

## Notification report - notice of requirement for a designation under the Resource Management Act 1991 under the Auckland Unitary Plan Operative in Part



**To:** Craig Cairncross, Team Leader, Central/South Planning

**From:** Joe McDougall, Policy Planner, Central/South Planning

**Date:** 6 December 2022

Notice of Requirement:	Notice of Requirement to provide for the establishment and operation of a substation.
Requiring authority:	Counties Energy Limited
Site address:	13 Nola Avenue, Glenbrook
Legal description:	LOT 5000 DP 562266, ½ SH LOT 2003 DP62266
Lodgement date:	21 September 2022
	Date requested: 3 October 2022
Section 92:	Date received: 31 October 2022

### Summary

Pursuant to Section 168 of the Resource Management Act 1991 (**RMA**), Counties Energy Limited (**Counties Energy**), as the requiring authority, has lodged a notice of requirement (**NoR**) for a proposed designation in the Auckland Unitary Plan (operative in part) (**AUP**) for a new substation, for the purpose of electricity supply.

The site is 13 Nola Avenue, Glenbrook (LOT 5000 DP 562266, ½ SH LOT 2003 DP62266) and is zoned Residential – Single House Zone and is within the Glenbrook 3 Precinct. The land area requirement to be designated is 3358m<sup>2</sup>. This is located within a larger site (34.4728 hectares).

Counties Energy advises they require the designation in order to construct, operate and maintain a new 33kV zone substation, to ensure they can meet electricity demands of surrounding area.

The detailed design of the substation will be determined at a later stage, but Counties Energy advises that is likely to include a switch room and two outdoor transformer bays. The physical works associated with the construction of substations of this size take approximately 8 months. The commissioning of the substation following physical construction is expected take a further 4 months. It is anticipated that the switchroom building will be a single storey 104m<sup>2</sup> building with a basement. The building will be approximately 21m long and 7m wide. A concrete wall of a similar height will be installed at each of the transformer bays to screen views from the street. The substation will be

accessed off Maclarin Road via an existing shared accessway. The proposed designation area is surrounded on three sides by dense vegetation.

Counties Energy advises that they intend to purchase and subdivide the area of land to be designated. Subdivision is not part of this NoR process.

Counties Energy has requested that the NoR be non-notified.

Auckland Council (Council) must assess a NoR in two broad steps under the RMA.

#### Step 1: Notification (s169)

Within 10 working days of receiving the notice of requirement, and where a requiring authority has not requested that a NoR be fully notified, or has requested limited notification or non-notification, a notification decision must be made by the Council under, s149ZCB(1) to (4), 149ZCC(1) to (4), 149ZCE, and 149ZCF (which need to be read alongside s169).

If the Council requests further information from the requiring authority under section 92(1), but the requiring authority does not provide the information before the deadline concerned, or refuses to provide the information, public notification is required (s169(1A)).

#### Step 2: Recommendation by Territorial Authority (s171) (s181 if an alteration)

The territorial authority must provide a recommendation on the NoR, avoiding all unreasonable delay (s21). The territorial authority can decide to recommend to the requiring authority that the requirement be confirmed, modified, subject to conditions or withdrawn (s171(2)).

This report addresses Step 1 only, being an assessment of the NoR in order to determine the most appropriate notification pathway.

In relation to a public notification assessment, it is considered that, on balance, the activity will have or is likely to have adverse effects on the environment that are no more than minor.

In relation to a limited notification assessment, it is considered that the proposal may adversely affect particular persons due to adverse landscape and visual effects, to an extent that is considered minor. These include the owners/occupiers of sites considered adjacent to the subject site.

The following is recommended:

#### **Part A: Recommendation**

That in accordance with section 168A or 169 of the Resource Management Act 1991, the Notice of Requirement identified as Glenbrook Beach Substation at 13 Nola Avenue, Glenbrook should proceed on a LIMITED NOTIFIED basis for the following reasons:

- A notice of requirement must be limited notified to any affected person (under section 149ZCF) unless a rule or a national environmental standard precludes public notification (s149ZCC(1)(a) and (2))  
**NB.** Section 149ZCF provides that a person is an affected person in relation to a notice of requirement if the adverse effects on the person are minor or more than minor (but not less than minor)



