UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Warren Maclennan

FROM Petra Burns

Auckland Council Te Kaunihera o Tármaki Makaurau

DATE 10 June 2020

SUBJECT Alteration to Designation 8519 – North Shore Underground Electricity Transmission Cables in accordance with s181(3) of the Resource Management Act

This memorandum requests an update to Auckland Unitary Plan Operative in part	
Reason for update – Designation – alteration	1
Chapter	Chapter K Designations
Section	Schedules and designations
Designation only	
Designation #	8519 – North Shore Underground Electricity Transmission Cables
Locations:	410 Albany Highway to State Highway 1 (Constellation Drive), Rosedale
Lapse Date	Given effect to (i.e. no lapse date)
Purpose	Electricity transmission – the installation, maintenance, repair, replacement, inspection and operation of two 220kV underground electricity transmission lines (two cable circuits comprising six single core cables) and associated telecommunication cables and the minor above ground structures associated therewith.
Changes to text (shown in underline and strikethrough)	Purpose:
	Electricity transmission – the installation, maintenance, repair, replacement, inspection and operation of two 220kV underground electricity transmission lines (two cable circuits comprising six single core cables), and associated telecommunication cables and minor <u>in/</u> above ground structures associated herewith.
	See attachment 2
Changes to diagrams	None
Changes to spatial data	Yes, boundary adjustment
	See attachment 3
Attachments	Attachment 1: Section 181(3) Decision report
	Attachment 2: Updated text to Designation 8519
	Attachment 3: Updated GIS Viewer for Designation 8519

Prepared by: Petra Burns	Text Entered by: Harry Barnes
Planner Signature: Way	Planning Technician Signature:
Maps prepared by: Mitesh Bhula Geospatial Analyst	Reviewed by: Petra Burns Planner
Signature:	Signature:
Signed off by: Warren Maclennan Manager Planning – North/West	
Signature: Warrat Maclinan.	

Attachment 1: Section 181(3) 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:	8519
Requiring authority:	Transpower New Zealand Ltd
Site address:	1 Upper Harbour Highway, Rosedale (Part Lot 1 DP 98275) and 2 Jack Hinton Drive, Rosedale (Lot 1 DP 46899 held in NA105B/252)

Summary

Auckland Council has received a request from Transpower New Zealand Ltd under section 181(3) of the Resource Management Act 1991 (RMA), dated 14 November 2019, to alter Designation 8519 – North Shore Underground Electricity Transmission Cables.

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. The proposed alteration of Designation 8519 North Shore Underground Electricity Transmission Cables in the Auckland Unitary Plan be confirmed 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;
 - both the requiring authority and Auckland Council agree with the alteration; and
 - the land is owned and occupied by Auckland Council and Watercare Services Limited, both of whom have given written approval of the project.
- 2. That Designation 8519 North Shore Underground Electricity Transmission Cables is altered in the Chapter K Designations in the Auckland Unitary Plan, as requested and set out in section 1.1 below.

1. Background

1.1. Minor alteration to a designation

Auckland Council has received a notice of requirement (NoR) for an alteration to a Designation 8519 - North Shore Underground Electricity Transmission Cables from Transpower New Zealand Limited under section 181(3) of the RMA.

The proposal is to amend the purpose of the designation and the boundary of the designation to allow the following works:

The New Zealand Transport Agency (NZTA) is constructing direct motorway connections between SH18 and SH1 as part of the Northern Corridor improvements (NCI) project. The works include construction of new ramps within the Transpower designation. Without a design solution the NCI works would affect the depth and material covering a section of the existing 220kV ALB-WRD C cable circuit resulting in a risk of reduced capacity and the removal of maintenance access; as well as adversely affecting the ability to install the second underground cable circuit.

