



AUCKLAND

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16 November 2021

Auckland Council Private Bag 92300 AUCKLAND 1142

Attention: Senior Policy Planner

By email: katrina.david@aucklandcouncil.govt.nz

Response to s92 Request - Counties Energy: Pukekohe North Substation NoR

Please find below our responses to the request for further information dated 5 November 2021 under the corresponding headings. To avoid repetition, we emphasise that there is presently no design for the substation, and therefore most matters of detail must necessarily be provided at the Outline Plan of Works ("OPW") stage. Where possible, we have provided some additional certainty through the Proposed Conditions (Revision 1) dated 16 November 2021. [Attached].

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 proposed Condition 19 has been worded for consistency with Policy E24.3(2) of the Lighting Chapter of the Auckland Unitary Plan ("AUP"). It is expected that the only outdoor lighting will be for safety and security purposes. The intensity of lighting is likely to be less than is emitted from the existing streetlights along the State Highway. The lighting will be comparable to that used in domestic residential settings for security lighting and would comply with the Permitted Activity Standards of Chapter E24 (Lighting), but this can be confirmed as part of the Outline Plan of Works stage.

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.

Rule E26.2.5.3(2) of the AUP sets out the permitted noise limits from substations. Based on the information supplied from the likely manufacturer of transformer equipment (as specified in Appendix

J of the Notice of Requirement ("NoR")) we are satisfied that the substation can be designed to achieve compliance with the permitted standards. The advice we have received from our engineering consultants is that the transformer sound output at source is expected to be 67.5dB based on the likely transformer. The distance to the closest boundary is 21m to the north (assuming a layout like the concept plans supplied). At this distance we would expect the noise level to be less than the 45dB limit. The existing residential house to the east is 24m away from the transformer or is 15m from the boundary. The 45dB limit will be meet at the house (notional boundary approach). We have replicated the AUP rule in the Proposed Conditions (Revision 1) attached.

5 Whangapouri Road – Land Use

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

This rental property was sold by the previous owner on 31 May 2021. The current registered owner of the property is listed as 'Sublime Property Management Limited', which was formed on 9 April 2021 and has a NZBN classification of 'real estate management service'. The two Directors of this company are also Directors of the following companies:

- Sublime Buildings Ltd (Classification E301910 "Building, residential / flats, home units, apartments, etc")
- Sublime Electrical Ltd (Classification E323220 "Electrical services")
- Manic Management Ltd (Classification M696245 "Management consultancy service")

The listed residential addresses of both Directors of Sublime Property Management Limited are elsewhere in Pukekohe. We have not sighted the building consent application that the Council has on file regarding the intended use of the site as a dwelling site. Given the relatively small size and location of 5 Whangapouri Road at a State Highway intersection, the construction of a show home and ancillary activities is consistent with the advice given to us by the owner of number 8.

5 Whangapouri Road - AEE

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

A substation within a new building is listed as a permitted activity in this zone. Permitted Substation and electricity transmission activities under the Infrastructure Chapter of the AUP do not have to comply with the zone setback requirements. An indoor substation could therefore be located on the site (without a NoR or resource consent) in a much closer to 5 Whangapouri Road.

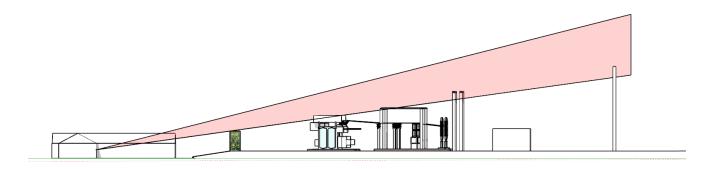
The proposal to establish an outdoor substation on the site is likely to be further back from the road frontages. We have confirmed (and have further reinforced through proposed conditions) that the development and performance standards for Permitted Indoor Substations will be complied with. The only material difference between indoor and outdoor substations are visual. Attached for comparison purposes are images of the recently constructed indoor substation at 55 Munro Road, Pokeno.