# 1 The proposal, site and locality description

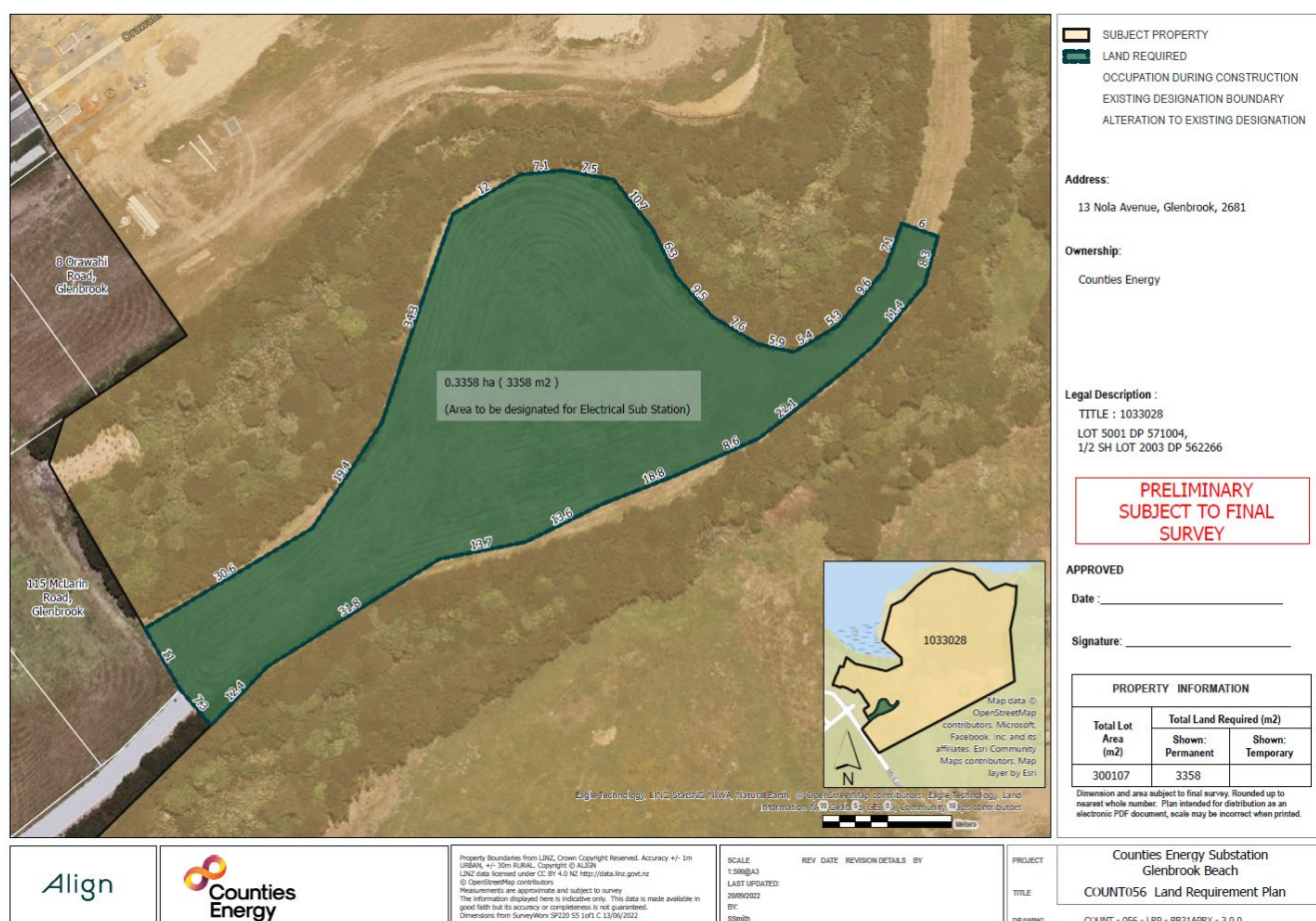
## 1.1 Proposal

Counties Energy Limited (**Counties Energy**), as the requiring authority, has served a notice of requirement (**NoR**) on Auckland Council (the council) pursuant to section 168, of the Resource Management Act 1991 (**RMA**) for a new designation. The designation is for a new substation at 13 Nola Avenue, Glenbrook.

The site is 13 Nola Avenue, Glenbrook (LOT 5000 DP 562266, ½ SH LOT 2003 DP62266) and is zoned Residential – Single House Zone and is within the Glenbrook 3 Precinct. The land area requirement to be designated is 3358m<sup>2</sup>. This is located within a larger site (34.4728 hectares).

Figure 1 shows the area to be designated.

Figure 1: Appendix A of NoR: Land Area Requirement



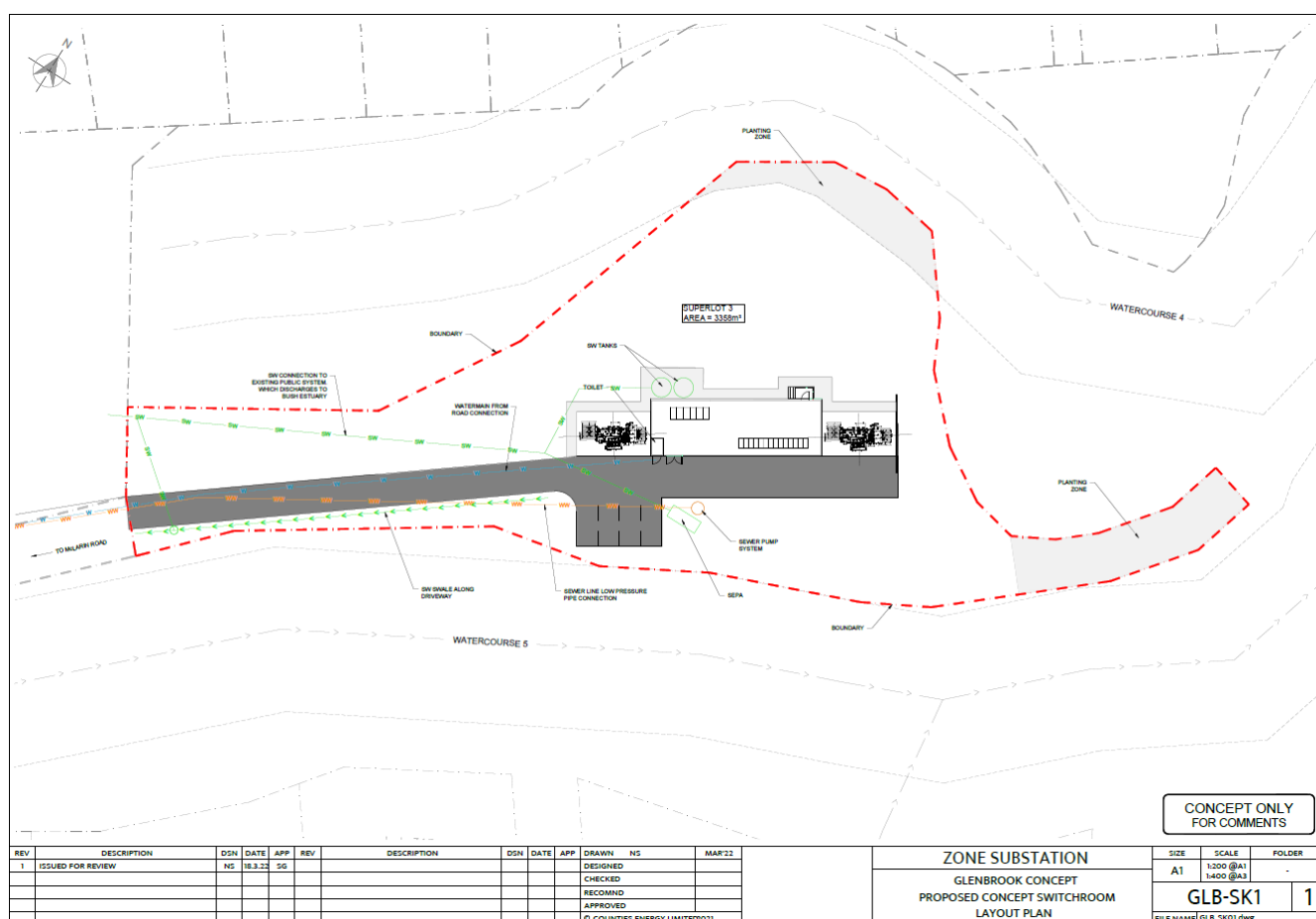
Counties Energy advises they require the designation to construct, operate and maintain a new 33kV zone substation needed to meet the future demand for electricity that is anticipated in the area.

The detailed design of the substation will be determined at a later stage through an outline plan of works. The Infrastructure Design Report (Appendix C of the NoR) states the proposed works will include:

- Approximately 700m<sup>3</sup> of earthworks over an area of approximately 900m<sup>2</sup>, predominantly to form a platform for the substation, excavation for the building basement and transformer bays
- Construction of concrete foundation pads, bunds and firewalls for the outdoor 33/11kV transformers.
- Construction of a 140m<sup>2</sup> 33/11kV switchroom building.
- Civil site works such as earthworks, stormwater drainage, wastewater drainage, carpark and driveways.

Counties Energy has provided a concept plan to show a possible layout of the facilities and the overall site plan. Figure 2 below shows the proposed substation plan.

Figure 2: Concept site plan - Proposed substation plan



A set of conditions are proposed with the NoR (Appendix I of the NoR). It is noted the requirement for an outline plan is included in the proposed conditions.

