

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 Ltd

Designations 8831, 8841 & 8842

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 26 August 2015 updated and amended 14 October 2015. Updated to convert tracked change version of amalgamated Designations 8831 and 8841 to a clean version on 5 April 2016.

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/or will include land not owned by the requiring authority with or without submissions; or
- iii. notice of requirement for a new designation for existing works with or without submissions and the land is owned by the requiring authority.

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 that:

- i. recommend that the following designation/modifications/requirements be confirmed:
8831 and 8841;
- ii. recommend that the following modifications/requirements should be modified as recommended in the section 9 assessment checklist:
8842.

3. Expert input

Not applicable.

4. Mediation required

Not applicable.


5. Hearing required

Not applicable.

6. Recommendation to Panel

That the Panel:

- i. recommends to Auckland Council that the designation/modifications/requirements 8831 and 8841 be confirmed in accordance with the amalgamated version for Designation 8831;
- ii. recommends to Auckland Council that the following modifications/requirements should be modified as recommended in Attachment 1: 8842.

Author	Harry Bhana
Author's Signature	
Date	26 August 2015 amended and updated on 14 October 2015


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 shown in Attachment 1 and in Attachment 2.

This recommendation applies to the designations listed in section 9 below.

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 Ltd
Designation number (s)	8831, 8841 & 8842
Designation purpose	8831 & 8841 -Electricity transmission purposes: Penrose Portal (Gavin Street), Penrose to Hobson Street tunnel for the purposes of conveying electricity to the CBD 8842 - The installation, maintenance, repair, replacement, inspection and operation of one 110kV underground electricity transmission line.
Location	8831 & 8841 - 19 Gavin Street, Ellerslie to 13-21 Hobson Street, Central Auckland 8842 - 410 Albany Highway to State Highway 1 (Constellation Drive Rosedale and along Currys Lane, Wairau Valley
Designations given effect to	Yes
Lapse date in operative plan	In respect of 8842 see notes below
Land ownership	Portals owned or controlled by RA
Land owned by the requiring authority	No - underground tunnels do not affect use of land above.
Rollover designation with no modifications	Yes
Description of the modification	NA
Assessment of rollover modifications and reasons	Designations 8831 and 8841 relate to the Penrose to Hobson Street tunnel used to convey electricity to the CBD. The works have now been given effect to. The land identified on 8831 is the Penrose portal at 19 Gavin Street and the land identified in 8841 is the Hobson Street portal at 13-21 Hobson Street. There are nine pages of conditions which are identical in respect of both designations apart from a more detailed description of the purpose in 8841 as compared to 8831, and the inclusion of two additional diagrams/plans in 8841 indicating how truck movements at the Newmarket portal are to be controlled. Almost all of the conditions relate to the construction of the tunnel which Vector advises is now complete. There are no submissions in respect of the proposed rollover of either of these designations which would allow the Panel to simplify the designations by removing construction conditions and possibly amalgamating the two designations.
Notice of requirement	Not applicable.
Assessment of new designation and reasons	Not applicable.
Submitters and summary of relief sought in submissions	Submissions were lodged by the requiring authority in respect of all of these designations with the relief requested being to retain the designation. Further submissions by

	<p>Auckland Chamber of Commerce (1250) in support of all designations and by Genesis Energy Limited (3006) supporting in part all designations.</p> <p>Designation 8842. The further submission (347) by K Vernon is opposed to the whole of the Auckland Council submission 5716. It has no relevance to this designation. The further submission (3038) by Lynn Hume is wrongly identified in the Panel's Submission Point Pathway Report and does not relate to the Auckland Council submission seeking an amendment to the designation.</p> <p>Auckland Council's submission 5716-2763 requested deletion of Condition 4, while the requiring authority submission 2745-659 requested that the description of the designation in the Proposed Auckland Unitary Plan (which indicates in the opening table that the works have been given effect to) should be amended to reflect the 15-year lapse period set out in Condition 4.</p>
Assessment of submissions and reasons	<p>Designation 8831 & 8841. None of the submissions by the requiring authority seeking retention of the designation and the further submissions supporting those submissions require any assessment.</p> <p>A letter dated 28 June 2013 from Brigid Kelly of Vector to the Auckland Council which addressed designation rollovers <u>requested deletion of Condition 4</u> which related to lapse date. Ms Kelly advised that the designation had been given effect to. The Proposed Auckland Unitary Plan rollover did not delete Condition 4. The Auckland Council submission seeks to correct the position. For the purpose of this report I have assumed that the works have been given effect to and that Condition 4 should be deleted. That is a matter that the requiring authority can address in response if it is incorrect.</p>
Engagement by requiring authority with submitters.	Not necessary.
Recommendation to Panel	<ol style="list-style-type: none"> 1. That designations 8831 and 8841 as recorded in the Proposed Auckland Unitary Plan be confirmed. 2. That Condition 4 in designation 8842 be deleted.
Response from requiring authority	<p>The memorandum by Russell McVeagh - Response by Vector Ltd and Vector Gas Ltd in relation to the section 142 reports for Topic 074 - Designations, dated 11 September 2015 recorded as follows:</p> <p>Agree with the above recommendations to Panel for designations 8831 and 8841 and proposed an amalgamation of those designations into a single designation for review by the Panel.</p> <p>Disagree with the above recommendations to the Panel that Condition 4 in designation 8842 be deleted. The designation has not been given effect to and should be rolled over with the condition and the lapse date made consistent with the</p>