As illustrated in the montages supplied with the LVIA Graphics Attachment [refer Viewpoint 5 on pages 19 to 21], the individual components of the substation are not bulky, and are of a scale that is not out of proportion in a rural context. The footprints of the transformers themselves are likely to be smaller than the existing minor dwelling. The switch room building is a comparable size to the existing accessory buildings on the site. The gantries are the tallest structures, but lower than the maximum allowable height for electricity support structures in the rural zones. When viewed from that property, until such time as the planting is established, the existing dwelling and accessory buildings will form the backdrop to the substation structures, with the existing overhead lines on the western berm in the foreground when viewed from number 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.

As with number 5, the respective boundary setbacks are such that we expect to be able to comply with all relevant environmental development and performance standards for PA indoor substations. Considering the finished floor level of the existing building, the existing ground level of the proposed substation site, and the existing established hedging along the boundary, most of the likely substation equipment will not be visible from the property at number 14. For illustrative and conceptual purposes only, this schematic cross section of the two sites shows the relative scale of the likely substation components. This schematic includes the same 12m gantries and 17m termination poles as those used at the outdoor substation at 217 Whangarata Road, Tuakau:



The present owner of the property is listed as 'The Light of Mercy Charitable Trust'. It was purchased by the Trust on 5 August 2018 and is listed as having a 'Rented' Occupancy Type according to *Property Guru* by Core Logic. The Charities Register lists the Trust's street address as 14 Whangapouri Road, and a postal address at Botany Town Centre.

The Trust provides "religious services/activities", and its charitable purpose is "*To encourage and educate members and others in NZ to live in accordance with the teachings of the Great Tao*". The organisation has 1 "full time equivalent" staff, comprised of 4 part time staff (Lecturer, Event coordinator, Lecturer Trainer, Admin Assistant).

We can find no publicly searchable record that the property is used as a place of worship, although from outside appearances, the building is not used as a place or residence. The windows have been shuttered, and by our count there are up to 10 formed and marked car parking spaces within the property.

8 Whangapouri Road

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.

As with the two previous properties, the PA development and performance standards for enclosed substations can be complied with in relation to both the existing dwelling and the proposed site boundary following subdivision. This site was selected because it was of sufficient size and distance from other properties. Counties Energy has a sale and purchase agreement with the owner of the property but can supply written approval should the Council find that necessary.

We have also included further panoramic images of the designated area from two locations within the proposed balance site as shown below:



Figure 2 - View from Location 2

There are several non-RMA conditions of the Sale & Purchase agreement that ensure that the needs of the existing landowners are met. These include the relocation of the minor household unit on the site (which is subject to a separate RC application) and alterations to the site access configuration, which will be given effect to in conjunction with the subdivision of the site. Subdivision to create a network utility site is also a Permitted Activity under the AUP once the NoR is confirmed.

Other Supporting Information

As stated above, Counties Energy is proposing numerous changes to the initially proposed designation conditions. These are attached in the Proposed Conditions (Revision 1) dated 16 November 2021 with changes tracked. The significant changes from those initially supplied are as follows:

- The Construction Management Plan ("CMP") will be required at the OPW stage of the process, which will demonstrate how compliance with the Noise, Vibration, EMF, and RF Field Standards will be achieved.
- Details of vehicle crossings will be supplied at the time of subdivision, or at the OPW stage, whichever is the sooner.
- To ensure that the scale and extent of the proposed substation is in keeping with that
 illustrated in the concept plan, further design constraints have been included in the proposed
 NoR conditions, including maximum height limits, and building setback from Whangapouri
 Road.
- Evidence that all necessary consents required by any Regional Plan or National Environmental Standard have been granted or applied for at the time of OPW is supplied to the Council.
 Many of the conditions initially proposed are more appropriately dealt with through the consenting process so have been removed from the NoR.

In our view Counties Energy has provided significantly more information than would typically be provided if the NoR was included within the AUP review process. Much of the information requested is at the level of detail that would accompany an OPW prior to commencement of work. Had CEL elected to proceed with a Resource Consent application in the first instance, an Outdoor Substation would have been assessed as a Restricted Discretionary Activity. An enclosed substation (such as the attached Pokeno example) at this location would be a Permitted Activity.