## 1.2 Site and surrounding environment description

The requiring authority has provided a description of the subject site in a form and manner that is acceptable to the council. Having undertaken a site visit on 30 September 2022, I concur with the description of the site and noting that:

- The site is currently zoned Residential – Single House Zone.
- The land subject to the notice of requirement is currently part of larger parcel. This land parcel is undergoing the process of obtaining subdivision consent for 54 separate lots.
- The irregularly shaped land subject to the notice of requirement is approximately 50m south of the intersection of McLarin Road and Orawahi Road.
- The site is relatively flat and is surrounded by dense riparian vegetation
- The site access is via a shared driveway onto McLarin Road.
- The surrounding environment is undergoing urbanisation, with sites to the north comprising of single storey dwellings, zoned Single House Zone. Houses are currently under construction along Orawahi Road and McLarin Road which border the subject site.
- A small portion of land to the south is zoned Business – Local Centre zone, but the majority of the land to the south and to the west remains rural in character and is zoned either Future Urban Zone or Mixed Rural Zone.

This can be found section 2 of the supplied NoR Report.

*Figure 3: Location of site (highlighted in teal) and wider zoning context*



### **1.3 Section 92 further information request**

A section 92 request for further information was sent to Counties Energy on 20 September 2022 (refer to Attachment 1). Their response was received on 31 October 2022.

The section 92 request asked for further information in relation to various matters including (but not limited to) adverse effects, potential mitigation measures including conditions. In summary the section 92 relates to the following matters:



- Construction
- Potentially affected persons
- Covenant on record of title
- Alternative considered
- Permitted baseline
- Assessment against specific RPS provisions
- Landscape and visual amenity
- Groundwater
- Hazardous substances
- Erosion and sediment control
- Mana whenua

In response to the section 92 Counties Energy revised the lodged conditions and provided further information.

## 2 Notification

Auckland Council must assess a NoR in two broad steps under the RMA. Firstly, where a requiring authority has not requested that a NoR be fully notified, or has requested limited notification or non-notification, a notification decision must be made under s149ZCB(1) to (4), 149ZCC(1) to (4), 149ZCE, and 149ZCF of the RMA (these sections must be read alongside section 169 of the RMA, which modifies these sections for the purposes of designations).

Secondly, a recommendation to the requiring authority needs to be made under s171(2) of the RMA, on whether the NoR should be confirmed, modified, or withdrawn or conditions are to be imposed.

In the case where Council is the requiring authority under s168A, the Council makes a decision to confirm, modify, or withdraw the requirement, or to impose conditions.

### 2.1 Public notification assessment (s149ZCB, and 149ZCD)

Counties Energy has not requested public notification.

If the Council requests further information from the requiring authority under section 92(1), but the requiring authority does not provide the information before the deadline concerned, or refuses to provide the information, public notification is required (s169(1A)(b)).

The Council requested further information under section 92(1) on 20 September 2022. All information requested was provided by Counties Energy within the timeframe required.

### 2.1.1 Adverse effects assessment (section 149ZCE)

The following assessment addresses the adverse effects of the activities on the environment.

#### **Effects that must be disregarded - effects on persons who are owners and occupiers of the land in, on or over which the notice of requirement relates, or of land adjacent to that land**

Under s149ZCE, Council is to disregard any effects on person who own or occupy any adjacent land. The adjacent land includes the following properties:

*Table 1: Land considered adjacent*

Address
<b>Sites directly adjoining subject site</b>
113 McLarin Road GLENBROOK 9999
6 Orawahi Road GLENBROOK 2681
13 Nola Avenue GLENBROOK 2681
115 McLarin Road GLENBROOK 9999
80 McLarin Road Glenbrook Auckland
8 Orawahi Road GLENBROOK 2681
149 McLarin Road Glenbrook Auckland 2681
<b>Sites not directly adjoining subject site but considered adjacent to area to be designated.</b>
2 Orawahi Road GLENBROOK 2681
111 McLarin Road GLENBROOK 9999
4 Orawahi Road GLENBROOK 2681

#### **Effects that must be disregarded - any effect on a person who has given written approval to the notice of requirement and not withdrawn that approval prior to the notification decision being made. (s149ZCE(e))**

There are no persons who have provided their written approval.

#### **Effects that must be disregarded - effects of trade competition**

Under section s149ZCE(d) the Council must disregard trade competition and the effects of trade competition. In my opinion there are not any trade competition or effects of trade competition that need to be disregarded.

#### **Effects that may be disregarded – permitted baseline assessment**

Sections 149ZCE(b) and 149ZCF(2)(a) provide that a territorial authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (this is referred to as the permitted baseline).

The permitted baseline refers to the adverse effects of permitted activities on the subject site.

The Environment Court in *Beadle v Minister of Corrections* A074/02 accepted that the obligation to apply permitted baseline comparisons extended to Notices of Requirement. In *Nelson*



Intermediate School v Transit NZ (2004) 10 ELRNZ 369, the Court accepted that the permitted baseline must define the “environment” under section 5(2) (b) and (c) and from that section 171(1). When considering the adverse environmental effects of a proposal, the effects may be considered against those from permitted baseline activities. As the effects resultant from permitted baseline activities may be disregarded, only those environmental effects which are of greater significance need be considered.

In Lloyd v Gisborne District Council [2005] W106/05, the Court summed up the three categories of activity that needed to be considered as part of the permitted baseline as being:

1. What lawfully exists on the site at present;
2. Activities (being non-fanciful activities) which could be conducted on the site as of right; i.e., without having to obtain a resource consent (see for example Barrett v Wellington City Council [2000] CP31/00); and
3. Activities which could be carried out under granted, but as yet unexercised, resource consents.

Application of the permitted baseline approach is at the discretion of the council and depends on the circumstances of the NoR. In this case under the AUP(OP) substations within new buildings in a residential zone would require consent as a controlled activity. As the proposal is for semi-enclosed substation, it would have required a consent as a discretionary activity. While the application of a permitted baseline in this case is not appropriate, I note the scale, nature and form of development that could be reasonably anticipated within the planning context, including the following:

- Electricity transmission and distribution infrastructure including distribution substations, substations within an existing or new building, pole mounted transformers, overhead electricity lines up to and including 110kV compliant with standards
- Earthworks for network utilities and electricity generation up to 2500m<sup>2</sup> and 2500m<sup>3</sup> other than for maintenance, repair, renewal, minor infrastructure upgrading (district plan).
- A range of suburban activities compliant with standards including dwellings, small commercial premises (dairies)
- One dwelling per site
- Home occupations complying with zone standards
- Development compliant with the Residential – Single House Zone and Infrastructure standards including:
  - maximum height for buildings of 8m
  - minimum yards including 1m side and rear yards for buildings other than dwellings, 3m front yard and 10m riparian yard

### 2.1.2 Assessment of adverse effects

Counties Energy has provided an AEE within the NoR Report. The technical reports attached to the requiring authorities AEE has assessed the environmental effects of the proposal.

Counties Energy also provided additional information, including amended conditions through their response to a Section 92 request.

