

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

Report to Auckland Council
Hearing Topic 074 Designations

Transpower NZ Limited

Minor matters and errors
Designations 8527 and 8528

May 2016

Report first prepared by Harry Bhana in accordance with the Auckland Unitary Plan Independent Hearing Panel procedure and in accordance with section 142 of the Local Government (Auckland Transitional Provisions) Act 2010, on 30 August 2015 updated without amendment 5 October 2015.

Adopted as Auckland Unitary Plan Independent Hearings Panel recommendations in accordance with the Auckland Unitary Plan Independent Hearing Panel procedure and in accordance with section 144 of the Local Government (Auckland Transitional Provisions) Act 2010 on date of signature.

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1. Introduction

The purpose of this report is to provide an assessment and recommendation in relation to modifications to and submissions on designations classified by the Independent Hearings Panel as minor matters and errors. This classification applies where there is a:

- i. modification to a designation and no submissions;
- ii. rollover of a designation with no modification and submissions lodged by the requiring authority (submissions to correct errors or address minor matters);
- iii. modification to a designation and submissions lodged by the requiring authority (modifications address minor matters and submissions to correct errors or address minor matters);
- iv. where the modification involves changes to the boundary to incorporate additional land, the requiring authority has an interest in the land sufficient for undertaking the proposed work.

2. Assessment

Errors do not require an assessment. The assessment applies the following criteria.

Does the modification/submission:

- i. involve no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned? or
- ii. involve only minor changes or adjustments to the boundaries of the designation?

See section 6 of this report for the application of these criteria to the individual designations.

On the basis of the assessment, this report concludes that the modifications and designations in section 6 meet the above criteria.

3. Recommendation to Panel

That the Panel: recommends that notices of requirement for existing designations included in the Proposed Auckland Unitary Plan as Designations 8527 and 8528 be confirmed subject to the modifications set out in Attachment 1.

Author	Harry Bhana
Author's Signature	
Date	30 August 2015 updated without amendment 5 October 2015. However Transpower's requested minor amendments now shown in Attachment 1.

4. Panel recommendations to Auckland Council

Notices of requirement for existing designations included in the Proposed Auckland Unitary Plan with or without modification on which submissions have been lodged; and where issues have been resolved, by mediation, direct discussions, the evidence exchange process, or where submissions were not pursued, or left unrepresented by evidence at the hearing.

The Panel recommends to Auckland Council that it recommends to the requiring authority that the notices of requirement 8527 and 8528 be confirmed subject to the further modifications included in Attachment 1.

5. Panel reasons

The reasons for the Panel's recommendation are set out in section 6 below.

Panel Chair	David Kirkpatrick
Chair's Signature	
Date	18 May 2016

6. Assessment of modifications and designations

Requiring authority	Transpower New Zealand Limited
Designation number (s)	8527, 8528
Designation purpose	Electricity Transmission
Location	8527: 600 Scenic Drive, Waiatarua 8528: 13 Westgate Drive, Massey to 97D Fred Taylor Drive, Whenuapai
Designation given effect to	Yes
Lapse date in operative plan	None
Description of the modification	<p>8527</p> <ul style="list-style-type: none"> i. Amend heading to read the same as the schedule. ii. Amend heading “Purpose” to “ Description/Activity” , or create a separate section under heading “Description/Activity”. iii. Remove redundant conditions now that construction has been given effect to. iv. Amend a condition to fix a minor punctuation error. v. Create a single map for the whole designation. <p>8528</p> <ul style="list-style-type: none"> i. Amend heading to read the same as the schedule. ii. Amend heading “Purpose” to “ Description/Activity” , or create a separate section under heading “Description/Activity”. i. Remove redundant conditions now that construction has been given effect to. ii. Update land appellations list to reflect all affected current land parcels. iii. Create a single map for the whole designation.
Land owned by the requiring authority	8257: No – owned by Airways Corporation of NZ 8528: No – various owners
Submitter	No third-party submitters except for blanket submissions by the Manukau Harbour Restoration Society and others which I do not consider are relevant to these designations. Transpower (the requiring authority) has submitted on all of its designations (Submitter 3766).
Matters addressed in submission	The requiring authority seeks the addition of designation maps into the Proposed Auckland Unitary Plan.
Assessment and reasons	The proposed modifications generally remove redundant conditions (now that the designation is given effect to) or correct/clarify matters within the designation. The changes supported <i>do not</i> include wording or structural

