

Memo

Date 26 February 2024

To: Celia Davison – Manager Planning – Central/South

From: Katrina David – Senior Policy Planner




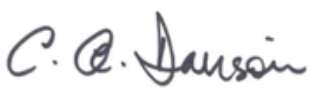
Subject: Plan Modification: Clause 20A error correction to Auckland Unitary Plan (Operative in Part 2016) or Hauraki Gulf Islands District Plan (Operative 2018)

I seek your approval to correct an error pursuant to clause 20A, schedule 1, Resource Management Act 1991:

A local authority may amend, without using the process in this schedule, an operative policy statement or plan to correct any minor errors.

You have delegated authority, as a tier four manager, to make a decision to correct an error under clause 20A. Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register authorises all powers, functions, and duties under RMA’s first schedule (except clause 17 which cannot be delegated) to tier four positions.

Provision in AUP or HGI District Plan	Chapter K Designations Counties Energy
Subject site and legal description (if applicable)	Part of 554A Kingseat Road Pukekohe Auckland 2679
Nature of error	Counties Energy have requested their Designation 3012 is amended to correct a minor error in the suburb/area name listed for the location of this designation to reflect what is more commonly known in the community.
Effect of change	The error is minor in nature, correcting the suburb/area name of a designation to reflect what is more commonly known. The effect of this change is neutral.
Changes required to be made (text and/or in-text diagrams)	Amend the suburb/area listed in the location for Counties Energy Designation 3012 in Chapter K from “Kingseat Road, Pukekohe” to “Kingseat Road, Kingseat”. Amendment required in “Designation Schedule – Counties Energy Ltd” and in the location field of Designation 3012 Counties Energy Waiau Pa Substation.
Changes required to be made (AUP or HGI maps)	NA
Attachments	Attachment 1: Corrections to text (strikethrough/underlining) Attachment 2: Corrected text (clean)

<p>Prepared by: Katrina David Senior Policy Planner</p>	<p>Text Entered by: Sophia Coulter Planning Technician</p>
<p>Signature:</p> 	<p>Signature:</p> 
<p>Maps prepared by: N/A Geospatial Specialist</p>	<p>Reviewed by: Katrina David Senior Policy Planner</p>
<p>Signature:</p>	<p>Signature:</p> 
<p>Decision: I agree/disagree to correct the error under clause 20A, schedule 1, RMA 1991 using my delegated authority</p> <p>Celia Davison Manager Planning – Central/South Date:</p>	
<p>Signature:</p> 	

Attachment 1:
Corrections to text (strikethrough/underlining)

Designation Schedule - Counties Energy Ltd

Number	Purpose	Location
3000	Electricity supply purposes	104 Manukau Road, Pukekohe
3001	Electricity supply purposes	125 Kitchener Road, Waiuku
3002	Electricity supply purposes	Batty Road (Lot 1 DP 56769), Kingseat
3003	Electricity supply purposes	Hillview Road (Lot 1 DP 109070), Ramarama
3004	Withdrawn	
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3006	Electricity supply purposes	9 Ponga Road, Opaheke
3008	Electricity supply purposes	Whitham Road (Lot 1 DP 175576), Glenbrook
3009	Electricity supply purposes	201 Quarry Road, Drury
3010	Electricity supply purposes	Barber Road, Bombay (part of Lot 2 DP 504664)
3011	Electricity supply purposes	Whangapouri Road, Karaka
3012	Electricity supply purposes	Kingseat Road, Pukekohe <u>Kingseat</u>
3013	Electricity supply purposes	50 Orawahi Road, Glenbrook

3012 Counties Energy Waiau Pa Substation

Designation Number	3012
Requiring Authority	Counties Energy Limited
Location	Kingseat Road, Pukekohe Kingseat
Lapse Date	10 years from date of inclusion in the Auckland Unitary Plan

Purpose

“Electricity supply purposes”

