
I hereby give notice that a hearing by commissioners will be held on:

Date: Thursday 08 June 2023
Time: 9.30am
Meeting Room: Main Hall
Venue: Waiuku Community Hall,
10 King Street, Waiuku, Auckland

HEARING REPORT

NOTICE OF REQUIREMENT

50 ORAWAHI ROAD, GLENBROOK

(FORMERLY 13 NOLA AVENUE, GLENBROOK)

COUNTIES ENERGY LIMITED

COMMISSIONERS

Chairperson Richard Blakey (Chairperson)
Commissioners Helen Mellsop
Justine Bray

Yasmine Ali
KAITOHUTOHU WHAKAWĀTANGA
HEARINGS ADVISOR

Telephone: 09 890 2923 or 027 283 6100
Email: yasmine.ali@aucklandcouncil.govt.nz
Website: www.aucklandcouncil.govt.nz

Note: The reports contained within this document are for consideration and should not be construed as a decision of Council. Should commissioners require further information relating to any reports, please contact the hearings advisor.

WHAT HAPPENS AT A HEARING

Te Reo Māori and Sign Language Interpretation

Any party intending to give evidence in Māori or NZ sign language should advise the hearings advisor at least ten working days before the hearing so a qualified interpreter can be arranged.

Hearing Schedule

If you would like to appear at the hearing please return the appearance form to the hearings advisor by the date requested. A schedule will be prepared approximately one week before the hearing with speaking slots for those who have returned the appearance form. If changes need to be made to the schedule the hearings advisor will advise you of the changes.

Please note: during the course of the hearing changing circumstances may mean the proposed schedule may run ahead or behind time.

Cross Examination

No cross examination by the requiring authority or submitters is allowed at the hearing. Only the hearing commissioners are able to ask questions of the requiring authority or submitters. Attendees may suggest questions to the commissioners and they will decide whether or not to ask them.

The Hearing Procedure

The usual procedure for a hearing is:

- **The Chairperson** will introduce the commissioners and will briefly outline the hearing procedure. The Chairperson may then call upon the parties present to introduce themselves. The Chairperson is addressed as Madam Chair or Mr Chairman.
- **The Requiring Authority** (the applicant) will be called upon to present their case. The Requiring Authority may be represented by legal counsel or consultants and may call witnesses in support of the application. After the Requiring Authority has presented their case, members of the hearing panel may ask questions to clarify the information presented.
- **Submitters** (for and against the application) are then called upon to speak. Submitters' active participation in the hearing process is completed after the presentation of their evidence so ensure you tell the hearing panel everything you want them to know during your presentation time. Submitters may be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker.
 - Late submissions: The council officer's report will identify submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
 - Should you wish to present written evidence in support of your submission please ensure you provide the number of copies indicated in the notification letter.
- **Council Officers** will then have the opportunity to clarify their position and provide any comments based on what they have heard at the hearing.
- **The Requiring Authority** or their representative then has the right to summarise the application and reply to matters raised. Hearing panel members may ask further questions. The requiring authority's reply may be provided in writing after the hearing has adjourned.
- **The Chairperson** will outline the next steps in the process and adjourn or close the hearing.
- The hearing panel will make a recommendation to the Requiring Authority. The Requiring Authority then has 30 working days to make a decision and inform council of that decision. You will be informed in writing of the Requiring Authority's decision, the reasons for it and what your appeal rights are.

**A LIMITED NOTIFIED NOTICE OF REQUIREMENT TO THE AUCKLAND COUNCIL
UNITARY PLAN BY COUNTIES ENERGY LIMITED**

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Joe McDougall, Planner

Reporting on proposed Notice of Requirement to establish a new substation for Counties Energy at 50 Orawahi Road, Glenbrook (formerly 13 Nola Avenue, Glenbrook).

REQUIRING AUTHORITY: COUNTIES ENERGY LIMITED

SUBMITTERS:	
Page 77	Graham-Kyle Crocker
Page 79	Paul Michael Broster
Page 83	Glenn and Teri Griffin
Page 85	Ray Jauny
Page 87	Ahi and Natalie Hape

**Notice of requirement under section 168
of the RMA by Counties Energy for
Glenbrook Beach Substation.**

To: Hearing Commissioners

From: Joe McDougall, Policy Planner, Planning Central/South, Plans and Places

Report date: 12 May 2023

Scheduled hearing date: June 8, 2023

Notes:

This report sets out the advice of the reporting planners.

This report has yet to be considered by the Hearing Commissioners delegated by Auckland Council (the council) to make a recommendation to the requiring authority.

The recommendations in this report are not the decisions on the notice of requirement.

A decision on the notice of requirement will be made by the requiring authority after it has considered the Hearing Commissioners' recommendations, subsequent to the Hearing Commissioners having considered the notice of requirement and heard the requiring authority and submitters.

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Summary

Requiring authority	Counties Energy Limited
Notice of requirement reference	Glenbrook Beach Substation
Resource consent applications	No resource consent applications (e.g. for earthworks) are known to have been lodged by the requiring authority for this NoR.
Reporting planner	Joe McDougall, Policy Planner
Site address	50 Orawahi Road, Glenbrook
Legal description	LOT 5000 DP 562266, ½ SH LOT 2003 DP62266
Lodgement date	21 September 2022
Notification date	9 December 2022
Submissions close date	27 February 2023
Number of submissions received	Total: 5

Report prepared by:



Joe McDougall – Policy Planner, Plans & Places

Date: 12.05.23

Reviewed and approved for release by:



Craig Cairncross – Team Leader, Central South

Date: 14.5.23

Abbreviations

AEE	Assessment of environmental effects contained in Section 8 of the NoR Report
AT	Auckland Transport
AUP	Auckland Unitary Plan Operative in Part
CEMP	Construction Environmental Management Plan
CNVMP	Construction Noise and Vibration Management Plan
CTMP	Construction Traffic Management Plan
EMF	Electric and magnetic fields
ESCMP	Erosion and Sediment Control Management Plan
HSEMP	Environmental Management Plan for Hazardous Substances
HSW Act	Health and Safety at Work Act 2015
HZNO Act	Hazardous Substances and New Organism Act 1996
ICNIRP	International Commission on Non-ionising Radiation Protection Guidelines
LDS Report	(Appendix E of the NoR Report) <i>Landscape Design Statement</i> . 7 September 2022. Prepared by Align Limited on behalf of Counties Energy.
NES:CS	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
NoR	Notice of Requirement
NoR Report	<i>Notice of Requirement for Glenbrook Beach substation</i> . 31 October 2022. Issue 3. Prepared by Align Limited on behalf of Counties Energy, Author Jo Michalakakis
NPS	National policy statement
NPSET	National Policy Statement on Electricity Transmission 2008
Outline Plan or OPW	Outline plan of works
RF Fields	Radio frequency fields
RLA Act	Resource Legislation Amendments Act 2017
RMA	Resource Management Act 1991 and all amendments
RMA	Resource Management Act 1991 and all amendments
RPS	Regional Policy Statement Chapter B AUP
s92	Section 92 of the RMA
the council	Auckland Council

1 Introduction

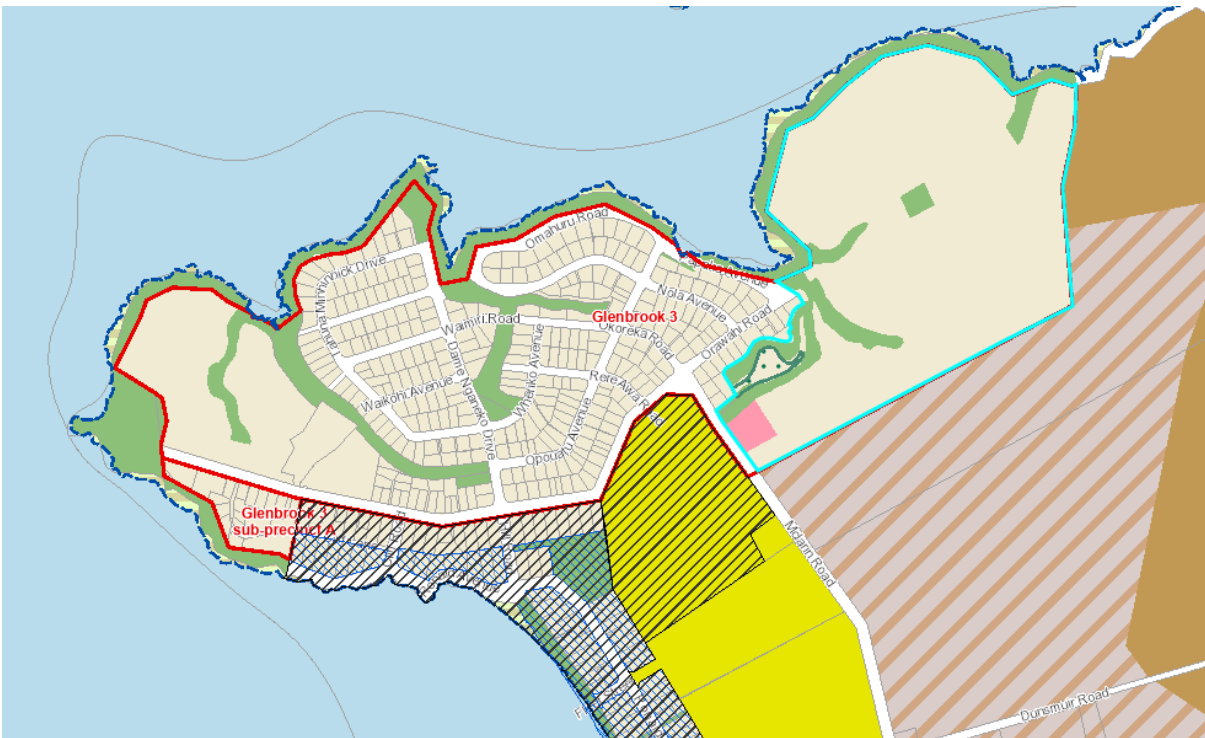
1.1 The notice of requirement

1. Pursuant to section 168 of the RMA, Counties Energy Limited (**Counties Energy**) as the requiring authority, lodged a notice of requirement (**NoR**) for a designation for the Glenbrook Beach Substation in the Auckland Unitary Plan (operative in part) (**AUP**) at 13 Nola Avenue, Glenbrook (now known as 50 Orawahi Road, Glenbrook). The NoR was served on Auckland Council (**the Council**) on 21 September 2022.

1.2 Locality plan

2. The general location of the site, and AUP zoning is shown on Figure 1 below.
3. The NoR is located at 50 Orawahi Road, Glenbrook. The site is zoned Residential – Single House Zone and is within the Glenbrook 3 Precinct.
4. It should be noted that during the processing of this notice of requirement, the street address of the site was changed from 13 Nola Avenue, Glenbrook, to 50 Orawahi Road, Glenbrook due to subdivision of the site. The legal description of the site remains the same.

Figure 1: Location of site (highlighted in teal) and wider zoning context



1.3 Section 92 requests and responses

5. A section 92 request for further information was sent to Counties Energy on 20 September 2022 (refer to Attachment 1). Their response was received on 31 October 2022.
6. The section 92 request asked for further information in relation to various matters including (but not limited to) adverse effects, potential mitigation measures including conditions. In summary the section 92 relates to the following matters:
 - Construction
 - Potentially affected persons
 - Covenant on record of title
 - Alternative considered.

- Permitted baseline
- Assessment against specific RPS provisions
- Landscape and visual amenity
- Groundwater
- Hazardous substances
- Erosion and sediment control
- Mana whenua

7. In response to the section 92 Counties Energy revised the lodged conditions and provided further information, comprising of:

- Appendix F - Proposed Conditions (Revision 2), dated 31.10.2022
- NOR report (Issue 3), dated 31.10.2022
- NoR s92 Response, dated 31.10.2022

1.4 Specialist reviews

8. The assessment in this report takes into account reviews and advice from the following technical specialists engaged by the council:

Specialist	Specialty
Stephen Brown, Brown NZ Limited (consultant)	Landscape architect
Andrew Gordon	Noise - Specialist (Contamination Air Noise Team) Auckland Council
Ruben Naidoo	Specialist Environmental Health (Contamination Air Noise Team) <ul style="list-style-type: none"> • Contaminated land • Potential contamination from oil • EMFs

9. These specialist reviews are included in Attachment 2.

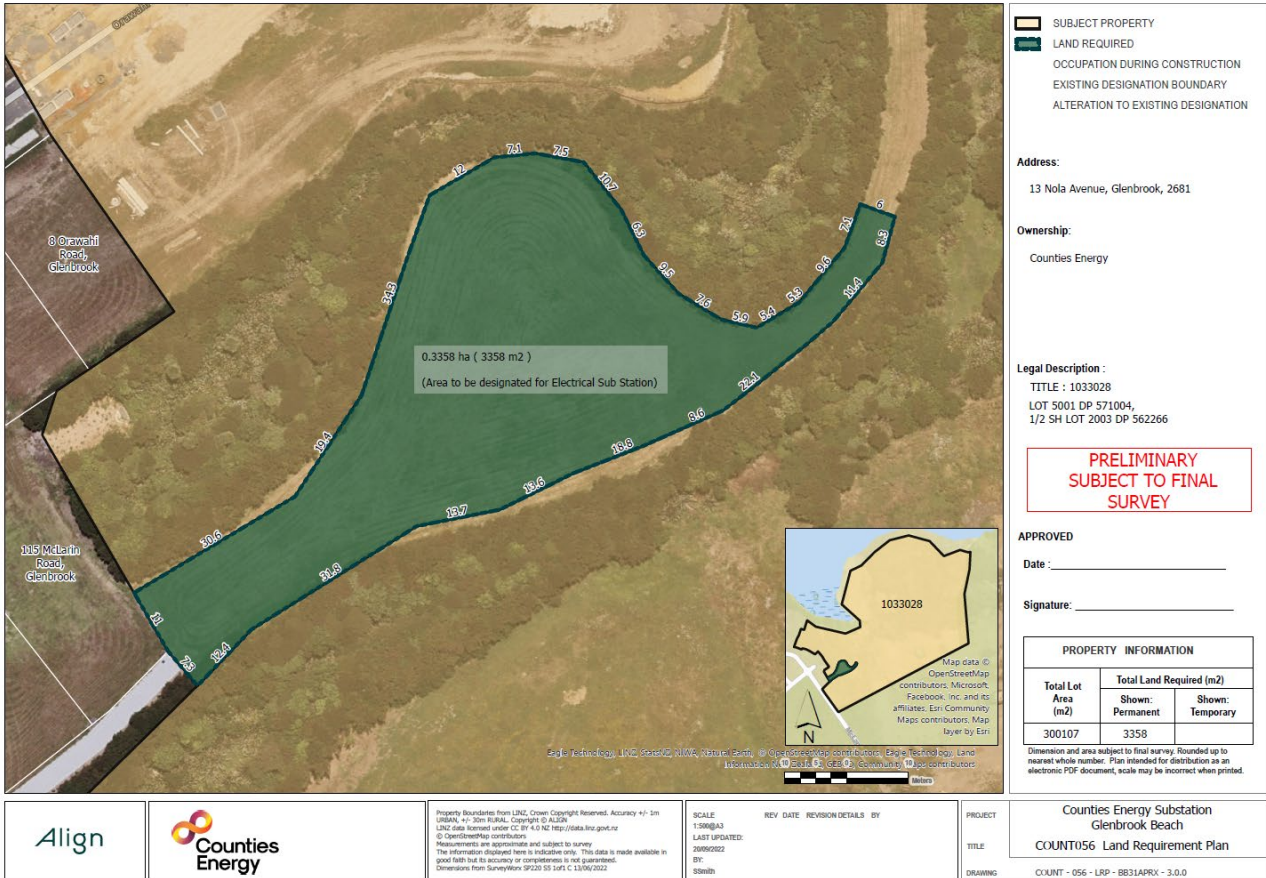
2 Notice of requirement description

2.1 Proposal

10. Counties Energy is proposing a new designation for electricity supply purposes at 13 Nola Avenue, Glenbrook.

11. The site is 50 Orawahi Road, Glenbrook (LOT 5000 DP 562266, ½ SH LOT 2003 DP62266) and is zoned Residential – Single House Zone and is within the Glenbrook 3 Precinct. The land area requirement to be designated is 3358m². This is located within a larger site (27.4631 hectares).

Figure 2: Appendix A of NoR: Land Area Requirement



12. Counties Energy advises they require the designation to construct, operate and maintain a new 33kV zone substation needed to meet the future demand for electricity that is anticipated in the area.

