

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 8868, 8873, 8874, 8879, 8885,
8891, 8897 and 8903

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 on 14 October 2015 and 13 January 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 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:

- i. the following designation/modifications/requirements should be confirmed:
8868, 8873, 8874, 8879, 8885, and 8903;
- ii. the following modifications/requirements should be modified as recommended in the section 9 assessment checklist:
8891 and 8897.

3. Expert input

Not applicable.

4. Mediation required

Not applicable.

5. Hearing required

Not applicable.

6. Recommendation to Panel

That the Panel:

- i. recommends that the following designation/modifications/requirements be confirmed:
8868, 8873, 8874, 8879, 8885 and 8903;
- ii. recommends that the following modifications/requirements should be modified as recommended in the section 9 assessment checklist:
8891 and 8897.

Author	Harry Bhana
Author's Signature	
Date	26 August 2015 amended and updated on 14 October 2015 and further amended on 13 January 2016 to remove reference to Designation 8840

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 the requirement for the modifications to the designations included in the Proposed Auckland Unitary Plan subject to the further modifications shown in Attachment 1.

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)	8868, 8873, 8874, 8879, 8885, 8891, 8897 & 8903
Designation purpose	Electricity Works (substation)
Location	8868 - 179 Bush Road Rosedale 8873 - 16-18 Plumer Street, Auckland Central. 8874 - 13-21 Hobson Street, Auckland Central 8879 - 18 Highbury Bypass Birkenhead. 8885 – 4A Wairau Road, Takapuna. 8891 – Leigh Road (Pt Allot 31 SO 64696), Big Omaha 8897 - 91 Gulf Harbour Drive, Hobbs Bay 8903 - 99 Lincoln Street, Ponsonby
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	None
Description of the modification	8868, 8885 and 8903 - The extent of the designation was extended so as to include all of the land that comprised the existing substation property. 8879 - The extent of the designation was reduced so that it related only to the existing substation property. 8873 - The following condition was deleted: Development to be in accordance with the following: a) Development of the site shall comply with the underlying height and special height controls. 8874 - The following condition was deleted: Development to be in accordance with the following: 1) Development of the site shall comply with the underlying development controls. 8891 and 8897 - The operative plan provision imposed a condition requiring compliance with Rule 16 of the Auckland Council District Plan - Operative Rodney Section 2011. In the notified version of the Proposed Auckland Unitary Plan the applicable part of that rule was quoted.
Assessment of rollover modifications and reasons	The changes referenced above in respect of 8868, 8885, 8903, and 8879 simply amend the map boundaries to reflect the land owned and occupied by the requiring authority for

	<p>the purposes of the substation. It is likely that they reflect mapping areas in the operative plans. I am satisfied that correction of these errors involves only minor changes or adjustments to the boundaries of the designation or requirement.</p> <p>The change to the operational noise requirement in 8891 and 8897 (to update from previous operative plan provisions) would be more appropriately dealt with by requiring the operational noise to be in accordance with the limits imposed by the provisions applicable in the underlying zoning.</p>
Notice of requirement	NA
Assessment of new designation and reasons	NA
Submitters and summary of relief sought in submissions	<p>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 Auckland Chamber of Commerce (1250) in support of all designations and by Genesis Energy Limited (3006) supporting in part all designations.</p> <p>Submission number 2745-718 by the requiring authority sought an amendment to Condition 4 (Operational Noise) to provide a high background noise level of 55 DBA, Monday-Saturday 6 am-6 pm (rather than 50 DBA).</p>
Assessment of submissions and reasons	<p>None of the submissions by the requiring authority seeking retention of the designation and the further submissions supporting those submissions requires any assessment.</p> <p>My assessment of submission 2745-718 by the requiring authority reflects the conclusion noted above in my assessment of the modifications to the noise conditions that have been made in regard to designation 8891 and 8897. I consider that since the previous condition required adherence to the noise controls applying to the underlying zoning a more appropriate amendment to Condition 4 in both designations would be to replace the current wording with a requirement that activities on the designated land comply with the noise controls that apply in the underlying zoning.</p>
Engagement by requiring authority with submitters.	NA
Recommendation to Panel	<ol style="list-style-type: none"> 1. That designations 8868, 8873, 8874, 8879, 8885 and 8903 as recorded in the Proposed Auckland Unitary Plan be confirmed. 2. That Condition 4 in designations 8891 and 8897 as recorded in the Proposed Auckland Unitary Plan be deleted and replaced by the following: <ol style="list-style-type: none"> 4. That activities authorised by the designation shall comply with the noise limits applying under the underlying zoning.

Response from requiring authority	<p>Agrees with the recommendations apart from the recommendation to amend Condition 4 in 8891 and 8897 to reference the noise limits from the underlying zoning. Seeks to have the provisions of H1.1 substation noise instead.</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 recommendation	<p>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 reflected the Proposed Auckland Unitary Plan provisions in H1.1 but would be as self-contained as possible. I am now satisfied that the condition proposed will set noise limits for 8891 and 8897 that are reasonably consistent with the Proposed Auckland Unitary Plan provisions for substations as permitted activities. I have amended the recommended amendments set out 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

That Condition 4 in designation 8891 as recorded in the Proposed Auckland Unitary Plan be deleted and replaced by the following:

4A Except as provided for in 4A(c) below, noise from this substation shall not exceed the following noise limits:

a. 55 dB L_{Aeq} between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and

b. 45 dB L_{Aeq} /75 dB L_{Amax} 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.

4B 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.

That Condition 4 in designation 8897 as recorded in the Proposed Auckland Unitary Plan be deleted and replaced by the following:

4A Except as provided for in 4A(c) below, noise from this substation shall not exceed the following noise limits:

- a. 55 dB L_{Aeq} between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and
 - b. 45 dB L_{Aeq} /75 dB L_{Amax} 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.
- 4B 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.