	<p>operative plan provisions.</p> <p>Wish to be heard on the following matters:</p> <p>Not required.</p> <p>Mediation requested on the following matters:</p> <p>Not required.</p>
Report writer's further recommendations	<p>I accept there was misunderstanding about whether designation 8842 designation had been given effect to. I have amended my recommendation accordingly to reinstate the lapse date provision from the operative plan which was 15 years from inclusion in the district plan. I have advised that the Council accepts that the designation has not been given effect to.</p> <p>I support the recommended amalgamation of 8831 and 8841 into a single designation 8831 as attached to the response by Vector Ltd except that I recommend that diagrams B08-03(c) and B08-03(d) should also be deleted because they relate to deleted construction-related Conditions 5.6(c) and 5.5(b) respectively.</p>
Recommendation from Panel	The Panel agrees with the report writer's recommendations
Reasons	The Panel agrees with the report writer's reasons

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

Designation 8831:

Delete the existing text of 8831 and replace it with the following text:

8831 Penrose to Hobson Street Tunnel and Penrose Portal

<u>Designation Number</u>	<u>8831</u>
<u>Requiring Authority</u>	<u>Vector Ltd</u>
<u>Location</u>	<u>19 Gavin Street, Ellerslie to 13-21 Hobson Street, Auckland</u>
<u>Rollover Designation</u>	<u>Yes</u>
<u>Legacy Reference</u>	<u>Designation F12-42, Auckland Council District Plan (Isthmus Section) 1999. Designation 288, Auckland Council District Plan (Central Area Section) 2005; Designation B08-03, Auckland Council District Plan (Isthmus Section) 1999.</u>
<u>Lapse Date</u>	<u>Given effect to (i.e. no lapse date)</u>

Purpose

The construction, operation and maintenance of:

- a. An underground tunnel from Transpower New Zealand Limited's ("Transpower")

existing substation at Gavin Street, Penrose, to Vector Limited's ("Vector") existing substations at Liverpool Street and Hobson Street for the purpose of conveying electricity to the Auckland Central Business District ("CBD"), together with all ancillary and related infrastructure including portals and ventilation fans. The tunnel will contain electric cables, with a maximum anticipated capacity of three 220kV circuits of 500MVA each and ancillary equipment;

- b. Electric cables contained within the tunnel. It is initially proposed to install two circuits of 110kV circuits at 230MVA each, and ancillary equipment. It is intended to upgrade the electricity supply carried through the tunnel over the next 10-20 years in response to load growth and other alterations to the network. It is anticipated that any future upgrades will result in a maximum capacity of three 220kV circuits at 500MVA each and ancillary equipment; and
- c. The construction and operation of a building containing 110kV and future 220kV gas insulated switch gear and three future 220/110kV transformers at an extension to Vector's Liverpool substation site.