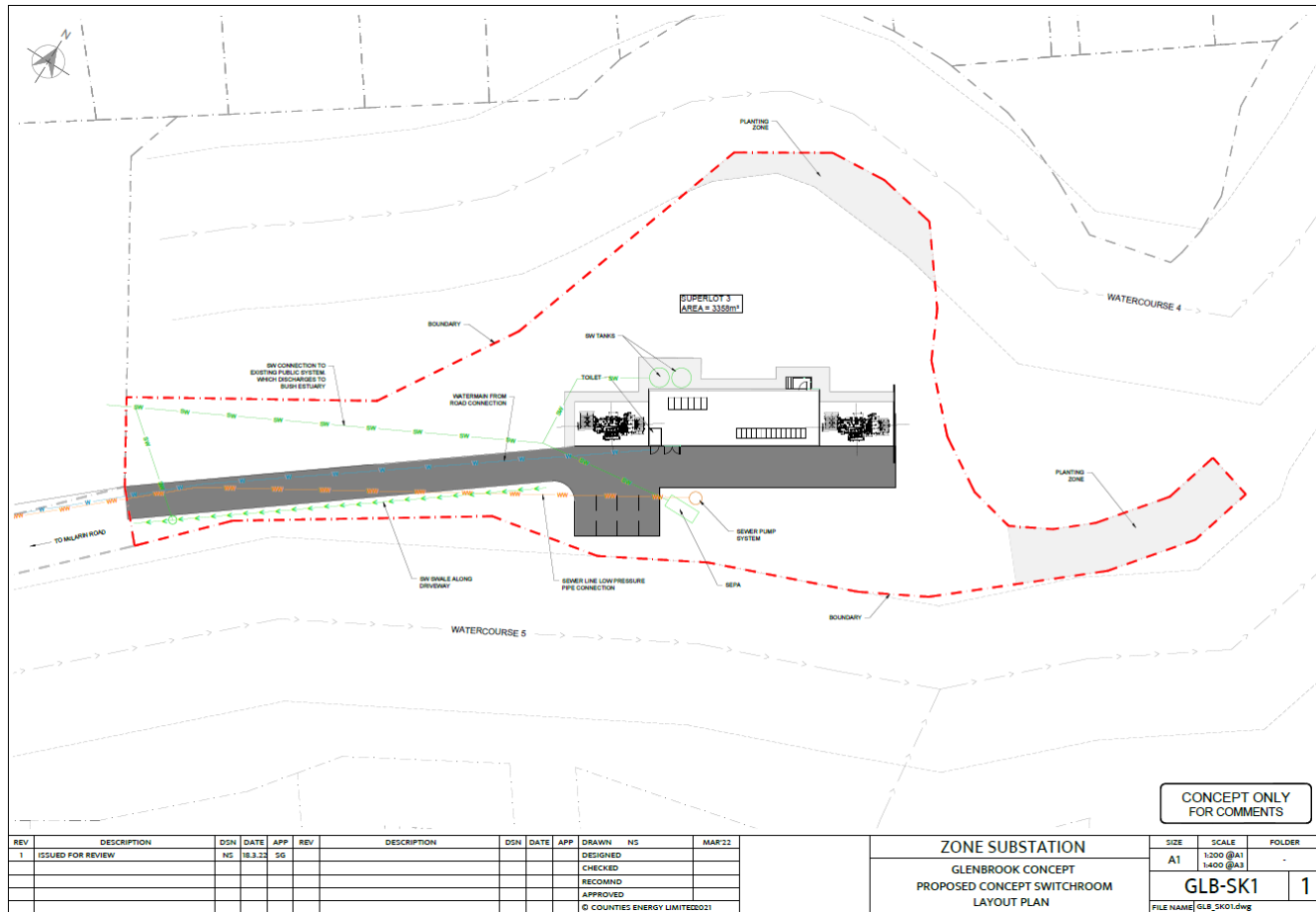
13. The detailed design of the substation will be determined at a later stage through an outline plan of works. The Infrastructure Design Report (Appendix D of the NoR) states the proposed works will include:

- Approximately 700m³ of earthworks over an area of approximately 900m², predominantly to form a platform for the substation, excavation for the building basement and transformer bays
- Construction of concrete foundation pads, bunds and firewalls for the outdoor 33/11kV transformers.
- Construction of a 140m² 33/11kV switchroom building.

- Civil site works such as earthworks, stormwater drainage, wastewater drainage, carparks and driveways.

14. Counties Energy has provided a concept plan to show a possible layout of the facilities and the overall site plan. Figure 3 below shows the proposed substation plan.

Figure 3: Concept site plan - Proposed substation plan



15. A set of conditions are proposed with the NoR (Appendix F of the NoR, reproduced as Attachment 5 to this report). It is noted the requirement for an outline plan is included in the proposed conditions.

2.2 Affected land

16. The land area requirement to be designated is 3358m². This was located within a larger site (34.4728 hectares), however, as subdivision has occurred during the assessment period, the site is now 27.4631 hectares in area.
17. The land requirement plan provided in Appendix A of the NoR Report shows the land that will be directly affected and required for the project and associated works.
18. The NoR does not apply to any other land.

2.3 Site and surrounding environment description

19. The requiring authority has provided a description of the subject site in a form and manner that is acceptable to the council. Having undertaken a site visit on 30 September 2022, I concur with the description of the site and note that:

- The site is currently zoned Residential – Single House Zone.
- The land subject to the notice of requirement is currently part of larger parcel.
- The irregularly shaped land subject to the notice of requirement is approximately 50m south of the intersection of McLarin Road and Orawahi Road.
- The site is relatively flat and is surrounded by dense riparian vegetation
- The site access is via a shared driveway onto McLarin Road.
- The surrounding environment is undergoing urbansiation, with sites to the north comprising of single storey dwellings, zoned Single House Zone. Houses are currently under construction along Orawahi Road and McLarin Road which border the subject site.
- A small portion of land to the south is zoned Business – Local Centre zone, but the majority of the land to the south and to the west remains rural in character and is zoned either Future Urban Zone or Mixed Rural Zone.
- East of the site at 80 McLarin Road, Glenbrook, proposed Private Plan Change 91 aims to rezone the site from Future Urban zone to Residential – Mixed Housing Suburban zone, create a new precinct and extend the Stormwater Management Area Flow 1 control.

20. The description can be found section 2 of the supplied NoR Report (Issue 3 is it?).

2.4 Other designations, notices of requirement and consent applications.

21. The land within the NoR area is not subject to any existing designations or other NoRs.

22. The NoR Report and s92 response state that separate consents will likely be required for works not part of the NoR, such as regional consents for dewatering.

3 Notification and submissions

3.1 Notification

23. The NoR was limited notified on 9 December 2022.

24. The closing date for submissions was originally 30 January 2023 but this was extended to 27 February 2023.

25. It was determined that the NoR met the tests for limited notification. Accordingly, the NoR was limited notified on 9 December 2022 and submissions were originally intended to close on 30 January 2023. The persons associated with the properties in map below were considered to adversely affected and were therefore notified.

Figure 4: Map of locations (in yellow) of the adjacent properties (owners/occupiers) included in the initial limited notification.



26. During the submission period it was however found that a notified site had undergone subdivision since the notification date. Due to the subdivision of land during the submission period and the subsequent purchase of subdivided lots, there were new owners which were considered 'successors' to the previous landowner under section 2A of the Resource Management Act 1991.
27. An extension of time under s37 of the Resource Management Act 1991 was applied to enable these people to participate in the statutory process. The time period for lodging of submissions was accordingly extended from 30 January 2023 to 27 February 2023 to allow for the council to notify the new owners and occupiers and allow them to submit if they wished.

Figure 5: Location of newly subdivided sites in yellow, which previously were part of an originally single notified property.



3.2 Submissions

28. Five submissions were received on the NoR, all which opposed the NoR.

4 Consideration of the notice of requirement

4.1 Designations under the Resource Management Act 1991

29. The RMA provides that the procedures adopted in processing a notice of requirement are generally those adopted for processing a resource consent application. This includes lodgement, requiring further information, notification, receiving and hearing of submissions. In respect of this NoR, all of those procedures have been followed.

30. The procedure differs from the resource consent process in respect of the council consideration of the NoR. Section 171(1) of the RMA states:

- (1) *When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—*
 - (a) *any relevant provisions of—*
 - (i) *a national policy statement:*
 - (ii) *a New Zealand coastal policy statement:*

- (iii) *a regional policy statement or proposed regional policy statement;*
 - (iv) *a plan or proposed plan; and*
 - (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
 - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
 - (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
 - (d) *any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*
31. Section 171(1) is subject to Part 2 of the RMA. Part 2 contains the purpose and principles of the RMA. It has been confirmed by the Environment Court that, in relation to a designation matter:
- ...all considerations, whether favouring or negating the designation, are secondary to the requirement that the provisions of Part II of the RMA must be fulfilled by the proposal.¹*
32. After considering these matters, the council needs to make a recommendation to the requiring authority under section 171(2) of the RMA which states:
- (2) *The territorial authority may recommend to the requiring authority that it –*
 - (a) *confirm the requirement;*
 - (b) *modify the requirement;*
 - (c) *impose conditions;*
 - (d) *withdraw the requirement.*
33. Reasons must be given for the recommendation under section 171(3) of the RMA.

4.2 Consideration of submissions and Franklin Local Board views

4.2.1 Submission assessment

34. Submitters have raised a variety of concerns, which are considered below by topic.
35. Table 1 identifies the submission topics. Figure 6 shows the location of the submitters' properties.

¹ See Estate of P.A. Moran and Others v Transit NZ (W55/99)

Table 1: Submission topics

#	Submitter's name	Support/ Oppose	Address	Submission topics
01	Graham-Kyle Crocker	Oppose	4 Orawahi Road	<ul style="list-style-type: none"> Noise Alternative siting
02	Paul Michael Broster	Oppose	113 McLarin Road	<ul style="list-style-type: none"> Alternative siting Noise Electromagnetic interference (health and Wi-Fi concerns) Property devaluation
03	Glenn and Teri Griffin	Oppose	115 McLarin Road	<ul style="list-style-type: none"> Alternative siting Noise Visual impact Easement damage
04	Ray Jauny	Oppose	2 Nola Avenue	<ul style="list-style-type: none"> Alternative siting Electromagnetic interference
05	Ahi and Natalie Hape	Oppose	20 Orawahi Road	<ul style="list-style-type: none"> Noise Alternative siting

Figure 6: Location of submitters' properties, highlighted in yellow.



Landscape and Visual amenity

36. **Submitter 3** (Glenn and Teri Griffin) raised concerns in their submission about visual impacts. They seek that early planting of vegetation at the boundary be required to ensure that by the time construction commences, vegetation is at a reasonable height to minimise visual impacts.

Comment:

37. Stephen Brown, council's consultant specialist for landscape/visual matters, has reviewed the NOR and relevant supporting reports, s92 response and submissions. Mr Brown's advice is contained in Attachment 2.
38. In summary Mr Brown considers adverse landscape and visual effects can be effectively managed with the right mitigation measures and conditions imposed on the NOR and recommends amendments to the conditions.
39. In response to submissions Mr Brown states:
40. *Concerning the substation's visual integration with its surrounds, I am, however, satisfied that its physical isolation, combined with existing and proposed planting around it, will provide an appropriate degree of screening.*
41. [...]
42. *Although I must again acknowledge the reasonably close proximity of some residential lots to the substation site, it remains my opinion that the level of planting mitigation both extant and proposed is appropriate. The submissions to the NOR have not altered my assessment in this regard.*
43. Adopting Mr Brown's advice, I consider that provided the conditions are amended as recommended, they will adequately mitigate adverse visual effects and address submitter's concerns.

Noise

44. Submitters 1 (Graham-Kyle Crocker), 2 (Paul Michael Broster), 3 (Glenn and Teri Griffin) and 5 (Ahi and Natalie Hape) raise concerns regarding noise effects in their submissions.
45. **Submitter 1** raises concerns that substation noise would disturb sleep.
46. **Submitters 2** raises concerns that substations emit a constant low pitch hum which worsens at night.
47. **Submitter 3** considers that acoustic fencing be required at Counties Energy's expense to minimise noise should approval be provided for the substation on the current site.

48. **Submitter 5** considers that the proposed noise levels of 55dB during the day and 45dB in the evening to be unacceptable. They seek a condition that additional acoustic screening be required for this site, that a roof be constructed over the transformer enclosures to ensure an absolute minimum amount of noise pollution at the boundary. Also if the substation noise cannot be mitigated, that Counties Power pay the cost to upgrade adversely affected homes' external cladding envelope and upgrade to triple glazing joinery.

Comment:

49. Mr Andrew Gordon, council's specialist for noise matters has undertaken an assessment of the NoR, associated technical reports, the section 92 response and submissions. Mr Gordon's advice is contained in Attachment 2.
50. In response to **submitter 3**, (Glenn and Teri Griffin), Mr Gordon states:
51. *Given the proposed site design and layout, acoustic barriers are not required to ensure compliance with permitted noise levels when assessed within the boundary on 115 McLarin Road.*
52. *I note the applicant states a roof can be added to reduce noise emissions if required. I agree purpose built acoustic barriers are a practical noise mitigation measure.*
53. In response to **submitter 1**, (Graham-Kyle Crocker), Mr Gordon states:
54. *Given the proposed site design and layout, permitted noise levels when assessed within the boundary of this site will be readily met.*
55. *I note the applicant states a roof can be added to reduce noise emissions if required.*
56. In response to **submitter 2**, (Paul Michael Broster), Mr Gordon states:
57. *Given the proposed site design and layout, permitted noise levels when assessed within the boundary of this site will be readily met. I note the applicant states a roof can be added to reduce noise emissions if required.*
58. In response to **submitter 5**, (Ahi and Natalie Hape), Mr Gordon states:
59. *Given the proposed site design and layout, permitted noise levels when assessed within the boundary of this site will be met.*
60. *I note the applicant states a roof can be added if required to reduce noise emissions if required. I agree purpose built acoustic barriers are a practical noise mitigation measure.*
61. *I agree under calm meteorological conditions ambient noise levels may be very low (e.g. around 30 dB LAeq) particularly during the evenings and at night. As the existing noise environment has not been monitored and substation noise levels have not been predicted, it is difficult to assess the audibility of any substation noise outdoors. However, based on my experience I expect any substation noise will be inaudible inside the dwelling.*

62. Overall, based on Mr Gordon's advice I consider that provided the conditions are amended as recommended, they will adequately mitigate adverse noise effects and address the concerns raised by the submitters.

Electromagnetic Fields (EMFs)

63. Submitters 2 (Paul Michael Broster), and 4 (Ray Jauny) raise concerns regarding electromagnetic effects in their submissions.
64. **Submitter 2** states the substation will cause disruption to internet services. Additionally, they state that they have a serious auto immune issue and are fearful the substation will cause further health issues.
65. **Submitter 4** raises general concerns about the proximity of the proposed substation and the health and safety, referencing the effects of electromagnetic radiation on health through an attached webpage.

Comment:

66. Mr Ruben Naidoo, council's specialist (Specialist Environmental Health) has reviewed the NOR, supporting documents, s92 response and submissions. Mr Naidoo's advice is contained in Attachment 2.
67. Mr Naidoo's advice and the effects of EMFs is discussed further in environmental effects assessment.
68. In summary Mr Naidoo considers that the conditions are appropriate and sufficient in respect of avoiding potential effects associated with electric magnetic fields (EMFs).
69. Considering electromagnetic interference on internet or wireless networks, Mr Naidoo notes:

Radio Spectrum Management is responsible for managing issues relating to radio frequencies – management, compliance and complaints. Condition 15 [now condition 17] covers this aspect and the applicant has provided the undertaking to ensure compliance. However, I am not aware of any complaints from communities in the vicinity of substations.

70. Considering electromagnetic interference on health and safety, Mr Naidoo notes:

The applicant has stated that the Substation will be designed to 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).

A condition requiring post commissioning monitoring has been included in the approval.

71. However Mr Naidoo does recommend an additional condition that would require testing the levels of extremely low frequency electromagnetic fields once the substation is operational to ensure it is compliant:

The consent holder shall undertake, post commissioning monitoring to confirm that the electric and magnetic field emissions, comply with the International Commission on Non-ionising Radiation Protection Guidelines 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), and provide the report to the Team Leader Southern Compliance Monitoring, Auckland Council.

This has been included (in an altered form) in the amended conditions set as Condition 16.

72. I adopt the findings of Mr Naidoo and his recommendations regarding the additional condition. I consider that the recommended conditions will adequately mitigate electromagnetic adverse effects and address the concerns raised by the submitters.

Alternate sites

73. Submitters 1 (Graham-Kyle Crocker), 2 (Paul Michael Broster), 3, (Glenn and Teri Griffin), 4 (Ray Jauny), 5 (Ahi and Natalie Hape) raise concerns regarding alternate siting and the choice of location in their submissions.
74. **Submitter 1** states they want a new location for the substation.
75. **Submitter 2** raises that other sites should have been investigated in further detail
76. **Submitter 3** raises that alternate sites should have been investigated to determine if they were more suitable.
77. **Submitter 4** raises that alternate, more rural sites should have been investigated instead.
78. **Submitter 5** states they want a new location for the substation.

Comment:

79. The AEE states:

In the lead up to finalising the site selection for this requirement there were twelve other properties which were considered for the location of the substation. The different locations were all within the wider area. Key criteria for the choice of site were the size and contour of the site and the proximity to the existing Counties Energy 110kV substations. Counties Energy has entered a sales and purchase agreement with the current owner of the site.

80. Section 171(1)(b)(i) of the RMA requires a consideration of alternative sites.
81. In my opinion the investigation of twelve alternative sites as described within the AEE indicates that the requiring authority has not acted arbitrarily or not given more than a cursory consideration of alternatives.

82. While acknowledging the concerns of submitters, I note that the requiring authority does not have to show it has selected the best of all available alternatives, just that a careful assessment has been made of the relevant proposal to determine whether it achieves the RMA's purpose.