The design solution agreed with NZTA (to protect the existing cable and future cable while avoiding the need to close or dig up the new road), includes the installation of the following works:

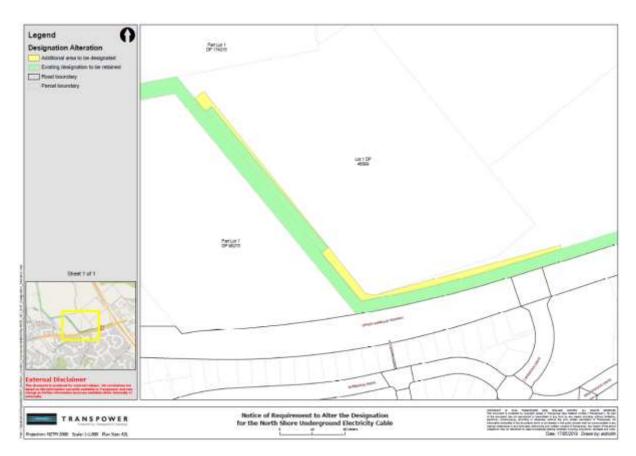
- A concrete protective cover under the new road in two locations;
- An additional set of cable ducts to provide for the future second 220kV cable circuit (which is already authorised by Designation No. 8519); and
- An additional (third) spare set of ducts to accommodate one of the two circuits if there is a failure requiring a repair of a cable circuit. This will also avoid the need to excavate and close the new road to fix a fault, should that be required in the future. While it may not be practicable to remove the faulty cable section, there will only be two cable circuits operating at any one time.

As a result of these works, Designation 8519 is proposed to be altered, both with a small increase in the extent of the designation, to accommodate the new highway crossing layout; including the installation of two additional sets of ducts while maintaining sufficient separation from piers and ramps being constructed under the NCI project. A change to the designation purpose is also necessary to make clear that all components of the design solution, in terms of underground works required, can be implemented.

The proposed alteration to the purpose wording is as follows, with additions **<u>underlined</u> <u>and bold</u>** and deletions struck through (struck through):

Electricity transmission – the installation, maintenance, repair, replacement, inspection and operation of two 220kV underground electricity transmission lines (two cable circuits comprising six single core cables), and associated telecommunication cables and minor <u>in/</u>above ground structures associated herewith.

The proposed works require minor additions to the boundary of Designation 8519. The extent of the additional area to be designated is shown in yellow in the figure below.



1.2. Land affected by the alteration

The land affected by the alteration to the designation is located at 1 Upper Harbour Highway, Rosedale (Part Lot 1 DP 98275) and 2 Jack Hinton Drive, Rosedale (Lot 1 DP 46899 held in NA105B/252) and is shown in the Auckland Unitary Plan maps as follows:



1.3. Description of the site and existing environment

The land affected by the proposed alteration to the boundary of the designation is approximately 500m in length. It extends from the eastern boundary of the North Harbour Hockey Club with the Rosedale Treatment Plant down to the Upper harbour Highway (State Highway 18) and continues just to the north of the highway boundary to the intersection with Caribbean Drive.



1.4. Delegated authority

The Team Leader - Planning North, West and Islands has delegated authority, in accordance with Schedule 2A of the Auckland Council Delegations: Chief Executive

Officer (updated June 2019), 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 – Planning North, West and Islands and confirmed or declined under section 181(3).

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 (undated). The following effects have been considered:

- Recreation effects
- Archaeology, built heritage and cultural heritage effects
- Visual and Landscape effects
- Construction effects
- Effects on the existing environment

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

The AEE states:

4.1 Existing Environment

The effects of the proposed activities need to be assessed against the existing environment which includes activities authorised under existing designations and resource consents. As outlined in section 1.1 above, the Transpower and Vector designations (which coincide) are bordered by Watercare's Rosedale Wastewater Treatment Plant and odour buffer area designations to the north, north west and east; and the NZTA State Highway 18 Rosedale designation (Designation No 6753) to the south. In addition to these existing activities, NZTA has recently obtained designations and regional resource consents to construct a significant upgrade to SH18 (Upper Harbour Highway) in this area. Accordingly, the effects on the environment associated with the proposed alterations to the designations must be assessed in the context of these existing and consented infrastructure activities.