The NoR (including section 92) assesses the following effects:

- Landscape and visual
- Noise
- Traffic
- Ecology
- Cultural impact
- Site suitability (geotechnical)
- Flooding effects
- Potential contamination from oil
- Electric and magnetic effects.

This section 169 report groups some of these matters together when considering effects. It also discusses other effects not specifically addressed by the NoR.

#### **Landscape and visual**

Counties Energy have provided a Landscape Design Statement, *Glenbrook Substation Landscape Design Statement*, provided by Align Ltd, dated 7 September 2022.

Page 3 of the design statement provides a description of the existing landscape, both in terms of the wider landscape and immediate site character, which is not repeated here.

The AEE states:

*Whilst the final design of the substation is not it is anticipated that the switchroom building will be single level with a basement. The building will be approximately 21m long and 7m wide. A concrete wall will be installed at each of the transformer bays, and this is all that will be visible from the street. The concrete walls screening the transformers will be of a similar height to the switchroom. The buildings and structures will be of a similar scale to the existing and future residential developments in the surrounding areas.*

*The land requirement area is surrounded by dense native vegetation planting which helps to screen off the substation. Although most of this vegetation is located outside of the proposed Counties Energy site boundaries (proposed Lot 1003), this vegetation is riparian planting either side of a watercourse and is proposed to be local purpose esplanade reserve under the current subdivision. Therefore, it will be afforded long term protection and should remain in place to provide added screening. Mitigation planting is also proposed south of the existing*

*dense vegetation further into the site and to the east of the proposed substation which will provide further screening.*

*Whilst the substation will be visible when viewed from the street, the substation will be well set back from the street (approximately 100 metres). There will be a concrete wall at the western end of the transformer bay to screen off the transformer. There will be a mixture of low and mid height species as well as specimen trees at the entrance to help anchor the substation. There will be a gate and fences at the end of the shared accessway and areas surrounding the fence will be planted with lower species. There will also be swale planting alongside the accessway.*

The AEE concludes “the proposal will have less than minor adverse effects on the visual amenity of the areas and public spaces.”

The following conditions are proposed:

### **Outline Plan(s)**

**Condition 1:** *Prior to commencement of construction, the Counties Energy must submit an Outline Plan of Works to Auckland Council in accordance with section 176A of the Act. The Outline Plan of Works must show:*

*(i) Any other matters to avoid, remedy, or mitigate any adverse effects on the environment including compliance with the following Rules of the Auckland Unitary Plan;...*

*(e) A detailed Landscape Plan generally in accordance with the landscape concept plan set out in the LVIA prepared by Align Ltd prepared by a suitably qualified person; and*

### **Landscaping and visual**

**Condition 4:** *All landscaping and planting shall be maintained in good condition for the term of the designation, and any plantings that clearly fail to thrive in the first three years after establishment or which fail to mature thereafter shall be replaced no later than the next planting season.*

**Condition 5:** *The substation switchroom is required to have exterior cladding and surfaces that modulate its form and/or colours that are recessive, such as grey or earthy tones. The purpose of this condition is to ensure that the substation building does not appear excessively mono-textural and/or monolithic..*

### **Maximum Height of Structures**

**Condition 6:** *The maximum height of buildings must not exceed the maximum 8m height limit for buildings in the Residential Single House Zone.*

### **Setbacks**

**Condition 7:** *Buildings must not be located within 10m of streams and wetland zoned Open Space: Informal Recreation.*

Comment:

Stephen Brown (Landscape Architect) has reviewed the NoR Report and design statement on behalf of the council.

After reviewing the additional information provided and visiting the site Mr Brown provided a Landscape Effects Review on 8 November 2022. This review assesses the potential effects from several viewpoints.

*Figure 4 Viewpoint Location Map*



Viewpoint Location Map

#### **Viewpoint 1: McLarin Road - approaching Kahawai Point from Glenbrook Beach**

*Although this approach is, in effect, the 'gateway' to Kahawai point at present, the substation would be too heavily screened and recessed to impact on either it or the general sense of arrival at Kahawai Point.*

#### **Viewpoint 2: McLarin Road – the southern side of the proposed open space looking towards the substation site and Viewpoint 3: McLarin Road – the northern side of the proposed open space looking down its vegetative margin next to the substation site**

*The proposed substation building's roof and upper walling would remain visible from the open space and walkway for a period of perhaps 8-10 years, but would gradually disappear behind that intervening screen of planting – augmented by the further planting proposed.*

#### **Viewpoint 4: Looking past 115 McLarin Road towards the substation site and its accessway**

*Although views directly down the substation accessway would reveal more of the proposed building and yard, they would be buffered by the residential development closer to McLarin Road and solidly enclosed by the framework of planting already established around the site.*

**Viewpoint 5: McLarin Road Roundabout– looking towards 115 McLarin Road and the substation site beyond a line of manuka and Viewpoint 6: Orawahi Road Roundabout– looking towards the substation site beyond a line of residential properties and the manuka enclosing it**

*The existing band of manuka would provide a solid screen. Although its upper walls and roofing might well be visible rising above this planting, it would reduce the apparent scale of the substation and ensure that its appearance is generally compatible of that associated with the surrounding suburban environment.*

Mr Brown's review also mentions:

- The subject site is already strongly enclosed by strips of bush, dominated by manuka that provide screening.
- Despite the close proximity of the substation site to neighbouring residential properties, proposed development would have a quite limited impact on its residential neighbours and wider suburban setting.
- Although the upper walls and roof of the substation may well remain visible from some considerable time to come, its overall extent and profile would be effectively contained by both the established and proposed planting.
- As such, the proposed substation would have a scale and appearance not inconsistent with that of the dwellings both emerging at present.

Mr Brown concludes that such effects are, at most, Low-Moderate order. I adopt the findings of Mr Brown in relation to landscape and visual effects.

I also note that the detailed design of the substation will be determined later and will be part of the outline plan of works. However to make a notification determination it is important that there is both sufficient information to assess the potential adverse effects, and that there is a degree of certainty that the conditions will be sufficient to manage these effects in the manner intended. I note the following condition:

**Condition 5**

*The substation switchroom is required to have exterior cladding and surfaces that modulate its form and/or colours that are recessive, such as grey or earthy tones. The purpose of this condition is to ensure that the substation building does not appear excessively mono-textural and/or monolithic.*

Considering the pertinent elements of Mr Brown's assessment in relation to notification, I note the following:

- In the long-term (after ten years) when the surrounding bushland has matured to screen the substation further then the visual and landscape effects will be less than minor.

- In the next ten years the effects on persons located nearby the substation will be at most low-moderate, which will include exposure to the upper walls and roof of the substation.

I consider a low-moderate effect to be more than more than *de minimus*, but at the lower end of a scale of effects and given this conclusion, the adverse effects on the wider environment are minor.

