

3 September 2022

Qiuang Wang  
Align  
399 New North Road  
Kingsland  
Auckland 1020

Dear Qiuang

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

**Notice of requirement: Glenbrook Substation at 13 Nola Avenue, Glenbrook.**

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 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 set out in Appendix 1.

You must provide this information within 15 working days (before 21 October 2022). 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 me.

Yours sincerely,

A handwritten signature in dark ink, appearing to be 'JM' followed by a long horizontal stroke.

Joe McDougall  
Policy Planner, Central/South Planning Unit

## Appendix 1: Section 92 request for further information

#	Category of information	Specific request	Reason for request
1	Construction	<p>Please provide information and assessment of the type and level of potential adverse effects resulting from and during construction of the substation, including:</p> <ul style="list-style-type: none"> <li>- estimated length of construction period</li> <li>- anticipated vehicle movements, including large vehicles</li> <li>- noise, vibration and dust effects</li> <li>- hours of work.</li> </ul> <p>Please include how the NoR will mitigate adverse effects of construction, in particular those effects on surrounding properties/persons and road users</p>	<p>Understanding the level of adverse effects likely to be generated during construction, and how the NoR will adequately mitigate these effects will be helpful in determining the appropriate notification pathway, in particular under ss 149ZCC and 149ZCF of the RMA.</p> <p>The NoR Report states there are no adversely affected persons that require notification of the NoR (i.e. to an extent that is minor or more than minor). From the information provided it is unclear how that conclusion was reached.</p> <p>The NoR request also 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.</p>
2	Auckland Code of Practice for Land Development and Subdivision – Proposed Condition 1(g)	Please clarify how the Auckland Code of Practice for Land Development and Subdivision (version 1.0 December 2016) referred to in Proposed Condition 1(g) will adequately inform the Construction Management Plan and avoid, remedy or mitigate adverse effects on the environment, the surrounding area and in particular nearby owners/occupiers and road users. Please also provide details of which chapters in the code of practice you are referring to, noting there are 7 chapters.	<p>It is important that the conditions of a designation provide a clear framework for preparing and considering an outline plan of works, including how adverse effects of the proposal will be mitigated. It is unclear how the proposed conditions will provide clarity or certainty.</p> <p>It will be useful to understand why Counties Energy is proposing a different condition in relation to the Construction Management Plan and in considering whether Proposed Condition 1(g) will provide certainty and clarity sufficient to inform the outline plan of works.</p>
3	Construction noise	Please provide information about the anticipated level of adverse noise effects from and during construction, and how the NoR will mitigate these effects, and why no conditions are proposed that would mitigate such effects.	<p>The acoustic assessment is limited to operational noise only and the proposed conditions manage only operational noise – not construction noise.</p> <p>It is noted that the geotechnical report considers the option of piles which can cause considerable noise, beyond what is considered permitted under the AUP.</p> <p>Understanding the likely adverse noise effects during construction, and how the NoR will mitigate such effects will be helpful determining the appropriate notification pathway, in particular under ss 149ZCC and 149ZCF of the RMA.</p>
4	Subject site - assessment of adverse effects	Please provide an assessment of effects on all sites adjacent to the subject site and the subject site.	<p>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 how these meet the threshold of less than minor.</p> <p>It is noted that not all adjacent sites are covered in the assessment.</p> <p>In making the notification determination council is only required to disregard effects on persons who have provided written approval (s149ZCE(e)).</p>
5	Adjacent persons – assessment of adverse effects	<p>a) Please provide a list of which persons Counties Energy considers to be adjacent for the purposes of their s149ZCC assessment.</p> <p>b) Please clarify which of the Proposed Conditions will mitigate and manage potential adverse effects on adjacent persons from vibration, construction noise, and compliance with hazardous substances?</p>	<p>The AEE states that there are no affected persons, and therefore limited notification is not required. It is unclear which adjacent persons were considered and which conditions are being relied on to mitigate these effects so that they are less than minor, noting there appear to be no conditions proposed relating to these matters.</p> <p>For example in relation to all adjacent persons the NoR Report states: [5.6] The potential adverse effects of the activities that would occur at the Site under the proposed designation, are proposed to be mitigated through conditions to be imposed on the designation, which include an accidental discovery protocol, <b>the management of vibration, construction and maintenance noise, compliance with hazardous substances</b>, radio frequency and earthworks, design standards and</p>