4.2.2 Franklin Local Board Views

83. Views from the Franklin Local Board were sought and were provided at the 9 May 2023 Franklin Local Board Business meeting as resolution number FR/2023/59:

That the Franklin Local Board:

- a) *provide local board views on the Notice of Requirement for a new substation at 13 Nola Avenue, Glenbrook, as follows:*
 - i) *note that the local community have indicated that screening of the sub-station is critical to making the facility palatable to the community and the Franklin Local Board considers that every effort be made to facilitate that request.*
 - ii) *note that the local community have highlighted again the need to minimise impact on the local roading network during the construction period, and that the applicant would cover the cost of mitigation and remediation.*
- b) *decline the opportunity to appoint a local board member to speak to the local board views at a hearing (if one is held) on the Notice of Requirement.*

84. I note the views of the Local Board and confirm that the amended conditions will provide:

- suitable visual screening for the substation through Conditions 4 to 7 as discussed below.
- Impact on the local roading network will be mitigated through the use of a Construction Management Plan, as required by Condition 26, and as discussed below.

4.3 Effects on the environment

4.3.1 Effects to be disregarded – trade competition

85. I do not consider that there are any trade competition effects that should be disregarded.

4.3.2 Effects that may be disregarded – permitted baseline assessment

86. Sections 149ZCE(b) and 149ZCF(2)(a) provide that a territorial authority may 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).

87. The permitted baseline refers to the adverse effects of permitted activities on the subject site.

88. The Environment Court in *Beadle v Minister of Corrections* A074/02 accepted that the obligation to apply permitted baseline comparisons extended to Notices of Requirement. In *Nelson Intermediate School v Transit NZ* (2004) 10 ELRNZ 369, the Court accepted that the permitted baseline must define the “environment” under section 5(2) (b) and (c) and from that section 171(1). When considering the adverse environmental effects of a proposal, the effects may be considered against those from permitted baseline activities. As the effects resultant from permitted baseline activities may be disregarded, only those environmental effects which are of greater significance need be considered.
89. In *Lloyd v Gisborne District Council* [2005] W106/05, the Court summed up the three categories of activity that needed to be considered as part of the permitted baseline as being:
1. What lawfully exists on the site at present
 2. Activities (being non-fanciful activities) which could be conducted on the site as of right; i.e., without having to obtain a resource consent (see for example *Barrett v Wellington City Council* [2000] CP31/00).
 3. Activities which could be carried out under granted, but as yet unexercised, resource consent.
90. Application of the permitted baseline approach is at the discretion of the council and depends on the circumstances of the NoR. In this case under the AUP(OP) substations within new buildings in a residential zone would require resource consent as a controlled activity.
91. As the proposal is for semi-enclosed substation, it would have required a consent as a discretionary activity.
92. While the application of a permitted baseline in this case may not be appropriate, I note the scale, nature and form of development that could be reasonably anticipated within the planning context, including the following:
- Electricity transmission and distribution infrastructure including distribution substations, substations within an existing or new building, pole mounted transformers, overhead electricity lines up to and including 110kV compliant with standards
 - Earthworks for network utilities and electricity generation up to 2500m² and 2500m³ other than for maintenance, repair, renewal, minor infrastructure upgrading (district plan).
 - A range of suburban activities compliant with standards including dwellings, small commercial premises (dairies)
 - One dwelling per site
 - Home occupations complying with zone standards

- Development compliant with the Residential – Single House Zone and Infrastructure standards including:
 - maximum height for buildings of 8m
 - minimum yards including 1m side and rear yards for buildings other than dwellings, 3m front yard and 10m riparian yard

4.3.3 Effects that may be disregarded – written approvals.

93. Section 149ZCE(e) requires that any effects on any person who has given written approval must be disregarded.
94. No written approval was provided.

4.3.4 Positive effects

95. The AEE states that the benefits of the substation are that they are necessary to ensure the quality and security of supply for the demand in urban growth in the Glenbrook area of the Counties Energy Network.
96. I concur with Counties Energy’s AEE that the region is experiencing significant growth and that the substation will provide positive benefits.

4.3.5 Adverse effects

97. Effects on the environment are addressed in section 4 of the AEE. The relevant specialist reports are referred to and are included in Attachment 2 to this report. Submissions have also been considered and are referred to where relevant.

Landscape and visual

98. Counties Energy provided a Landscape Design Statement, *Glenbrook Substation Landscape Design Statement*, provided by Align Ltd, dated 7 September 2022.
99. Page 3 of the LDS provides a description of the existing landscape, both in terms of the wider landscape and immediate site character, which is not repeated here.
100. The AEE states:

Whilst the final design of the substation is not it is anticipated that the switchroom building will be single level with a basement. The building will be approximately 21m long and 7m wide. A concrete wall will be installed at each of the transformer bays, and this is all that will be visible from the street. The concrete walls screening the transformers will be of a similar height to the switchroom. The buildings and structures will be of a similar scale to the existing and future residential developments in the surrounding areas.

The land requirement area is surrounded by dense native vegetation planting which helps to screen off the substation. Although most of this vegetation is located outside of the proposed Counties Energy site boundaries (proposed Lot 1003), this vegetation is riparian planting either side of a watercourse and is proposed to be local purpose esplanade reserve under the current subdivision. Therefore, it will be afforded long term

protection and should remain in place to provide added screening. Mitigation planting is also proposed south of the existing dense vegetation further into the site and to the east of the proposed substation which will provide further screening.

Whilst the substation will be visible when viewed from the street, the substation will be well set back from the street (approximately 100 metres). There will be a concrete wall at the western end of the transformer bay to screen off the transformer. There will be a mixture of low and mid height species as well as specimen trees at the entrance to help anchor the substation. There will be a gate and fences at the end of the shared accessway and areas surrounding the fence will be planted with lower species. There will also be swale planting alongside the accessway.

101. The AEE concludes “the proposal will have less than minor adverse effects on the visual amenity of the areas and public spaces.”

Comment:

102. Stephen Brown (Landscape Architect) has reviewed the NoR Report and design statement on behalf of the council.
103. After reviewing the additional information provided and visiting the site Mr Brown provided a Landscape Effects Review (attachment 2) on 8 November 2022. This review assesses the potential effects from several viewpoints:

Figure 7 Viewpoint Location Map



Viewpoint Location Map

Viewpoint 1: McLarin Road - approaching Kahawai Point from Glenbrook Beach

Although this approach is, in effect, the 'gateway' to Kahawai point at present, the substation would be too heavily screened and recessed to impact on either it or the general sense of arrival at Kahawai Point.

Viewpoint 2: McLarin Road – the southern side of the proposed open space looking towards the substation site and Viewpoint 3: McLarin Road – the northern side of the proposed open space looking down its vegetative margin next to the substation site

The proposed substation building's roof and upper walling would remain visible from the open space and walkway for a period of perhaps 8-10 years, but would gradually disappear behind that intervening screen of planting – augmented by the further planting proposed.

Viewpoint 4: Looking past 115 McLarin Road towards the substation site and its accessway

Although views directly down the substation accessway would reveal more of the proposed building and yard, they would be buffered by the residential development closer to McLarin Road and solidly enclosed by the framework of planting already established around the site.

Viewpoint 5: McLarin Road Roundabout– looking towards 115 McLarin Road and the substation site beyond a line of manuka and Viewpoint 6: Orawahi Road Roundabout– looking towards the substation site beyond a line of residential properties and the manuka enclosing it

The existing band of manuka would provide a solid screen. Although its upper walls and roofing might well be visible rising above this planting, it would reduce the apparent scale of the substation and ensure that its appearance is generally compatible of that associated with the surrounding suburban environment.

104. Mr Brown's review also mentions:

- The subject site is already strongly enclosed by strips of bush, dominated by manuka that provide screening.
- Despite the close proximity of the substation site to neighbouring residential properties, proposed development would have a quite limited impact on its residential neighbours and wider suburban setting.
- Although the upper walls and roof of the substation may well remain visible from some considerable time to come, its overall extent and profile would be effectively contained by both the established and proposed planting.
- As such, the proposed substation would have a scale and appearance not inconsistent with that of the dwellings both emerging at present.

105. Considering the pertinent elements of Mr Brown's assessment, I note the following:

- In the long-term (after ten years) when the surrounding bushland has matured to screen the substation further then the visual and landscape effects will be less than minor.

- In the next ten years the effects on persons located nearby the substation will be at most low-moderate, which will include exposure to the upper walls and roof of the substation.

106. After further discussion post-notification and taking into account submitters' concerns regarding visual effects, Mr Brown has suggested amendments to the conditions:

However, I consider that these conditions might be usefully supplemented by an amendment to Condition 4, which sets out to maintain both the proposed and existing (manuka-dominated) planting around the site periphery. This could read as follows:

All landscaping and planting shall be maintained in good condition for the term of the designation in accordance with the Landscape Plan (including both that which is already established on-site and that which is proposed), and any plantings that fail to thrive in the first five years after construction of the substation, or which fail to mature thereafter, shall be replaced no later than the next planting season.

In my opinion, this revision offers more certainty in relation to both the planting that has already been implemented and that which is proposed by Align.

Assuming that this relatively minor amendment is made to the proposed conditions, I am satisfied that the proposed substation would have an appropriately low level of visual and landscape effects on nearby residential properties.

107. Further discussion with Mr Brown considered whether further conditions could help ensure mitigation of landscape-visual effects. Mr Brown concurred that the following would be suitable:

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; 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.*

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 4.

108. I have adopted Mr Brown's suggestions into the amended recommended conditions as conditions 4 and 5.

109. In addition, I have recommended an additional set back condition at Condition 10 (reproduced immediately below) .The Requiring Authority may however wish to consider and advise the hearing of a further setback distance (i.e: a wider side (?) yard) beyond that which I have proposed, in order to achieve potentially greater control of form and visual dominance resulting from the proposed substation:

Buildings must not be located within 1m of the side and rear boundaries of the site.

110. Notwithstanding the above, based on Mr Brown's advice, I consider the overall adverse effects on visual amenity would be mitigated appropriately if the conditions are amended as set out in Attachment 4.

Construction

111. The s92 response received from the Requiring Authority describes the construction period:

The physical works associated with the construction of substations of this size take approximately 8 months. The commissioning of the substation following physical construction is expected take a further 4 months. The site construction works will be carried out in accordance with the relevant permitted activity standards of the AUP(OP) and as per the Construction Management Plan which will be submitted as part of the Outline Plan of Works.

112. In addition, the AEE 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.

113. The NoR proposes the following conditions which are relevant:

Outline Plan(s)

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:[...]

(g) A Construction Management Plan to facilitate construction supervision, coordinate inspections, ensure that health and safety matters are appropriately addressed in accordance with clause 1.5.5.3 (Stage 2: Construction) of the Auckland Code of Practice for Land Development and Subdivision (Version 1.0: December 2016); 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;...

iii. Rule E26.2.5.3(2) – Noise from substations

v. Rule E25.6.27 Construction noise

vi. Rule E25.6.30 Vibration.

Comment:

114. I generally support the conditions requiring compliance with AUP provisions E25.6.27 Construction noise, Rule E25.6.30 Vibration and E26.2.5.3(2) Noise from substations. I consider these appropriate to mitigate adverse effects on the wider environment. It is noted if the site was developed for residential purposes there would likely still be construction traffic access and noise.
115. I have recommended an additional condition (Condition 26) which provides additional detail and requirements with regard to the proposed Construction Management Plan.
116. These proposed conditions, along with the construction management plan and the visual screening provided by the surrounding vegetation will ensure adverse construction noise effects will be avoided or mitigated.

Noise

117. The AEE concludes that overall, adverse effects resulting from the substation will be mitigated:

As the requirement will be for semi-enclosed substation, the effects of noise will be mitigated through engineered design and soundproofing. The switchroom will be fully enclosed. Noise from the two transformers will be mitigated by placing the transformers towards the centre of the site which ensure sufficient distance from the neighbouring residential activities. If required however, a roof can be constructed over the transformer enclosures to ensure that any sound at the boundary of the site will not exceed 55 dB LAeq between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and 45 dB LAeq/75 dB LAmax for all other times.

The NoR proposes the following conditions:

Outline Plan(s) - Condition 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:*

(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;...

iii. Rule E26.2.5.3(2) – Noise from substations

Noise - Condition 8: *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 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.

Comment:

118. Andrew Gordon (Noise Specialist, Contamination, Air & Noise Team) has undertaken an assessment of the requiring authority's NoR, AEE and associated technical reports.

119. Mr Gordon noted:

Based on reviews of other new substations, an indicative noise level is 65 dBA at 2m for 100% ONAF (Oil-immersed, natural circulation Forced Air Cooled) with air cooling provided by four fans.

Assuming no physical mitigation (i.e. no noise barriers, fences or topographical screening) between the transformers and the nearest sites zoned residential, the above night time 45 LAeq standard will be met at a minimum setback distance of approximately 40m. I have assumed the existing dense vegetation surrounding the proposed facility will provide no noise mitigation.

Therefore, based on the plans showing the location of adjacent lots, I expect compliance will be achieved when assessed within any site zoned residential without any practical difficulties. As a contingency, additional acoustic screening is a practicable mitigation option which would mitigate noise by a minimum of 5 dBA and up to approximately 10 dBA.

Overall, I consider the facility can be designed and operated to not exceed permitted noise standards specified in the above standard. Effects will therefore be avoided and/or adequately mitigated, and noise will be at a reasonable level.

120. I adopt the findings of Mr Gordon, noting that the closest dwellings will be around 40m or more from the designation site with regards to potential adverse effects from operational noise and the condition required to mitigate these effects.

121. Mr Gordon has suggested a small amendment to Condition 11:

Proposed [condition 11] prescribes the above noise levels, but incorrectly refers to notional boundary. There is no Rural or Future Urban zoned land affected (i.e. FUZ west of McLarin Rd) and instead should be "within the boundary of any site zoned residential". Further, compliance within the boundary of a site zoned residential will readily ensure compliance within the notional boundary of any site zoned rural further away.

122. I have adopted Mr Gordon's advice and the proposed amended Condition 11 to remove the reference to notional boundaries.

123. Mr Gordon has also suggested an additional condition:

I note the applicant does not propose a condition requiring reporting (post installation) to demonstrate compliance with noise standards. Therefore, unless the applicant voluntarily submits a compliance monitoring report the council will have no evidence to demonstrate that the designation noise standards have been met. I recommend a condition requiring a compliance monitoring report to be submitted to council within 1 month of commissioning to demonstrate compliance with E26.2.5.3 (2).

124. This suggestion has been incorporated in an amended form as Condition 12 in the recommended conditions, which Mr Gordon found acceptable.
125. Overall it is considered that the amended conditions are sufficient to ensure operational noise from the proposed substation can be managed in a manner such that adverse noise effects will be avoided or mitigated.

Traffic

126. In summary the AEE states:

- the substation will be accessed off McLarin Road via an existing shared accessway and vehicle crossing
- A 4m new driveway will be formed/extended within the subject site
- The substation is expected to include 4 parking spaces

127. The AEE states that once construction of the substation has been completed the frequency of traffic movements will be very limited as there will not be any full-time staff. During operation of the substation it estimates there will be two to four vehicles per week accessing the site.

128. In relation to construction traffic the AEE (paragraphs 4.12 - 4.14) 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.

129. An integrated traffic assessment has not been provided with the report.

130. The NoR proposes the following condition:

Outline Plan(s) - Condition 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:*

(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;...

d. The vehicular access crossings, circulation, and the provision for parking conforming with the relevant Auckland Transport standards and guidelines; 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

Comment:

131. The development will utilise an existing permitted vehicle crossing onto a road that is not considered arterial under the AUP(OP). An electrical substation would not be expected to generate significant traffic effects, when compared normal residential use for the site under the current zoning. I also note that the detailed design of the substation's internal vehicle tracking will be determined later and form part of the outline plan of works.
132. It is further noted that Auckland Transport has reviewed the proposed designation and anticipate that the effects on the transport network of the development enabled by the designation will be less than minor and did not consider itself an affected party.
133. Auckland Transport has suggested a Construction Traffic Management Plan condition to manage traffic effects, which I have included within the amended proposed conditions as part of Condition 26.
134. I consider that the amended conditions will ensure that adverse traffic effects will be avoided or mitigated.

Earthworks and geotechnical

135. The proposed following earthworks are identified in the Infrastructure Design Report:
 - *Cut to waste 700 m³*
 - *Imported Fill 325 m³*
 - *Area of earthworks 900 m²*
136. The report states these earthworks will be related to site clearance, flood storage capacity mitigation, construction of level transformer bays, excavation for driveways, carparks, foundations and buildings. A proposed earthworks plan is included in the report.
137. The Infrastructure Design Report concludes that the site is suitable for development as a substation with no particular areas of concern, noting there are no significant earthquake or liquefaction risks identified at the site.
138. The NoR proposes the following conditions:

Outline Plan(s) - Condition 1:

(c) The likely finished contour of the site; and...

(h) Evidence that all necessary consents required by any Regional Plan or National Environmental Standard have been applied for;

(g) A Construction Management Plan to facilitate construction supervision, coordinate inspections, ensure that health and safety matters are appropriately addressed in accordance with clause 1.5.5.3 (Stage 2: Construction) of the Auckland Code of Practice for Land Development and Subdivision (Version 1.0: December 2016);

(i) 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;

[...]

vii. Rule E26.5 Earthworks all zones and roads.

