

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

Substation Designations R8906, R8907,  
R8908, R8909, R8910, R8911

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 10 September 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 set out in Attachment 1:

R8906, R8907, R8908, R8909, R8910, R8911.

## **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:

R8906, R8907, R8908, R8909, R8910, R8911.

<b>Author</b>	Harry Bhana
<b>Author's Signature</b>	
<b>Date</b>	10 September 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 notices of requirement R8906, R8907, R8908 R8910 and R8911 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.

<b>Panel Chair</b>	David Kirkpatrick
<b>Chair's Signature</b>	
<b>Date</b>	18 May 2016

## 9. Assessment of modifications and submissions

Requiring authority	Vector Ltd
Designation number (s)	R8906, R8907, R8908, R8909, R8910, R8911
Designation purpose	Electricity Transmission – Existing and Proposed Substations
Location	R8906 - 105 Hillsborough Road Hillsborough R8907- 10 Nicholas Street, Auckland Central R8908 - 3 Bethells Road, Waitakere Village R8909 – 5 Glenmore Drive, Warkworth R8910 – 1 Westgate Drive, Westgate R8911 - 1 Papakura-Clevedon Road Papakura
Designations given effect to	R8906 and R8911 have been given effect to, the others are for proposed new substations.
Lapse date in operative plan	NA
Rollover designation with no modifications	NA
Description of the modification	NA
Assessment of Modifications	NA
Notice of requirement	New requirement to designate existing and new facilities.
Land ownership	NA
Land owned by the requiring authority	Information not provided R8910, R8907, R8908 and R8909 are owned by Vector Ltd.
Assessment of new designations	<p><b>R8906 and R8911</b></p> <p>These two new requirements will apply to existing electricity substations. The inclusion of designations over these facilities is in accordance with national and regional policies which recognise the importance of infrastructure. The designations will provide for the protection of these assets and will record their status within the Unitary Plan provisions. The documentation provided by Vector establishes the facilities are reasonably necessary for achieving the objectives of the requiring authority in providing for the distribution of electricity in a rapidly growing urban area. I recommend that these requirements be confirmed subject to the amendments set out in Attachment 1. I recommend that Condition 5 be amended to reference the noise limits applying to the underlying zoning of the Unitary Plan as I consider that is the appropriate baseline for any noise controls normally appropriate for this site.</p>

	<p><b>R8907, R8908, R8909 and R8910</b></p> <p>The documentation provided by Vector establishes the facilities are reasonably necessary for achieving the objectives of the requiring authority in providing for the distribution of electricity in a rapidly growing urban area. R8907 is located in the Auckland central area, R8908 and R8909 are located in areas zoned for light industry and R8910 is located in the Westgate metropolitan centre immediately adjacent to the North Western motorway. I am satisfied that the potential adverse effects on the environment that could be expected to be generated by these new substations are unlikely to be significant and no further assessment of alternative locations is necessary. The requiring authority has sought a 10-year lapse date. As I have noted Vector already owns three of the sites and there are no submissions in opposition to the designations. I observe that the nature of surrounding activities is such that there would be little concern with uncertainty for neighbours arising as a result of allowing this period of time for implementation. However I recommend that the lapse period be set at a specific date. I recommend that the noise conditions set out in the Proposed Auckland Unitary Plan for these designations be amended to reference the noise limits applying to the underlying zoning of the Unitary Plan as I consider that is the appropriate baseline for any noise controls normally appropriate for these sites. I recommend that these requirements be confirmed subject to the amendments set out in Attachment 1.</p>
Submitter	<p>Vector Ltd seeking retention of these designations.</p> <p>Further submissions from the Auckland Chamber of Commerce in support and from Genesis Energy supporting in part the submissions by Vector Ltd.</p>
Matters addressed in submission	Nil.
Engagement by requiring authority with submitters.	None required.
Assessment of submissions and reasons	No assessment of submissions required.
Recommendation to Panel	That the Panel recommends that the requirement to include these designations be confirmed subject to the proposed modifications to provisions in the Unitary Plan as set out in Attachment 1.
Response from requiring authority	Agrees with the above recommendations to Panel that the designations be confirmed but disagrees with the recommendation that the noise conditions in these designations be amended to reference the limits applying in the underlying zoning. Instead Vector proposed that the provisions of H1.1 and the cross-referenced provisions of H6.1 be used as a basis for setting the noise limits in these conditions. Also disagrees with the recommendation to set

	<p>the lapse date to 31 August 2025 and suggests 31 August 2027 instead.</p> <p>Wishes 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>I agree that a fixed condition for noise based on the Proposed Auckland Unitary Plan provisions for substations in H1.1 and as cross referenced to H6.1 would provide greater certainty and ease of ongoing control over noise issues and would provide a reasonable basis for setting noise limits for substation sites. Russell McVeagh, on behalf of Vector Ltd, has 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. It has been agreed that here is no need to cross-reference Unitary Plan provisions except in respect of those substation sites where there was a mixture of zones adjacent to the site.</p> <p>R8906 in the Hillsborough Road is zoned mixed housing suburban and has a Strategic Transport Corridor and light industry zones adjacent.</p> <p>R8907 Nicholas Street substation is in the City Central Zone.</p> <p>R8908 the Waitakere Substation, is zoned light industry and has land zoned rural and coastal settlement across the road.</p> <p>R8909 the Warkworth Substation is zoned light industry and has a narrow strip of land zoned open space separating the substation site from a Single House Zone.</p> <p>R8910 the Westgate Substation site is zoned metropolitan centre and adjoins the Strategic Transport Corridor and land zoned Open Space-informal recreation.</p> <p>I also agree that the lapse date of 21 August 2027 for implementation of these consents is likely to be closer to a 10-year period from the date the Unitary Plan becomes operative. I have amended my recommendations 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 R8906

Delete Condition 5 and replace with the following.

1. That Condition 5 in designations R8906 as recorded in the Proposed Auckland Unitary Plan be deleted and replaced by the following:

- 5A. Except as provided for in 5A(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.
- 5B. 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.

### Designation R8907

Delete Condition 2 and replace with the following.

- 2A Except as provided for in 2A(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.
- 2B. 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.

### Designation R8908

Delete Condition 4 and replace with 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.

## Designation R8909

Delete Condition 5 and replace with the following.

- 5A. Except as provided for in 5A(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.
- 5B. 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.

## Designation R8910

Delete Condition 3 and replace with the following.

- 3A. Except as provided for in 31A(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.
- 3B. 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.

## **Designations R8907, R8908, R8909 and R8910**

Amend the Lapse Date set out in the header tables to each of these designations as follows:

~~10 years from being operative in the Unitary Plan unless given effect to prior~~

This designation will lapse on 31 August 2027 unless given effect to.”