4.2 Positive Effects

The National Grid is the backbone of New Zealand's energy sector and provides clear social and economic benefits to people and communities throughout New Zealand. It provides a robust and reliable electricity transmission platform which powers New Zealand's economy and meets the increasing needs of businesses and communities. The operation of the National Grid is vital to the economy of New Zealand and the health and wellbeing of its communities.

Both the State Highway network and the National Grid are recognised as a significant physical resource under the RMA. The proposed alteration to the designation will enable both significant physical resources to co-exist with social, economic and health, safety and wellbeing benefits to the wider community.

4.3 Recreation Effects

Any adverse effects on the recreation values of the area will be no more than minor, particularly in the context of the NCI works, and the small changes to the extent of the designation.

While part of the additional area to be designated is Recreation Reserve owned by the Auckland Council, NZTA has designated the area for road construction, and has an agreement with the Council to acquire the necessary areas of Recreation reserve. Any

vegetation removal required as part of the NCI works within this area will be undertaken by NZTA as part of the road project.

Condition 8 of the existing designation recognises that there may need to be removal of trees in future and requires that any replacement planting be determined by consultation and agreement between Transpower and the Council. This condition will continue to apply to any additional areas designated through this notice of requirement if tree removal may be necessary.

4.4 Archaeology, Built Heritage and Cultural Heritage

No adverse effects are anticipated in relation to archaeological, built heritage or cultural heritage values.

An archaeological assessment was prepared for the NCI Notice of Requirement application, heard before the Board of Inquiry in 2017, and Transpower's designation is located within the area assessed. The archaeological assessment concluded that no heritage sites were recorded within the NCI Project corridor. Further, the site is also not known to have any specific cultural heritage values.

The Transpower designation contains conditions relating to accidental discoveries which are not proposed to be altered.

4.5 Visual / Landscape Effects

Any adverse landscape/visual effects of the proposed alteration are less than minor. Only small changes are proposed to the extent of the designation and the nature of the work - with low potential for any additional adverse visual effects.

The physical works required to Transpower assets will be undertaken by NZTA in conjunction with their works. Further, as previously noted, should any subsequent physical works within the additional areas to be designated require tree removal, Condition 8 of the designation (which may require replacement planting to be undertaken) will apply.

4.7 Construction Effects

Any construction effects relating to Transpower assets will be insignificant in the context of the overall NCI works. Conditions 3 and 4 of the designation that require compliance with NZS 6803 NZS: 1999 Acoustics – Construction Noise, and that reasonable steps be undertaken to prevent or mitigate any nuisance or damage to adjacent properties during construction, will continue to apply.

4.8 Summary of Effects

The very nature of the work authorised by the existing designation has a low potential for adverse effects in the context of the existing works authorised under the NZTA consents, and in conjunction with the designation conditions which are not being altered. Overall, it is assessed that any change to the nature or scale of the actual or potential effects because of the proposed minor modifications to the designation will be insignificant (i.e. less than minor).

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

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

I consider that the extent of the adjustment to the boundary of the designation is minor, particularly when taking into account the scale of the designation area as a whole.

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 has given written notice to Vector and Watercare as other requiring authorities with existing designations that overlap the additional area to be designated by Transpower. NZTA has recently acquired both affected sites (Part Lot 1 DP 98275 and Lot 1 DP 46899) from Auckland Council and Watercare Services Limited under the Public Works Act on 8 June 2018 and 28 June 2018 respectively. Compensation agreements are registered on the titles reflecting these agreements and have been included in the application documents. Written notice has also been given to NZTA as the landowner of land directly affected.

It is confirmed that Watercare, Vector and NZTA have provided their support for the proposal and have provided written approval for the alteration.

I concur with the Requiring Authority that no other persons are directly affected by the alteration to the designation and the Requiring Authority is not required to provide written notice to any other persons.