139. The AEE does not include an assessment of effects in relation to earthworks or erosion and sediment control due to the preliminary nature of the design.

Comment:

140. The scale of the earthworks required for the substation would be very similar to a residential development on this site. I acknowledge that the RA's proposed conditions ensure Erosion and Sediment Control measures will be put into place as per GD05 (Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region) and in accordance with the permitted activity standards in chapter E11 Land disturbance - Regional and within the rules and associated standards in chapter E26 Infrastructure for Network utilities and electricity generation earthworks in residential zones.

141. However, I have proposed the inclusion of a standard Erosion and Sediment Control Plan (ESCMP) condition in order to ensure Erosion and Sediment Control measures satisfactorily meet the requirements of GD05. These are found under in the amended proposed conditions as Conditions 19 to 25.

142. I consider that the amended conditions provided are sufficient to avoid or mitigate any potential adverse effects caused by earthworks.

Contaminated land

143. The PSI has identified HAIL activities on site, in close proximity to the piece of land (Lot 1003), and the NOR identified that site is presently undergoing bulk earthworks and potential remediation. Depending on the outcome of the remediation and if any residual contamination is present on the piece of land, the applicant is required to provide an assessment in terms of the NES and the AUP Chapter E30.

Comment:

144. Ruben Naidoo (Environmental Health specialist) reviewed the PSI on behalf of council. Mr Naidoo did not raise any concerns with the findings in the PSI.

145. I note should unexpected, contaminated land be discovered during the construction of the substation, the provisions of the NES and AUP Chapter E30 are considered appropriate to manage any adverse effects.

146. Therefore it is considered that potential adverse effects from contamination are to be adequately mitigated or avoided.

Hazardous substances

147. The Infrastructure Design Report states:

The two transformers on the site will contain approximately 15,000-20,000 litres of oil. 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 bunded area will be reticulated through a proprietary oil plate separator during normal operation

148. The AEE states:

Due to there being oil contained within the transformers there is potential for oil spills or fires/explosions which can result in soil contamination and adverse health and safety effects. In order to mitigate these potential effects, 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.

149. Condition 27 proposes a Hazardous Substances Environmental Management Plan to manage the risks of storing and using hazardous substances and Condition 28 requires transformers are bunded to sufficient capacity to contain the total volume of oil contained within each transformer plus an allowance for rainwater.

Comment:

150. Ruben Naidoo (Environmental health specialist) reviewed the NoR on behalf of council. Mr Naidoo noted that:

The proposal includes the storage and use of oils (<20t) within the transformer and the applicant has stated that bunding for emergency containment -up to 110% of the total volume, will be provided for spill containment. The applicant shall ensure that an Environmental Management Plan including a Spill response Plan- is available on site.

151. I consider that the conditions provided are sufficient to manage any potential adverse effects caused by hazardous substances.

Electromagnetic fields

152. The AEE states:

The AUP at E26.2.5.1. (6)(a) requires that network utilities that emit electric and magnetic field emissions must comply with the International Commission on Non-ionising Radiation Protection Guidelines 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). The proposed substation will be designed to comply with ICNIRP guidelines.

153. The NoR proposes the following conditions.

Outline Plan(s) Condition 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:...*

(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)...

Electric Magnetic Fields (EMF) Condition 9: *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 Condition 10: *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.*

Comment:

154. Ruben Naidoo (Senior Specialist, Contamination, Air & Noise) has reviewed the NoR and supporting documents on behalf of the council and has not identified any significant issues with the NoR.

155. He however suggested the following condition to ensure post commissioning monitoring:

The consent holder shall undertake, post commissioning monitoring to confirm that the electric and magnetic field emissions, comply with the International Commission on Non-ionising Radiation Protection Guidelines 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), and provide the report to the Team Leader Southern Compliance Monitoring, Auckland Council.

156. A version of this suggestion, altered for clarity, has been provided in the proposed amended conditions as Condition 16. Mr Naidoo was satisfied with this condition.

157. I adopt the advice of Mr Naidoo in relation to EMF effects and I consider that the recommended conditions (Conditions 15, 16 and 17) as amended are sufficient to manage any potential adverse effects caused by electromagnetic fields can be avoided or mitigated.

Lighting

158. The AEE does not describe any potential adverse effects from lighting. However it does state that any adverse effects will be mitigated through conditions imposed on the designation, including compliance with the relevant AUP standards in Chapter E24 Lighting.

159. The NoR proposes the following revised conditions:

Outline Plan(s)

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:*

(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;...

iv. Rule E24.6.1 – General standards for Lighting.

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.

160. No specialist review was sought on this matter.

I am satisfied that the proposed conditions will be sufficient to manage any outdoor lighting in a manner such that adverse effects on the environment will be avoided.
Archaeological effects

161. The AEE states:

162. *An archaeological assessment was prepared for the Kahawai Point Special Housing Area (now the Glenbrook Precinct) in 2015 by Bickler Consultants Ltd (refer to Appendix I). A CIA was also prepared by Ngati Te Ata for the wider subdivision. The reports identified a number of archaeological sites and sites significant to mana whenua in the wider area, in particular Ngati Te Ata.*

163. The AEE states that there are no identified natural heritage, Mana Whenua, historic heritage or special character areas identified on the site in the AUP.

164. Proposed Condition 3 sets out the accidental discovery protocols that must be followed if any archaeological sites, urupa, traditional sites, taonga (significant artefacts), or koiwi (human remains) are exposed during site works.

Comment:

165. I agree with the AEE that the subject site is not subject to any overlays in the AUP that relate to natural or historic heritage. I have also checked Council's Cultural Heritage Inventory (**CHI**) and there are no features identified on the subject site or in the near vicinity.
166. Given the lack of known natural or historic heritage values, including archaeological values, I consider the recommended Condition 3 is sufficient to manage any potential adverse effects.

Cultural Effects - Mana Whenua

167. The AEE states:

To ensure that the proposed substation will not have minor or more minor adverse effect on cultural and Mana Whenua values. Counties Energy has been in consultation with both Ngati Te Ata and Ngati Tamaoho and a site-specific cultural values assessment has been prepared by Ngati Te Ata.

Overall, Ngati Te Ata has concluded that the proposed substation will not adversely impact upon any cultural heritage values.

The recommendations outlined in the site-specific CIA will be implemented during the detailed design stage and construction of the substation.

168. The AEE considers that the proposal has taken into account the principles of Te Tiriti o Waitangi because consultation with Mana Whenua is being held and any feedback from Mana Whenua will be incorporated into the final design of the substation.

169. The NoR proposes the following condition:

Counties Energy shall consult with Ngati Te Ata and Ngati 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.

Comment:

170. I agree with the AEE that the effects on Mana Whenua values have been addressed, noting that the recommendations outlined in the site-specific CIA will be implemented during the detailed design stage and construction of the substation. However I propose an amendment to Condition 2 that provides further certainty around Mana Whenua influence into the design process by specifically mentioning the CIA in the recommended conditions:

Counties Energy shall consult with Ngati Te Ata and Ngati 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. Including those in the Cultural Impact Assessment by Ngati Te Ata Waiohua, dated September 2022.

171. I consider that subject to the further amendments to the conditions recommended, and noting Counties Energy's commitment to ongoing engagement with mana whenua, adverse effects on Mana Whenua values are able to be avoided, remedied or mitigated.

4.3.6 Environmental Effects conclusion

172. I consider that subject to the further amendments to the conditions recommended, the effects of the project will be avoided, remedied or mitigated.

4.4 National policy statements

173. Section 171(1)(a)(ii) requires the council to, subject to Part 2, consider the effects on the environment of allowing the notice of requirement, having particular regard to any relevant provisions of a national policy statement.

4.4.1 New Zealand Coastal Policy Statement (NZCPS)

174. The NZCPS contains objectives and policies relating to the coastal environment.

175. The NoR Report states that the NZCPS is not applicable to the proposal. I concur with this statement based on Policy 1 of the NZCPS which identifies the extent and characteristics of the coastal environment.

4.4.2 National Policy Statement on Urban Development 2020 (NPS-UD)

176. The NoR Report briefly addresses the NPS-UD, stating:

Glenbrook and the wider Counties area is experiencing huge growth. The establishment of new substation is necessary to ensure the quality and security of supply for the demand in growth in the Glenbrook area of the Counties Energy Network.

177. This NPS is not directly applicable to the proposed works. However, the proposed works will contribute toward ensuring that there is adequate infrastructure to support anticipated growth within the Counties Power's electricity network.

4.4.3 National Policy Statement on Electricity Transmission 2008 (NPS-ET)

178. The NPS-ET provides a high-level framework that gives guidance across New Zealand for the management and future planning of the national grid.

179. The AEE addresses the NPS-ET in section 4, and states that it does not apply to the NoR because the substation will not be used or owned by Transpower NZ Limited.

180. The NPS-ET is not considered relevant to this Notice of Requirement.

4.4.4 National Policy Statement on Freshwater Management 2020 (NPS-FM)

181. The NPS-FM provides direction for local and regional authorities about how they must carry out their responsibilities and functions in managing freshwater.

182. The AEE states the NPS-FM is relevant to the NoR, noting:

183. *Policy 6 provides guidance on the protection of wetlands which states:*
184. *There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.*
185. *With respect to protection of wetland, there are restored wetlands on the wider site but not within the area subject to land requirement. Most of the works associated with the substation will be done away from the wetlands. Although detailed design will be provided as part of the outline plan for works process, it is not anticipated that there will be any drainage of wetland occurring. If any consents are required, these will be obtained at the appropriate time.*
186. I note that the substation transformers will contain oil which raises a risk of oil contamination that may adversely affect freshwater. Counties Energy proposes conditions to manage this risk.
187. Overall I considering the previous assessment on contamination, the NoR will not be inconsistent with the NPS-FM provided the risk of potential oil contamination is managed appropriately.

4.5 National environmental standards

4.5.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS)

188. The NES-CS provides a nationally consistent set of planning controls and soil contaminant values to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed and, if necessary, the land is remediated or the contaminants contained to make the land safe for human use.
189. The applicant undertook a PSI for the project and included within Appendix K of the NoR. Ruben Naidoo has reviewed this report for council and provided advice on it.
190. The conclusions are that resource consent is unlikely to be required under either the NES-CS or AUP Chapter E30 Contaminated land.

4.5.2 National Environmental Standards for Electricity transmission Activities 2009 (NES-ETA)

191. The NES-ETA helps councils implement the NPSET policies relating to the transmission network.
192. The NES-ETA only applies to existing high voltage electricity transmission lines, it does not apply to the construction of new transmission lines, electricity distribution lines or substations.
193. The NES-ETA is not considered applicable to this Notice of Requirement.

4.6 Regional Policy Statement (Chapter B of the AUP) (RPS)

194. The RPS sets the strategic direction for managing the use and development of natural and physical resources throughout Auckland.

195. The following RPS provisions are addressed in section 4 of the AEE:

- B3.2 Infrastructure
- B2.2 Urban growth and form
- B6.3 Recognising Mana Whenua Values
- B6.4 Māori economic, social and cultural development
- B7.3 Freshwater systems and
- B7.4 Coastal water, freshwater and geothermal water
- B10.3 Land – hazardous substances
- B10.4 Land – contaminated

196. In addition to the provisions identified in the AEE, the provisions below are also considered to be relevant to the NoR. The discussion below is intended to be read in conjunction with section 4 of the AEE.

B2.4. Residential growth

197. B2.4.2 Policy (6) Seeks to ensure development is adequately serviced by existing infrastructure or is provided with infrastructure prior to or at the same time as residential intensification.

198. I note the AEE states that the area is undergoing significant growth and that the substation is required to meet anticipated demand, including residential demand.

B10.3. Land – hazardous substances

199. In addition to the objectives identified in the AEE, Policies (1), (2), and (3) are relevant.

200. As previously discussed, the substation transformers will contain oil which is likely to be considered a hazardous substance.

201. The NoR contains conditions (including bunding around the transformers) to manage hazardous substances.

4.7 Auckland Unitary Plan - Chapter D overlays

202. The only AUP overlay that applies to the site is the High-Use Aquifer Management Area Overlay – Glenbrook Kaawa Aquifer. The objectives and policies for this overlay are contained in Chapter D1, and the rules are contained in Chapter E7 Taking, using, damming and diversion of water and drilling, and Chapter E32 Biosolids.

203. In relation to this overlay the Requiring Authority's s92 response states "if the construction of the substation and its associated excavation will involve diversion of groundwater or dewatering which will be addressed separately through a regional resource consent application at the time when the substation is established."

204. The purpose of this overlay is to manage water availability to meet user needs whilst also maintaining base flows for surface streams (Objective D1.2(1)). Policies D1.3(1) and (2) provide the consenting framework to manage water take and use within High-Use Aquifer Management Areas. As regional provisions these will be addressed through the regional consenting process.

4.8 Auckland Unitary Plan - Chapter E Auckland-wide

Chapter E26 Infrastructure

205. Chapter E26 Infrastructure provides a framework for the development, operation, use, maintenance, repair, upgrading and removal of infrastructure. The objectives and policies recognise that infrastructure is critical to the social, economic, and cultural well-being of people and communities and the quality of the environment. They also recognise that infrastructure can have a range of adverse effects on the environment, visual amenity of an area, and public health and safety.

206. The AEE does not include an assessment of Chapter E26, stating that the objectives and policies largely mirror those in the RPS, and refers back to its assessment of the RPS.

207. Overall I consider the proposal is generally consistent with E26.2.1 Objectives (1)-(6) and E26.2.2 Policies (1)-(3). They set an enabling framework that recognises the benefits of infrastructure, the need to provide for infrastructure and the need to protect infrastructure from reverse sensitivity issues.

208. E26.2.1 Objective (9) and E26.2.2 Policy (4) recognise that the development, operation and maintenance of infrastructure can cause adverse effects and that these should be avoided, remedied, or mitigated. These adverse effects include, but are not limited to, effects on the environment, the health and wellbeing of people and communities, and amenity values of the streetscape and adjoining properties. E26.2.2 Policy (5) provides guidance what should be taken into consideration when such adverse effects of infrastructure are assessed.

209. I consider that the adverse effects of the proposal can largely be avoided, remedied or mitigated with appropriate mitigation measures and conditions.

210. Overall I consider the proposal is consistent with the relevant provisions in Chapter E26 provided appropriate mitigation measures are undertaken and the recommended conditions are included in the NoR.

Chapter E24 Lighting

211. The AEE does not address the objectives and policies in Chapter E24. The provisions for artificial light provide for adequate lighting to support activities and enable safety and security for participants, while minimising potential adverse effects.

212. I consider the proposal is consistent with these provisions noting conditions are proposed to manage effects of lighting.

Chapter E25 Noise and vibration

213. The AEE does not address the objectives and policies in Chapter E25, however it does address the relevant rules. Chapter E25 seeks to control the levels of noise and vibration created by activities to limit the adverse effects of noise and vibration on amenity values, human health and to protect existing noisy activities from reverse sensitivity effects.
214. Overall I consider the proposal is consistent with the relevant provisions in Chapter E25 provided appropriate mitigation measures are undertaken and the recommended conditions relating to operational and construction noise are included in the NOR.

Chapter E30 Contaminated Land

215. Chapter E30 manages the effects of the discharge of contaminants from contaminated land or land containing elevated levels of RMA.
216. As discussed in sections 4.3.5 any discharge of contaminants from land into air, water or land will be subject to the provisions in Chapter E30. Chapter E30 contains regional provisions, which continue to apply to designated sites.
217. Overall I consider the proposal is consistent with the relevant provisions in Chapter E30.

Chapter E31 Hazardous substances

218. Chapter E31 manages the use, storage and disposal of hazardous substances on land and in the coastal marine area that can present a specific risk to human or ecological health and property.
219. Overall I consider the proposal is consistent with the relevant provisions in Chapter E31 provided appropriate management and mitigation measures are undertaken and the recommended conditions relating to hazardous substances and bunding of the transformers are included in the NOR.

Chapters E1 Water quality and integrated management and E8 Stormwater – Discharge and diversion (RP)

220. In relation to the management of stormwater discharge and diversion Chapter E1 contains the objectives and policies and Chapter E8 contains the rules.
221. Counties Energy's Infrastructure Design Report (Appendix D of the NoR) states:
Stormwater retention will be provided in accordance with the requirements of SMAF-1. The requirements are for detention of the impervious areas for the 95% percentile rainfall event and release over 24 hours.
222. Overall I consider the proposal is consistent with the relevant provisions in Chapter E1 and E8.

Chapters E11 and E12 Land disturbance – Regional and District

223. For infrastructure activities Chapter E11 and E12 provide the policy framework (i.e. the objectives and policies) while the rules are contained in Chapter E26.

224. Overall I consider the proposal is consistent with the relevant provisions in Chapters E11 and E12 noting that proposed Condition 1(i)(vii) requires compliance with the provisions in E26.5 Earthworks all zones and roads, and proposed Condition 3 provides an accidental discovery protocol to follow.
225. The inclusion of Erosion and Sediment Control Management Plan (ESCMP) (Conditions 19-25) in the recommended conditions will assist this.
226. Overall I consider the proposal is consistent with the relevant provisions in Chapter E11 and E12.

