

AUCKLAND UNITARY PLAN  
INDEPENDENT HEARINGS PANEL

*Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau*

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Report to Auckland Council  
Hearing topic 074 Designations

Vector Ltd

Designations 8864 and 8905

May 2016

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**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 on 14 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 that the following modifications/requirements should be recommended for confirmation subject to the amendments shown in Attachment 1: 8864 and 8905

## **3. Expert input**

Not applicable.

## **4. Mediation required**

Not applicable.

## **5. Hearing required**

Not applicable.

## 6. Recommendation to Panel

That the Panel recommends that the following modifications/requirements should be recommended for confirmation subject to the amendments shown in Attachment 1:

8864 and 8905

Author	Harry Bhana
Author's Signature	
Date	26 August 2015 updated and amended 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 notice of requirement for the modifications to the designations 8864 and 8905 included in the Proposed Auckland Unitary Plan subject to the further modifications 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 Ltd
Designation number (s)	8864 and 8905
Designation purpose	Electricity works (substation)
Location	8864 - 32A Red Beach Road, Red Beach 8905 - 115 Rosedale Road, Rosedale
Designations given effect to	Yes
Lapse date in operative plan	NA
Land ownership	NA
Land owned by the requiring authority	NA
Rollover designation with no modifications	8864 - Modifications made. 8905 - Conditions were not found in operative plan documents. Assumed that conditions from original confirmation of requirement were rolled over without modification.
Description of the modification	Conditions from the operative plan were not included in the Proposed Auckland Unitary Plan version of 8864.
Assessment of rollover modifications and reasons	<b>8864</b> There is no record of Vector requesting the conditions to be deleted when the designation was rolled over. Accordingly it is likely an unintended error. Most of the conditions relate to the construction of the substation and are no longer relevant. However the general condition requiring the activity to proceed in accordance with the original documentation and conditions relating to operational noise (amended as appropriate) and minimising magnetic flux density should be retained. <b>8905</b> No assessment possible.
Notice of requirement	NA
Assessment of new designation and reasons	NA
Submitters and summary of relief sought in submissions	<b>8864</b> A submission was lodged by the requiring authority in respect of this designation with the relief requested being to retain the designation. Further submissions by Auckland Chamber of Commerce (1250) in support of all designations and by Genesis Energy Limited (3006) supporting in part all designations. <b>8905</b> A submission lodged by the requiring authority seeking

	retention of the designation. Submission 5716-2764 by the Council requested that the legacy reference recorded for the designation be updated from Designation 81 to designation 194. Submission 5716-2765 by the Council sought an extension of the lapse date.
Assessment of submissions and reasons	The submission by the requiring authority seeking retention of the designation and the further submissions supporting those submissions do not require any assessment. The submission by the Council seeking to amend the legacy reference is simply correction of an error and no assessment of that is required. The requiring authority has advised that the designation has been given effect to and this should be recorded in the designation heading along with the removal of reference to lapse dates.
Engagement by requiring authority with submitters.	Not necessary.
Recommendation to Panel	<p>Recommend reinstating Conditions 1, 7 and 10 from the operative plan amended to reflect the Proposed Auckland Unitary Plan provisions for 8864.</p> <ol style="list-style-type: none"> <li>1. (general) The activity shall proceed in general accordance with the Notice of Requirement submitted to <b>Council</b> dated 22 February 2005 and plans drawn by GHD Ltd numbered RBZS-1 and RBZS-2.</li> <li>2. (Operational noise) the activity shall comply with the noise controls of the underlying zoning. (Note: This replaces previous Condition 7 which referred to noise controls in the operative plan).</li> <li>3. (Best practice) Best industry practice shall be adopted on a continuing basis to ensure that magnetic flux density associated with the substation is minimised and adjacent properties. Advice note: If necessary, compliance with this condition can be verified by the Ministry of Health. (Note: This was previously Condition 10 and its associated advice note.)</li> </ol> <p>Amend the lapse date for 8905 to record that it has been given effect to.</p>
Response from requiring authority	<p>The memorandum from Russell McVeagh – Response by Vector Ltd and Vector Gas Ltd to section 142 reports for Topic 074 - Designations, dated 11 September 2015 recorded as follows:</p> <p><b>8864</b></p> <ol style="list-style-type: none"> <li>1. Agrees that the designation should be confirmed.</li> <li>2. Does not agree that conditions 1, 7 and 10 should be amended as proposed.</li> <li>3. Requests that the noise rules for all substation designations referred to the substation noise rules specifically provided for in the Unitary Plan in</li> </ol>

	<p>Chapter H1.1 instead of relying on underlying zoning.</p> <p>4. In relation to proposed condition 3 suggests reference to the permitted activity standards for electric and magnetic fields and radio frequency in H1.1</p> <p><b>8905</b></p> <p>1. Agrees with the recommendation.</p>
Report writer's further recommendation	<p><b>8864</b></p> <p>I agree that condition 1 can be deleted as it refers mainly to matters associated with construction.</p> <p>I agree and recommend that the substation noise rules for permitted activities in Chapter H1.1 as notified would be an appropriate basis for setting noise limits for designated substation sites. Russell McVeagh, on behalf of Vector Ltd, have suggested a noise condition that has been amended a number of times as we discussed a format that would be as self-contained as possible. I accordingly recommend the agreed condition and have set it out in Attachment 1.</p> <p>I also agree that the permitted activity standards for electric and magnetic fields in H1 .1 would be more appropriate and up-to-date for the control of effects from electromagnetic fields. I have amended my recommended amendments in Attachment 1 accordingly.</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 Proposed Auckland Unitary Plan

### Designation 8864

That the following conditions be inserted in designation 8864 in the Proposed Auckland Unitary Plan.

- 1A Except as provided for in 1A(c) below, noise from this substation shall not exceed the following noise limits:
- a. 55 dB L<sub>Aeq</sub> between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and
  - b. 45 dB L<sub>Aeq</sub>/75 dB L<sub>Amax</sub> for all other times.
  - c. Noise from this substation can exceed the limits in (a) and (b) if the adjacent zone has a higher noise limit, provided that the noise limit in that zone is not exceeded.
- 1B Noise levels must be measured in accordance with NZS6801:2008 "Acoustics – Measurement of environmental sound" and assessed in accordance with NZS6802:2008 "Acoustics – Environmental noise", and shall be measured within the boundary of a site or, for the Rural zone, within the notional boundary of a site.

2. The substation shall comply with the International Commission on Nonionising Radiation Protection Guidelines for limiting exposure to time varying electric magnetic fields (1Hz – 100kHz) (Health Physics, 2010, 99(6): 818836) and recommendations from the World Health Organisation monograph Environment Health Criteria (No 238, June 2007)

**Designation 8905**

That the table at the head of the designation record be amended as follows:

Designation Number	8905
Requiring Authority	Vector Ltd
Location	115 Rosedale Road, Rosedale
Rollover Designation	Yes
Legacy Reference	Designation 84 <u>194</u> , Auckland Council District Plan (North Shore Section) 2002
Lapse Date	<del>Five years from being operative in the Unitary Plan unless given effect to prior</del> <u>Given effect to (i.e. no lapse date)</u>