Conditions

1. General

- 1.1 Except as modified by the conditions below, the work shall be undertaken in general accordance with the information provided by Vector at the hearing; the notice of requirement and supporting documents, namely: "Electricity Reinforcement Project, Tunnel to Auckland Central Business District, Assessment of Environmental Effects", February 1996, Tonkin and Taylor Ltd, and the associated Addendum dated 8 March 1996.
- 1.2 All activities, works and buildings not able to be fully disclosed in the notice of requirement (including the associated Assessment of Effects) and not provided for as a permitted activity shall be the subject of either:
 - a. A new notice of requirement, which shall be publicly notified, pursuant to Section 168 of the Resource Management Act; or
 - b. A notice to alter the designation, pursuant to section 181 of the Resource Management Act, which notice shall be publicly notified unless the alteration is minor and the affected persons agree in accordance with the provisions of Section 181(3) of the Act; or
 - c. A resource consent.
- 1.3 When the tunnel, or any length of it, is no longer required, the length no longer required shall be backfilled to prevent subsidence.
- 1.4 All heated air and contaminated air from the tunnel and associated work shall be disposed of in a way which avoids creating a nuisance or hazard to people and other property.
- 1.5 The cables and associated equipment shall be designed, installed, and operated so as to, as far as practicable, minimise public exposure to electric and magnetic fields.
- 1.6 Upon request from Council, at no lesser intervals than annually, Vector shall provide written confirmation that the maximum levels of the electric and

magnetic fields set out in the AEE are not exceeded.

1.7 All internal and external Council costs of monitoring the conditions are to be borne by the requiring authority.

1.8 Vector shall not permit access to the tunnel for use by any third party which would negate the opportunity for Vector, Transpower New Zealand Limited, Power New Zealand Limited, Northpower Limited and/or Top Energy Limited (or their successors) to use the tunnel for the purpose of installing transmission lines at a voltage at or exceeding 110 kV and up to 220 kV, without first advising each of such companies.

1.9 All plant associated with the long term operation of the tunnel (not including Transpower's operations at the Transpower site) is to be designed, constructed, and maintained to ensure that the following noise levels are not exceeded:

a. Noise measured at or within the boundary of any property except those with a business activity zoning:

<u>Monday to Saturday</u>	<u>7.00am - 10.00pm</u>	<u>L10 55 dBA</u>
<u>Sunday and Public Holidays</u>	<u>9.00am - 6.00pm</u>	<u>L10 55 dBA</u>
	<u>At all other times</u>	<u>L10 45 dBA</u> <u>Lmax 75 dBA, or background (L95) plus 30 dBA, whichever is the lower</u>

b. Noise measured at any time at or within the boundary of any property zoned business activity: L10 65 dBA.

1.10 Measurement and assessment shall be in accordance with the requirements of NZS 6801:1999 "Measurement of Environmental Sound" and NZS 6802:1999 "Assessment of Environmental Noise". The noise shall be measured with a sound level meter complying at least with the International Standard IEC 651 (1979): Sound Level Meters, Type 1.

Hazardous Substances

2.1 The storage and use of hazardous substances at the Hobson, Newmarket, and Penrose Portals shall be in accordance with the "Vector Tunnel Project Hazardous Substances Assessment of Environmental Effects" undertaken by Tonkin and Taylor Ltd and dated May 1999.

2.2 The areas of the Hobson, Newmarket and Penrose Portals immediately involved in the storage, loading, unloading, using or otherwise handling of waste and other hazardous substances, shall be protected by spill containment systems that shall comply with the following:

a. Be constructed of impervious material that are resistant to the hazardous substances involved;

- b. Be able to contain the maximum volume of the largest tank used; and
- c. Be designed, constructed and managed so that any spill or release of any hazardous substance and any stormwater that may have entered and become contaminated in the spill containment system is prevented from entering the stormwater system and is prevented from discharging into or onto the land or groundwater, any water body, or potable water supply.

2.3 Prior to construction of the spill containment systems referred to in Condition 7A.2 above, Vector shall produce a spill contingency plan, an emergency evacuation plan, a health and safety plan, and a fire safety plan for the Hobson, Newmarket and Penrose Portals to the satisfaction of Council. Vector shall comply with these plans at all times.

Advice Notes

The Penrose substation site is subject to an existing Transpower designation (Penrose Substation) and an existing Council designation (Proposed Accessway, Gavin St to McNab St Subway). As such the Vector designation is to be identified as the later designation in the District Plan. The provisions of Section 177 of the Resource Management Act 1991 apply accordingly.

Designation 8841:

Delete the 8841 row from the Designation Schedule Vector Ltd. Delete the entire designation 8841 text and diagrams.

Designation 8842:

Amend the lapse date cell in the header table for Designation 8842 as follows:
~~Given effect to (i.e. no lapse date)~~ The designation will lapse on 31 August 2032 unless given effect to.

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

Amend designations 8831 and 8841 by amalgamating them into one designation and relabeling all as '8831 Penrose to Hobson Street Tunnel and Penrose Portal'