Conditions

Outline Plan(s)

1. Prior to commencement of construction, 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 Proposed Planting Plan Drawing No. COUNT0058-DRG-LA-100 Revision C prepared by a suitably qualified person;
2. In addition to the matters set out in Condition 1 the Outline Plan of Works must show:
 - a. Outcomes from the consultation undertaken with Ngāti Te Ata and Ngāti Tamaoho during the detailed design phase; and
 - b. Evidence that the substation has been designed so that it can continue to operate during 1% annual exceedance probability (AEP) flood events.
 - c. Evidence that all necessary consents required by any Regional Plan or National Environmental Standard have been applied for; and
 - d. 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 as they were worded at 7 June 2023;
 - 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 Tamaoho and Ngāti Te Ata

- 3. Counties Energy must consult with Ngāti Tamaoho and Ngāti Te Ata 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 stormwater treatment and planting.
- 4. Counties Energy must consult with Ngāti Tamaoho and Ngāti Te Ata during the detailed design and subsequent construction processes prior to undertaking any work pursuant to this designation to ensure an appropriate cultural induction and blessing of the site is carried out.

Accidental Discovery Protocols

- 5. If any archaeological sites, urupā, traditional sites, taonga (significant artefacts), or kōiwi (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, Heritage New Zealand Pouhere Taonga, Auckland Council and, in the case of human remains, 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.

Landscaping and Visual

- 6. 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. Provide sufficient space and depth of planting, incorporating at least two rows of taller native evergreen planting generally in accordance with the Proposed Planting Plan Drawing No. COUNT0058-DRG-LA-100 Revision C. This planting is to comprise species that will achieve a minimum height of 8m after 10 years and complete canopy closure in that time, together with smaller native shrubs and underplanting.
 - b. Detail the type of species to be planted, their spacing, and their size at the time of planting; and

- c. 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.
7. No later than the planting season immediately following the completion of bulk earthworks on the site, the Requiring Authority must implement the detailed landscape plan required by Condition 6.
8. All landscaping and planting must 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 must be replaced no later than the next planting season.
9. The substation switchroom and firewalls are 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

10. The maximum height of buildings and structures must not exceed 8.5m.

Setbacks

11. Buildings must not be located within:
 - a. 10m of the Kingseat Road boundary.
 - b. 20m of streams

Operational Floor Level

12. The finished operational floor level of the substation must be located above the 1 per cent (AEP) level.

Advice note: For the avoidance of doubt, the level of the cable basements can be located below the 1 per cent (AEP) floodplain level.

Flood Plain

13. The Requiring Authority must undertake the flood management of the site in general accordance with Flood Risks Assessment Report prepared by Awa Environmental Ltd.

In the event flood management on the site cannot be implemented, an updated Flood Risks Assessment Report must be submitted to the council for certification.

14. The substation must be designed and constructed so that it can continue to operate during 1% annual exceedance probability (AEP) flood events.
15. Septic storage tank must be located outside any flood plain.

Noise

16. 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 LAm_{ax} 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)

17. 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).
18. 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 sites boundaries at the following times:
 - a. within one month of the substation commencing operation
 - b. under the maximum load based on calculated scaling from actual recorded measurements.

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

Electrical Interference

19. 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.

Hazardous Substances Environmental Management Plan (HSEMP)

20. A Hazardous Substances Environmental Management Plan (HSEMP) must be prepared by a suitably qualified person. 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 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, 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; and
 - i. Flood mitigation methods to ensure hazardous substances are contained if the substation is inundated.
21. The Requiring Authority must ensure that all transformers containing more than 1000L 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, and designed to avoid inundation within the banded areas during a 1% AEP flood event.

Lighting

22. 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.

Construction Management Plan

23. 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 including the Transport Assessment.
- 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.

Traffic

- 24. The site layout must provide sufficient space for all vehicles using the site to be able to turn around within the site so that vehicles can enter and exit the site in a forward direction.