## Construction

The s92 response received from the Requiring Authority describe the construction period:

*The physical works associated with the construction of substations of this size take approximately 8 months. The commissioning of the substation following physical construction is expected take a further 4 months. The site construction works will be carried out in accordance with the relevant permitted activity standards of the AUP(OP) and as per the Construction Management Plan which will be submitted as part of the Outline Plan of Works.*

In addition the AEE states:

*The traffic that will arise during the construction of the substation would be the same as any similarly scaled project. There will be heavy vehicle movement during this period for construction materials and also for the delivery and installation of the transformers and switchgear room.*

The NoR proposes the following conditions which are relevant:

### Outline Plan(s)

**1.** *Prior to commencement of construction, the Counties Energy must submit an Outline Plan of Works to Auckland Council in accordance with section 176A of the Act. The Outline Plan of Works must show:[...]*

*(g) A Construction Management Plan to facilitate construction supervision, coordinate inspections, ensure that health and safety matters are appropriately addressed in accordance with clause 1.5.5.3 (Stage 2: Construction) of the Auckland Code of Practice for Land Development and Subdivision (Version 1.0: December 2016); and*

*[...]*

*(i) Any other matters to avoid, remedy, or mitigate any adverse effects on the environment including compliance with the following Rules of the Auckland Unitary Plan;...*

*iii. Rule E26.2.5.3(2) – Noise from substations*

*v. Rule E25.6.27 Construction noise*

*vi. Rule E25.6.30 Vibration.*

### Comment:

I generally support the revised conditions requiring compliance with AUP provisions E25.6.27 Construction noise, Rule E25.6.30 Vibration and E26.2.5.3(2) Noise from substations. I consider these appropriate to mitigate adverse effects on persons of nearby properties, and ergo, on the wider environment. It is noted if the site was developed for residential purposes there would

likely still be construction traffic access and noise. These conditions, along with a construction management plan and the visual screening provided by the surrounding vegetation will ensure that effects on wider environment are to be less than minor.

## **Noise and Vibration**

The AEE concludes that overall, adverse effects resulting from the substation will be less than minor. In relation to all adjacent persons the AEE states:

*The As the requirement will be for semi-enclosed substation, the effects of noise will be mitigated through engineered design and soundproofing. The switchroom will be fully enclosed. Noise from the two transformers will be mitigated by placing the transformers towards the centre of the site which ensure sufficient distance from the neighbouring residential activities. If required however, a roof can be constructed over the transformer enclosures to ensure that any sound at the boundary of the site will not exceed 55 dB LAeq between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and 45 dB LAeq/75 dB LMax for all other times.*

The NoR proposes the following conditions:

**Outline Plan(s) - Condition 1:** *Prior to commencement of construction, the Counties Energy must submit an Outline Plan of Works to Auckland Council in accordance with section 176A of the Act. The Outline Plan of Works must show:*

*(i) Any other matters to avoid, remedy, or mitigate any adverse effects on the environment including compliance with the following Rules of the Auckland Unitary Plan;...*

*iii. Rule E26.2.5.3(2) – Noise from substations*

**Noise - Condition 8:** *Noise from the substation must not exceed the following noise limits when measured within the notional boundary of all adjacent properties:*

- a. 55 dB LAeq between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and*
- b. 45 dB LAeq/75 dB LMax for all other times*

*Advice note: The noise limits set out in this Condition 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 effect.*

### Comment:

Andrew Gordon (Noise Specialist, Contamination, Air & Noise Team) has undertaken an assessment of the requiring authority's NoR, AEE and associated technical reports.

Mr Gordon noted:

*Based on reviews of other new substations, an indicative noise level is 65 dBA at 2m for 100% ONAF (Oil-immersed, natural circulation Forced Air Cooled) with air cooling provided by four fans.*



*Assuming no physical mitigation (i.e. no noise barriers, fences or topographical screening) between the transformers and the nearest sites zoned residential, the above night time 45 LAeq standard will be met at a minimum setback distance of approximately 40m. I have assumed the existing dense vegetation surrounding the proposed facility will provide no noise mitigation.*

*Therefore, based on the plans showing the location of adjacent lots, I expect compliance will be achieved when assessed within any site zoned residential without any practical difficulties. As a contingency, additional acoustic screening is a practicable mitigation option which would mitigate noise by a minimum of 5 dBA and up to approximately 10 dBA.*

*Overall, I consider the facility can be designed and operated to not exceed permitted noise standards specified in the above standard. Effects will therefore be avoided and/or adequately mitigated, and noise will be at a reasonable level.*

I adopt the findings of Mr Gordon, noting that the closest dwellings will be around 40m or more from the designation site with regards to potential adverse effects from operational noise and the condition required to mitigate these effects.

Overall it is considered that proposed Condition 8 is sufficient to ensure operational noise from the proposed substation can be managed in a manner such that adverse effects on the wider environment will likely be **less than minor**.

## **Traffic**

The AEE states:

- the substation will be accessed off McLarin Road via an existing shared accessway and vehicle crossing
- A 4m new driveway will be formed/extended within the subject site
- The substation is expected to include 4 parking spaces

The AEE states that once construction of the substation has been completed the frequency of traffic movements will be very limited as there will not be any full-time staff. During operation of the substation it estimates there will be two to four vehicles per week accessing the site.

In relation to construction traffic the AEE (paragraphs 4.12 - 4.14) states:

*The traffic that will arise during the construction of the substation would be the same as any similarly scaled project. There will be heavy vehicle movement during this period for construction materials and also for the delivery and installation of the transformers and switchgear room.*

An integrated traffic assessment has not been provided with the report.

The NoR proposes the following condition:

**Outline Plan(s) - Condition 1:** *Prior to commencement of construction, the Counties Energy must submit an Outline Plan of Works to Auckland Council in accordance with section 176A of the Act. The Outline Plan of Works must show:*

*(i) Any other matters to avoid, remedy, or mitigate any adverse effects on the environment including compliance with the following Rules of the Auckland Unitary Plan;...*

*d. The vehicular access crossings, circulation, and the provision for parking conforming with the relevant Auckland Transport standards and guidelines; and ...*

*g. A Construction Management Plan in accordance with the Auckland Code of Practice for Land Development and Subdivision (Version 1.0: December 2016); and*

**Comment:**

The development will utilise an existing permitted vehicle crossing onto a road that is not considered arterial under the AUP(OP). An electrical substation would not be expected to generate significant traffic effects, when compared normal residential use for the site under the current zoning. I also note that the detailed design of the substation's internal vehicle tracking will be determined later and form part of the outline plan of works. It is further noted that Auckland Transport have reviewed the proposed designation and anticipate that the effects on the transport network of the development enabled by the designation will be less than minor and does not consider itself an affected party. The NoR's proposed conditions will ensure that adverse traffic effects on the wider environment will be less than minor.

**Site suitability (geotechnical and soil contamination)**

**Earthworks and geotechnical**

The proposed following earthworks are identified in the Infrastructure Design Report:

- *Cut to waste 700 m<sup>3</sup>*
- *Imported Fill 325 m<sup>3</sup>*
- *Area of earthworks 900 m<sup>2</sup>*

The report states these earthworks *will be related to site clearance, flood storage capacity mitigation, construction of level transformer bays, excavation for driveways, carparks, foundations and buildings*. A proposed earthworks plan is included in the report.

