

5 November 2021

Nick Williamson
Align
399 New North Road
Kingsland
Auckland 1020

Dear Nick

Request for further information in accordance with section 92 of the Resource Management Act 1991

Notice of requirement: Electricity substation at 8 Whangapouri Road, Karaka

I am writing with respect to the notice of requirement described above.

After completing a preliminary assessment of the notice of requirement documents, it is considered that further information is required to enable an adequate analysis of the proposal, its effects on the environment and the way in which any adverse effects on the environment may be mitigated.

The information requested below will enable the council to undertake a full and proper assessment of the notice of requirement and provide a recommendation on it.

Under section 92 of the Resource Management Act 1991, I request the following further information:

(1) Lighting

Please provide information about the expected outdoor lighting requirements of the substation and what the potential adverse effects might be, in particular on properties adjoining or adjacent to the subject site.

The NoR includes a lighting condition to minimise level of glare and spill, but there is no indication of what the substation might require in terms of outdoor lighting or what the potential adverse effects of this might be. This means it is unclear if the proposed condition is sufficient to adequately mitigate any adverse effects.

(2) Operational noise

- a) Please provide an assessment of potential adverse noise effects on 5 Whangapouri Road.
- b) Please show how the NoR will provide certainty that the future operation of the substation will remain compliant with the AUP noise controls as relied upon in the AEE.

The AEE indicates that a detailed acoustic assessment will be undertaken at the detailed design stage, however there is no condition requiring the preparation of one.

The AEE specifically states that the AUP noise standards will be able to be complied with for the northern and eastern (notional) boundaries. However it does not consider other properties in close proximity such as 5 Whangapouri Road.

The AEE also states:

Based on the experience of the design engineers, we are satisfied that the noise standards set out in the AUP can be complied with and would accept a designation condition to this effect.

Council recommends the following conditions that are equivalent to the relevant AUP standards in Chapters E25 and E26. Please advise if this is acceptable to the applicant:

Amendment to existing Condition 9 as follows, with an advice note:

All construction and maintenance work shall be designed, managed and conducted to ensure that construction and maintenance noise from the site does not exceed the limits in NZS 6803:1999 Construction Noise at locations set out in section 6.2 of that standard.

Advice note: Construction work is defined in NZS 6083:1999

New condition:

An acoustic assessment shall be prepared by a suitably qualified acoustic professional and submitted in conjunction with the Outline Plan of Works to Auckland Council Resource Consents department for approval.

New condition: (FYI this is based on E26.2.5.3(2) & (5))

Noise from the substation must not exceed the following noise limits when measured within the notional boundary of a rural zone site:

- (a) 55 dB LAeq between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and
- (b) 45 dB LAeq/75 dB LAm_{ax} for all other times

Noise levels must be measured in accordance with NZS 6801:2008 "Acoustics – Measurement of environmental sound" and assessed in accordance with NZS 6802:2008 "Acoustics – Environmental noise".

New condition: (FYI this is the same as E25.6.30(1)(a))

Construction and demolition activities must be controlled to ensure any resulting vibration does not exceed:

- (a) the limits set out in German Industrial Standard DIN 4150-3 (1999): Structural vibration – Part 3 Effects of vibration on structures when measured in accordance with that Standard on any structure not on the same site.

(3) 5 Whangapouri Road – land-use

Please provide information about the current land use of 5 Whangapouri Road and evidence to support this.

The LVIA states that the property has been purchased for commercial purposes – with the intention to become a storage yard for a commercial building firm, therefore residential amenity of current residents will not be affected because the substation will not be built for several years. No evidence has been provided to support this this assumption.

Council records show that a building consent (for RBW) was approved in September 2021 for a 5 bedroom dwelling with garages.

A recent drive by of the site shows that the dwelling referred to in the LVIA no longer exists and a new building is in the process of being constructed (concrete pad has been laid).

(4) 5 Whangapouri Road – assessment of adverse effects

Please provide an assessment of adverse effects on 5 Whangapouri Road to support the recommendation of no notification.

The AEE states that there are no affected persons, and therefore limited notification is not required. However the AEE does not specifically consider what the potential adverse effects of the NoR might be on the owners/occupiers of the site and whether these meet the threshold of less than minor.

See comment at (3) above about LVIA assessment of effects on this site.

(5) 14 Whangapouri Road

Please provide evidence about the current land use of 14 Whangapouri Road and why it is not considered a sensitive receptor. If unable to supply supporting evidence for this, then please revise the assessment of effects.

The AEE states that a Buddhist Temple operates from the site, and because the temple is not occupied as a residence full time it is not considered a highly sensitive receptor. However there is no evidence to support this.

Council records do not show any consents allowing for a “place of worship” or anything else that might constitute a temple. The building on the site appears to be a dwelling which is consistent with the last consent I was able to find on council records.

(6) 8 Whangapouri Road (subject site)

Please provide an assessment of potentially adverse effects for 8 Whangapouri Road and demonstrate how the NoR will sufficiently mitigate these effects such that they would be of the level that would not require notification as recommended by the AEE. Please provide photographs of the subject site and what will become the new residential lot to support this assessment.

The LVIA states that residential amenity of residents of this site has been disregarded because they have signed a sale and purchase agreement. However under section 149ZCF of the RMA this is insufficient reason to disregard adverse effects on them.

The AEE states that there are no affected persons, and therefore limited notification is not required. However the AEE does not consider what the potential adverse effects of the NoR might be on the owners/occupiers of the site and whether these meet the threshold of less than minor.

You must provide this information within 15 working days (before 26 November 2021). If you are unable to provide the information within 15 working days, then please contact me so that an alternative timeframe can be mutually agreed.

If you do not respond within 15 working days, refuse to provide the information or do not meet an agreed alternative timeframe between the council and yourself, this application must be publicly notified as required by section 169(1A) of the Resource Management Act 1991.

In accordance with the Resource Management Act, processing of your notice of requirement will remain on hold until the indicated date, pending your response to this request. Please note that the processing clock will stop as this is the first request for additional information.

If you have any queries regarding the above, please contact Katrina David on Ph 021 945 031.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'K.M. Davin'.

Position
Senior Policy Planner, Central/South Planning Unit