

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

Vector Gas Ltd

Designations 9100 and 9104

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 27 August 2015 updated and amended on 6 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 designations, modifications and new designations classified by the Independent Hearings Panel as moderately complex. This classification will generally apply where there is a:

- i. rollover of a designation with no modifications and a submission lodged by third party;
- ii. modification to a designation that will result in more than minor effects and with or without submissions;
- iii. notice of requirement for a new designation for existing works with or without submissions.

2. Assessment

The assessment will address:

- i. effects on the environment of allowing the modification or requirement;
- ii. mitigation measures proposed by requiring authority including any proposed conditions;
- iii. other section 171 matters or section 168A(3) (if the requiring authority is Auckland Council) matters where relevant;
- iv. whether land is owned by the requiring authority.

See section 9 of this report for the assessment of each modification and requirement.

On the basis of the assessment, the report concludes:

- i. that Designation 9100 as set out in the Proposed Auckland Unitary Plan be confirmed.
- ii. that Designation 9104 as set out in the Proposed Auckland Unitary Plan be confirmed.

Update after the Pre-hearing Meeting.

Earlier editions of this report contained a third bullet above which related to lapse dates. Following the directions of the Panel in the Pre-hearing Meeting Report of 16 September 2015, that third bullet was no longer applicable and has been deleted. A corresponding recommendation to the Panel was also deleted.

3. Expert input

Not applicable.

4. Mediation required

Not applicable.

5. Hearing required

Not applicable.

6. Recommendation to Panel

That the Panel recommends to Auckland Council that Designations 9100 and 9104 as set out in the Proposed Auckland Unitary Plan be confirmed subject to the modifications set out in Attachment 1 and Attachment 2.

Author	Harry Bhana
Author's Signature	
Date	27 August 2015 updated and amended on 6 October 2015, and subsequently on 7 April 2016.

7. Panel recommendations to Auckland Council

The Auckland Unitary Plan Independent Hearings Panel recommends that Auckland Council recommends to the requiring authority that it confirms the further modifications to the designations 9100 and 9104 shown in Attachment 1.

8. Panel reasons

The reasons for the Panel's recommendation are set out in section 9 below.

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

9. Assessment of modifications and submissions

Requiring authority	Vector Gas Ltd
Designation number (s)	9100 and 9104
Designation purpose	Gas Pipelines
Location	9100 – 102 Amreins Road, Taupaki to Inland Road (near Kaipara Coast Highway), Kaukapapapa 9104 - Mill Road (Waikato District Council boundary), Pukekohe to 65 Highbrook Drive, East Tamaki
Designations given effect to	No
Lapse date in operative plan	9100 – 28 February 2022 9104 – 1 November 2015
Land ownership	Partly road reserve partly over private land
Land owned by the requiring authority	Only parts
Rollover designation with no modifications	Yes 9100 - The provisions and conditions attached to this designation accurately reflect the relevant provisions from the operative plan. 9104 - The provisions and conditions attached to this designation accurately reflect the combination of the relevant provisions from operative plans. However, the alignment of the designations was unintentionally displaced from their correct positions on incorporation into the Proposed Auckland Unitary Plan. For the purposes of this report this error is not regarded as a modification as it was not requested by the requiring authority and occurred in the context of the transition from the low resolution mapping in the operative plan to the higher resolution available in the Proposed Auckland Unitary Plan.
Description of the modification	NA
Assessment of rollover modifications and reasons	NA
Notice of requirement	NA
Assessment of new designation and reasons	NA
Submitters and summary of relief sought in submissions	Submissions were lodged by the requiring authority in respect of both designations with the relief requested being to retain the designation. The requiring authority also lodged submissions seeking the extension of the lapse date for 9104. The Council submission seeks a review of the mapping of the designations to ensure it is accurate. Further submissions by Auckland Chamber of Commerce (1250) in