As permitted activities, Substations within new buildings need only comply with the standards set out in the Infrastructure Chapter of the Plan. The 20m front yard setback requirement is would not be triggered, and there are no rules or assessment criteria that would necessitate a visual impact assessment of a permitted substation activity (including 25m high overhead feeder lines up to 110kV).

A permitted activity does not require resource consent, so consultation or approval of neighbours would not be a consideration. Some residual consents (such as earthworks) may be required, but these have a distinct consenting process and can be separated from the substation itself. These residual consents do not usually trigger a requirement for neighbour approvals.

As a restricted discretionary activity ("RDA"), an Outdoor Substation is subject to the notification tests under the Resource Management Act 1991 ("RMA"). In determining whether the effects are more

than minor, and whether any person is affected, the Council will have regard to the standards for any permitted activity ("PA") on the site. The relevant bulk and location standards required for permitted activities in the Rural Production Zone are:

H19.10.2 – Building Height – 15m H19.10.3 – Minimum yard setbacks:

• Front: 20m (Karaka Road (SH22) is identified as an Arterial Road)

• Side: 12m (Whangapouri Road)

We remain of the view that the effects on the environment resulting from the proposed activities within the designated area are both contemplated and provided for in the AUP rules for the rural zones.

Please do not hesitate to contact the undersigned if you have any queries.

Ngā mihi and kind regards

Nick Williamson
Principal Consultant

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Example of Indoor Substation – 55 Munro Road, Pokeno



Figure 3 - Northern Elevation (Image credit: Counties Energy)



Figure 4 - Southern Elevation (Image credit: Counties Energy)



Figure 5 - Eastern (Road Frontage) Elevation (Image credit: cassidy.co.nz)



Figure 6 - View from entranceway within the site (Image credit: cassidy.co.nz)

Proposed Conditions (Revision 1) – 16 November 2021

Counties Energy Whangapouri Road Substation

Designation Number		
Requiring Authority	Counties Energy Limited	
Location	Whangapouri Road, Karaka	
Lapse Date	10 years from date of inclusion in the Auckland Unitary Plan	

Purpose

'Electricity supply purposes'

Conditions

General

- 1. The designation shall lapse 10 years from the date of inclusion in the Auckland Unitary Plan in accordance with section 184(1)(c) of the Resource Management Act 1991 (RMA).
- 2. Any additional matters requiring regional consents or approvals (such as National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) must be obtained prior to works commencing.

Outline Plan(s)

- 3-1. Prior to commencement of construction, the requiring authorityCounties Energy must submit an Outline Plan of Works to Auckland Council the territorial authority in accordance with section 176A of the RMA Act allow the territorial authority to request changes before construction commences. The Outline Plan of Works must will include show:
 - a. The height, shape, and bulk of the public work, project, or work; and
 - b. The location on the site of the public work, project, or work; and
 - c. The likely finished contour of the site; and
 - d. The vehicular access <u>crossings</u>, circulation, and the provision for parking <u>conforming with the</u> <u>relevant Auckland Transport standards and guidelines</u>; and
 - 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 The landscaping proposed; and
 - f. Outcomes from the consultation undertaken with Waka Kotahi and Ngāti Tamaoho during the detailed design phase; 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
- h. Evidence that all necessary consents required by any Regional Plan or National Environmental

 Standard have been applied for; and
- 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;
 - 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).
 - iii. Rule E26.2.5.3(2) Noise from substations.
 - i-iv. Rule E24.6.1 General standards for Lighting.

Consultation with Waka Kotahi

4-2. Counties Energy shall liaise with Waka Kotahi 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.

Consultation with Ngāti Tamaoho

- 5-3. Counties Energy shall consult with Ngāti 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 about switch room colour and finish.
- The outcome of such consultation shall be provided to the Council as part of any Outline Plan of Works required by section 176A of the Resource Management Act 1991.

