

## UNITARY PLAN UPDATE REQUEST MEMORANDUM

**TO** Celia Davison, Manager Planning, Central / South

**FROM** Vanessa Leddra Policy Planner, Central / South

**DATE** 23 August 2022



**SUBJECT** Extension of Designation lapse dates in accordance with s184 of the Resource Management Act to the Unitary Plan (AUP) Operative in part (15 November 2016)



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

<b>Reason for update – Extension of lapse dates in accordance with S184 to Designation 8866 Sandspit Substation – Mahurangi East Road, Snells Beach</b>	
<b>Chapter</b>	Chapter K Designations
<b>Section</b>	Vector Limited
<b>Designation only</b>	
<b>Designation #8866</b>	Sandspit Substation
<b>Location:</b>	Mahurangi East Road (Lot 1 DP 426584) Snells Beach
<b>Lapse Date</b>	31 August 2022
<b>Purpose</b>	Substation
<b>Changes to text (shown in underline and strikethrough)</b>	<p><b>1. Lapse Date</b> <del>31 August 2022</del> <u>31 August 2032 unless given effect to prior</u></p> <p><b>2. Conditions</b>  <b>Lapse</b>  <del>10. This designation shall lapse 10 years from the date it has been confirmed.</del> <u>31 August 2032 unless given effect to prior</u></p>
<b>Changes to diagrams</b>	N/A
<b>Changes to spatial data</b>	N/A
<b>Attachments</b>	Attachment A: Osborne Hay on behalf of Vector Limited, s184 Application Letter Attachment B: Commissioner's Decision Attachment C: Updated designation text shown by strikethrough and underscore

<b>Prepared by:</b> Vanessa Leddra Policy Planner	<b>Text Entered by:</b> Bronnie Styles Planning Technician
<b>Signature:</b> 	<b>Signature:</b> 

<b>Maps prepared by:</b> Geospatial Specialist	<b>Reviewed by:</b> Craig Cairncross Team Leader
<b>Signature:</b> n/a	<b>Signature:</b> 
<b>Signed off by:</b> Celia Davison Manager Planning – Central/South	
<b>Signature:</b> 	

## **s184 Application**

July 28, 2022

Auckland Council  
Plans and Places  
Private Bag 92300  
Auckland 1142

Attn. Jo Hart  
(Sent by email – jo.hart@aucklandcouncil.govt.nz)

Dear Jo,

**Re: Section 184(1)(b) Application for Vector Limited Designation 8866 Sandspit Substation**

Osbornehay write on behalf of their client, Vector Limited (“**Vector**”).

Vector is the requiring authority for Designation 8866 in the Auckland Unitary Plan. The purpose of this designation is “substation” and it has a lapse date of 31 August 2022.

Pursuant to s184(1)(b) of the Resource Management Act 1991 (“**the Act**”), Vector seeks to extend the lapse date of this designation by 10 years to 31 August 2032. Please accept this letter as the application by Vector under s184(1)(b).

This application is being made within three months of the designation lapsing. Vector remains a Requiring Authority.

The designation details from the Auckland Unitary Plan are attached as Attachment One. The designation allows for the construction and operation of a substation which will initially include at least a single transformer.

**Statutory Context**

Existing designations which have not yet been given effect to can be extended under s184 of the Act, which reads:

*184 Lapsing of designations which have not been given effect to*

*(1) A designation lapses on the expiry of 5 years after the date on which it is included in the district plan unless—*

*(a) it is given effect to before the end of that period; or*

*(b) the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made and fixes a longer period for the purposes of this subsection; or*

*(c) the designation specified a different period when incorporated in the plan.*

**Assessment against section 184(1)(b)**

In accordance with the requirements of section 184(1)(b) of the Act, Vector has made substantial progress and effort towards giving effect to the designation and continues to do so. This includes:

- 1 Vector has identified in its current Asset Management Plan that an additional transformer is required to be provided to service continued increase in electricity demand in the wider Sandpit/Snells Beach area by 2025/2026.
- 2 Vector will be reviewing in 2023, the current Asset Management Plan requirement in terms of the timing for the provision of the transformer. Depending on the rate of growth of electricity demand, the timing may need to be brought forward. As Council is aware, this wider area is subject to continuing growth.
- 3 Vector has undertaken a review of the concept plans for the substation prepared as part of the original Notice of Requirement process and confirms their general suitability although some design changes will be required during the detailed design process to reflect current Vector standards.
- 4 Vector has reviewed the proposed site and has not identified any reasons why it may no longer be appropriate or practical as a future substation site.

