

15<sup>th</sup> of August 2023

Joe McDougall  
Policy Planner  
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Auckland Council  
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Attention: Joe McDougall:

**Counties Energy Limited’s Confirmation Notice under Section 172(1) of the Resource Management Act 1991 (RMA) for the Glenbrook Beach Substation Notice of Requirement.**

We Counties Energy (“the Requiring Authority”) lodged a Notice of Requirement with Auckland Council on the 21<sup>st</sup> of September 2022 for a designation in the Auckland Unitary Plan – Operative in Part (AUP(OP)) for the Glenbrook Beach Substation at 50 Orawahi Road, Glenbrook (previous address: 13 Nola Avenue, Glenbrook) for “Electricity supply purposes”.

On the 24<sup>th</sup> of July 2023, Counties Energy received the Auckland Council Independent Hearing Commissioners’ (the Commissioners) recommendation (dated 12 July 2023) to confirm the designation for the Glenbrook Beach Substation. This was subject to 29 conditions imposed pursuant to s171(2)(c) of the Resource Management Act (“RMA”).

Pursuant to s172(1) of the RMA, Counties Energy, in its capacity as a Requiring Authority, accepts the Commissioners’ recommendation to confirm the Notice of Requirement for the Glenbrook Beach Substation in part, subject to changes to the recommended conditions.

Counties Energy does not accept the Hearing Commissioner’s recommended Condition 27. The condition of requiring written consent from 115 McLarin Road for works within the shared accessway is considered an invalid condition of the designation, which compromises the intent of the designation process and cannot be enforced.

Whilst there is no restriction on the type of conditions imposed on a designation, a valid condition should:

- be for a resource management purpose
- be fairly and reasonably related to the proposed work
- be enforceable



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- not require third party action
- not defeat the designation.

In this case, Condition 27 is an invalid condition for the following reasons

1. The shared lot accessway does not sit within the designation boundaries.
2. The condition would require third-party actions.
  - a. Any reliance on written consent from the landowners at 115 McLarin Road will defeat the designation.
3. Any property or legal considerations over the landowner's use of the shared access lot would be a civil matter between the owners of the accessway.

To ensure there is a reasonable degree of communication with the owners of 115 McLarin Road during construction, Counties Energy has amended Condition 27 to state:

*The Requiring Authority must ensure the owners of 115 McLarin Road are advised in writing no less than seven days prior to the construction works on the shared accessway commencing. The written advice must include a brief description of the works, details of the location of the works, the duration of the works, mitigation measures and contact details for any complaints or enquiries. Notification details must be recorded in the CMP required by Condition 26.*

Counties Energy has also made the following minor corrections to conditions:

1. The word 'shall' in **Conditions 2, 3, 7, 15, 20, 28 and 29** has been changed to 'must' as is Council standard practice.
2. **Condition 8**, as outlined in Appendix A of the recommendation report, does not reflect the Commissioners' recommendation in Paragraph 63 of the report. Condition 8 has been amended to reflect the Commissioners' recommendation requiring both the substation switch room and concrete firewalls to have exterior cladding and surfaces that modulate their form and/or colours that are recessive, such as grey or earthy tones.
3. **Condition 12** was incorrectly referenced in **Condition 14** due to changes in the numbering of conditions. **Condition 14** has been amended to reference the correct condition.

Counties Energy anticipates that Auckland Council will notify all submitters and directly affected landowners/occupants of the above decisions as soon as possible.

Yours sincerely

TL

Aug 15, 2023

Tim Logan



**Tim Logan**

Team Leader – Network Planning & Major Projects

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## Counties Energy Glenbrook Beach Substation

Designation Number	XXXXXX
Requiring Authority	Counties Energy Limited
Location	50 Orawahi Road, Glenbrook
Lapse Date	10 years from date of inclusion in the Auckland Unitary Plan

## Purpose

“Electricity supply purposes”

## Conditions

### Outline Plan

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:
  - (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 crossings, circulation, and the provision for parking conforming with the relevant Auckland Transport standards and guidelines; and
  - (e) A detailed Landscape Plan generally in accordance with the landscape concept plan set out in Figure 3 of the Glenbrook Substation Visual Simulations prepared by Align Ltd, prepared by a suitably qualified person; and
  - (f) Outcomes from the consultation undertaken with Ngāti Te Ata 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
  - (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).
    - iii. Rule E26.2.5.3(2) Noise from substations.

- iv. Rule E24.6.1 General standards for Lighting.
- v. Rule E25.6.27 Construction noise
- vi. Rule E25.6.30 Vibration
- vii. Rule E26.5 Earthworks all zones and roads.

#### Consultation with Ngāti Te Ata and Ngāti Tamaoho

- 2. Counties Energy must consult with Ngāti Te Ata and 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. This must include the suggestions found within the Cultural Impact Assessment by Ngāti Te Ata Waiohua, dated September 2022.

#### Accidental Discovery Protocols

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

#### Maintenance of Site

- 4. Prior to the construction of the substation and the implementation of proposed landscaping and proposed maintenance of that landscaping, the designation area must be maintained in good condition.