Construction Environmental Management Plan (CEMP)

- 7. A Construction Environmental Plan shall be prepared by a suitably qualified person and submitted to Auckland Council Resource Consents department for certification at least one month prior to the initial construction commencement date.
- 8. The purpose of the CEMP is to avoid, remedy or mitigate adverse effects associated with the construction works associated with the Project. The CEMP must contain the following:
 - Where access points are to be located and procedures for managing construction vehicle ingress and egress to construction support and storage areas;
 - Methods for managing and monitoring dust as a nuisance, including methods for minimising dust emissions, monitoring procedures and contingency procedures in the event of a dust nuisance event;
 - c. Measures to be adopted to keep the construction areas in a tidy condition in terms of disposal / storage of rubbish and storage, unloading construction materials (including equipment). All storage of materials and equipment associated with the construction works must take place within the boundaries of the designation;

- d. The location of any temporary buildings (including workers' offices and portaloos) and vehicle parking (which should be located in the construction area and not on adjacent streets);
- e. Information on designated staff parking areas for construction workers; and
- Training requirements for employees, sub-contractor and visitors on construction procedures, environmental management and monitoring;
- g. Environmental incident and emergency management procedures (excluding spills); and
- An outline of the construction programme of the work, including construction hours of
 operation, indicating linkages to the other management plans which address the management
 of adverse effects during construction.
- 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.
- 10. In accordance with NZS 6803:1999 Construction Noise, construction activities are to occur between 7.30am and 6.00pm Monday to Saturday, with no construction to occur on Sundays or public holidays unless otherwise authorised through the CNYMP.
 - a. The noise limits set out in Condition 9 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 effect

Site access

11. The site must be safe and secure from unauthorised public access at all times during construction and operation.

Accidental Discovery Protocols

- 12.4_ If any archaeological sites, urupa, traditional sites, taonga (significant artefacts), or koiwi (human remains) are exposed during site works, then the following procedures shall apply:
 - a. Works in the immediate vicinity of the site that has been exposed shall cease;
 - The site supervisor shall immediately secure the area in a way that ensures that any remains or artefacts are untouched;
 - c. The site supervisor shall notify representatives of relevant tangata whenua, the Heritage New Zealand Pouhere Taonga, the Auckland Council and, in the case of human remains, the New Zealand Police: and
 - d. The notification in (c) above shall allow such persons being given a reasonable time to record and recover archaeological features discovered before work may recommence on the exposed site.
 - Works shall not commence in the immediate vicinity of the archaeological site until any approval required from the Heritage New Zealand Pouhere Taonga is obtained.

Landscaping and visual

- 13. A detailed Landscape Plan generally in accordance with the landscape concept plan set out in the LVIA prepared by Align Ltd shall be prepared by a suitably qualified person and submitted in conjunction with the Outline Plan of Works to Auckland Council Resource Consents department for approval.
- 14.5_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.
- <u>15.6.</u> The substation switchroom is required to have exterior cladding and colours that are recessive, such as grey or earthy tones, so that it modulates its form and surfaces. 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

The maximum height of poles (excluding insulators) and support structures within the designated
area shall be 17m, and all other buildings must not exceed the maximum 15m height limit for
buildings in rural zones.

Setbacks

8. Buildings must not be located within 10m of the Whangapouri Road boundary.

Noise

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

Electric Magnetic Fields (EMF)

16-10. 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

17.11. The Requiring Authority must make eEvery reasonable effort must be made to ensure that the substation is operated, managed and 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.

Lighting

18-12. All exterior on-site lighting must be positioned and aimed within the site, away from adjacent properties se as toto minimise the level of light spill and glare.

Surface water

1. The Requiring Authority must maintain and regularly clean all stormwater catch pits, channels, grates, pipes and other stormwater collection systems to ensure they operate in an effective manner.