4.9 Auckland Unitary Plan – Chapter H Zones

227. The proposed NoR is located in the Residential Single House Zone.
228. Chapter H provisions are addressed in section 4 of the AEE and section 4 of the LVIA.
229. The primary focus of the Chapter H3 is to maintain and enhance the amenity values of established residential neighbourhoods in number of locations.
230. The expected amenity and character are described in objectives H3.2(1) and H3.2(2), as well as in policies H3.3(3), H3.3(4), H3.3(6) and H3.3(8). This can be generally characterised as one to two storey high buildings consistent with a suburban built character, in a generally spacious setting with sufficient setbacks and landscaped areas to avoid visual dominance effects.
231. Chapter H3 anticipates non-residential activities that provide for the community's wellbeing that are in keeping with the scale and intensity of development anticipated by the zone through the following objective and policy:
- H3.2 Objective (4) - Non-residential activities provide for the community's social, economic and cultural well-being, while being in keeping with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.
 - H3.3 Policy (9) - Provide for non-residential activities that:
 - (a) support the social and economic well-being of the community;
 - (b) are in keeping with the scale and intensity of development anticipated within the zone;
 - (c) avoid, remedy or mitigate adverse effects on residential amenity; and
 - (d) will not detract from the vitality of the Business – City Centre Zone, Business – Metro Centre Zone and the Business – Town Centre Zone.
232. Adopting the advice of Mr Brown, I conclude that the NoR is consistent with the objectives and policies related to character and amenity anticipated in the zone, provided the recommended conditions are implemented.

233. I further note that the proposal single-level semi-enclosed substation, is consistent with the zone's maximum height limit, as well as set back from the site boundaries and mostly surrounding by existing vegetation.
234. Overall I consider the NoR is not inconsistent with the relevant objectives and policies of Chapter H3.

4.10 Auckland Unitary Plan – Chapter I Precincts

235. The proposed NoR is located in the I453 Glenbrook 3 precinct. Chapter I provisions are addressed in section 4 of the AEE.
236. I concur with the assessment in the AEE, summarising that:
- The policies and objectives relating to development near freshwater and coastal habitats will be appropriately satisfied. The substation will be situated appropriately far away from the wetlands. Stormwater run-off from the site will be managed to ensure freshwater quality is protected. Swales will be proposed along the accessway of the substation.
 - The majority of the site will be covered by permeable surface in the form of grass and vegetation. Although the detailed design of stormwater disposal will be developed at a later stage when the substation is being established, it is proposed that stormwater retention will be provided to achieve SMAF1 mitigation.
 - The substation will ensure new development and subdivision can occur with appropriate infrastructure.
 - The design of the substation will embrace the Te Aranga principles of mana, whakapapa, taiao, mauri tu, mahi toi, tohu, and ahi ka. Further discussions will be held with representatives of Ngati Te Ata and Ngati Tamaoho at the detailed design stage.
 - The substation will be efficiently located away from land that is zoned Mixed Rural and Rural Coastal Zone and will not discourage rural activities to be established on adjacent rural zoned land.
 - Although the substation is not a residential activity the substation will be designed to have a similar building height to the surrounding development in keeping with the low intensity development character anticipated in the Precinct.

237. Overall I consider the NoR is not inconsistent with the relevant objectives and policies of Chapter I453.

4.11 Alternative sites, routes or methods – section 171(1)(b)

238. Section 171(1)(b)(i) establishes that if a requiring authority has an interest in the land sufficient to undertake the works, then it is not required to consider alternative sites, routes or methods.

239. Section 171(1)(b)(ii) does require an assessment of alternatives if there are going to be significant adverse effects arising from the designation.
240. The requiring authority's assessment of alternatives is set out in paragraphs 4.96-4.98 of the AEE.
241. In summary the AEE concludes:
- Counties Energy have entered into a sale and purchase agreement with the existing owners of the land that is required for the designation, therefore they have sufficient interest in the land to undertake the works.
 - In the lead up to finalising the site selection for this requirement there were twelve other properties which were considered for the location of the substation. The different locations were all within the wider area. Key criteria for the choice of site were the size and contour of the site and the proximity to the existing Counties Energy 110kV substations.
 - The works will not have a significant adverse effect on the environment; therefore a rigorous examination of alternative sites is not required.
242. In my opinion, provided Counties Energy does complete the purchase of the land required for the designation, they will have sufficient interest in the land to undertake the works. However until this happens, I consider section 171(1)(b)(i) requires a consideration of alternative sites.
243. In my opinion the investigation of twelve alternative sites as stated by the NoR Report indicates that the requiring authority has not acted arbitrarily or not given more than a cursory consideration of alternatives.
244. I note that the requiring authority does not have to show it has selected the best of all available alternatives, just that a careful assessment has been made of the relevant proposal to determine whether it achieves the RMA's purpose.

4.12 Necessity for work and designation – section 171(1)(c)

245. In summary the AEE concludes that the works and designation are necessary to meet future electricity demands from both growth in the Counties Energy area and the ever-increasing demand for energy for new technologies and innovations. The AEE notes that the area is experiencing huge growth and that the local population is expected to triple by the mid-century.
246. I agree with this conclusion and therefore consider that the works and designation is reasonably necessary to achieve the requiring authority's objectives.

4.13 Any other matter – section 171(1)(d).

247. Section 171(1)(d) requires the council to have particular regard to any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement. In this case the following non-RMA documents are considered relevant.

The Auckland Plan 2050

248. The Auckland Plan 2050 is Auckland’s long-term spatial plan. It is required by the Local Government (Auckland Council) Act 2009 to contribute to Auckland's social, economic, environmental, and cultural well-being.
249. The Auckland Plan 2050 in its *Development Strategy* acknowledges the importance of Auckland’s electricity network. It also includes the outcomes *Opportunity and Prosperity* and *Homes and Places* which relates to productivity and employment and access to housing respectively.
250. I consider the works enabled by the NoR to be consistent with Auckland Plan 2050 in that it will provide for the needs of new development in the area.

4.14 Designation lapse period extension – section 184(1)(c)

251. Section 184 of the RMA states that designations lapse within five years, if not given effect to, or an extension has been obtained under section 184(1)(b), or unless the designation in the AUP sets a different lapse period under section 184(1)(c).
252. Counties Energy has requested a 10-year lapse period for the NoR. The AEE states that development of the substation |The substation needs to be installed and made operational before the surrounding residential and commercial land can be fully developed as envisaged by the Auckland Unitary Plan Operative in Part.”
253. Section 184 of the Act gives discretion to alter the lapse period for a designation from the default 5 years. The Environment Court decision in *Beda Family Trust v Transit NZ* A139/04 makes the following statement on the exercise of that discretion in considering a longer lapse period:

The decision has to be exercised in a principled manner, after considering all of the circumstances of the particular case. There may be circumstances where a longer period than the statutory 5 years is required to secure the route for a major roading project. Such circumstances need to be balanced against the prejudicial effects to directly affected property owners who are required to endure the blighting effects on their properties for an indeterminate period. The exercise of the discretion needs to be underlain by fairness.

254. Environment Court decisions on disputed designation lapse periods are noted in the following table for reference purposes.

Table 2

Case	Requiring authorities requested lapse period	Court decision lapse period
Beda Family Trust v Transit NZ	20 years	10 years
Meridian 37 Ltd v Waipa District Council	15 years	5 years

Case	Requiring authorities requested lapse period	Court decision lapse period
Heron v Vector Gas Ltd	10 years	5 years
Queenstown Airport Corporation Ltd	10 years	5 years

255. Having regard to these circumstances I recommend a lapse period of 10 years for the designation.
256. I acknowledge that adjoining property owners may feel uncertainty regarding the final design of the substation. However the NoR does not apply to any of the surrounding properties and will not burden landowners through restriction will not restrict use of those properties.
257. The reasoning for longer lapse period is not arbitrary and reflects the uncertainty associated with providing electricity infrastructure in step with urban development.
258. While the final substation design will be determined through the outline plan of works process, I consider a level of certainty will be given to neighbours through the amended conditions.

4.15 Part 2 of the Resource Management Act 1991

259. The purpose of the RMA is set out in section 5(1) which is: *to promote the sustainable management of natural and physical resources.*
260. Sustainable management is defined in section 5(2) as:
- ...managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –*
- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*
261. The AEE states:
262. *The proposed Notice of Requirement will provide for the future energy needs of the future development of the immediate area.*
263. I generally agree with the AEE, although I consider further amendments to the NoR conditions are necessary in order to adequately mitigate adverse effects on the environment.

264. **Section 6** of the RMA sets out the matters of national importance which must be recognised and provided for. I agree with the AEE's comment in relation to 6(e).²
265. Further consultation with Mana Whenua will occur prior and duration the construction of the substation. It is proposed that the design will incorporate the motif of Hei Matau or Kahawai as recommended by Ngāti Te Ata. reflect the relationship of Maori and their culture and traditions with their ancestral land.
266. **Section 7** of the RMA sets out other matters which shall be given particular regard to. In summary the AEE concludes that the proposal will be consistent with matters (b), (c) and (f), and I generally agree provided the appropriate conditions are included in the designation.
267. **Section 8** of the RMA requires the principles of the Treaty of Waitangi to be taken into account. Overall I agree with the AEE's assessment. Counties Energy have actively sought discussions with Ngāti Tamaoho and Ngāti te Ata, and state they intend to continue ongoing engagement with these iwi. Their feedback will be incorporated into the design of the substation and associated landscaping and stormwater management.

5 Conclusions

268. The requiring authority has lodged NoR under section 168 of the RMA for electricity supply purposes.
269. That the notice of requirement be confirmed subject to conditions and with modifications, for the following reasons.
- The notice of requirement and associated works are reasonably necessary for achieving the objectives of the requiring authority.
 - Adequate consideration has been given to alternative sites, routes or methods of undertaking the work identified in the notice of requirement.
 - The notice of requirement is generally consistent with the relevant AUP provisions.
 - The notice of requirement is generally in accordance with Part 2 of the RMA and; and relevant national environmental standards and national policy statements.
 - Restrictions, by way of conditions, imposed on the designation can avoid, remedy or mitigate any potential adverse environmental effects.

² RMA Section 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga

6 Recommendation and conditions

6.1 Recommendation

270. Subject to new or contrary evidence being presented at the hearing, pursuant to section 171(2) of the RMA, it is recommended that the notice(s) of requirement be confirmed, subject to the amended and additional conditions and modifications.

271. That pursuant to section 171(3) of the RMA, the reasons for the recommendation are as follows:

- The notice of requirement is consistent with Part 2 of the RMA in that it enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.
- The notice of requirement is consistent with and give effect to the relevant national environmental standards, national policy statements and the AUP.
- In terms of section 171(1)(b) of the RMA, adequate consideration has been given to alternative sites, routes or methods for undertaking the work.
- In terms of 171(1)(c) of the RMA, the notice of requirement is reasonably necessary to achieve the requiring authority's objectives.
- Restrictions, by way of conditions attached to the notice of requirement have been recommended to avoid, remedy or mitigate adverse environmental effects associated with the works.

6.2 Recommended conditions

Recommended conditions can be found in Attachment 4.

Attachment 1: NoR Documentation

Attachment 2: Auckland Council Specialist Advice

Attachment 3: Submissions

Attachment 4: Recommended Conditions

Attachment 5: Proposed Conditions

Attachment 6: Relevant Sections of NZCPS and NPS

ATTACHMENT 2

AUCKLAND COUNCIL SPECIALIST ADVICE

Brown NZ Ltd
5 Waitomo Avenue
Mt Eden
Auckland 1014

9th May 2023

Joe McDougall | Policy Planner
Central & South Planning | Plans and Places
Auckland Council
e. joe.mcdougall@aucklandcouncil.govt.nz

Joe,

**RE: McLarin Road Sub-station NOR & OPW Application for Glenbrook Beach:
Review of Public Submissions & Proposed Revised Conditions**

This memo supplements my review report dated the 8th of November 2022. It focuses solely on two matters: the 5 public submissions to the NOR, and those revised conditions [1(e), 2, 4, 5 and 6] addressing the landscape treatment and mitigation of the proposed substation, together with its height.

Public Submissions

Public submissions opposing the proposed substation have been received from the following landowners:

- G-K Crocker
- P M Broster
- G & T Griffin
- R Jauny
- A & N Hape

Most of the concerns raised by the submitters relate to the low-frequency noises and electromagnetic emissions emanating from substations, especially at night time. However, the submission of G and T Griffin also requests:

..... Early planting of vegetation at the boundary be required to ensure by the time construction commences vegetation is at a reasonable height to minimise visual impacts

The submission by A and N Hape also makes the following point:

..... We purchased this site specifically for the peace and quiet the bush area afforded. We specifically asked the developer prior to purchase what the proposed site was earmarked for and were told (in writing) it would be either housing or reserve.

I cannot comment on the issues of noise and electromagnetic emissions. Concerning the substation's visual integration with its surrounds, I am, however, satisfied that its physical isolation, combined with existing and proposed planting around it, will provide an appropriate degree of screening. On p.5 of my review report, I determine that:

Overall, it is my assessment that, despite the close proximity of the substation site to neighbouring residential properties, proposed development would have a quite limited impact on its residential neighbours and wider suburban setting. Although the upper walls and roof of the substation may well remain visible from some considerable time to come, its overall extent and profile would be effectively contained by both the established and proposed planting. As such, the proposed substation would have a scale and appearance not inconsistent with that of the dwellings both emerging at present and yet to be erected next to McLarin Road and Orawahi Road.

I then go on to conclude as follows:

Even so, the proposed location of the substation and the planting already apparent around it would, in my opinion, limit the substation's effects, to the point where it is compatible with its predominantly residential surrounds. Currently, I would assess such effects as being of a Low or, at most, Low-Moderate order. Over time, as both the existing and proposed planting matures, such effects would further reduce to the point where the substation becomes quite innocuous, both in relation to neighbouring residences and the adjoining public open space and walkway. At this juncture, some 8-10 years after construction of the substation, its effects would fall to a Low to Very Low level.

Although I must again acknowledge the reasonably close proximity of some residential lots to the substation site, it remains my opinion that the level of planting mitigation both extant and proposed is appropriate. The submissions to the NOR have not altered my assessment in this regard.

Proposed Revised Conditions

I have reviewed Conditions 1(e), 2, 5 and 6, which are most directly relevant in terms of the proposed substation's appearance and visual / landscape effects. These address the appearance of the main substation building, its height and future planting around the substation – which is already appreciably enclosed by manuka. This manuka provides a foundation for those mitigation measures foreshadowed by the revised conditions, and in my opinion, those conditions are appropriate, as they would:

- Ensure that the substation building has a residential height and scale;
- Has a non-monolithic appearance; and
- The existing planting is augmented by additional native planting in the more immediate vicinity of the substation.

However, I consider that these conditions might be usefully supplemented by an amendment to Condition 4, which sets out to maintain both the proposed and existing (manuka-dominated) planting around the site periphery. This could read as follows:

All landscaping and planting shall be maintained in good condition for the term of the designation in accordance with the Landscape Plan (including both that which is already established on-site and that which is proposed), and any plantings that fail to thrive in the first five years after construction of the substation, or which fail to mature thereafter, shall be replaced no later than the next planting season.

In my opinion, this revision offers more certainty in relation to both the planting that has already been implemented and that which is proposed by Align.

Conclusion

Assuming that this relatively minor amendment is made to the proposed conditions, I am satisfied that the proposed substation would have an appropriately low level of visual and landscape effects on nearby residential properties.



Stephen Brown

BTP, Dip LA, Fellow NZILA



From: [Stephen Brown](#)
To: [Joe McDougall](#)
Subject: Re: Glenbrook Substation
Date: Wednesday, 10 May 2023 3:22:19 pm

Hi Joe,

I doubt we need more planting up to 8m high as the manuka already provides that. Points 2 and 3 are useful and could be employed, but a maintenance condition is still needed.

Stephen Brown
Director

brown

Brown NZ Limited
PO Box 137067 Parnell, Auckland 1151
Level 4, 156 Parnell Rd, Parnell
p. 021 646 181

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From: Joe McDougall <joe.mcdougall@aucklandcouncil.govt.nz>

Date: Wednesday, 10 May 2023 at 2:13 PM

To: Brown NZ Ltd <stephen@brownltd.co.nz>

Subject: RE: Glenbrook Substation

Hi Stephen

Discussed with Craig and he has suggested a more detailed additional condition regarding landscaping. He's taken this from Katrina's recent proposal:

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:

Provide sufficient space and depth of planting, incorporating at least two rows of taller native evergreen planting along the perimeter of the substation. 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.

Detail the type of species to be planted, their spacing, and their size at the time of planting; and

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.

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 4 (renumber as may be needed...)

Do you think a condition like this would assist in further managing the visual effects of the substation?

Kind regards

**Joe McDougall | Policy Planner
Central & South Planning | Plans and Places**

Auckland Council, Level 24, 135 Albert St, City Centre, Auckland

Mobile 021 198 3182

From: Stephen Brown <stephen@brownltd.co.nz>

Sent: Tuesday, 9 May 2023 1:54 pm

To: Joe McDougall <joe.mcdougall@aucklandcouncil.govt.nz>

Subject: Glenbrook Substation

Hi Joe,

Here is my memo as promised. Note, I have suggested some slight rewording of Condition 4. See what you think.

