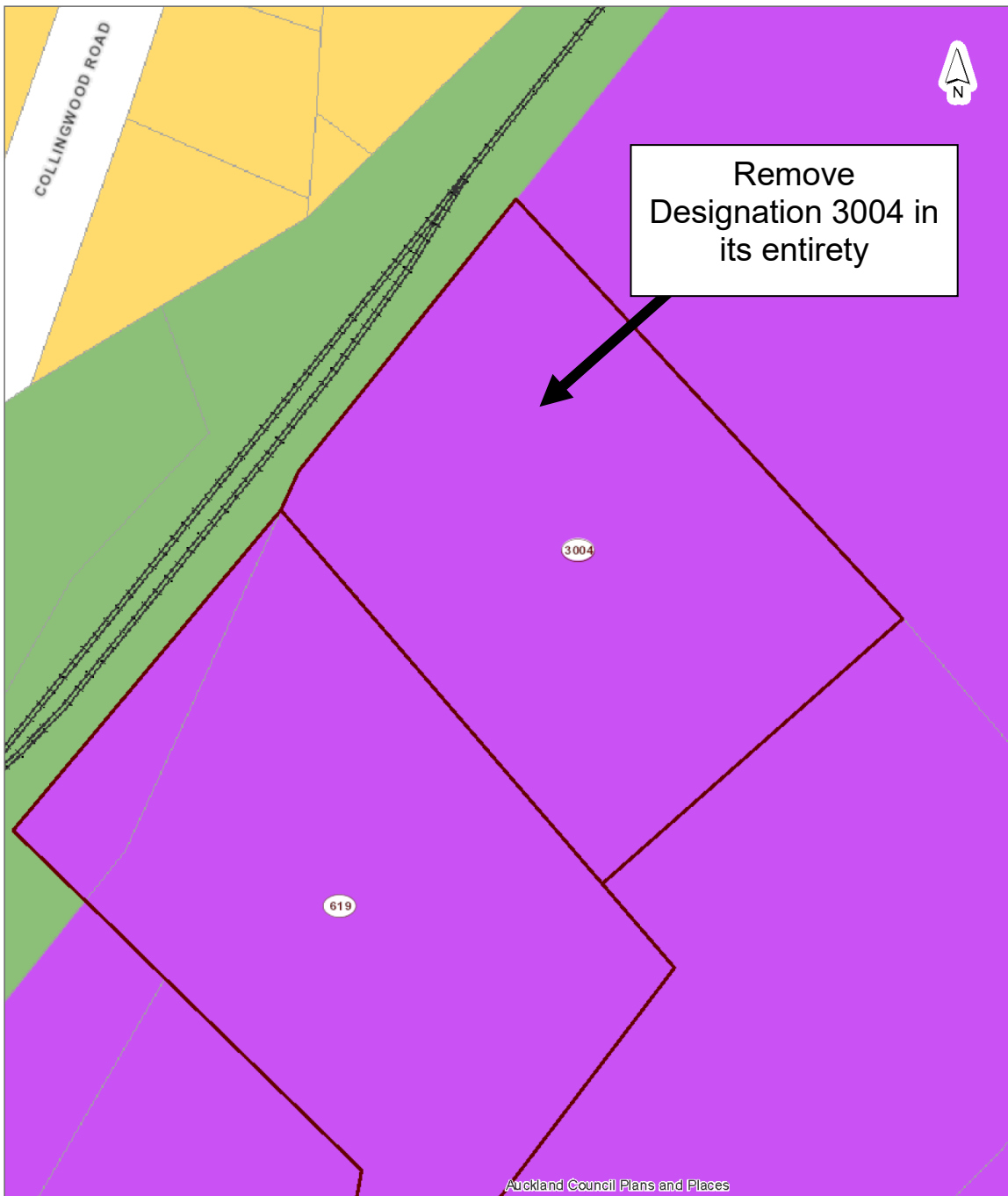
The Requiring Authority must make every reasonable effort to ensure that the electrical supply substation is operated, managed and controlled so that there is no electrical interference with television or radio reception at any adjacent property including complying with the requirements of the Radio Communications Regulations 2001, the Ministry of Economic Development's Radio Spectrum Management "Compliance Guide" (November 2004) and relevant Gazetted Notices.