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
- There are no other owners or occupiers considered to be affected by the alteration
- Adherence with recommended conditions will ensure any potential adverse effects are avoided, remedied or mitigated.

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.
- Existing conditions will ensure any potential adverse effects are avoided, remedied or mitigated.

- There are only minor adjustments to the boundaries of the existing designation.
- There are no owners or occupiers considered to be affected by the alteration.
- The council and the requiring authority agree with the alteration.

3.2 Recommendation

- That pursuant to Section 181(3) of the Resource Management Act 1991, Transpower New Zealand Limited's notice of requirement for an alteration to Designation 8519 – North Shore Underground Electricity Transmission Cables is **confirmed.**
- That Designation 8519 North Shore Underground Electricity Transmission Cables is amended in Chapter K Designations in the Auckland Unitary Plan Operative in part as recommended in Section 1.1 of this report.

4. Agreed alterations

The text alterations are set out in section 1.1. A full set of the designation conditions is attached (Attachment A). Amendments are shown as either strikethrough or bold and underlined. The plan illustrating the alteration to the extent of the designation is attached (Attachment B).

Report Prepared by:

Date: 27 November 2019

Petra Burns Planner

5. 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 8519 – North Shore Underground Electricity Transmission Cables is confirmed under section 181(3) of the RMA as agreed and set out in section 4 of this report.

Name: Peter Vari Title: Team Leader - Planning North, West and Islands Signed: Vari 28 November 2019

Date:

SCHEDULE OF ATTACHMENTS

AttachmentDesignation 8519 – North Shore Underground Electricity TransmissionA:Cables incorporating amendments

Attachment Map showing extent of designation boundary adjustment

B:

Attachment A

Designation Number	8519
Requiring Authority	Transpower New Zealand Ltd
Location	410 Albany Highway to State Highway 1 (Constellation Drive), Rosedale
Rollover Designation	Yes
Legacy Reference	Designation 179A, Auckland Council District Plan (North Shore Section) 2002
Lapse Date	Given effect to (i.e. no lapse date)

8519 North Shore Underground Electricity Transmission Cables

Purpose

Electricity transmission - the installation, maintenance, repair, replacement, inspection and operation of two 220kV underground electricity transmission lines (two cable circuits comprising six single core cables) and associated telecommunication cables and the minor <u>in/</u>above ground structures associated therewith.

Conditions

General Conditions

1. Any equipment shall be designed and operated to limit the magnetic field exposures to the International Commission on Non-Ionising Radiation Protection, Guidelines for limiting exposure to time varying electric, magnetic, fields (1Hz- 100kHz) (Health Physics 99(6):818-836; 2010) (ICNIRP Guidelines). That is the public exposure reference level of 200 μ T for magnetic flux density at 1 metre above ground level directly above any cable under normal operating conditions (ie, when there are no faults in the transmission system).

Construction and Maintenance Noise

2. All construction work shall be designed, managed and conducted to ensure that construction and maintenance noise from the site does not exceed the limits in NZS6803:1999 Acoustics–Construction Noise.

Construction Noise

3. During construction, New Zealand Noise Standard 6803 NZS: 1999 Acoustics -Construction Noise shall be complied with.

4. Transpower New Zealand Ltd and its contractors shall, in addition to complying with all other construction related conditions, take all reasonable steps to prevent or mitigate any nuisance or damage to adjacent properties during construction.

Cultural/Spiritual

5. If any urupā, traditional sites, taonga (significant artefacts), or kōiwi (human remains) are exposed during site works, the following procedures shall apply:

a. Works in the immediate vicinity of the site that has been exposed shall cease;

b. The site supervisor shall immediately secure the area in a way that ensures that any remains or artefacts are untouched;

c. The site supervisor shall notify representatives of relevant tangata whenua, the New Zealand Historic Places Trust, the Auckland Council and, in the case of human remains, the New Zealand Police; and,

d. The notification in (c) above shall allow such persons being given a reasonable time to record and recover archaeological features discovered before work may recommence on the exposed site.

