

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

Counties Power Ltd

Designations 3004, 3005

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 Date: 30 August 2015 and updated on 4 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 Designations 3004 and 3005 as set out in the Proposed Auckland Unitary Plan be recommended for confirmation subject to minor changes requested by way of submissions.

Note that an earlier draft recommendation regarding lapse dates has been deleted on the basis of the Panel decision at the Pre-hearing meeting on 16 September 2015.

## **3. Expert input**

Not applicable.

## **4. Mediation required**

Not applicable.

## **5. Hearing required**

Not applicable.

## 6. Recommendation to Panel

That the Panel recommends that Designations 3004 and 3005 as set out in the Proposed Auckland Unitary Plan be confirmed subject to the minor changes recorded in Attachment 1.

Note that an earlier draft recommendation regarding lapse dates has been deleted on the basis of the Panel decision at the Pre-hearing meeting on 16 September 2015.

<b>Author</b>	Harry Bhana
<b>Author's Signature</b>	
<b>Date</b>	30 August 2015 and updated on 4 October 2015 with amendments.

## 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 modifications shown in Attachment 1 and Attachment 2 in response to submissions on designations 3004 and 3005.

## 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	Counties Power Ltd
Designation number (s)	3004 and 3005
Designation purpose	Electricity Substation and Overhead Transmission line.
Location	3004 - Cornwall Road (part of Lot 2 DP 384042) Waiuku. 3005 - 104 Manukau Road to Buckland Road, Pukekohe.
Designations given effect to	No
Lapse date in operative plan	3004 –31 January 2019 (derived from the Auckland Council District Plan – Operative Franklin Section giving starting date of January 2009 and 10 year lapse date in “Time Frame of Designation”)  3005 – 28 November 2019 2019 (derived from the Auckland Council District Plan – Operative Franklin Section giving starting date of November 2009 and 10 year lapse date in “Condition 15 - Term of Designation”)
Land ownership	NA
Land owned by the requiring authority	Insufficient information to determine.
Rollover designation with no modifications	This is unable to be verified as no conditions were recorded under the operative plan.
Description of the modification	See above.
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 4500-132, 4500-135, 4500-136, 4500-137, 4500-133, 4500-138, 4500-146, and 4500-147 by the requiring authority seeking a number of minor changes.  Submission 5716-2685 by the Council seeking a minor change to the formatting of a condition.  Further submissions by Auckland Chamber of Commerce (1250) in support of all designations and by Genesis Energy Limited (3006) supporting in part all designations.
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.  Submission 4500-138 by the requiring authority seeks an amendment to the mapping of Designation 3005 to revert to the area included in the operative plan. In order to recommend that this amendment be confirmed the Panel needs to be provided with an accurate map clearly showing the amendments proposed to the Proposed Auckland Unitary Plan map in a form that can be readily transposed into the Proposed Auckland Unitary Plan mapping system.

	The remainder of submissions require very minor changes to wording or formatting.
Engagement by requiring authority with submitters.	None required.
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 in the operative plan.
Response from requiring authority	<p>Agrees with the above recommendations to Panel that the designations be recommended to be confirmed.</p> <p>Disagrees with the above recommendations that the Panel could not extend lapse dates in regard to 3004 and 3005.</p> <p>Disagrees in that the report writer had failed to record or recommend regarding submission 4500-127 which requested a change to the schedule and to each designation to amend the 'purpose' to 'electricity supply services'. The submission affected designation 3005.</p> <p>Wishes to be heard on the following matters: Not required.</p> <p>Mediation requested on the following matters: Not required.</p>
Report writer's further recommendations and comments.	<p>This report is further amended to:</p> <ol style="list-style-type: none"> <li>i. recognise that the lapse dates set out in the Proposed Auckland Unitary Plan are to be confirmed;</li> <li>ii. recognise submission 4500-127 and amend the report accordingly as set out in (3) below;</li> <li>iii. amend the description of the 'purpose' of the Designation 3005 in both the schedule and in the detailed description of the designation and conditions;</li> <li>iv. illustrate the mapping change required in respect of Designation 3005.</li> </ol>
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 Schedule - Counties Power Ltd

Amend the purpose for Designation 3005 as follows:

Electricity supply purposes distribution Pukekohe to Tuakau 110kV overhead electricity line

## **Designation 3004**

Amend the title above the header table to read as follows:

3004 Waiuku Substation (Cornwall Road)

Amend Condition 1.e. as follows:

e. The Property and Landscape Management Plan to be submitted pursuant to section 176A of the Resource Management Act 1991 and required by Condition ~~4.e.ii.1.b.ii~~ shall detail species, gardening and maintenance specifications. The Property and Landscape Plan must incorporate the following elements:

Amend Condition 1.e.iv. as follows:

iv. Provisions and methods to ensure landscaping works do not unduly interfere with any overland flow path;

## **Designation 3005**

Amend the text under heading "Purpose" as follows:

Electricity ~~distribution~~ supply purposes - (Pukekohe to Tuakau 110kV overhead electricity line)

Amend condition 15 to replace "designations" with "designation" in 2 places

Amend Advice Note 2 to replace "designations" with "designation" in 2 places

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

### Designation 3005

Amend the planning maps to record the extent of the designation as per the operative plan. Refer diagram below.