Overall, in our opinion, the assessment above demonstrates the progress and effort that Vector has made, and continues to make, towards giving effect to this designation.

### **Conclusion**

Based on the above, there is no reason precluding Auckland Council from extending the lapse date of Designation 8866 by ten years, in line with section 184(1)(b) of the Act.

Please do not hesitate to contact me if you have any queries in respect to this application.

Sincerely,

*David Hay*

**David Hay**  
Planning Consultant  
Ph: 09 425-9844  
Mobile: 027 425-0234

Copy to: Vector Limited, Attn. Mr Anthony Acres (by email)

Attachments: Designation Information

**Attachment One: Designation Information From the Auckland Unitary Plan****8866 Sandspit Substation**

Designation Number	8866
Requiring Authority	Vector Ltd
Location	Mahurangi East Road (Lot 1 DP 426584), Snells Beach
Rollover Designation	Yes
Legacy Reference	Designation 617, Auckland Council District Plan (Rodney Section) 2011
Lapse Date	31 August 2022

**Purpose**

Substation.

**Conditions****General**

1. The activity shall proceed in general accordance with the Notice of Requirement submitted to Council dated 2 April 2009 and the plans drawn by Construct Architects Limited, including the Proposed Site Plan dated 20/04/09, Basement & Ground Floor Plans and Building Sections plans dated 1/04/09, and the Building Elevation plan dated 7/07/09 all numbered L55148 and signed by Processing Planner Laura Christian, dated 08/06/09.

**Outline Plan**

2. If either the final design and layout of the substation does not reflect the design and layout submitted with the Notice of Requirement, or if there are any future additional works proposed that are not permitted by the Unitary Plan, an outline plan shall be submitted in accordance with section 176A of the Resource Management Act 1991 to the Auckland Council, before any construction is commenced. However, where the future additional work is in accordance with the Notice of Requirement or is permitted by the Unitary Plan, then the requirement for an Outline Plan is waived under s176A(2).

**Landscape Plan**

3. The landscaping plan (Isthmus Group Ltd, Drawing 2633, Figure 5, dated 6/07/09) shown in Appendix 15AA(i), shall be implemented during the first planting season after the construction of the substation. The landscaping shall be maintained thereafter.

**Fencing**

4. The applicant shall construct a post and batten fence around the perimeter of the substation site prior to the substation becoming operational.

#### **Traffic Management Plan**

5. Prior to any construction being undertaken, a temporary Traffic Management Plan is required to be submitted to Council and approved by Manager - Resource consents and Compliance in consultation with Auckland Transport (the road controlling authority).

#### **Access**

6. The following measures shall be implemented prior to the operation of the substation:
  - a. Driveway and access to be constructed to a best practice standard;
  - b. A sightline covenant as shown in the plans provided with the subdivision application (to the east if the driveway) is to be established;
  - c. The small bunch of agapanthus within the road reserve near the driveway crossing for 836 Sandspit Road is to be removed at the cost of the applicant, to the approval of the Manager - Resource Consents and Compliance;
  - d. Further details of the drainage design for the driveway should be provided by the applicant, including culvert size and end treatment; and
  - e. The open channel surrounding the driveway shall be built up to a slope no steeper than 1 in 4 on either side of the driveway.