	support of all designations and by Genesis Energy Limited (3006) supporting in part all designations. There were three further submissions in support of the Council submission and two in opposition.
Assessment of submissions and reasons	<p>The submission by the requiring authority seeking retention of the designation and the further submissions supporting those submissions do not require any assessment.</p> <p>I understand that the Panel does not have the power to extend the period for lapsing of a requirement. Accordingly I have not assessed those submissions by the requiring authority.</p>
Engagement by requiring authority with submitters.	Vector Ltd and Vector Gas Ltd advised in their response of 7 August 2015 that the parties are in agreement regarding the review of the mapping of these designations which will proceed independently of the Proposed Auckland Unitary Plan process. However refer to updated recommendation below.
Recommendation to Panel	That the designations as set out in the Proposed Auckland Unitary Plan be confirmed subject to the advice to the requiring authority and the Council that the Panel is unable to extend the lapse dates for these designations beyond that set out.
Response from requiring authority	<p>Agrees with the above recommendations to Panel but disagree with the statement that the Panel is unable to extend lapse dates. Vector has agreed to withdraw its submission point relating to the lapse date for designation 9100 but wishes to retain its submission point seeking the extension of the lapse date for 9104 from 5 years to 10 years from the date the designation becomes operative in the Unitary Plan. Vector also drew attention to a minor spelling correction required in condition 1.5 (a).</p> <p>Subject to resolution of the lapse date issues for 9104 the requiring authority advises that it does not wish to be heard and does not consider mediation is necessary.</p>
Report writer's further recommendation	The writer attended a meeting between the representatives of Vector Gas and the representatives of the Council on the 29 September 2015. Vector Gas advised that easements had been secured over all private land involved in the designation. As a consequence there was no 'blighting effect' arising from the extension of the lapse date. The conditions attached to the designation provide for comprehensive control of construction activities including matters such as liaison with private property owners and other utility operators. I am satisfied that the extension of the lapse date as proposed by Vector Gas for designation 9104 will not have any significant adverse effects on the environment or on property owners affected by the construction/placement of the pipeline. I accordingly recommend that the lapse date for designation 9104 be amended to 31 August 2027. I note that counsel for Vector

	Ltd has agreed that a set lapse date of 31 August 2027 is a reasonable and acceptable method of providing a set date that is likely to generally correspond with a 10-year period from the date these designations would become operative.
Updated recommendation in response to receipt of updated mapping information.	The requiring authority supplied shape files to update the mapping of the designations. These have been incorporated into the Panel's GIS viewer. On 7 April 2016 the report writer carried out a visual inspection of the mapping amendments in GIS that have been made to implement this required change and was satisfied that the corrections requested appear to have been made.
Recommendation from Panel	The Panel agrees with the report writer's recommendations.
Reasons	The Panel agrees with the report writers reasons.

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

Designation 9104

Amend the header table for 9104 Pukekohe to East Tamaki Gas Pipeline as follows:

Designation Number	9104
Requiring Authority	Vector Gas Ltd
Location	Mill Road (Waikato District Council boundary), Pukekohe to 65 Highbrook Drive, East Tamaki
Rollover Designation	Yes
Legacy Reference	Legacy Reference Designation 290, Auckland Council District Plan (Manukau Section) 2002; Designation 41, Auckland Council District Plan (Papakura Section) 1999; and Designation 149, Auckland Council District Plan (Franklin Section) 2000
Lapse Date	5 years from being operative in the Unitary Plan unless given effect to prior <u>31 August 2027</u>

Amend condition 1.5 (a) as follows

- a. Renewal shall be limited to works on the gas transmission pipeline and will be limited to replacement with sections having equivalent diameter and maximum allowable operating pressure and no more than 50 lineal metres of gas transmission pipeline will be excavated within one 14 ~~calendar~~calendar day period;

11. Attachment 2 changes to the maps of the Proposed Auckland Unitary Plan

That the maps for designations 9100 and 9104 be amended as set out in the Panel's GIS viewer map of the designation as of 7 April 2016. No map attachments are provided in this report because of the length of the designation makes this impracticable.