Regards,
Stephen

Stephen Brown
Director

brown

Brown NZ Limited
PO Box 137067 Parnell, Auckland 1151
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From: [Ruben Naidoo](#)
To: [Joe McDougall](#)
Subject: RE: Glenbrook Beach - Expert advice - conditions and comments on submissions
Date: Monday, 8 May 2023 12:25:21 pm

Hello Joe,

I have reviewed the proposed conditions and concur with them.

In response to the submitters – issues raised relate to health issues and health and safety.

Electrical substations give off [low-frequency EMF radiation](#), which creates an electromagnetic field.

The Ministry of Health (NZ) recommends the use of guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP)- an international scientific body recognised by the World Health Organization (WHO) for its expertise in this area.

The ICNIRP guidelines are based on a careful examination of the research data on the health effects of exposure to extremely low frequency(ELF) fields, and include margins for safety and concluded that the only effects clearly evident in the research data were those caused by electric fields induced in the body by external ELF electric and magnetic fields. In very strong external fields, these induced fields could interfere with the body's nervous system, and so should be limited to levels where no effects can occur.

The ICNIRP guidelines set a basic restriction on the internal electric fields induced in the body by external ELF fields. As internal electric fields are difficult to measure in the body, the guidelines also prescribe reference levels.

In New Zealand, a National Policy Statement on Electricity Transmission published in 2008 under the Resource Management Act 1991 requires that planning provisions dealing with ELF fields be based on the ICNIRP Guidelines and the 2007 WHO recommendations.

Furthermore, NZ exposure guidelines are the same or lower than national exposure guidelines in many other countries

The applicant has stated that the Substation will be designed to 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).

A condition requiring post commissioning monitoring has been included in the approval.

Regards,

**Ruben Naidoo |Specialist Environmental Health
Resource Consents**

Ph (09) 353 9078 | Ext (40) 9078 | Mob 027 2413 668
Auckland Council , Level 6, 135 Albert Street, Auckland
Visit our website: www.aucklandcouncil.govt.nz

From: Joe McDougall <joe.mcdougall@aucklandcouncil.govt.nz>

Sent: Monday, 1 May 2023 4:00 PM

To: Andrew Gordon <Andrew.Gordon@aucklandcouncil.govt.nz>; Stephen Brown <stephen@brownltd.co.nz>; Ruben Naidoo <Ruben.Naidoo@aucklandcouncil.govt.nz>

Subject: Glenbrook Beach - Expert advice - conditions and

Hi Andrew, Stephen and Ruben

Hope you enjoyed your weekend.

I wondering if you could provide me with some feedback on the current conditions set and submissions.

Additionally if you could please provide comment on the submissions we have (or if this changes your established view). We only have five, which are reasonably short with expected themes.

This condition set should seem familiar – I've based it on conditions previously agreed by Counties Energy which I believe you all have seen before in Katrina's NoR. I also include the original set from Counties for comparison's sake.

Could you please advise if you have time this week to do this?

Thank you for your assistance with this.

Kind regards

**Joe McDougall | Policy Planner
Central & South Planning | Plans and Places**

Auckland Council, Level 24, 135 Albert St, City Centre, Auckland

Mobile 021 198 3182

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Joe McDougall

From: Ruben Naidoo
Sent: Wednesday, 10 May 2023 8:00 am
To: Joe McDougall
Subject: RE: Glenbrook Beach - Expert advice - conditions and comments on submissions

Hello Joe,

Radio Spectrum Management is responsible for managing issues relating to radio frequencies – management, compliance and complaints.

Condition 15 covers this aspect and the applicant has provided the undertaking to ensure compliance. However, I am not aware of any complaints from communities in the vicinity of substations.

Every very 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.

Regards,

**Ruben Naidoo |Specialist Environmental Health
Resource Consents**

Ph (09) 353 9078 | Ext (40) 9078 | Mob 027 2413 668
Auckland Council , Level 6, 135 Albert Street, Auckland
Visit our website: www.aucklandcouncil.govt.nz

From: Joe McDougall <joe.mcdougall@aucklandcouncil.govt.nz>
Sent: Tuesday, 9 May 2023 11:23 PM
To: Ruben Naidoo <Ruben.Naidoo@aucklandcouncil.govt.nz>
Subject: RE: Glenbrook Beach - Expert advice - conditions and comments on submissions

Hi Ruben

Thanks for this, do you have anything to say regarding influence on internet? I think one of the submitters mentioned this. Any effect on WiFi etc?

Cheers

**Joe McDougall | Policy Planner
Central & South Planning | Plans and Places**

Auckland Council, Level 24, 135 Albert St, City Centre, Auckland
Mobile 021 198 3182

From: Ruben Naidoo <Ruben.Naidoo@aucklandcouncil.govt.nz>
Sent: Monday, 8 May 2023 12:25 pm
To: Joe McDougall <joe.mcdougall@aucklandcouncil.govt.nz>
Subject: RE: Glenbrook Beach - Expert advice - conditions and comments on submissions

Hello Joe,

I have reviewed the proposed conditions and concur with them.

In response to the submitters – issues raised relate to health issues and health and safety.

Electrical substations give off low-frequency EMF radiation, which creates an electromagnetic field.

The Ministry of Health (NZ) recommends the use of guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP)- an international scientific body recognised by the World Health Organization (WHO) for its expertise in this area.

The ICNIRP guidelines are based on a careful examination of the research data on the health effects of exposure to extremely low frequency(ELF) fields, and include margins for safety and concluded that the only effects clearly evident in the research data were those caused by electric fields induced in the body by external ELF electric and magnetic fields. In very strong external fields, these induced fields could interfere with the body's nervous system, and so should be limited to levels where no effects can occur. The ICNIRP guidelines set a basic restriction on the internal electric fields induced in the body by external ELF fields. As internal electric fields are difficult to measure in the body, the guidelines also prescribe reference levels.

In New Zealand, a National Policy Statement on Electricity Transmission published in 2008 under the Resource Management Act 1991 requires that planning provisions dealing with ELF fields be based on the ICNIRP Guidelines and the 2007 WHO recommendations.

Furthermore, NZ exposure guidelines are the same or lower than national exposure guidelines in many other countries

The applicant has stated that the Substation will be designed to 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).

A condition requiring post commissioning monitoring has been included in the approval.

Regards,

**Ruben Naidoo |Specialist Environmental Health
Resource Consents**

Ph (09) 353 9078 | Ext (40) 9078 | Mob 027 2413 668
Auckland Council , Level 6, 135 Albert Street, Auckland
Visit our website: www.aucklandcouncil.govt.nz

From: Joe McDougall <joe.mcdougall@aucklandcouncil.govt.nz>

Sent: Monday, 1 May 2023 4:00 PM

To: Andrew Gordon <Andrew.Gordon@aucklandcouncil.govt.nz>; Stephen Brown <stephen@brownltd.co.nz>;
Ruben Naidoo <Ruben.Naidoo@aucklandcouncil.govt.nz>

Subject: Glenbrook Beach - Expert advice - conditions and

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I wondering if you could provide me with some feedback on the current conditions set and submissions.

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Could you please advise if you have time this week to do this?


Thank you for your assistance with this.

Kind regards

**Joe McDougall | Policy Planner
Central & South Planning | Plans and Places**

Auckland Council, Level 24, 135 Albert St, City Centre, Auckland

Mobile 021 198 3182

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From: [Ruben Naidoo](#)
To: [Joe McDougall](#)
Subject: RE: Glenbrook Beach Substation NOR - SME Request
Date: Friday, 30 September 2022 11:44:38 am

Hello Joe,

I have reviewed the following documents and offer the following comments:

- NOR for a substation at 13 Nola Avenue, Glenbrook, Align, Sept 2022.
- Preliminary Site Investigation- Kahawai Point, Glenbrook Beach, Auckland, PDP, Sept 2015
- Preliminary Site Investigation- Kahawai Point, Glenbrook Beach, Auckland, PDP, Sept 2016
- Infrastructure Design Report, Glenbrook Beach Substation, Ergo Consulting, Sept 2022.

Contamination:

The PSI has identified HAIL activities on site, in close proximity to the piece of land (Lot 1003), and the NOR identified that site is presently undergoing bulk earthworks and potential remediation. Depending on the outcome of the remediation and if any residual contamination is present on the piece of land, the applicant is required to provide an assessment in terms of the NES and the AUP E30.

Condition recommended:

Prior to earthworks commencing the applicant shall engage a Suitably Qualified and experienced professional to review the remediation undertaken during the bulk earthworks stage, and provide an assessment in terms of the NES and the AUP E30

Hazardous substances

The proposal includes the storage and use of oils (<20t) within the transformer and the applicant has stated that bunding for emergency containment -up to 110% of the total volume, will be provided for spill containment.

However, a condition is recommended.

The applicant shall ensure that an Environmental Management Plan including a Spill response Plan is available on site.

Electromagnetic fields

The applicant has stated that the Substation will be designed to 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).

However, a condition requesting post commissioning monitoring is recommended:

The consent holder shall undertake, post commissioning monitoring to confirm that the electric and magnetic field emissions, comply with the International Commission on Non-ionising Radiation Protection Guidelines 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), and provide the report to the Team Leader Southern Compliance Monitoring, Auckland Council.

Regards,

Ruben Naidoo |Specialist Environmental Health

Resource Consents

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Auckland Council , Level 6, 135 Albert Street, Auckland
Visit our website: www.aucklandcouncil.govt.nz

From: Joe McDougall <joe.mcdougall@aucklandcouncil.govt.nz>
Sent: Thursday, 29 September 2022 2:23 PM
To: Ruben Naidoo <Ruben.Naidoo@aucklandcouncil.govt.nz>
Subject: RE: Glenbrook Beach Substation NOR - SME Request

Hi Ruben

Thanks for the update. Very tight deadlines on these NORs... so that fast turnaround is very much appreciated.

Kind regards

**Joe McDougall | Policy Planner
Central & South Planning | Plans and Places**

Auckland Council, Level 24, 135 Albert St, City Centre, Auckland
Mobile 021 198 3182

From: Ruben Naidoo <Ruben.Naidoo@aucklandcouncil.govt.nz>
Sent: Thursday, 29 September 2022 2:21 pm
To: Joe McDougall <joe.mcdougall@aucklandcouncil.govt.nz>
Subject: RE: Glenbrook Beach Substation NOR - SME Request

Hello Joe,

I can provide my comments tomorrow morning.

Regards,

**Ruben Naidoo | Specialist Environmental Health
Resource Consents**

Ph (09) 353 9078 | Ext (40) 9078 | Mob 027 2413 668
Auckland Council , Level 6, 135 Albert Street, Auckland
Visit our website: www.aucklandcouncil.govt.nz

From: Joe McDougall <joe.mcdougall@aucklandcouncil.govt.nz>
Sent: Thursday, 29 September 2022 9:49 AM

To: Ruben Naidoo <Ruben.Naidoo@aucklandcouncil.govt.nz>

Subject: RE: Glenbrook Beach Substation NOR - SME Request

Hi Ruben

That is great to hear! I really need an assessment ASAP, as we are now on day 5 of a ten day notification period and the s92 needs to be out before then.

When do you think you could get me the s92 questions?

Kind regards

**Joe McDougall | Policy Planner
Central & South Planning | Plans and Places**

Auckland Council, Level 24, 135 Albert St, City Centre, Auckland

Mobile 021 198 3182

From: Ruben Naidoo <Ruben.Naidoo@aucklandcouncil.govt.nz>

Sent: Thursday, 29 September 2022 8:52 am

To: Joe McDougall <joe.mcdougall@aucklandcouncil.govt.nz>

Subject: RE: Glenbrook Beach Substation NOR - SME Request

Hello Joe,

I will review and provide comments on contamination, EMF and hazardous substances.

Regards,

**Ruben Naidoo | Specialist Environmental Health
Resource Consents**

Ph (09) 353 9078 | Ext (40) 9078 | Mob 027 2413 668

Auckland Council, Level 6, 135 Albert Street, Auckland

Visit our website: www.aucklandcouncil.govt.nz

From: CANconsents <canconsents@aucklandcouncil.govt.nz>

Sent: Thursday, 29 September 2022 8:50 AM

To: Ruben Naidoo <Ruben.Naidoo@aucklandcouncil.govt.nz>

Subject: FW: Glenbrook Beach Substation NOR - SME Request

From: Joe McDougall <joe.mcdougall@aucklandcouncil.govt.nz>

Sent: Wednesday, 21 September 2022 2:17 PM

To: CANconsents <canconsents@aucklandcouncil.govt.nz>

Subject: FW: Glenbrook Beach Substation NOR - SME Request

Hi CANConsents team

This Notice of Requirement has now been lodged and I will need feedback as soon as possible on any s92 missing information. Can I please have confirmation this has been assigned to relevant experts (EMF, hazardous substances, contamination). Andrew has already confirmed he has been assigned for noise issues.

Lodged documents can be found below.

<U:\CPO\RLP\FC\LUP\UP MODIFICATIONS\DESIGNATIONS\DesigxxxGlenbrookBeachSubstation>

Please let me know if you need any further information from me.

Kind regards

**Joe McDougall | Policy Planner
Central & South Planning | Plans and Places**

Auckland Council, Level 24, 135 Albert St, City Centre, Auckland

Mobile 021 198 3182

From: Joe McDougall

Sent: Friday, 16 September 2022 3:57 pm

To: CANconsents <canconsents@aucklandcouncil.govt.nz>

Subject: Glenbrook Beach Substation - SME Request

Hi team

I am expecting a Notice of Requirement to be lodged in the next few weeks for an electrical substation in Glenbrook Beach.

I'll require SME assistance on matters regarding EMF, hazardous substances, contamination and noise.

In the interest of saving time once the statutory clock starts, would it be possible to have these proposal this assigned to team members in anticipation of the lodgement. I will then let them know when I receive more information to pass on.

Many thanks

**Joe McDougall | Policy Planner
Central & South Planning | Plans and Places**

Auckland Council, Level 24, 135 Albert St, City Centre, Auckland

Mobile 021 198 3182

From: [Jason Ashby \(AT\)](#)
To: [Joe McDougall](#)
Subject: RE: Glenbrook Beach Substation - AT Blurb
Date: Friday, 25 November 2022 3:56:27 pm
Attachments: [AT recommended conditions for counties NoR_10 Dec 2020.docx](#)

Hi Joe,

Attached and below are two examples that go into different levels of detail.

Construction traffic management plan

(a) A Construction Traffic Management Plan (CTMP) shall be submitted to the Manager for information at least 10 working days prior to the Start of Construction. The CTMP shall be prepared in consultation with Auckland Transport (including Auckland Transport Metro) and KiwiRail. The outcome of consultation undertaken between the Requiring Authority and Auckland Transport shall be documented including any Auckland Transport comments not incorporated within the final CTMP submitted to the Manager.

(b) The purpose of the CTMP is to avoid, remedy or mitigate, as far as practicable, adverse construction traffic effects.

(c) To achieve this purpose, the CTMP shall include:

(i) methods to manage the effects of temporary traffic management activities on traffic capacity and movements, in consultation with Auckland Transport ;

(ii) measures to manage the safety of all transport users;

(iii) the estimated numbers, frequencies, routes and timing of traffic movements, including any specific non-working or non-movement hours to manage vehicular and pedestrian traffic near schools or to manage traffic congestion;

(iv) methods for engaging with Parks, Sport and Recreation and Land Advisory, to be developed in consultation with Parks, Sport and Recreation and Land Advisory;

(v) site access routes and access points for heavy vehicles, the size and location of parking areas for plant, construction vehicles and the vehicles of workers and visitors;

(vi) methods to manage any road closures that will be required and the nature and duration of any traffic management measures such as the identification of detour routes, temporary restrictions, or diversions and other methods for the 25

safe management and maintenance of traffic flows, including general traffic, buses (including along Park Estate Road and Bremner Road), pedestrians and cyclists, on existing roads. Such access shall be safe, clearly identifiable and seek to minimise significant detours;

(vii) methods to maintain pedestrian and/or vehicle access to private property and/or private roads where practicable, or to provide alternative access arrangements when it will not be;

(viii) the management approach to loads on heavy vehicles, including covering loads of fine material, the use of wheel-wash facilities at site exit points and the timely removal of any material deposited or spilled on public roads;

(ix) methods that will be undertaken to communicate traffic management measures to affected road users (e.g. residents/public/stakeholders/emergency services);

(x) Auditing, monitoring and reporting requirements relating to traffic management activities shall be undertaken in accordance with Waka Kotahi's Code of Practice for Temporary Traffic Management;

(xi) Methods to manage the availability of on-street and off-street parking if the designated site is unable to accommodate all contractor parking. This shall include an assessment of available parking (if any) for contractors on street and identify measures to meet and/or reduce contractor parking demand for on-street parking to meet this demand;

(xii) Methods for recognising and providing for the on-going operation of Auckland Transport managed passenger transport services;

(xiii) Methods to maintain the functional operational and recreational access to any Auckland Council Park land during construction where practicable.

(d) Any CTMP prepared for a Stage of Work shall be prepared in consultation with Auckland Transport and submitted to the Manager for information 10 working days prior to the Start of Construction for a Stage of

Work.

ADVICE NOTE:

Where construction activities may affect the local road network, separate approval will be required from Auckland Transport (as the road controlling authority). The approval will likely include a Corridor Access Request and accompanying Traffic Management Plan.