Hazardous Substances Environmental Management Plan (HSEMP)

- 2. The purpose of the HSEMP is to outline the methodologies and processes that will be adopted to ensure that the risks of storing and using hazardous substances within the subject site will be appropriately managed by the Requiring Authority for the duration of the operation of the electrical substation. The HSEMP shall be submitted to Council prior for approval to operation and contain the following:
 - a. The appropriate hazardous substance methodologies for:
 - Storage;
 - Handling;
 - Transport; and
 - Disposal.
 - b. Provide information to regulatory authorities to demonstrate that the possible risks as a result of storage and use of hazardous substances have been considered and will be appropriately managed by the Requiring Authority:
 - e. Methods to ensure prevention and mitigation of adverse effects associated with the storage, use, disposal, or transportation of hazardous substances:
 - Training requirements for employees, sub-contractor and visitors on construction procedures, environmental management and monitoring;
 - e. The document management system for administering the HSEMP, including review and Requiring Authority / constructor / council requirements;
 - f. Environmental incident and emergency management procedures (including spills);
 - g. Environmental complaint management procedures;
 - h. Methods to provide for the safety of the general public.
- The Requiring Authority must ensure that all transformers containing more than 1000L of oil are bunded. Each bund must be of sufficient capacity to contain the total volume of oil contained within each transformer plus an allowance for rainwater.

Vehicle Crossing

4. The vehicle crossing for the sub-station must be designed and formed in accordance with either the GD020A Rural Vehicle Crossing standard set out in Auckland Transport's Code of Practice (ATCOP) or VX0303 Rural Crossing Standards set out in Auckland Transport's Transport Design Manual (TDM), whichever is operative at the time of construction.

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 Prior to operation of the substation, the berm must be re-instated to Auckland Council's "Code of Practice for Working in the Road" ().

Construction Traffic Management Plan

 The Requiring Authority must prepare a detailed Construction Traffic Management Plan (CTMP) for the project by a suitably qualified person to be submitted as part of the Construction Environmental Management Plan (CEMP) to Auckland Council for approval, in conjunction with Auckland Transport.

Advice note: The Requiring Authority will need to submit details on the vehicle crossing for approval by

Auckland Transport prior to construction.

Erosion and Sediment Control Management Plan (ESCMP)

The Erosion and Sediment Control Management Plan (ESCMP) 10. The purpose of the ESCMP is to describe the methods and practices to be implemented to minimise the effects of sediment generation and yield on the receiving environment associated with the construction phase. The ESCMP shall be prepared in accordance with the council's Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region Guideline Document 2016/005 (GD05) and any subsequent updates. The requiring authority must undertake construction in accordance with ESCMP and must contain the following;

Specific erosion and sediment control works for each stage (location, dimensions, capacity) in accordance with industry best practice as well as GD05:

Supporting calculations and design drawings;

Details of construction methods; Auckland Unitary Plan Operative in Part

Monitoring and maintenance requirements;

Catchment boundaries and contour information; and

Details relating to the management of exposed areas (e.g. grassing, mulch).

The Requiring Authority must ensure that all transformers containing more than 1000L of oil are bunded. Each bund must be of sufficient capacity to contain the total volume of oil contained within each transformer plus an allowance for rainwater.

No earthworks activity on the subject site shall commence until confirmation from the council is provided that the ESCMP satisfactorily meets the requirements of GD05, and the erosion and sediment control measures referred to in that plan have been constructed or certified.

Advice note: For the purpose of compliance with this condition, "the council" refers to the council's monitoring inspector unless otherwise specified. Please contact the Team Leader Monitoring South at monitoring@aucklandcouncil.govt.nz to identify your allocated officer.

The operational effectiveness and efficiency of all erosion and sediment control measures specifically required as a condition of this Notice of Requirement or by a certified ESCMP are to be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion.

There must be no deposition of earth, mud, dirt or other debris on any public road or footpath outside the construction site resulting from earthworks activity on the project route.

In the event that such deposition does occur, it is to be removed immediately. In no instance are roads and/or footpaths to be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the public stormwater drainage system, watercourses and/or receiving waters.

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The sediment and erosion controls at the site of the works are to be inspected on a regular basis and within 24 hours of each rainstorm event that is likely to impair the function or performance of the erosion and sediment controls. A record is to be maintained of the date, time and any maintenance undertaken in association with this condition which is to be forwarded to the council on request.

All earthworks must occur between the hours of 7.30am and 6.00pm Monday to Saturday.

Advice note: Given the proximity of the works to the stream, regional earthworks consents may be required for the works in addition to other regional consents. If required these will need to be obtained prior to works commencing on the site.