Advice Notes

1. The Requiring Authority will need to obtain all other necessary resource consents and permits, including those under the Building Act 2004 and any resource consents required by Auckland Council under the regional plans.
2. The Requiring Authority is advised that once the designation has been formalised, any minor alteration or omissions to the designated area should be rectified through alterations of the designation pursuant to section 181 of the Resource Management Act 1991.
3. The Requiring Authority is advised of its statutory obligations under section 172 of the Resource Management Act 1991, which include the following:
 - a. Within 30 working days of receiving Council's recommendation, the Requiring Authority is required to advise Council whether it accepts or rejects the recommendation in whole or in part;
 - b. The Requiring Authority shall only modify the requirement if, and only if the modifications are recommended by Council or are not inconsistent with the requirement as notified; and
 - c. Where the Requiring Authority rejects the recommendation in whole or in part, or modifies the requirement, the authority shall give reasons for its decision.
4. Counties Power should ensure that prior to construction, formal contact is made and permission or consents are obtained as required from the operators of any network utilities where their services and facilities may be affected by the construction works for the project.
5. As soon as reasonably possible following its purchase of the site, Counties Power should carry out initial planting in line with the anticipated requirements of the Property and Landscape Management Plan, particularly near the boundary with the Glenbrook Vintage Railway. The purpose of this initial planting is to ensure that some screening is established on site before the substation is built. When the site is developed for its designated purpose, as far as reasonably possible these existing plants should be incorporated into the Property and Landscape Management Plan.
6. That an Outline Plan of Works pursuant to section 176A of the Resource Management Act 1991 shall be submitted to Auckland Council prior to construction. These detailed plans will need to show the measures that will be implemented to avoid, remedy or mitigate any adverse effects on the environment. These details will also confirm whether any resource consents may be required.
7. That pursuant to sections 35 and 36 of the Resource Management Act 1991 the actual and reasonable costs incurred by Council in monitoring conditions of this recommendation shall be paid by Counties Power.