#### **Construction Noise**

7. Noise from construction activities shall not exceed the limits recommended in and shall be measured and assessed in accordance with, NZS6803:1999, Acoustics — Construction Noise. Note that the noise limit between the hours of 2000 to 0630 weekdays, 1800 to 0630 Saturdays and at all times on Sundays and Public Holidays, may mean that no construction work can take place.
8. (operation noise) The operational noise from the substation shall not exceed the following limits at the notional boundary (notional boundary is defined as a line 20m from the side of a rural dwelling existing as at 1 April 2009, or the legal boundary where this is closer to the dwelling):
  - a. Monday to Saturday: 6:00am to 6:00pm 55 dBA Leq;
  - b. Sundays & Public Holidays: 6:00am to 6:00pm 50 dBA Leq; and
  - c. At all other times: 45 dBA Leq 75 dBA Lmax.

#### **Archaeological**

9. If any artefact, including human remains is exposed during any site works the following procedures shall apply:
  - a. Immediately when an artefact is unearthed, all site works shall cease; and

- b. The site supervisor shall immediately secure the area in a way that ensures any artefacts or remains are untouched; and
- c. The site supervisor shall notify the following groups that an archaeological site has been unearthed, so that appropriate action can be taken:
  - i. Tangata whenua,
  - ii. The New Zealand Historic Places Trust;
  - iii. The Department of Conservation;
  - iv. The Council's RMA Compliance Administration Officer (telephone 301 0101); and
  - v. In the case of human remains the New Zealand Police.

**Lapse**

- 10. This designation shall lapse 10 years from the date it has been confirmed.