#### Landscaping and Visual

- 5. A Detailed Landscape Plan must be prepared to ensure planting around the substation mitigates the adverse visual and amenity effects of the substation on the neighbouring properties and wider environment. The detailed landscape plan must be prepared by an experienced and qualified landscape architect or landscape professional and must:
  - (a) Detail the type of species to be planted, their spacing, and their size at the time of planting, including a minimum of 11 specimen trees comprised of native species, that will attain a minimum height of 8m upon maturity, planted at a minimum grade of Pb 150; and
  - (b) Provide an indicative planting programme with the objective of achieving planting, or staged areas of planting, at the earliest possible time after the site design details have been completed.

6. The Requiring Authority must implement the proposed landscaping in accordance with the detailed landscape plan and programme required by Condition 5, and prior to operation of the substation.
7. All landscaping and planting must be maintained in good condition for the term of the designation in accordance with the Landscape Plan, and any plantings that clearly fail to thrive in the first three years after establishment or which fail to mature thereafter must be replaced no later than the next planting season.
8. The substation switchroom and concrete firewalls must have exterior cladding and surfaces that modulate their 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

9. The maximum height of buildings must not exceed the maximum 8m height limit for buildings in the Residential - Single House Zone.

#### Setbacks

10. Buildings must not be located within 10m of streams and wetland zoned Open Space - Informal Recreation
11. Buildings must not be located within 1m of the side and rear boundaries of the site.

#### Noise

12. Noise from the substation must not exceed the following noise limits when measured within the 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 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. Noise levels arising from substation activities must be measured and assessed in accordance with the New Zealand Standard NZS 6801:2008 Measurement of environmental sound and the New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise except where more specific requirements apply.*

13. At the request of the Council, and within 40 working days of that request, a suitably qualified acoustic professional engaged by the Requiring Authority must provide to the Council a report that:
  - (a) Measures and assesses noise emitted from the substation;
  - (b) Determines the extent of any compliance or breach of the noise limits specified in Condition 12; and
  - (c) recommends specific actions, and timeframes for those actions, in the event of a breach, that will ensure compliance with the noise limits specified in Condition 12.

14. All specific actions outlined in the report provided by the suitably qualified acoustic professional in accordance with Condition 13 must be implemented, to the satisfaction of the Council, within 40 working days from the provision of that report.

#### Electric Magnetic Fields (EMF)

15. The operation of the substation must 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).
16. The Requiring Authority must engage a suitably qualified electrical engineer to confirm compliance with the ICNIRP guidelines as evidenced by actual measurement of electric and magnetic fields at the site's boundaries at the following times:
  - (a) within 40 working days of the substation commencing operation; and
  - (b) under the maximum load based on calculated scaling from actual recorded measurements.

The engineer's report must be submitted to the Council. In the event of any non-compliance, the report must demonstrate how compliance will be achieved and the timeframes for completion.

#### Electrical Interference

17. 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.

#### Lighting

18. 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.

#### Erosion and Sediment Control Plan (ESCMP)

19. An Erosion and Sediment Control Management Plan (ESCMP) is required. 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 must 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 the ESCMP and must contain the following:
  - (a) Specific erosion and sediment control works for each stage (location, dimensions, capacity) in accordance with industry best practice as well as GD05;
  - (b) Supporting calculations and design drawings;
  - (c) Details of construction methods;
  - (d) Monitoring and maintenance requirements;

- (e) Catchment boundaries and contour information; and
  - (f) Details relating to the management of exposed areas (e.g. grassing, mulch).
20. No earthworks activity on the subject site must 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](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.*

21. 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.
22. 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.
23. 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.
24. 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.
25. All earthworks must be limited to the period between 7.30am and 6.00pm Monday to Saturday.

Construction Management Plan

26. A Construction Management Plan (CMP) is required to avoid, remedy or mitigate adverse effects, inclusive of those on the transport network, associated with the Project's construction works to ensure that the construction activities, including vehicle movements, are appropriately managed by the Requiring Authority for the duration of the construction works. The CMP must contain the following:
- (a) Where access points are to be located and procedures for managing construction vehicle ingress and egress to construction support and storage areas;
  - (b) 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
- (f) An outline of the construction programme of the work, including construction hours of operation, indicating linkages to any other management plans.
- (g) Construction Traffic Management Plan (in accordance with Auckland Transport standards) to address general construction activities and traffic movements including for safety and the delivery of equipment and materials.

#### Notification of Adjoining Owners

27. The Requiring Authority must ensure the owners of 115 McLarin Road are advised in writing no less than seven days prior to the construction works on the shared accessway commencing. The written advice must include a brief description of the works, details of the location of the works, the duration of the works, mitigation measures and contact details for any complaints or enquiries. Notification details must be recorded in the CMP required by Condition 26.

#### Hazardous Substances Environmental Management Plan (HSEMP)

28. 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 must be submitted to Auckland Council prior to operation and contain the following:

- (a) The appropriate hazardous substance methodologies for:
  - i. Storage;
  - ii. Handling;
  - iii. Transport; and
  - iv. 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;
- (c) Methods to ensure prevention and mitigation of adverse effects associated with the storage, use, disposal, or transportation of hazardous substances;
- (d) 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.

29. The Requiring Authority must ensure that all transformers containing more than 1,000L of oil are banded. Each band must be of sufficient capacity to contain the total volume of oil contained within each transformer plus an allowance for rainwater.

## **Attachments**

No attachments.