Kind Regards, Jason Ashby

From: Joe McDougall <joe.mcdougall@aucklandcouncil.govt.nz>

Sent: Friday, 25 November 2022 3:37 p.m.

To: Jason Ashby (AT) <Jason.Ashby@at.govt.nz>

Subject: RE: Glenbrook Beach Substation - AT Blurb

Hi Jason

Yes please, a CTMP condition wording would be great.

Kind regards

**Joe McDougall | Policy Planner
Central & South Planning | Plans and Places**

Auckland Council, Level 24, 135 Albert St, City Centre, Auckland

Mobile 021 198 3182

From: Jason Ashby (AT) <Jason.Ashby@at.govt.nz>

Sent: Friday, 25 November 2022 2:56 pm

To: Craig Cairncross <Craig.Cairncross@aucklandcouncil.govt.nz>; Joe McDougall <joe.mcdougall@aucklandcouncil.govt.nz>

Cc: Sarah Wilson (AT) <Sarah.Wilson@at.govt.nz>

Subject: RE: Glenbrook Beach Substation - AT Blurb

Hi Craig and Joe,

Auckland Transport anticipates that the effects on the transport network of the development enabled by the designation will be less than minor and does not consider itself an affected party. I note that similar designations elsewhere have benefitted from conditions that address the transport effects of construction and AT would support the inclusion of a condition requiring a construction **traffic** management plan (CTMP) and can provide detailed wording should it be of use.

Kind Regards, Jason Ashby

From: Craig Cairncross <Craig.Cairncross@aucklandcouncil.govt.nz>

Sent: Wednesday, 23 November 2022 2:48 pm

To: Sarah Wilson (AT) <Sarah.Wilson@at.govt.nz>

Subject: FW: Glenbrook Beach Substation - AT Blurb

Hi Sarah,
As below, the Glenbrook Beach NoR – as discussed.
Thanks
Craig

From: Joe McDougall <joe.mcdougall@aucklandcouncil.govt.nz>
Sent: Wednesday, 23 November 2022 2:04 pm
To: Craig Cairncross <Craig.Cairncross@aucklandcouncil.govt.nz>
Subject: Glenbrook Beach Substation - AT Blurb

Hi Craig

Pertinent traffic information below for AT.

- The site is 13 Nola Avenue, Glenbrook and is zoned Residential – Single House Zone and is within the Glenbrook 3 Precinct. The land area requirement to be designated is 3358m². This is located within a larger site (34.4728 hectares).
- Counties Energy advises they require the designation in order to construct, operate and maintain a new 33kV zone substation.
- Access will be via an existing driveway and vehicle crossing onto McLarin Road, which is not classed as an arterial road under the AUP(OP). The shared accessway is 7.3m wide. The width of the driveway can accommodate two-way car and truck movement.
- Operational traffic expected to be 2-4 vehicles per week – e.g maintenance of the facility.
- Construction traffic expected to be “same as any similarly scaled project”. As with any construction project here will be heavy vehicle movement during this period for construction materials and also for the delivery and installation of the transformers and switchgear.
- Their AEE doesn’t consider AT to be an affected party.
- Conditions are proposed (see attached)
 - require the outline plan to show “The vehicular access crossings, circulation, and the provision for parking conforming with the relevant Auckland Transport standards and guidelines” (Condition 1(d)).
 - require a construction management plan (Condition 1(g)).
 - require outline plan to show compliance with AUP E26.5 Earthworks all zones and road. I think this condition might get refined.
- Overall I had considered adverse effects on the wider transport network to be less than minor. I also consider the any adverse effects construction effects on

traffic can be mitigated with a CMP. Detailed CMP can be provided with Outline Plan of Works.

Kind regards

Joe McDougall | Policy Planner
Central & South Planning | Plans and Places

Auckland Council, Level 24, 135 Albert St, City Centre, Auckland

Mobile 021 198 3182

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Draft Conditions for Counties Power NoR to designate land at Barber Road for the purpose of 'Electricity Substation'

X. Vehicle crossing

- a. 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 VX Rural Crossing Standards set out in Auckland Transport's Transport Design Manual (TDM), whichever is operative at the time of construction.
- b. Prior to operation of the substation, the berm must be re-instated to Council's "Code of Practice for Working in the Road" (<https://at.govt.nz/about-us/working-on-the-road>).
- c. The design of the vehicle crossing must demonstrate through an assessment of vehicle tracking that the access to and from the site can operate safely without having an effect on or generate potential vehicle movement conflicts with the adjacent existing vehicle accesses at 149 Barber Road and 153 Barber Road.

X. Construction Traffic Management Plan (CTMP)

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 Management Plan (CMP) to the Council for approval, in conjunction with Auckland Transport.

Advice Notes

- X. The Requiring Authority will need to submit details on the vehicle crossing for approval by Auckland Transport prior to construction.

From: [Andrew Gordon](#)
To: [Joe McDougall](#)
Subject: RE: Glenbrook Beach - Expert advice - conditions and
Date: Tuesday, 2 May 2023 8:44:38 am
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hi Joe,

In regard to proposed conditions:

Condition 1 i (v and vi) – ok

Condition 8 – need to amend as adjacent sites are zoned Residential – Single House. Therefore:-

Noise from the substation must not exceed the following noise limits when measured within the ~~notional~~ boundary of all adjacent properties zoned Residential:

In regard to submissions:

Glenn and Teri Griffin

According to GIS, own land at 115 McLarin Road. Recommend *'Acoustic fencing be required at Counties Energy expense to minimise noise should approval be provided on the current site'*

Given the proposed site design and layout, acoustic barriers are not required to ensure compliance with permitted noise levels when assessed within the boundary on 115 McLarin Road.

I note the applicant states a roof can be added to reduce noise emissions if required. I agree purpose built acoustic barriers are a practical noise mitigation measure.



Graham-Kyle crocker (4 Orewahi Road)

Given the proposed site design and layout, permitted noise levels when assessed within the boundary of this site will be readily met.

I note the applicant states a roof can be added to reduce noise emissions if required.



Paul Michael Broster

According to GIS, own land at 113 McLarin Road. Given the proposed site design and layout, permitted noise levels when assessed within the boundary of this site will be readily met.

I note the applicant states a roof can be added to reduce noise emissions if required.



Ray Jauny (2 Nola Avenue)

Given the proposed site design & layout and setback distance, permitted noise levels when assessed within the boundary of this site will be readily met.



Ahi and Natalie Hape (20 Orawahi Rd)

Given the proposed site design and layout, permitted noise levels when assessed within the boundary of this site will be met.

I note the applicant states a roof can be added if required to reduce noise emissions if required. I agree purpose built acoustic barriers are a practical noise mitigation measure.

I agree under calm meteorological conditions ambient noise levels may be very low (e.g. around 30 dB LAeq) particularly during the evenings and at night. As the existing noise environment has not been monitored and substation noise levels have not been predicted, it is difficult to assess the audibility of any substation noise outdoors. However, based on my experience I expect any substation noise will be inaudible inside the dwelling.



Given the above my conclusions/recommendations do not change.

Regards,

Andrew Gordon | Senior Specialist
Contamination, Air & Noise Team | Specialist Unit
Ph 09 301 01 01 | Mobile 027 482 3527
Auckland Council, Level 6, 135 Albert Street, Auckland 1010
Visit our website: www.aucklandcouncil.govt.nz

From: Joe McDougall <joe.mcdougall@aucklandcouncil.govt.nz>
Sent: Monday, 1 May 2023 4:00 pm
To: Andrew Gordon <Andrew.Gordon@aucklandcouncil.govt.nz>; Stephen Brown <stephen@brownltd.co.nz>; Ruben Naidoo <Ruben.Naidoo@aucklandcouncil.govt.nz>
Subject: Glenbrook Beach - Expert advice - conditions and

Hi Andrew, Stephen and Ruben

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Could you please advise if you have time this week to do this?

Thank you for your assistance with this.

Kind regards

**Joe McDougall | Policy Planner
Central & South Planning | Plans and Places**

Auckland Council, Level 24, 135 Albert St, City Centre, Auckland

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From: [Andrew Gordon](#)
To: [Joe McDougall](#)
Subject: RE: Glenbrook Beach NOR application -13 Nola Avenue, Glenbrook
Date: Tuesday, 27 September 2022 8:13:59 am
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image006.png](#)
[Visit_photos.docx](#)

Hi Joe,

I have reviewed the application documents in regard to noise effects and compliance with relevant E26 standards.

I note there is no noise assessment to support the application.

I recently visited the site surrounds.

Proposal

Application to designate 3,358m² of land for "electricity supply purposes".

Construct and operate a 33kV substation within 5 – 10 years.

The substation will consist of a switch room and two transformer bays. The switch room will be fully enclosed within a single level building with a basement over approximately 140m².

The two transformers will be located centrally within the site and partially screened by concrete walls. Additional mitigation, if required, may comprise a roof over the transformers.

The substation will be designed to enable compliance with 55 dB LAeq (day) and 45 dB LAeq (night) when assessed within adjacent sites zoned residential.

The Site

The application site is zoned Residential and is generally surrounded by a strip of Open Space with residential further away.

The nearest sites zoned residential, taken from the proposed location of the nearest transformer, are approximately;

- 40m to the north
- 40m to the south
- 50m to the west



New dwellings are under construction to the west and south west as shown in the attached photos.

E26

Given the NoR application, relevant noise standards are specified in E26.2.5.3:-

<i>Substations and electricity storage facilities</i>	
(2) Noise from substations	must not exceed the following noise limits when measured within the boundary of a residential zone site or within the notional boundary of a rural zone site:
(a)	55 dB LAeq between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and
(b)	45 dB LAeq/75 dB Lmax for all other times
(2A) Noise from electricity storage facilities	must not exceed:
(a)	The noise limits in E26 2.5.3(2) when the electricity storage facility is located on the same site as a substation and the noise levels are assessed cumulatively, or
(b)	The following noise limits when measured within the boundary of a residential zone site or within the notional boundary of a rural zone site:
(i)	50 dB LAeq between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and
(ii)	40 dB LAeq/75 dB Lmax for all other times.
(3) Noise from substations and electricity storage facilities in other zones	must not exceed the noise limits for the zone in which they are located as provided in E25 Noise and vibration.

As the facility operates 24/7, the design noise limits are 45 dB LAeq and 75 dB Lmax.

Comments

The noise assessment is relatively brief and reproduced below:-

<i>Noise</i>	
4.7	As the requirement will be for an indoor substation, the effects of noise will be mitigated through engineered design and soundproofing. The switchroom will be fully enclosed. Noise from the two transformers will be mitigated by placing the transformers towards the centre of the site which ensure sufficient distance from the neighbouring residential activities. If required however, a roof can be constructed over the transformer enclosures to ensure that any sound at the boundary of the site will not exceed 55 dB LAeq between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and 45 dB LAeq/75 dB Lmax for all other times.
4.8	In order to ensure ongoing compliance with the noise standards for the zone a number of conditions have been recommended, these can be viewed in Appendix F. Overall, it is considered that the adverse noise effects result from the proposed substation will be less than minor.

I note the proposed concrete walls will not be located to screen the transformers from the residentially zoned sites located approximately to the north and south, but will mitigate noise to the western/southwestern located dwellings.

Based on reviews of other new substations, an indicative noise level is 65 dBA at 2m for 100% ONAF (Oil-immersed, natural circulation Forced Air Cooled) with air cooling provided by four fans.

Assuming no physical mitigation (i.e. no noise barriers, fences or topographical screening) between the transformers and the nearest sites zoned residential, the above night time 45 LAeq standard will be met at a minimum setback distance of approximately 40m. I have assumed the existing dense vegetation surrounding the proposed facility will provide no noise mitigation.

Therefore, based on the plans showing the location of adjacent lots, I expect compliance will be achieved when assessed within any site zoned residential without any practical difficulties. As a contingency, additional acoustic screening is a practicable mitigation option which would mitigate noise by a minimum of 5 dBA and up to approximately 10 dBA.

Overall, I consider the facility can be designed and operated to not exceed permitted noise standards specified in the above standard. Effects will therefore be avoided and/or adequately mitigated, and noise will be at a reasonable level.

Applicants Proposed Conditions

- Proposed condition 8 prescribes the above noise levels, but incorrectly refers to notional boundary. There is no Rural or Future Urban zoned land affected (i.e. FUZ west of McLarin Rd) and instead should be "within the boundary of any site zoned residential". Further, compliance within the boundary of a site zoned residential will readily ensure compliance within the notional boundary of any site zoned rural further away.
- I do not object to the proposed Advice Note.
- I suggest an additional condition stating:-

Noise Standards

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.

- I note the applicant does not propose a condition requiring reporting (post installation) to demonstrate compliance with noise standards. Therefore, unless the applicant voluntarily submits a compliance monitoring report the council will have no evidence to demonstrate that the designation noise standards have been met. I recommend a condition requiring a compliance monitoring report to be submitted to council within 1 month of commissioning to demonstrate compliance with E26.2.5.3 (2).

Please advise if you have any queries.

Regards,

Andrew Gordon | Senior Specialist
Contamination, Air & Noise Team | Specialist Unit
Ph 09 301 01 01 | Mobile 027 482 3527
Auckland Council, Level 6, 135 Albert Street, Auckland 1010
Visit our website: www.aucklandcouncil.govt.nz

From: Joe McDougall <joe.mcdougall@aucklandcouncil.govt.nz>
Sent: Wednesday, 21 September 2022 10:04 am
To: Andrew Gordon <Andrew.Gordon@aucklandcouncil.govt.nz>
Subject: FW: Glenbrook Beach NOR application -13 Nola Avenue, Glenbrook

Hi Andrew

Thanks for coming on board with this one. Please see the link below. Just received.

Kind regards

Joe McDougall | Policy Planner
Central & South Planning | Plans and Places
Auckland Council, Level 24, 135 Albert St, City Centre, Auckland
Mobile 021 198 3182

From: Craig Cairncross <Craig.Cairncross@aucklandcouncil.govt.nz>
Sent: Wednesday, 21 September 2022 9:35 am
To: Joe McDougall <joe.mcdougall@aucklandcouncil.govt.nz>
Subject: FW: Glenbrook Beach NOR application -13 Nola Avenue, Glenbrook

From: Qjuan Wang <qwang@align.net.nz>
Sent: Wednesday, 21 September 2022 9:32 am
To: Katrina David <Katrina.David@aucklandcouncil.govt.nz>
Cc: Alastair Michaels <alastair.michaels@toba.nz>; Jo Michalakakis <jmichalakakis@align.net.nz>; Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>; Craig Cairncross <Craig.Cairncross@aucklandcouncil.govt.nz>
Subject: RE: Glenbrook Beach NOR application -13 Nola Avenue, Glenbrook

Hi Katrina

Thank you for your email. The shapefiles are included in the application document link that I shared (please let me know if there is any issue accessing the files).

I have now attached a copy of the shapefiles in this email

Kind regards

Qjuan

Qjuan Wang
Senior Planning Consultant

Align

☎ +64 9 972 3624 | align.net.nz

Bringing places and communities to life.

From: Katrina David <Katrina.David@aucklandcouncil.govt.nz>
Sent: Wednesday, 21 September 2022 9:27 am
To: Qiuwan Wang <qwang@align.net.nz>
Cc: Alastair Michaels <Alastair.Michaels@toba.nz>; Jo Michalakakis <jmichalakakis@align.net.nz>; Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>; Katrina David <Katrina.David@aucklandcouncil.govt.nz>; Craig Cairncross <Craig.Cairncross@aucklandcouncil.govt.nz>
Subject: RE: Glenbrook Beach NOR application -13 Nola Avenue, Glenbrook

Good morning Qiuwan

I'm not sure I will be the planner working on this. Craig has been on leave but luckily is back today so will discuss with him.

But in the meantime, please send us the shapefiles as soon as possible. They are a critical part of the process.

Ngā manaakitanga | Take care

Katrina David | Senior Policy Planner
Central & South Planning | Plans and Places
Auckland Council, Level 24, 135 Albert St, City Centre, Auckland
Mobile 021 945 031
Visit our website: www.aucklandcouncil.govt.nz

[I work a combination of working from home and at the office]

Many thanks
Katrina

From: Qiuwan Wang <qwang@align.net.nz>
Sent: Wednesday, 21 September 2022 9:16 am
To: Katrina David <Katrina.David@aucklandcouncil.govt.nz>; Craig Cairncross <Craig.Cairncross@aucklandcouncil.govt.nz>
Cc: Alastair Michaels <alastair.michaels@toba.nz>; Jo Michalakakis <jmichalakakis@align.net.nz>
Subject: Glenbrook Beach NOR application -13 Nola Avenue, Glenbrook

Hi Craig and Katrina

Please find the link to the application documents, including Form 18 and the shapefiles.

[220921_NOR Documents Lodgement](#)

Some of the earlier reports reference 127 McLarin Road as the site address, we trust this is not an issue. The latter and overarching reports now reference 13 Nola Avenue. Counties Energy would like the designation to be called "Glenbrook Beach Substation".

