

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

Counties Power Ltd

Designations R3008
Substation and Ancillary Works

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 27 August 2015 amended and updated 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 the following modifications/requirements should be modified as recommended in the section 9 assessment checklist; R3008

3. Expert input

To support appropriate assessment, the applicant has provided an Assessment of Effects on the Environment prepared by Boffa Miskell Ltd.

4. Mediation required

The requiring authority and the Council are understood to have met. The amendments to conditions proposed by both parties are identical I do not consider any mediation will be required.

5. Hearing required

I do not consider any hearing will be required.

6. Recommendation to Panel

That the Panel recommends that the requirement by Counties Power Ltd, identified as R3008 in the Proposed Auckland Unitary Plan should be recommended for confirmation subject to the amendments shown in Attachment 1.

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| Author | Harry Bhana |
| Author's Signature |  |
| Date | 27 August 2015 updated and amended 4 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 R3038 subject to the modifications shown in Attachment 1.

8. Panel reasons

The reasons for the Panel's recommendation are set out in section 9 below.

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| Panel Chair | David Kirkpatrick |
| Chair's Signature |  |
| Date | 18 May 2016 |

9. Assessment of modifications and submissions

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| Requiring authority | Counties Power Ltd |
| Designation number (s) | R3008 |
| Designation purpose | Electricity Transmission – New Substation and associated facilities. |
| Location | Whitham Road (Lot 1 DP 175576) Glenbrook |
| Designations given effect to | No |
| 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 proposed substation and associated facilities |
| Land ownership | Owned by Counties Power Ltd (Certificate of Title provided). |
| Land owned by the requiring authority | All land subject to designation is owned or controlled by the requiring authority. |
| Assessment of new designations | <p>The documentation provided by Counties Power sets out the necessity for establishing a further substation in a site adjacent to the Transpower Glenbrook Grid Exit Point (GXP) which is one of two which supplies the Counties Power network with electricity from the National Grid. Access to the Transpower site is secured via an easement.</p> <p>The documentation provided by Counties Power 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 peri-urban area. I am satisfied that the location of the proposed works immediately adjacent to the Grid Exit Point, on land owned by the requiring authority, surrounded by the heavy industrial activity of the Glenbrook Steel Mill, is entirely appropriate and no further assessment of alternative locations is necessary.</p> <p>The requiring authority has sought a 10-year lapse period. As I have noted Counties Power already owns the site and 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 these requirements be confirmed subject to the amendments set out in Attachment 1.</p> |
| Submitter | Submissions were lodged by the requiring authority and the Council seeking amendments to the Proposed Auckland Unitary Plan provisions for this designation. |
| Matters addressed in submission | Submission 4500-139 by the requiring authority seeking as follows: <p style="text-align: center;">amend the purpose to 'Electricity supply purposes'.</p> |

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| | <p>Submission 4500-140 by the requiring authority seeking as follows:</p> <p style="padding-left: 40px;">amend Condition 4, to replace the reference to Condition 2 with a reference to Condition 3, and delete 'in relation to the Glenbrook site.</p> <p>Submission 4500-141 by the requiring authority seeking as follows:</p> <p style="padding-left: 40px;">delete Condition 5 (relating to obtaining the written approval of Transpower), and renumber the remaining conditions.</p> <p>Submission 4500-142 by the requiring authority seeking as follows:</p> <p style="padding-left: 40px;">amend Condition 6 (relating to liaison with Transpower) to add 'including appropriate access to the Transpower property' to the end of the condition.</p> <p>Submission 4500-143 by the requiring authority seeking as follows:</p> <p style="padding-left: 40px;">amend Condition 11 to read: 'Bulk and location controls to be determined in Area A and Area B. <u>Bulk and location controls. All buildings over 5m² and fenced substation yards shall be set back by at least 35m from the frontage to Mission Bush Road and 5m from the frontage to Whitham Road. Other elements such as electricity poles, landscape mitigation areas and minor works can be located within these nominated yards.</u>'</p> <p>Submission 4500-144 by the requiring authority seeking as follows:</p> <p style="padding-left: 40px;">amend Condition 14, to replace the reference to Condition 13 with a reference to Condition 12. [as a result of the submitter request to delete Condition 5].</p> <p>Submission 4500-145 by the requiring authority seeking as follows:</p> <p style="padding-left: 40px;">delete the Attachment: 'Counties Power Glenbrook Designation Diagram'.</p> <p>Submission 4500-148 by the requiring authority seeking as follows:</p> <p style="padding-left: 40px;">reword Condition 1 as a standard lapse condition. Refer to the full submission for suggested wording [page 35/36 Volume 1].</p> <p>Submission 5716-2687 by the Council seeking as follows:</p> |
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| | <p>delete 'Counties Power Designation Diagram' from the Attachments.</p> <p>Submission 5716-2688 by the Council seeking as follows: amend Condition 4 to refer to Condition 3 (matters which an Outline Plan will include), not Condition 2 (the need for any additional consents/approvals); and delete the following text before clause (e): 'In relation to the Glenbrook site, ?'. Refer to submission, Volume 13, page 6/24.</p> <p>Submission 5716-2689 by the Council seeking as follows: delete Condition 5, which refers to the need to obtain the written approval of Transpower. Refer to submission, Volume 13, page 7/24."</p> <p>Submission 5716-2690 by the Council seeking as follows: amend Condition 6 to read: '6-5. Counties Power shall liaise with Transpower during the detailed design and subsequent construction processes prior to undertaking any work pursuant to this designation to ensure that the proposed works are integrated and managed in a manner suitable to both parties- <u>including appropriate access to the Transpower property.</u>'"</p> <p>Submission 5716-2691 by the Council seeking as follows: amend Condition 1 to read: 'A period of 10 years will be sought to implement the works - <u>For the purposes of section 184(1)(c) Resource Management Act 1991, the designation will lapse 10 years from the date it is made operative, unless given effect to.</u>'</p> <p>Submission 5716-2692 by the Council seeking as follows: amend Condition 11 to read: 'Bulk and Location controls to be determined in Area A and Area B <u>10. Bulk and Location controls. All buildings over 5m² and fenced substation yards shall be set back by at least 35m from the frontage to Mission Bush Road and 5m from the frontage to Whitham Road. Other elements such as electricity poles, landscape mitigation areas and minor works can be located within these nominated yards.</u>'</p> |
| Engagement by requiring authority with submitters. | No engagement with submitters is required. |
| Assessment and reasons | Assessment of submissions by the requiring authority seeking amendments to conditions |