6. Transpower New Zealand Ltd shall immediately advise local kaumatua and the New Zealand Historic Places Trust and cease working in the affected area until all necessary authority required by the New Zealand Historic Places Trust is obtained.

Monitoring

7. Within six (6) months of the commencement of operation of any 220kV underground line, Transpower New Zealand Ltd shall supply to Council the results of a magnetic field survey that measures and appropriately illustrates the combined effect of the existing overhead and new underground lines, such field strength measurements to be taken at one metre above ground level and at intervals of not less than 400m or more than 800m along the length of the corridor (excluding roads). The Council may, depending on the significance of the results compared with recognised acceptable thresholds (see e.g., condition 5), require a repeat of the survey at a future date to be agreed by the parties.

8. That provision be made for the removal of existing trees located in the corridor directly affected by the proposed location of the cable trenches, and that any replacement planting that may be required be determined by consultation and agreement between Transpower New Zealand Ltd and Council.

Advice Note

1. To assist Council with any telephone inquiries the Requiring Authority should advise the Council's Call-Centre before any work is commenced. The call centre may be contacted on phone number (09) 301 0101.

2. Any new works or equipment means those works which were not existing prior to the notification of the Proposed Auckland Unitary Plan.

Attachments

Schedule of Legal Descriptions

Parcel ID/Appellation
Pt Lot 1 DP 19750
Sec 1 SO 390576
ALBANY HIGHWAY
Lot 152 DP 156385
STANFORD STREET
Lot 153 DP 156385

Lot 152 DP 162064	
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VANDERBILT PARADE