The Infrastructure Design Report concludes that the site is suitable for development as a substation with no particular areas of concern, noting there are no significant earthquake or liquefaction risks identified at the site.

Relevant conditions:

**Outline Plan(s) - Condition 1:**

*(c) The likely finished contour of the site; and....*

*(h) Evidence that all necessary consents required by any Regional Plan or National Environmental Standard have been applied for;*

*(g) A Construction Management Plan to facilitate construction supervision, coordinate inspections, ensure that health and safety matters are appropriately addressed in accordance with clause 1.5.5.3 (Stage 2: Construction) of the Auckland Code of Practice for Land Development and Subdivision (Version 1.0: December 2016);*

*(i) i. Any other matters to avoid, remedy, or mitigate any adverse effects on the environment including compliance with the following Rules of the Auckland Unitary Plan;*

*[...]*

*vii. Rule E26.5 Earthworks all zones and roads.*

The AEE does not include an assessment of effects in relation to earthworks or erosion and sediment control due to the preliminary nature of the design.

Comment:

The scale of the earthworks required for the substation would be very similar to a residential development on this site. Erosion and Sediment Control measures will be put into place as per GD05 (Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region) and in accordance with the permitted activity standards in chapter E11 *Land disturbance - Regional* and within the rules and associated standards in chapter E26 Infrastructure for Network utilities and electricity generation earthworks in residential zones.

I consider that the conditions provided are sufficient to manage any potential adverse effects caused by hazardous effects on the environment and so will be less than minor.

**Contaminated land**

The PSI has identified HAIL activities on site, in close proximity to the piece of land (Lot 1003), and the NOR identified that site is presently undergoing bulk earthworks and potential remediation. Depending on the outcome of the remediation and if any residual contamination is present on the piece of land, the applicant is required to provide an assessment in terms of the NES and the AUP Chapter E30.

Comment:

Ruben Naidoo (Environmental Health specialist) reviewed the PSI on behalf of council. Mr Naidoo did not raise any concerns with the findings in the PSI.

I note should unexpected, contaminated land be discovered during the construction of the substation the provisions of the NES and AUP Chapter E30 are considered appropriate to manage any adverse effects.

Therefore it is considered that potential adverse effects on the environment and human health are likely to be less than minor.

**Hazardous substances**

The Infrastructure Design Report states:

*The two transformers on the site will contain approximately 15,000-20,000 litres of oil. It is proposed to provide bunding around the transformers which will provide emergency containment of the volume of oil, plus either 10% extra oil and a contingency for rain or fire-fighting water. The rainwater from the transformer bunded area will be reticulated through a proprietary oil plate separator during normal operation*

The AEE states:

*Due to there being oil contained within the transformers there is potential for oil spills or fires/explosions which can result in soil contamination and adverse health and safety effects. In order to mitigate these potential effects, it is proposed to provide bunding around the transformers which will provide emergency containment of the volume of oil, plus either 10% extra oil and a contingency for rain or fire-fighting water.*

Condition 12 proposes a *Hazardous Substances Environmental Management Plan* to manage the risks of storing and using hazardous substances and Condition 13 requires transformers are bunded to *sufficient capacity to contain the total volume of oil contained within each transformer plus an allowance for rainwater.*

Comment:

Ruben Naidoo (Environmental health specialist) reviewed the NoR on behalf of council. Mr Naidoo noted that:

*The proposal includes the storage and use of oils (<20t) within the transformer and the applicant has stated that bunding for emergency containment -up to 110% of the total volume, will be provided for spill containment. The applicant shall ensure that an Environmental Management Plan including a Spill response Plan- is available on site.*

I consider that the conditions provided are sufficient to manage any potential adverse effects caused by hazardous effects on these environment and so will be **less than minor**.

### **Electric and magnetic effects**

Adverse effects from electromagnetic fields and electrical interference (from the operation of the substation) are likely to be limited to those properties adjacent or in close proximity to the subject site. Therefore these effects are discussed below in the limited notification section of the report.

### **Lighting**

The AEE does not describe any potential adverse effects from lighting. However it does state that any adverse effects will be mitigated through conditions imposed on the designation, including compliance with standards for maximum lighting spill.

The NoR proposes the following conditions:

**Outline Plan(s) - Condition 1:** *Prior to commencement of construction, the Counties Energy must submit an Outline Plan of Works to Auckland Council in accordance with section 176A of the Act. The Outline Plan of Works must show:*

*(i) Any other matters to avoid, remedy, or mitigate any adverse effects on the environment including compliance with the following Rules of the Auckland Unitary Plan;...*

iv. Rule E24.6.1 – General standards for Lighting.

**Lighting Condition 11:** *All exterior on-site lighting must be positioned and aimed within the site, away from adjacent properties to minimise the level of light spill and glare.*

Comment:

I am satisfied that the proposed conditions will be sufficient to manage any outdoor lighting in a manner such that adverse effects on the wider environment be **less than minor**.

**Cultural effects**

The AEE states:

*An archaeological assessment was prepared for the Kahawai Point Special Housing Area (now the Glenbrook Precinct) in 2015 by Bickler Consultants Ltd (refer to Appendix I). A CIA was also prepared by Ngati Te Ata for the wider subdivision. The reports identified a number of archaeological sites and sites significant to mana whenua in the wider area, in particular Ngati Te Ata.*

The AEE agrees that there are no identified natural heritage, Mana Whenua, historic heritage or special character areas identified on the site in the AUP.

The AEE considers that the proposal has taken into account the principles of Te Tiriti o Waitangi because consultation with Mana Whenua is being held and any feedback from Mana Whenua will be incorporated into the final design of the substation.

Proposed Condition 3 sets out the accidental discovery protocols that must be followed if any archaeological sites, urupa, traditional sites, taonga (significant artefacts), or koiwi (human remains) are exposed during site works.

Comment:

I agree with the AEE that the subject site is not subject to any overlays in the AUP that relate to natural or historic heritage. I have also checked Council's Cultural Heritage Inventory (**CHI**) and there are no features identified on the subject site or in the near vicinity.

Given the lack of known natural or historic heritage values, including archaeological values, I consider proposed Condition 3 is sufficient to manage any potential adverse effects on these values so will be less than minor.

**2.1.3 Adverse effects conclusion**

I consider that overall the adverse effects on the environment are **minor** for the following reasons:

- environmental effects are anticipated to be localised, temporary in nature and can be avoided, mitigated or remedied through the proposed conditions.

- effects on owners and occupiers of the land on which the activity will occur; or the owners and occupiers of any land adjacent to that land are disregarded.

#### **2.1.4 Special circumstances and general discretion**

##### **Special circumstances**

Special circumstances are those that are:

- exceptional or unusual, but something less than extraordinary;
- outside of the common run of applications (NoR in this case) of this nature;
- or circumstances which makes notification desirable, even where the conclusion is that the adverse effects will be no more than minor.