Advice Note: Where large vehicles are required for one off operations e.g. delivery of a transformer, a site specific Temporary Traffic Management Plan may be acceptable.

- 25. The vehicle crossing onto Kingseat Road, including any mitigation measures, must be constructed prior to construction activities occurring on the site or the operation of the site.

Advice Note: The requirement for the construction of the vehicle crossing shall not apply to those activities required for the construction of the vehicle crossing itself, including any enabling works for the vehicle crossing.

- 26. The vehicle crossing onto Kingseat Road must be located approximately 2m south of the northern boundary of the site (or as otherwise agreed in writing with Auckland Transport).
- 27. In the event that the Sydney Owen Road intersection is upgraded as per the resource consent engineering plan approval ENG60338906, the vehicle crossing must be constructed to tie into the Kingseat Road upgrade finish level being 30cm higher than the existing Kingseat Road level (as of April 2023).
- 28. In the event that the Sydney Owen Road intersection has not been upgraded, the design of the vehicle crossing, including any levels within the site, must allow for the future upgrade of the vehicle crossing to the finished levels for the intersection upgrade.

Erosion and Sediment Control Plan (ESCMP)

- 29. 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).
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.
35. All earthworks must occur between the hours of 7.30am and 6.00pm Monday to Saturday.

Attachments

No attachments.

Attachment 2:
Corrected text (clean)

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Setbacks

11. Buildings must not be located within:
 - a. 10m of the Kingseat Road boundary.
 - b. 20m of streams

Operational Floor Level

12. The finished operational floor level of the substation must be located above the 1 per cent (AEP) level.

Advice note: For the avoidance of doubt, the level of the cable basements can be located below the 1 per cent (AEP) floodplain level.

Flood Plain

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 - a. within one month of the substation commencing operation
 - b. under the maximum load based on calculated scaling from actual recorded measurements.

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

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Hazardous Substances Environmental Management Plan (HSEMP)

20. A Hazardous Substances Environmental Management Plan (HSEMP) must be prepared by a suitably qualified person. 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 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, 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; and
 - i. Flood mitigation methods to ensure hazardous substances are contained if the substation is inundated.
- 21. The Requiring Authority must ensure that all transformers containing more than 1000L 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, and designed to avoid inundation within the banded areas during a 1% AEP flood event.

Lighting

- 22. 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.

Construction Management Plan

- 23. 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 including the Transport Assessment.
- 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.

Traffic

- 24. The site layout must provide sufficient space for all vehicles using the site to be able to turn around within the site so that vehicles can enter and exit the site in a forward direction.

Advice Note: Where large vehicles are required for one off operations e.g. delivery of a transformer, a site specific Temporary Traffic Management Plan may be acceptable.

- 25. The vehicle crossing onto Kingseat Road, including any mitigation measures, must be constructed prior to construction activities occurring on the site or the operation of the site.

Advice Note: The requirement for the construction of the vehicle crossing shall not apply to those activities required for the construction of the vehicle crossing itself, including any enabling works for the vehicle crossing.

- 26. The vehicle crossing onto Kingseat Road must be located approximately 2m south of the northern boundary of the site (or as otherwise agreed in writing with Auckland Transport).
- 27. In the event that the Sydney Owen Road intersection is upgraded as per the resource consent engineering plan approval ENG60338906, the vehicle crossing must be constructed to tie into the Kingseat Road upgrade finish level being 30cm higher than the existing Kingseat Road level (as of April 2023).
- 28. In the event that the Sydney Owen Road intersection has not been upgraded, the design of the vehicle crossing, including any levels within the site, must allow for the future upgrade of the vehicle crossing to the finished levels for the intersection upgrade.

Erosion and Sediment Control Plan (ESCMP)

- 29. 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).
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.
35. All earthworks must occur between the hours of 7.30am and 6.00pm Monday to Saturday.

Attachments

No attachments.