	<p>changes to the headings in the designation schedule as sought below:</p> <p>Change the word “purpose” to “Description/Activity” of the designation, or create a separate section under “Description/Activity”,</p> <p>Such a change will cause inconsistencies within the Proposed Auckland Unitary Plan. The addition does not add any further clarification to the description of the nature of the designation.</p> <p>Assessment of submissions by the requiring authority seeking the addition of maps to be added to each designation.</p> <p>I have given consideration to the request that Transpower has made in respect of all of its designations. I consider that while the addition of maps will to some extent duplicate the mapping of the designations in the Unitary Plan map system, it will have benefits particularly in regard to more clearly indicating the location of lines and tunnels. I particularly note that the Proposed Auckland Unitary Plan currently contains a very large number of construction-related plans that are no longer of relevance and simply add to confusion when the extent and effects of the designation of an existing work is being considered. I recommend that the requiring authority's submissions seeking the addition of new plans for each designation and the deletion of existing construction-related maps be recommended for confirmation.</p> <p>Overall, the modification involves no more than a minor changes to the effects on the environment associated with the use or proposed use of land or any water concerned. The changes also involve minor changes to the mapping which enhance the clarity of the plan.</p>
Recommendation to Panel	That the Panel recommends that the notices of requirement for existing designations included in the Proposed Auckland Unitary Plan as Designations 8527 and 8528 be confirmed subject to the modifications set out in Attachment 1..
Response from requiring authority	<p>Agrees with the above recommendations to Panel.</p> <p>Wishes to be heard on the following matters:</p> <p>If submissions by third party submitters discussed above cannot be resolved and those parties advise the Panel that they require a hearing.</p> <p>Mediation requested on the following matters:</p> <p>Not required.</p>
Report writer's further recommendation.	None required.
Recommendation from Panel	The Panel agrees with the report writer's recommendations.
Panel Reasons	The Panel agrees with the report writers reasons.

7. Attachment 1 changes to text of Proposed Auckland Unitary Plan

Designation 8527

Delete Condition 1 and renumber other conditions.

Amend Condition 3 sub-clause (a) to correct the quotation marks at the end of the words from “defined development area’ to “defined development area”.

Designation 8528

Delete Condition 1 and renumber other conditions.

Delete Condition 4.

Delete the Table “Schedule of Legal Descriptions” in Attachment 1 - Schedule of Legal Descriptions, and replace with the following:

Schedule of Legal Descriptions

<u>Parcel ID / Appellation</u>
<u>5264749</u>
<u>Lot 1 DP 200724</u>
<u>Lot 1 DP 449976</u>
<u>Lot 16 DP 425328</u>
<u>Lot 17 DP 425328</u>
<u>Lot 18 DP 425328</u>
<u>Lot 2 DP 449374</u>
<u>Lot 2 DP 449976</u>
<u>Lot 20 DP 425328</u>
<u>Lot 27 DP 425328</u>
<u>Lot 28 DP 40 5328</u>
<u>Lot 36 DP 40 5328</u>
<u>Lot 37 DP 425328</u>

<u>Lot 7 DP 425328</u>
<u>6782773</u>
<u>5263204</u>
<u>5263175</u>
<u>5260308</u>
<u>Sec 4 SO 446425</u>
<u>Sec 41 SO 443664</u>
<u>Sec 57 SO 430649</u>
<u>Sec 6 SO 446425</u>
<u>Sec 63 SO 430649</u>
<u>Sec 64 SO 430649</u>
<u>Sec 69 SO 430649</u>
<u>Sec 7 SO 446425</u>
<u>Sec 8 SO 430649</u>