I consider that there are no special circumstances under s149ZCB(4) surrounding this NoR.

#### **2.1.5 Public notification assessment conclusion**

The NoR can be processed without public notification for the following reasons:

- the adverse effects are minor;
- there are no special circumstances;

#### **2.2 Limited notification assessment (section 149ZCC)**

If the NoR is not publicly notified, the council must decide if there are any affected persons, or customary rights or title groups.

A person is affected if the adverse effects of the activity on them are minor or more than minor (but are not less than minor).

Also adverse effects:

- permitted by a rule or national environmental standard may be disregarded,
- on those persons who have provided their written approval must be disregarded.

The council must also have regard to any statutory acknowledgement under schedule 11 of the RMA. Within the Auckland region, the following are relevant:

- Te Uri o Hau Claims Settlement Act 2002
- Ngāti Manuhiri Claims Settlement Act 2012
- Ngāti Whātua Ōrākei Claims Settlement Act 2012
- Ngāti Whātua o Kaipara Claims Settlement Act 2013
- Te Kawerau ā Maki Claims Settlement Act 2015
- Ngāi Tai ki Tāmaki Claims Settlement Act 2018
- Ngāti Tamaoho Claims Settlement Act 2018.

### **2.2.1 Adversely affected persons assessment (section 149ZCF)**

Counties Energy has provided an assessment of adversely affected persons in its AEE. The AEE concludes that there are no adversely affected persons who are affected to an extent that is minor or more than minor and whom must be notified of this NOR. The AEE considered the following persons at the following addresses, in addition to mana whenua:

- 13 Nola Avenue
- 115 McLarin Road
- 113 McLarin Road
- 6 Orawhia Road
- 8 Orawhia Road

I have undertaken an assessment of effects on the following persons in addition to mana whenua:

- Orawahi Road GLENBROOK 2681
- 111 McLarin Road GLENBROOK 9999
- Orawahi Road GLENBROOK 2681
- 113 McLarin Road GLENBROOK 9999
- Orawahi Road GLENBROOK 2681
- 13 Nola Avenue GLENBROOK 2681
- 115 McLarin Road GLENBROOK 9999
- 80 McLarin Road Glenbrook Auckland
- 8 Orawahi Road GLENBROOK 2681
- 149 McLarin Road Glenbrook Auckland 2681
- 9 McLarin Road Glenbrook Auckland 2681
- 103 McLarin Road GLENBROOK 9999
- Orawahi Road GLENBROOK 2681
- 1 Orawahi Road GLENBROOK 2681
- 105 McLarin Road GLENBROOK 9999
- 9 Rere Awa Road GLENBROOK 2681
- 12 Okoreka Road GLENBROOK 2681
- 5 Orawahi Road GLENBROOK 2681
- Orawahi Road GLENBROOK 2681



The following map shows the locations of the adjacent properties (owners/occupiers) considered as part of this assessment for limited notification



### **Landscape and visual amenity effects**

The previous assessment in the public notification assessment concluded that the effects on the wider environment are likely to be minor. When considering particular affected persons, I consider the previous assessment and also restate the pertinent conclusions of Council's visual and landscape expert Stephen Brown:

- The subject site is already strongly enclosed by strips of bush, dominated by manuka that provide screening.
- Despite the close proximity of the substation site to neighbouring residential properties, proposed development would have a quite limited impact on its residential neighbours and wider suburban setting.

- Although the upper walls and roof of the substation may well remain visible for some considerable time to come, its overall extent and profile would be effectively contained by both the established and proposed planting.
- Considering the above, persons in close proximity to the proposed designation area will experience unscreened visual exposure to the upper walls and roof of the substation. I have considered the adjacent sites as being 'in close proximity', with the closest site (115 McLarin Road) bordering the designation area and including up to 9 McLarin Road, which is approximately 135 metres away with a potential sightline to the designation. This will constitute a minor effect on these person's landscape and visual amenity until planting is mature enough to screen the proposed substation.

Other persons in properties further from the proposed designation (those not adjacent) will experience an effect on their landscape and visual amenity that is less than minor because:

- For many persons, the separation distance (over 150m) from the proposed designation which reduces the impact of visual dominance of the proposed substation.
- The screening effect causing by buildings, structures and fencing on other sites between the proposed designation and these persons.
- The temporary nature of the effect as the walls and roof of the substation will eventually become occluded by vegetation

Overall it considered that adverse effects on affected persons will likely be **minor**.

### **Construction**

Considering the noise assessment above in the public notification section, I consider that construction effects from the proposal can be managed in a manner such that adverse effects on affected persons will likely be **less than minor**.

### **Noise**

Considering the noise assessment above in the public notification section, I consider that noise from the proposal can be managed in a manner such that adverse effects on affected persons will likely be **less than minor**.

### **Electric and magnetic fields (EMF) and electrical interference (RF Fields)**

The AEE states:

*The AUP at E26.2.5.1. (6)(a) requires that network utilities that emit electric and magnetic field emissions must comply with the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz – 100kHz) (Health Physics, 2010, 99(6); 818-836) and recommendations from the World Health Organisation Monograph Environmental Health Criteria (No 238, June 2007). The proposed substation will be designed to comply with ICNIRP guidelines.*

The NoR proposes the following conditions.

**Outline Plan(s) Condition 1:** *Prior to commencement of construction, the Counties Energy must submit an Outline Plan of Works to Auckland Council in accordance with section 176A of the Act. The Outline Plan of Works must show:...*

*(i) Any other matters to avoid, remedy, or mitigate any adverse effects on the environment including compliance with the following Rules of the Auckland Unitary Plan;*

*i. Rule E26.2.5.2(6) – Electricity transmission and distribution (Electric and magnetic fields).*

*ii. Rule E26.2.5.2(7) – Radio Frequency Fields (RF fields)...*

**Electric Magnetic Fields (EMF) Condition 9:** *The operation of the substation shall at all times comply with the International Commission on Non-ionising Radiation Protection Guidelines (ICNIRP) for limiting exposure to time varying electric and magnetic fields (1Hz – 100kHz) (Health Physics, 2010, 99(6); 818-836) and recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007).*

**Electrical Interference Condition 10:** *Every reasonable effort must be made to ensure that the substation is operated, managed or controlled so that there is no electrical interference with television or radio reception at any adjacent property including complying with the requirements of the Radio Communications Regulations 2001, the Ministry of Economic Development's Radio Spectrum Management "Compliance Guide" (November 2004), NZ Standard for Radiofrequency Fields Part 1 (1999) and relevant Gazetted Notices.*

Comment:

Ruben Naidoo (Senior Specialist, Contamination, Air & Noise) has reviewed the NoR and supporting documents on behalf of the council and has not identified any significant issues with the NoR.

I adopt the advice of Mr Naidoo in relation to EMF effects. Overall it is considered the proposed Conditions 9 and 10, will be sufficient to ensure any potential adverse effects on persons at adjacent properties or those in close proximity to the subject site from electromagnetic fields and electrical interference will be **less than minor**.