Attachments

No attachments. _____



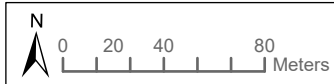
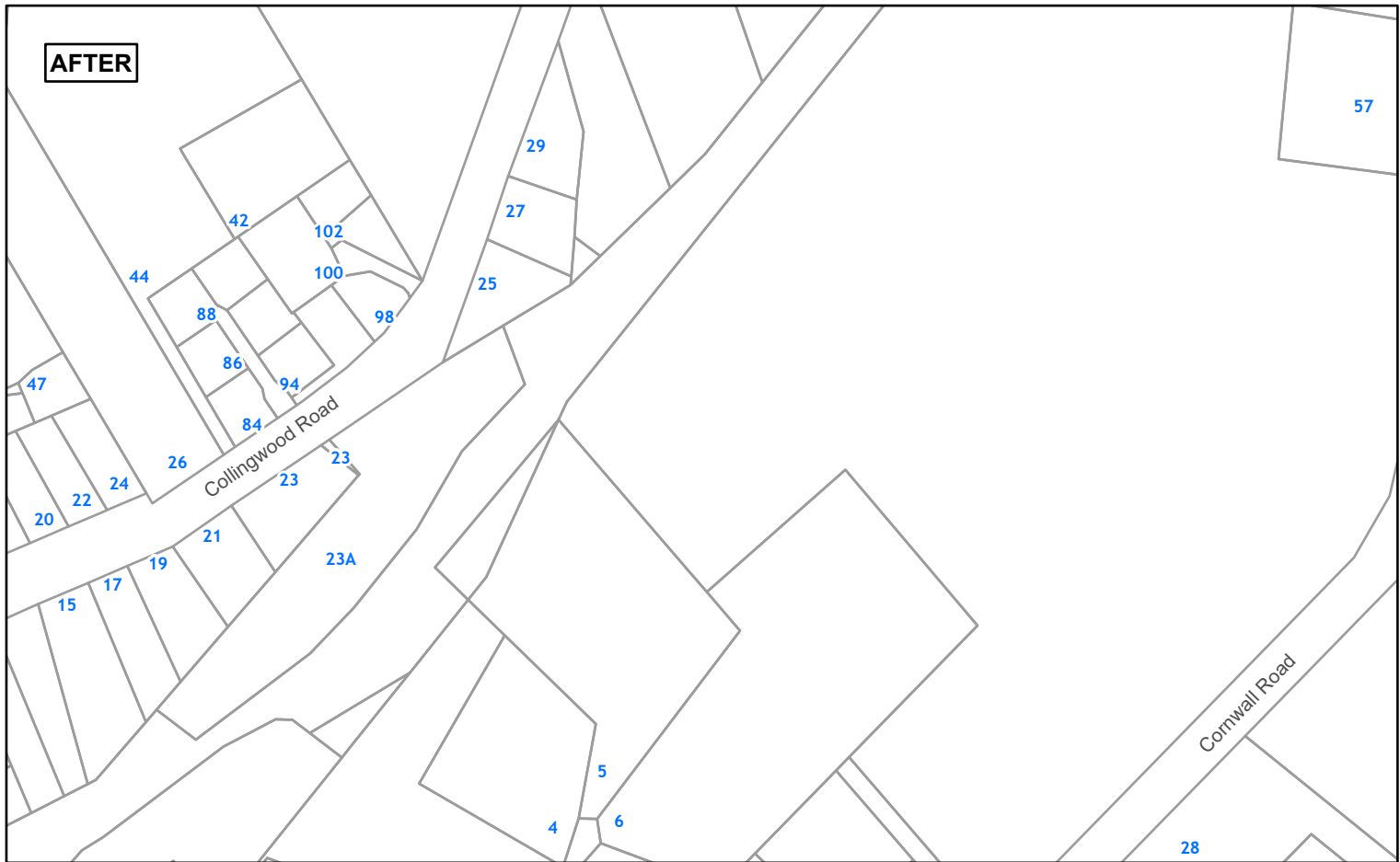
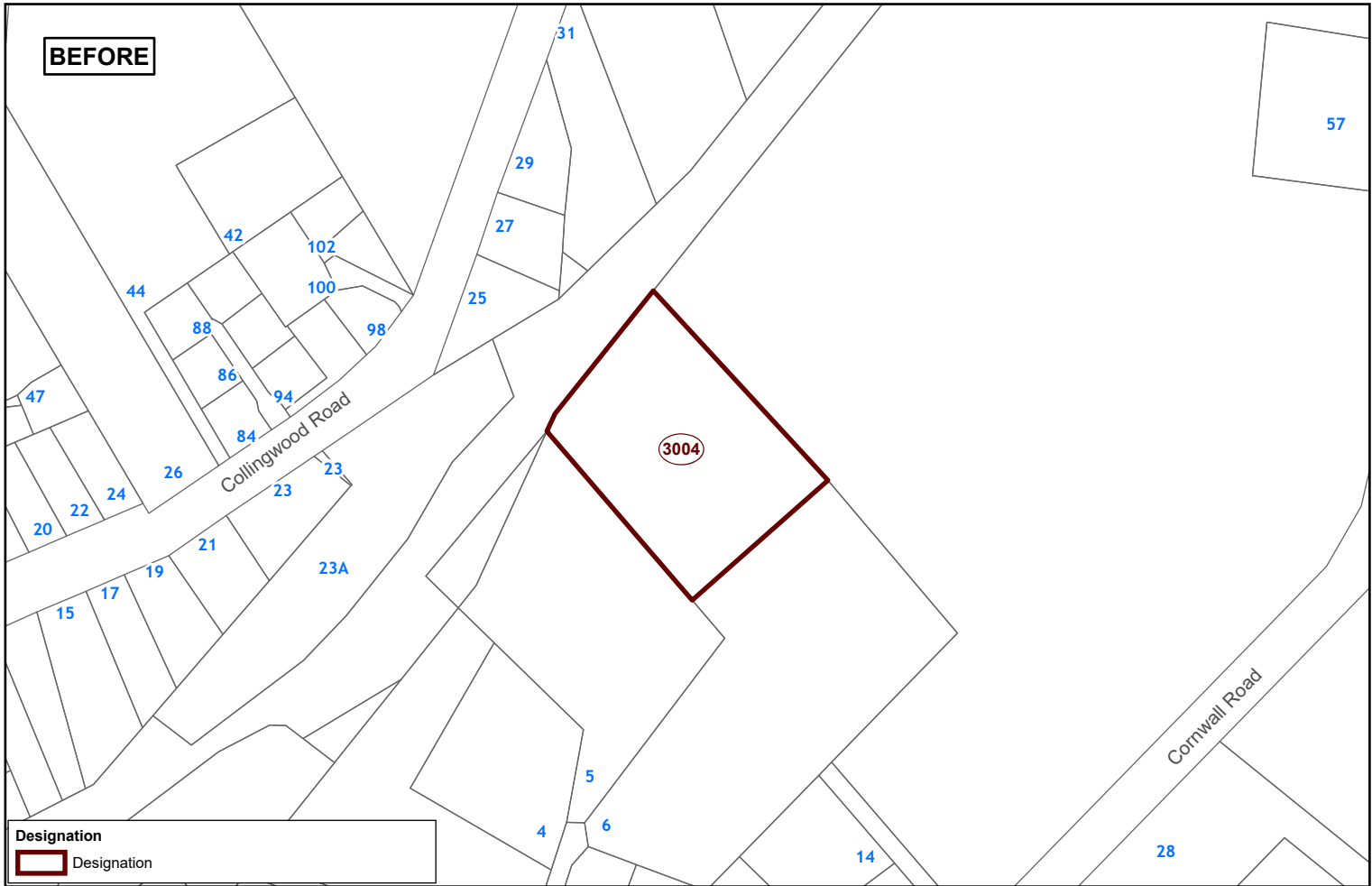
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Remove Designation 3004

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Meters
Scale @ A4
= 1:1,000
Date Printed:
2/02/2021



Attachment B: Updated GIS Viewer



Designation 3004 removed

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Date: 9/03/2021



Plans and Places