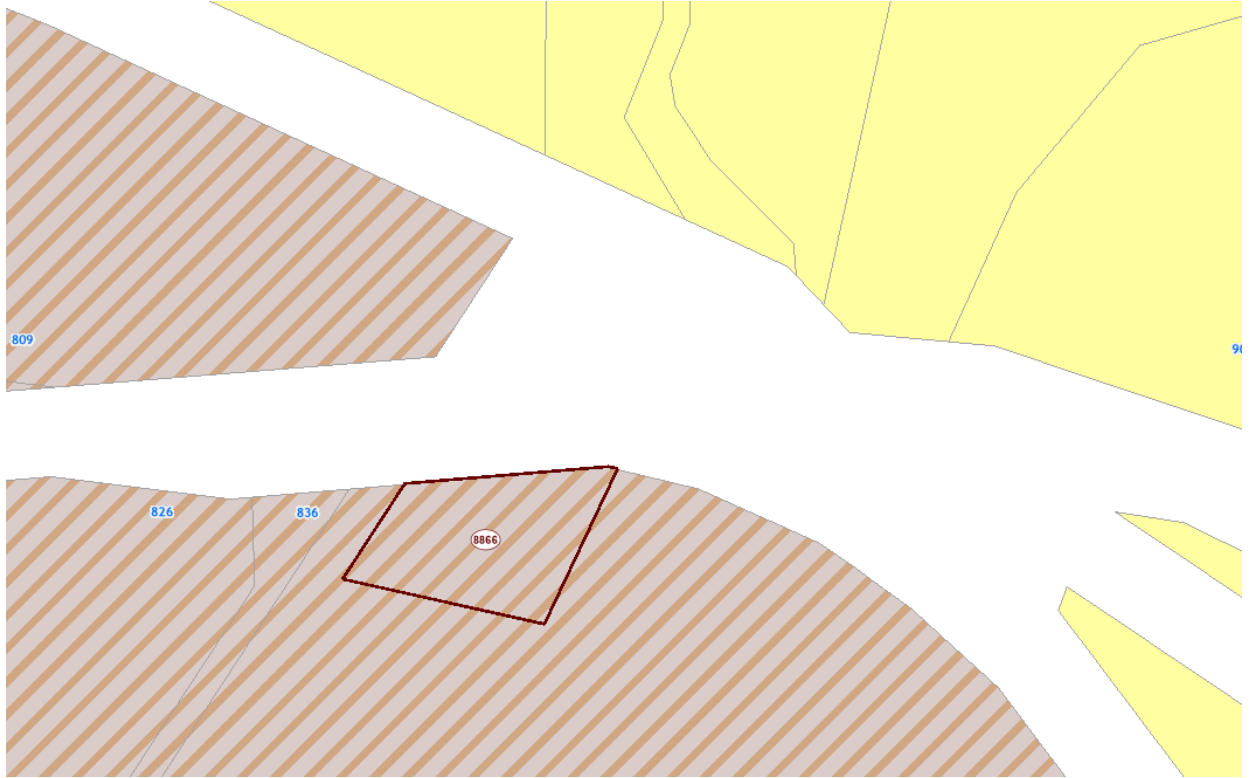
**Attachments**

**Proposed Vector Sandspit Substation Landscape Concept Plan**





### Auckland Unitary Plan Map



## **Decision**

# Decision on application to extend the lapse period under section 184 of the Resource Management Act 1991



## Decision of Commissioner on an application to extend the lapse period of Designation 8866 Sandspit Substation – Mahurangi East Road, Snells Beach in the Auckland Unitary Plan (Operative in Part).

The proposed extension to the lapse period of Designation 8866 Sandspit Substation – Mahurangi East Road, Snells Beach by ten years is **APPROVED**.

### Introduction

1. This recommendation is made on behalf of the Auckland Council (“**the Council**”) by Independent Hearing Commissioner Janine Bell (sitting alone) appointed and acting under delegated authority under section 34A of the Resource Management Act 1991 (“**the RMA**”).
2. The Council has received a request on behalf of Vector Limited<sup>1</sup> under section 184 of the RMA, dated 28 July 2022, to extend the lapse period of Designation 8866 Sandspit Substation by 10 years to 31 August 2032.

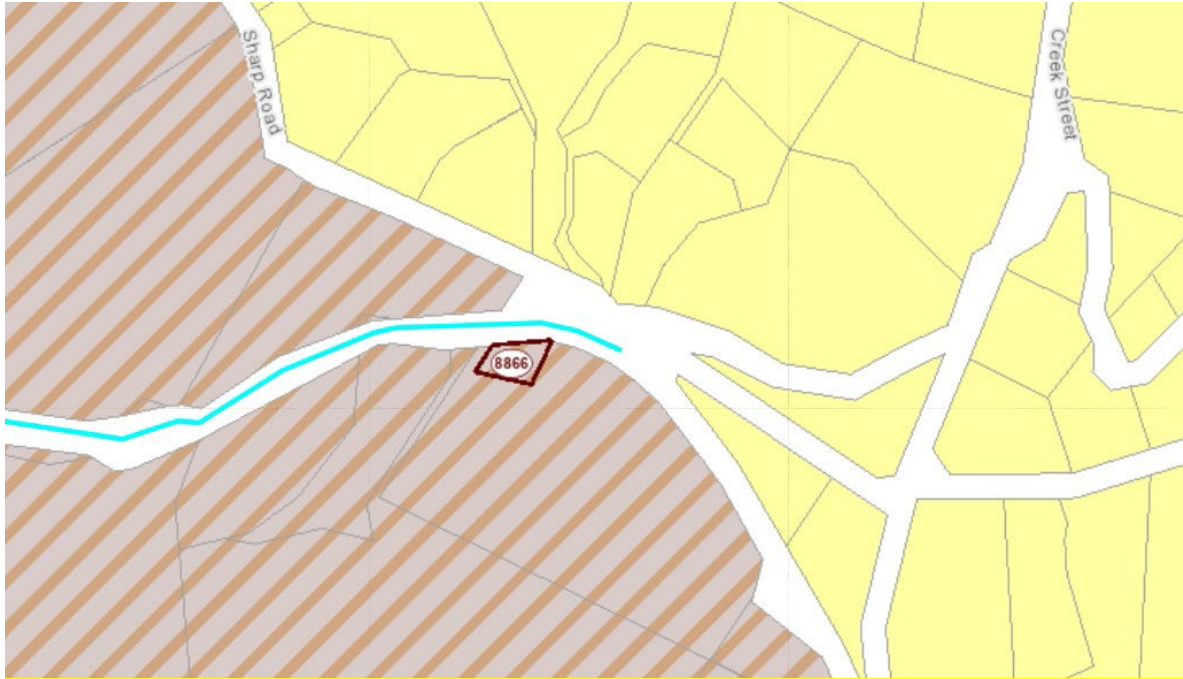
### References

<b>Designation number</b>	8866
<b>Purpose</b>	Substation
<b>Location</b>	Mahurangi East Road (Lot 1 DP 426584), Snells Beach
<b>Date of request to extend lapse date:</b>	28 July 2022
<b>Requiring authority:</b>	Vector Limited