**Lighting**

Considering the lighting assessment above in the public notification section, I consider that lighting effects from the proposal can be managed in a manner such that adverse effects on affected persons will likely be **less than minor**.

**Mana Whenua**

The AEE (paragraphs 5.14 – 5.15) states:

*It is noted that there are a number of sites of significance to mana whenua in the wider vicinity, but none identified on or near the land requirement area.*

*Counties Energy also proposes to consult with Ngati Te Ata and Ngati Tamaoho during the detailed design and subsequent construction processes prior to undertaking any work pursuant to this designation to ensure that the proposed design addresses their suggestions to ensure that any adverse effects on Ngati Te Ata and Ngati Tamaoho are appropriately mitigated.*

A Cultural Impact Assessment has been prepared by Ngati Te Ata was included as part of the lodged NoR. It concludes that the chosen site for the Counties Energy substation does not adversely impact upon any cultural heritage.

Ngati Tamaoho request Counties Power treat the stormwater that comes off the access and any parking areas prior to discharge to the existing infrastructure.

Proposed Condition 3 sets out the accidental discovery protocols that must be followed if any archaeological sites, urupa, traditional sites, taonga (significant artefacts), or koiwi (human remains) are exposed during site works, which the CIA endorses

Proposed Condition 2 requires Counties Energy to consult with Ngāti Tamaoho and Ngāti Te Ata during the detailed design and subsequent construction process prior to undertaking any work to ensure that the proposed design addresses their suggestions.

**Comment:**

It is noted that there are a number of sites of significance to mana whenua in the wider vicinity, but none identified on or near the land requirement area. Considering the CIA provided and the proposed conditions, it is considered that effects on mana whenua will likely be less than minor.

**Affected Persons**

Considering the above assessment, the following persons listed in the following table are considered adversely affected:

**Table 3**

Address	Legal Description	Owner/Occupier
2 Orawahi Road GLENBROOK 2681	LOT 252 DP 562266	Landco 3 Limited
111 McLarin Road GLENBROOK	LOT 253 DP 562266	Sopranos Limited
4 Orawahi Road GLENBROOK 2681	LOT 251 DP 562266	CONFIDENTIAL
113 McLarin Road GLENBROOK	LOT 254 DP 562266	Paul Michael Broster
6 Orawahi Road GLENBROOK 2681	LOT 250 DP 562266	JL Sinclair & LA Sinclair

Address	Legal Description	Owner/Occupier
13 Nola Avenue GLENBROOK 2681	LOT 5001 DP 571004, 1/2 SH LOT 2003 DP 562266	Kahawai Point Developments Limited
115 McLarin Road GLENBROOK	LOT 256 DP 562266, 1/2 SH LOT 2003 DP 562266	Landco 3 Limited
80 McLarin Road Glenbrook Auckland	Lot 2 DP 204733	HD Project 2 Limited
8 Orawahi Road GLENBROOK 2681	LOT 249 DP 562266	Jennian Homes Franklin Limited
149 McLarin Road Glenbrook Auckland 2681	Pt Lot 3 DP 19268, Lot 2 DP 21692	MG Brown & PE Wrightson & KO Yorke
103 McLarin Road GLENBROOK 9999	LOT 220 DP 513833	D Jansen & K Jansen
7 Orawahi Road GLENBROOK 2681	LOT 235 DP 562266	LA Bate & NC Townsend
1 Orawahi Road GLENBROOK 2681	LOT 232 DP 562266	Topmark Developments Limited
105 McLarin Road GLENBROOK 9999	LOT 219 DP 513833	SC Hayes & WDA Te Ahuahu
9 Rere Awa Road GLENBROOK 2681	LOT 207 DP 513833	LG Turner & SA Turner
12 Okoreka Road GLENBROOK 2681	LOT 218 DP 513833	Rajnesh Kumar
5 Orawahi Road GLENBROOK 2681	LOT 234 DP 562266	SM Briggs & WG Johnston
3 Orawahi Road GLENBROOK 2681	LOT 233 DP 562266	KWS Fernie & LJ Scrimshaw

Ngati Tamaho Trust

Ngati Te Ata Waiohau

In determining if limited notification is required, under section 149ZCC(1)(b) council must identify any affected protected customary rights group or affected customary marine title group.

Recognition of protected customary rights and customary marine title is provided for under the Marine and Coastal Area (Takutai Moana) Act 2011. The New Zealand Environment Guide website states:

*The common marine and coastal area is the area between the line of mean high water springs (the landward boundary of the part of the beach covered by the ebb and flow of the*



*tide) and the outer limits of the territorial sea (12 nautical miles) excluding existing private titles, the bed of Te Whaanga Lagoon in the Chatham Islands and certain conservation areas.<sup>1</sup>*

The proposed substation is not within the common marine and coastal area.

No customary rights or marine title groups are considered adversely affected.

### 2.2.2 Limited notification assessment conclusion

Given the assessment above, it is recommended that the NoR be considered on limited notified basis. Notice of the NoR should be served on the persons identified in Table 2 above.

## 3 Local board views

No local board views have been sought on the notification decision. A memo will be sent to the Franklin Local Board informing them of the NoR once the notification decision has been made. The local board will have the ability to provide their views on the NoR and these views will be included in the Section 171 recommendation report.

## 4 Notification recommendation

This NoR should proceed on a limited notified basis because:

- Under s149ZCB(2)(a) the adverse effects on the environment, the adverse effects on the environment are likely to be no more than minor.
- There is no rule or national environment standard that requires public notification and the requiring authority has not requested it. Or there is a rule or national environmental standard that requires public notification – identify rule or NES.
- Under s149ZCB(4) there are no special circumstances to warrant notification.
- Persons are adversely affected by the NoR.
- There are no protected customary right groups or marine title groups in the region affected by this NoR.

Accordingly I recommend that this notice of requirement be processed on a **LIMITED NOTIFIED** basis.

Report Prepared by:



Date

6/12/2022

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<sup>1</sup> <https://www.environmentguide.org.nz/rma/resource-consents-and-processes/notification-of-resource-consent-applications/who-are-affected-protected-customary-rights/> Accessed 3 December 2021

Joe McDougall  
Policy Planner

## 5 Notification determination

Having read the Council planner's report and recommendations on the NoR, I am satisfied that I have adequate information to consider the matters required by the Resource Management Act 1991 (the RMA) and to make a decision under delegated authority.

Under sections 149ZCB, 149ZCC, and 149ZCD of the RMA, this NoR be limited notified because:

1. The requiring authority has provided all further information by the required date.
2. There is no rule or national environment standard that requires public notification and the requiring authority has not requested it.
3. There are no special circumstances.
4. Persons are adversely affected by the NoR.
5. There are no protected customary rights groups or marine title groups in the region affected by this proposal.

Accordingly, this notice of requirement for shall proceed on a **LIMITED NOTIFICATION** basis.

Name: Craig Cairncross

Title: Team Leader – Plans & Places

Signed:



Date: 6/12/2022