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			guidelines, standards for maximum lighting spill, electric and magnetic fields operational noise, and maintenance of proposed boundary vegetation.
6	Form restrictions	Please explain why the proposed conditions make reference to the Single House Zone, while also stating a definitive height limit.	The proposed conditions refer to both, which may cause confusion if alterations to the Single House Chapter occur.
7	Record of title	Please provide information about whether the covenant(s)/easements on the record of title will affect the construction or operation of the proposed substation.	It will be helpful to understand the existing RoT, and whether it will place limitations on the design and layout of the substation, including plantings, buildings and structures in a way that would restrict any mitigation measures proposed.
8	Consideration of alternatives	Please provide further information about the consideration of alternative sites or information that demonstrates that Counties Energy has an interest in the land sufficient to undertake the work.	In considering the NoR s171(1)(b) of the RMA requires the council to have particular regard to whether Counties Energy has given adequate consideration to alternative sites if it does not have an interest in the land sufficient to undertake the work.  Counties Energy does not currently own this land and it is unclear from the information provided whether they have sufficient interest in the land to undertake the works.
9	Permitted baseline	Please provide assessment of the permitted baseline, and whether the construction and operation of the proposed substation is considered to generate adverse effects that would be similar to or greater than the permitted baseline.	Sections 149ZCE(b) and 149ZCF(2)(a) provide that a territorial authority <b>may</b> 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).  An assessment of the permitted baseline will help Council to consider whether it is appropriate to disregard adverse effects based on the permitted baseline.
10	Assessment of relevant Regional Policy Statement (RPS) objectives and policies	Please provide assessment of the proposed NoR against all relevant RPS objectives and policies including the following chapters: <ul style="list-style-type: none"> <li>• B6 Mana Whenua</li> <li>• B7.3 Freshwater systems</li> <li>• B7.4 Coastal water, freshwater and geothermal water</li> <li>• B10.3 Land – hazardous substances (noting the transformer oil is a hazardous substance)</li> <li>• B10.4 Land – contaminated</li> </ul>	Section 171(1)(iii) of the RMA requires council to have particular regard to the RPS when considering the NoR.  Noting the NoR: <ul style="list-style-type: none"> <li>• is in close proximity to streams</li> <li>• potentially could affect groundwater</li> <li>• transformers use oil, a hazardous substance</li> </ul> the objectives and policies of these chapters are relevant in considering the NoR.
11	Landscape and visual amenity – The proposal	a) Could the applicant please provide details about the maximum height, width and length of the proposed substation, together with details about the proposal's transformers, bus and any other structures that are proposed?  b) Could the applicant please describe the application site's zoning, together with any relevant provisions?  c) Exactly which surrounding / nearby properties would be affected by the proposal and what would the nature of those effects be? This matter is clearly linked to the extent and height of the existing vegetation around the site, together with the additional planting proposed.  d) What would be the substation's effect overall: its appears likely to be of a low order, but this needs to be evaluated and confirmed?	Other Counties Energy substations have transformers, gantries and bus-works that are not fully enclosed within a building.  To help understand the proposal, potential adverse landscape and visual amenity effects, and whether the proposed conditions will adequately mitigate these effects it will be helpful to understand how all the elements of this substation fit together and how this substation will compare to other Counties Energy substations.  While it is implied that the visual effects on persons will be less than minor and that vegetation be relied upon for screening, it unclear what the likely perception will be from surrounding properties.

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12	Hazardous substances, bunding and flooding	Please provide information about how the NoR will ensure any adverse effects from transformer oil storage areas or oil leaks (i.e. hazardous substances) will be avoided, remedied or mitigated. Please include why no conditions are proposed that would require bunding and why no conditions are proposed that would require a hazardous substances management plan, but the NoR Report/AEE appears to rely on such conditions to mitigate adverse effects.	<p>The NoR report states 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 banded area will be reticulated through a proprietary oil plate separator during normal operation.</p> <p>This oil is likely to be considered a hazardous substance and could cause adverse effects on the environment.</p> <p>However no condition is proposed that will require bunding underneath/around the transformers. There are also no conditions that require a hazardous substances management plan.</p>
13	Lighting	The proposed conditions include controls on lighting on the site. Please provide assessment on the potential effects of this lighting on the surrounding sites, with additional detail including timing and magnitude.	To further understand the effects of lighting on the surrounding environment.
14	Erosion and sediment control	Please provide an assessment of effects related to proposed earthworks and include how the NoR will mitigate adverse effects and manage erosion and sediment, in particular noting that streams/watercourses are in proximity to NoR. Please include why no conditions are considered necessary.	To further understand the effects of earthworks, silt and runoff on the surrounding environment.
15	Groundwater	<ol style="list-style-type: none"> <li>1) Please clarify the nature of the impact on groundwater outlined in the geotechnical report by ENGINEERING GEOLOGY LIMITED.</li> <li>2) Please confirm that potential groundwater incursion or tank failure will not result in adverse effects, including the release of hazardous substances into the wider environment.</li> </ol>	<p>The report states the following:</p> <p><i>We understand that a cable basement may be required. Due to possible shallow groundwater table, any basement excavation should be designed as fully tanked and make provision for buoyancy. For design purposes, the groundwater table depth should be assumed to be approximately 1m from the ground surface. Due to the depth of the groundwater table measured in excess of the proposed basement excavation, it is not anticipated that groundwater drawdown in either the temporary or permanent cases will be an issue and do not require an assessment with respect to the Auckland Councils Unitary Plan.</i></p> <p>Please explain if the potential basement structure if this would likely result in water take. The explanation that this does not require assessment seems incongruent with the tanking and associated drawdown proposed.</p>
16	Mana Whenua	Please include an assessment of potential adverse effects the construction and operation of the substation could have on Ngāti Tamaoho and Ngāti Te Ata, and why these effects are less than minor.	<p>The NoR Report states that consultation will be undertaken with Ngāti Tamaoho and Ngāti Te Ata at the design and construction phase to ensure the design addresses their suggestions to ensure that any adverse effects on Ngāti Tamaoho and Ngāti Te Ata are mitigated.</p> <p>Proposed Condition 2 requires consultation with Ngāti Tamaoho and Ngāti Te Ata.</p>

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			However it is unclear whether proposed Condition 2 is sufficient to ensure any adverse effects on either iwi would be less than minor, and as such they would not be considered an affected person (s149ZCF).
17	Mana Whenua	Please provide information about whether any iwi other than Ngāti Te Ata and Ngāti Tamaoho, were contacted or consulted by Counties Energy regarding the NoR and what the outcome of this was. Please include why Counties Energy does not consider any other iwi to be an affected party.	Understanding what iwi have been consulted by Counties Energy and any matters raised by iwi will be relevant in considering the NoR especially in relation to the RPS B6 objectives and policies, Section 8 of the RMA and whether any iwi could be considered an affected person under s149ZCF.