Lot 153 DP 162064

Oteha Stream

Lot 300 DP 194881

Lot 202 DP 174290

Lot 300 DP 196382

Lot 303 DP 196381

Sec 1 SO 64438

BUSH ROAD

Pt Lot 452 Parish of Paremoremo

Alexandra Stream

Lot 106 DP 182287

Lot 106 DP 182284

KRISTIN LANE

Lot 107 DP 182282

Lot 2 DP 204886

Lot 4 DP 191979

Lot 101 DP 180879

Lot 1 DP 202139

ROSEDALE ROAD

Lot 75 DP 174612

Sec 1 SO 68325

JACK HINTON DRIVE

Pt Lot 1 DP 174315

Sec 1 SO 68566

PAUL MATTHEWS ROAD

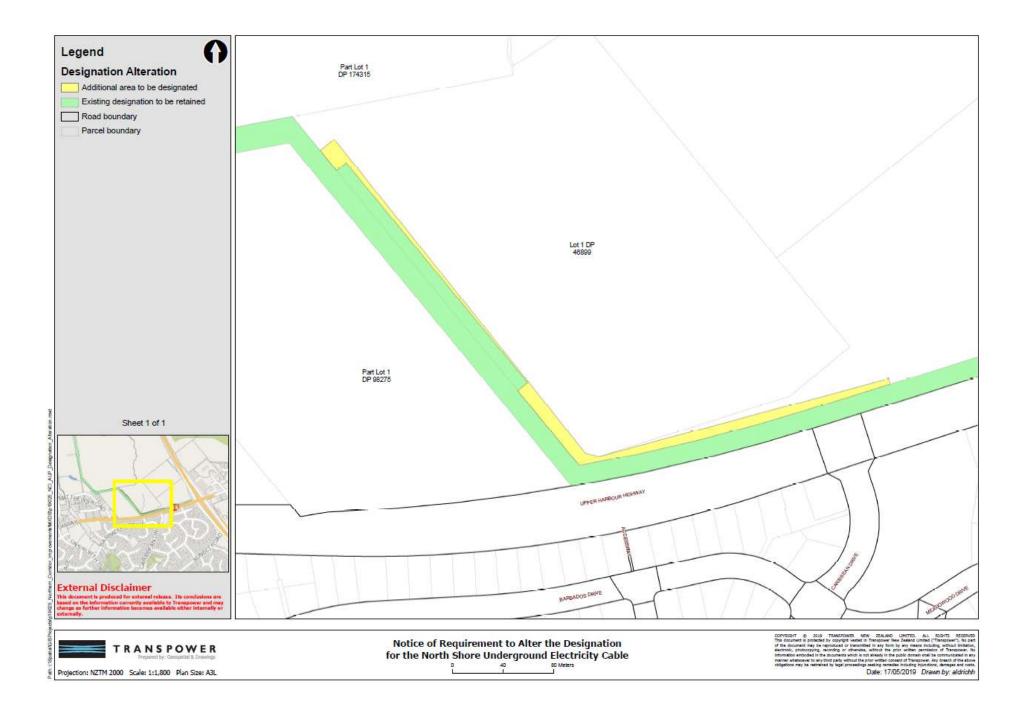
Sec 2 SO 68566

Lot 102 DP 183218

Pt Lot 1 DP 98275

Lot 1 DP 46899

Attachment B



Attachment 2: Updated text to Designation 8519

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Construction and Maintenance Noise

2. All construction work shall be designed, managed and conducted to ensure that construction and maintenance noise from the site does not exceed the limits in NZS6803:1999 Acoustics–Construction Noise.

Construction Noise

3. During construction, New Zealand Noise Standard 6803 NZS: 1999 Acoustics -Construction Noise shall be complied with.

4. Transpower New Zealand Ltd and its contractors shall, in addition to complying with all other construction related conditions, take all reasonable steps to prevent or mitigate any nuisance or damage to adjacent properties during construction.

Cultural/Spiritual

5. If any urupā, traditional sites, taonga (significant artefacts), or kōiwi (human remains) are exposed during site works, the following procedures shall apply:

a. Works in the immediate vicinity of the site that has been exposed shall cease;

b. The site supervisor shall immediately secure the area in a way that ensures that any remains or artefacts are untouched;

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d. The notification in (c) above shall allow such persons being given a reasonable time to record and recover archaeological features discovered before work may recommence on the exposed site.

6. Transpower New Zealand Ltd shall immediately advise local kaumatua and the New Zealand Historic Places Trust and cease working in the affected area until all necessary authority required by the New Zealand Historic Places Trust is obtained.

Monitoring

7. Within six (6) months of the commencement of operation of any 220kV underground line, Transpower New Zealand Ltd shall supply to Council the results of a magnetic field survey that measures and appropriately illustrates the combined effect of the existing overhead and new underground lines, such field strength measurements to be taken at one metre above ground level and at intervals of not less than 400m or more than 800m along the length of the corridor (excluding roads). The Council may, depending on the significance of the results compared with recognised acceptable thresholds (see e.g., condition 5), require a repeat of the survey at a future date to be agreed by the parties.

8. That provision be made for the removal of existing trees located in the corridor directly affected by the proposed location of the cable trenches, and that any replacement planting that may be required be determined by consultation and agreement between Transpower New Zealand Ltd and Council.

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Oteha Stream
Lot 300 DP 194881
Lot 202 DP 174290
Lot 300 DP 196382
Lot 303 DP 196381
Sec 1 SO 64438
BUSH ROAD
Pt Lot 452 Parish of
Paremoremo
Alexandra Stream
Lot 106 DP 182287
Lot 106 DP 182284
KRISTIN LANE
Lot 107 DP 182282
Lot 2 DP 204886
Lot 4 DP 191979
Lot 101 DP 180879
Lot 1 DP 202139
ROSEDALE ROAD
Lot 75 DP 174612
Sec 1 SO 68325
JACK HINTON DRIVE
Pt Lot 1 DP 174315
Sec 1 SO 68566
PAUL MATTHEWS ROAD
Sec 2 SO 68566
Lot 102 DP 183218
Pt Lot 1 DP 98275
Lot 1 DP 46899

Attachment 3: Updated GIS Viewer for Designation 8519



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: 2/07/2020

35 70 140 Metres Alteration to Designation, North Shore (Designation 8519) Transpower