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| | <p>I am satisfied that all of the amendments that the requiring authority has requested through its submissions are of a minor nature and involve clarification. I note that the deletion of condition 5, which referred to the necessity for a written approval from Transpower, is necessary because the two designations do not overlap.</p> <p>The deletion of the attachment (Counties Power Glenbrook Designation Diagram) is appropriate as it does not accurately record the extent of the designation which is correctly shown on the planning maps.</p> <p>The more detailed provisions regarding bulk and location in Condition 11 are appropriate and were previously included in the requiring authority's notice of requirement. I recommend that these amendments be confirmed.</p> <p>Effects on adjacent properties and on wider environment</p> <p>For the reasons set out above I do not consider that there are any adverse effects on adjacent properties and on the wider environment that are more than minor.</p> |
| Recommendation to Panel | That the Panel recommends that the requirement to include these designations including the proposed modifications to conditions in the Unitary Plan as set out in Attachment 1 be confirmed. |
| Response from Requiring Authority | <p>Agrees with the above recommendations to Panel but disagrees with the setting of the lapse date in Condition 1 to 31 August 2025. Would prefer that the date was "10 years from the date the Unitary Plan becomes operative" but would accept 31 August 2027. (Email from Louise Macpherson to Harry Bhana dated 2 October 2015). Requested correction of spelling mistake in Condition 11.</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 recommendation | Agree that setting the lapse date at 31 August 2027 would be an appropriate compromise between the requiring authority's request for a 10-year period from the time the plan becomes operative and the certainty provided by a fixed date. Attachment 1 has been amended accordingly. |
| Recommendation from Panel | The Panel agrees with the report writer's recommendations. |
| Panel Reasons | The Panel agrees with the report writer's reasons. |

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

Designation R8529

Amend the purpose as follows:

The purpose of the proposed designation is Electricity supply purposes. ~~to provide for existing and future electrical supply infrastructure. The proposed designation scope is:~~

- ~~a. The operation, maintenance and upgrading of an existing substation and associated ancillary structures and activities required for electricity supply and distribution.~~
- ~~b. The provision of works required for electricity supply and distribution.~~

Amend Condition 1 to read:

~~A period of 10 years will be sought to implement the works -~~ For the purposes of section 184(1)(c) Resource Management Act 1991, the designation will lapse on the 31 August 2027 unless given effect to.

Amend Condition 4, as follows:

4. In addition to the matters set out in Condition ~~2~~ 3, the Outline Plan will also include, commensurate to the scale of works proposed, a Construction Management Plan which addresses the following:
 - a. The proposed earthworks methodology including (as applicable) storage and reuse of topsoil; on and offsite disposal of soil and silt and dust control;
 - b. Traffic management for delivery of equipment, materials and general construction activities;
 - c. Any temporary equipment storage;
 - d. Methods of complying with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health; and
 - e. ~~In relation to the Glenbrook site;~~ a liaison plan formulated to advise New Zealand Steel Limited of the nature and duration of works.

Delete condition 5 and renumber the remaining conditions.

Amend Condition 6 as follows:

6. Counties Power shall liaise with Transpower during the detailed design and subsequent construction processes prior to undertaking any work pursuant to this designation to ensure that the proposed works are integrated and managed in a manner suitable to both parties including appropriate access to the Transpower property.

Amend Condition 11 to read:

~~Bulk and location controls to be determined in Area A and Area B.~~ Bulk and location controls. All buildings over 5m² and fenced substation yards shall be set back by at least 35m from the frontage to Mission Bush Road and 5m from the frontage to

Whitham Road. Other elements such as electricity poles, landscape mitigation areas and minor works can be located within these nominated yards.

Amend Condition 14 as follows:

14. ~~13.~~ The noise limits set out in Condition ~~13~~12 above shall not apply to emergency work required to re-establish continuity of supply, work urgently required to prevent loss of life or other personal injury, or commissioning works at the substation site, but all practicable steps shall be undertaken to control noise and to avoid adverse noise effects.

Delete the Attachment: 'Counties Power Glenbrook Designation Diagram.'