3. Vector’s application outlines the designation 8866 provides for a substation which will initially include at least a single transformer. The designation site is located on the south side of Sandspit Road near the intersection of Sandspit Road, Mahurangi East Road and close to Sharp Road, Snells Beach. The designation is currently shown in the AUP maps as follows:

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<sup>1</sup> Letter from David Hay, osbournehay Resource Management Practice



4. The designation has a lapse date of 31 August 2022 in accordance with s184(1)(b) of the Resource Management Act 1991 (RMA).

#### **Relevant Statutory Provisions**

5. Section 184 of the RMA, states:
  - (1) *A designation lapses on the expiry of 5 years after the date on which it is included in the district plan unless—*
    - (a) *it is given effect to before the end of that period; or*
    - (b) *the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made and fixes a longer period for the purposes of this subsection; or*
    - (c) *the designation specified a different period when incorporated in the plan.*
  - (2) *Where paragraph (b) or paragraph (c) of subsection (1) applies in respect of a designation, the designation shall lapse on the expiry of the period referred to in that paragraph unless—*
    - (a) *it is given effect to before the end of that period; or*

- (b) *the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made and fixes a longer period for the purposes of this subsection.*

## **Assessment**

6. Section 184 of the RMA states that a designation will lapse on the expiry of 5 years after the date of its inclusion in a plan unless it has been given effect to before the end of that period, or if the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and fixes a longer period.
7. In terms of s184(2)(b) the application on behalf of Vector Limited has been made within 3 months before the expiry of the designation lapse period and sets out the progress and effort that has been made and continues to be made towards giving effect to the designation.
8. The application letter dated 22 July 2022 outlines the progress that has been made, and continue to be made, to give effect to the designation. In summary this includes:
  - a. Identification in Vector's current Asset Management Plan that an additional transformer is required to service the continued increase in electricity demand in the wider Sandspit/Snells Beach area by 2025/26. This Plan is to be reviewed in 2023 and will consider the timing for provision of the transformer in response to the rate of growth of electricity demand.
  - b. Undertaking a review of the concept plans for the substation, prepared as part of the original Notice of Requirement process, and confirming their general suitability, noting some design changes will be required during the detailed design process to reflect current Vector standards.
  - c. Undertaking a review of the proposed site that confirmed the site remains appropriate as a future substation site.
9. The Council's Policy Planner Central / South Planning, Ms Leddra has reviewed the application and is satisfied that the requiring authority has made and continues to make substantial effort or progress towards giving effect to the designation and therefore recommends extending the lapse period by ten years to 31 August 2032.

## **Conclusion**

10. As set out in the application, progress and effort has been made and continues to be made by Vector Limited towards giving effect to the substation designation. The additional ten years sought is considered appropriate to enable Vector to give effect to the designation in response to the electricity demand in the wider Sandspit/Snells Beach area. Therefore, the proposed extension to the lapse period for Designation 8866 Sandspit Substation by 10 years to 31 August 2032 is appropriate.

**Decision**

That pursuant to Section 184 of the Resource Management Act 1991 the extension to the lapse date of Designation 8866 Sandspit Substation by 10 years to 31 August 2032 is approved.

**Approved**

**Janine A. Bell**  
**Independent Hearing Commissioner**

**Signature :**

A handwritten signature in blue ink, appearing to read 'J. Bell', with a horizontal line underneath the name.

**Date : 19 August 2022**

**8866 Sandpit Substation  
Designation Text**

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**Lapse**

- 10. ~~This designation shall lapse 10 years from the date it has been confirmed.~~ 31 August 2032 unless given effect to prior

**Attachments**

Proposed Vector Sandspit Substation Landscape Concept Plan