Our 'team' comprises the following organisations:

Project Management/applicant representative – Toba Projects – Alastair Michaels
Planning – Align – Jo Michalakakis/Qiuwan Wang
Landscape Architecture – Align – Angela Brown
Engineering – Ergo Consulting – Steve Gaskin/Maes Shukur
Geotechnical – Engineering Geology Ltd – Paul Carter/ Christian Lee

The following technical reports (previous site investigations for the wider site) are also included in the application documents:

Archaeological Assessment Report prepared by Bickler Consultants Ltd
Ecology Report prepared by Boffa Miskell Limited
Preliminary Site Investigation Reports prepared by Pattle Delamore Partners Limited

Invoicing details are as follows:

Required information	Enter Details	Information from whom	Explanation
Applicant/Requiring Authority:	Counties Energy Limited	Applicant	Name of applicant for billing purposes
Address (Physical) of RA:	14 Glasgow Road Pukekohe	Applicant	
Email for Billing/Invoices:	accounts@align.net.nz for deposit finance.ap@countiesenergy.co.nz for balance of fees	Applicant	Email address for all correspondence (can be multiple)
Contact Name/s:	Jo Michalakakis at Align Leigh Lambert at Counties Energy	Applicant	
Contact Phone Number/s:	027 257 4388	Applicant	
Purchase Order /Reference:	PM-212411	Applicant	
Business Partner Number (Client #):	Nil	Applicant	Enter Business Partner (BP) number with AC, if no BP then credit check will need to be done.

Please have your accounts team raise a deposit invoice and we will have that paid as soon as possible.

Please contact me with any questions or if you require clarifications on any matters.

Kind regards

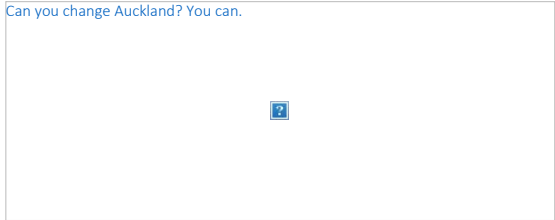
Qiuwan

Qiuwan Wang
Senior Planning Consultant

Align

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Looking north west to vacant lot at 115 McLarin Rd (and new dwelling at 4 Orawahi Rd in background and McLarin Rd dwelling to the left)



Looking east to towards application site



Looking west to McLarin Rd dwellings (111 – 113 McLarin Rd)



Looking east from Orawahi Rd (corner lot at 2 Orawahi Rd vacant)



Orawahi Rd dwelling (# 8? shown) and application site to the right



Land to the south of the proposed substation site

ATTACHMENT 3
SUBMISSIONS

The following customer has submitted a Notice of Requirement online submission.

Contact details

Full name of submitter: Graham-Kyle crocker

Organisation name:

Full name of your agent:

Email address: grahamcrocker2@hotmail.com

Contact phone number: 02108365242

Postal address:

4 orewahi road

Glenbrook

Auckland 2681

Submission details

Name of requiring authority: Counties Energy Limited

The designation or alteration: Counties Energy Limited Notice of Requirement for Glenbrook Beach Substation

The specific provisions that my submission relates to are:

Do you support or oppose the Notice of Requirement? I or we oppose the Notice of Requirement.

The reason for my or our views are:

No one from council or our agents advised that this would be proposed to build, our neighbours advised us yesterday, we have just moved in and feel this would cause sleepless nights with the noise these sub stations make.

I or we seek the following recommendation or decision from Auckland Council:

Being advise on what's going on in our neighbourhood, propose a new location for the substation as it's right behind our property.

Submission date: 20 December 2022

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

I accept and agree that:

- by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public,
- I or we must serve a copy of the submission on the person who gave the notice of requirement as soon as reasonably practicable after submitting to Auckland Council.

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The following customer has submitted a Notice of Requirement online submission.

Contact details

Full name of submitter: Paul Michael Broster

Organisation name:

Full name of your agent: Denise Broster

Email address: paulbroster@slingshot.co.nz

Contact phone number: 0226549208

Postal address:
C/- 39 Keywella Drive
Conifer Grove
Takanini
Auckland 2112

Submission details

Name of requiring authority: Counties Energy Limited

The designation or alteration: Counties Energy Limited Notice of Requirement for Glenbrook Beach Substation

The specific provisions that my submission relates to are:

Do you support or oppose the Notice of Requirement? I or we oppose the Notice of Requirement.

The reason for my or our views are:

There are 11 other areas for this to be situated away from residential areas and they have not been investigated. The substation proximity to my property will devalue my property and make it difficult to sell. Substations emit a constant low pitch hum which worsens at night. The substation will cause disruption to internet services. Auckland Council have only advised one person (me) of this substation plan and has previously sent advice to homeowners who are not affected. They have also advised a misleading address for the site. I have a serious auto immune issue and am fearful the substation will cause further health issues. I have been misled by advertising and advice from the developers of Kahawai Point that the designated area is for future residential and/or nature reserve. Not a power substation.

I or we seek the following recommendation or decision from Auckland Council:

I seek recommendation or decision from Auckland Council for the substation to not go ahead. There are 11 other areas for this to be situated away from residential areas and they have not been investigated.

Submission date: 17 January 2023

Supporting documents
NOR Submission 17January 2023 Paul Broster.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

I accept and agree that:

- by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public,
- I or we must serve a copy of the submission on the person who gave the notice of requirement as soon as reasonably practicable after submitting to Auckland Council.



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Submission for NOR from

Paul Broster
(Home Owner) 113 McLarin Road
Kahawai Point
Glenbrook

Subject: NOR Auckland Council for Glenbrook Beach Substation

I received my first notification from Auckland Council about the planned substation on 14 December 2022. The letter was dated 01 December 2022. I have not quite finished building my first home at 113 McLarin Road, Glenbrook. The red arrow below shows my property and the pink arrow shows the area for the substation.



I contacted the Kahawai Point subdivision developers the next morning – being Michele Matheson of Baileys Real Estate and Bernie Chote from Kahawai Point to see if they were aware. Michele was not aware, and I not had a response from Bernie.

I then contacted Counties Energy and, after discussion with them, called a meeting at my new home build (not yet completed). My section overlooks the planned substation site and is bordered by the driveway to the site. We met with two Counties Energy staff including Alistair Michaels. Michele from Bayleys attended along with a neighbour who had just gone 'unconditional' on the property between my home and the substation site that day. They were totally unaware and had not received notification – understandable.

After the meeting I had another neighbour query about the meeting. He had not received notification, which was the same as two neighbours immediately across the road who are also relevant to the substation.

Kahawai Point has always shown the site that has been sold for the substation to be 'Future Residential'. And in fact I went to an 'open day' for Kahawai Point on 19 June 2022 and Bernie Chote told me personally that that area was going to change and be designated for 'Nature Reserve' – very misleading considering he had already sold the property for the substation.

I understand that Auckland Council had previously sent out notification re the substation but it was sent to the wrong group of home owners who were not immediate to the site – people who would have no objection to the actual site.

The Auckland Council notification also incorrectly advised the substation to be at 13 Nola Avenue Glenbrook – which was quite misleading and could have been instrumental in immediate residents being not aware of the situation.

After reading through the documents on the council site I discovered that there was a comment ... *It has been reported that 12 other properties were considered for the location of the substation within the wider area but considering Counties Energy had entered a Sales and Purchase Agreement with the current owner and due the minor adverse effects, a vigorous investigation into the other sites had not been required* ... which was contrary to what they said at the meeting. I do not think they have been honest with us - unless the information supplied to the council was not factual and an S&P agreement hasn't been entered into, in which case there is no reason the other 12 alternative sites shouldn't be investigated.

I am certain it will devalue my property a lot and make it very hard to sell.

I know the substations emit a constant low pitch hum which worsens at night – which is totally not acceptable.

I also understand that the substation can cause disruption to internet services.

I am the only person who received notification in the area relevant to this substation.

Paul Broster
Ph 022 6549208

Currently my address is C/- 39 Keywella Drive, Conifer Grove, Auckland 2112

The following customer has submitted a Notice of Requirement online submission.

Contact details

Full name of submitter: Glenn and Teri Griffin

Organisation name:

Full name of your agent:

Email address: savvarna24@xtra.co.nz

Contact phone number: 0272692006

Postal address:
21 Catherine McLean Road
Pukekohe
Auckland 2120

Submission details

Name of requiring authority: Counties Energy Limited

The designation or alteration: Counties Energy Limited Notice of Requirement for Glenbrook Beach Substation

The specific provisions that my submission relates to are:

Do you support or oppose the Notice of Requirement? I or we oppose the Notice of Requirement.

The reason for my or our views are:
The adverse effects on our property and living

I or we seek the following recommendation or decision from Auckland Council:
- Alternative sites should be surveyed to determine whether they would be more suitable for requirement - Acoustic fencing be required at Counties Energy expense to minimise noise should approval be provided on the current site - Early planting of vegetation at the boundary be required to ensure by the time construction commences vegetation is at a reasonable height to minimise visual impacts - Should any damage to easement occur during period of construction that repairs should be covered by Counties Energy

Submission date: 28 January 2023

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

I accept and agree that:

- by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public,
- I or we must serve a copy of the submission on the person who gave the notice of requirement as soon as reasonably practicable after submitting to Auckland Council.

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The following customer has submitted a Notice of Requirement online submission.

Contact details

Full name of submitter: ray Jauny

Organisation name:

Full name of your agent:

Email address: rjauny@hotmail.com

Contact phone number: 0204228642

Postal address:
62 woolfield road,
papatoetoe
auckland 2025

Submission details

Name of requiring authority: Counties Energy Limited

The designation or alteration: Counties Energy Limited Notice of Requirement for Glenbrook Beach Substation

The specific provisions that my submission relates to are:
2 nola avenue, Glenbrook

Do you support or oppose the Notice of Requirement? I or we oppose the Notice of Requirement.

The reason for my or our views are:

Too close to residential areas. I have issues based on health and safety: <https://www.home-biology.com/electromagnetic-radiation/low-frequency-electromagnetic-fields/power-lines-and-transformers>

I or we seek the following recommendation or decision from Auckland Council:
Move to farm lands a 3-4 kms away

Submission date: 14 February 2023

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

I accept and agree that:

- by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public,
- I or we must serve a copy of the submission on the person who gave the notice of requirement as soon as reasonably practicable after submitting to Auckland Council.

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The following customer has submitted a Notice of Requirement online submission.

Contact details

Full name of submitter: Ahi and Natalie Hape

Organisation name:

Full name of your agent:

Email address: ash.construction@gmail.com

Contact phone number:

Postal address:
11 Wheriko Avenue
Glenbrook
Auckland 2168

Submission details

Name of requiring authority: Counties Energy Limited

The designation or alteration: Counties Energy Limited Notice of Requirement for Glenbrook Beach Substation

The specific provisions that my submission relates to are:
Section 2.1.2 Assessment of Adverse Effects - Noise & Vibration Affected property - 20 Orawahi Rd

Do you support or oppose the Notice of Requirement? I or we oppose the Notice of Requirement.

The reason for my or our views are:

We strongly object on the grounds that the transformer will be placed only 30m+- from our bedrooms on the property located at 20 Orawahi Rd. We have for the past 24 years lived on a busy South Auckland road and recently sold up in search of a quieter life. We purchased this site specifically for the peace and quiet the bush area afforded. We specifically asked the developer prior to purchase what the proposed site was earmarked for and were told (in writing) it would be either housing or reserve. If we had known a substation was proposed we would never have purchased the property. Currently in the subdivision, the noise levels are on average 40dB during the day even with the current construction noise and 20dB in the evening. Kahawai Point Development have marketed the area as 'a coastal haven' and 'a place to unwind.' We therefore find the proposed noise levels of 55dB during the day and 45dB in the evening to be unacceptable.

I or we seek the following recommendation or decision from Auckland Council:

In the first instance, we wish that an alternative site be found for the substation. If our objection is overruled, we seek a condition that additional acoustic screening be required for this site, that a roof be constructed over the transformer enclosures to ensure an absolute minimum amount of noise pollution at the boundary. Also if the substation noise cannot be mitigated that Counties Power pay the cost to upgrade our homes external cladding envelope and upgrade to triple glazing joinery.

Submission date: 20 February 2023

Supporting documents

Proposed Substation Layout distance to house.pdf

Email regarding use of land.pdf

Attend a hearing

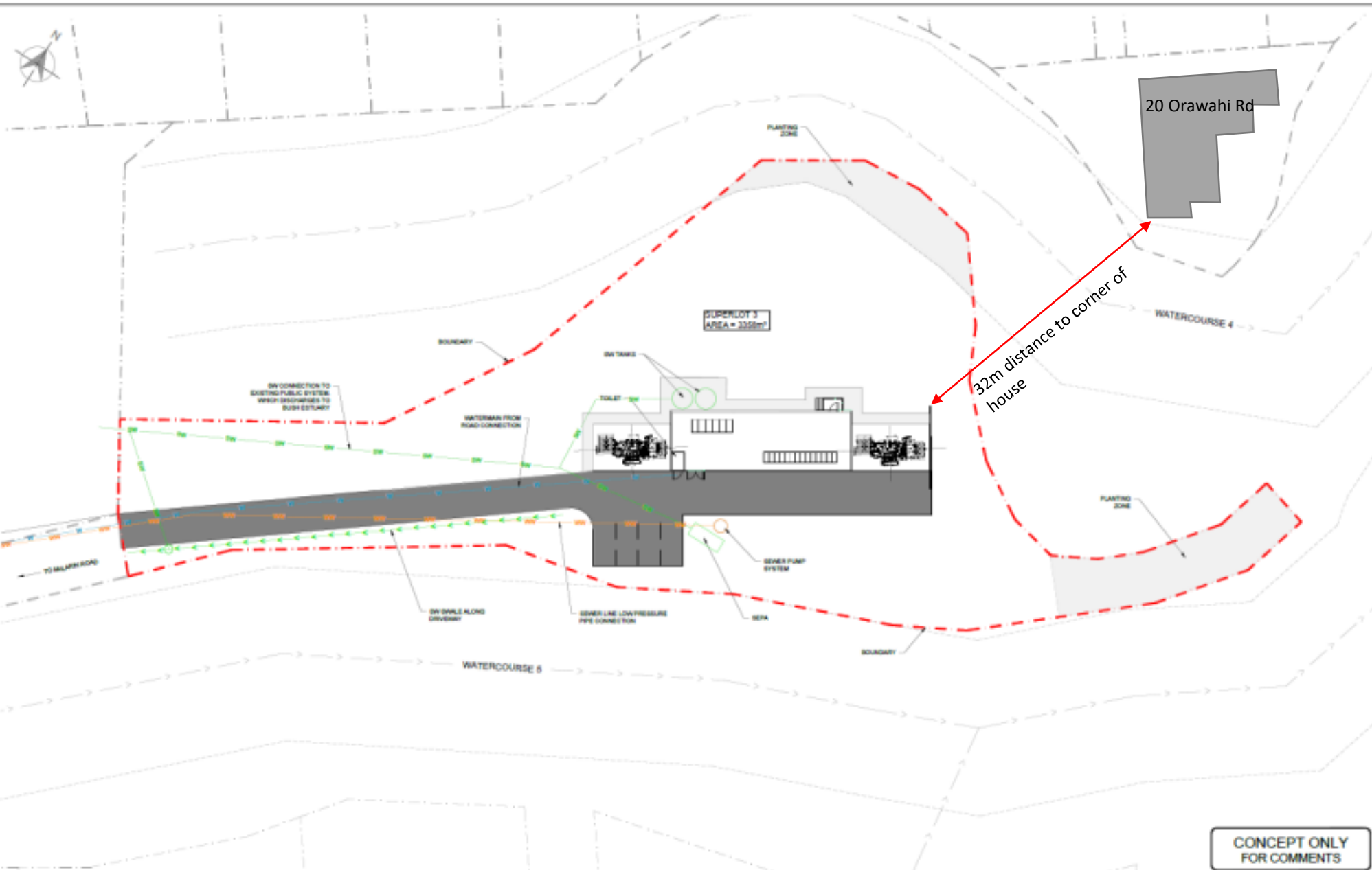
Do you wish to be heard in support of your submission? No

Declaration

I accept and agree that:

- by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public,
- I or we must serve a copy of the submission on the person who gave the notice of requirement as soon as reasonably practicable after submitting to Auckland Council.

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CONCEPT ONLY
FOR COMMENTS

REV	DESCRIPTION	DSH	DATE	APP	REV	DESCRIPTION	DSH	DATE	APP	DRAWN	NS	MAP22
1	ISSUED FOR REVIEW	NS	18.3.22	SG						DESIGNED		
										CHECKED		
										RECOMMND		
										APPROVED		
										© COUNTRIES ENERGY LIMITED 2021		

ZONE SUBSTATION
GLENBROOK CONCEPT
PROPOSED CONCEPT SWITCHROOM
LAYOUT PLAN

SIZE	SCALE	FOLDER
A1	1:200 @A1 1:400 @A2	-
GLB-SK1		1
FILE NAME: GLB_SK01.dwg		



Talia Jane <talia.jane@gmail.com>

to Michele ▾

Sun, Sep 19, 2021, 9:46 AM



Hi Michele,
Thank you for all the information you have provided. After having a good look at all the sites, we are actually very interested in Lot 243.
Is there any specific information relating to this site? We are curious to know any information about the future residential properties planned inside the conservation zone backing onto Lot 243 as it seems like an unusual pocket of land.
How would we go about making an offer while in Level 4, or do we need to wait until we scale down levels?
Thanks for your time
Regards
Natalie & Ahi Hape

...



Michele Mathieson <Michele.Mathieson@bayleys.co.nz>

to me ▾

Sun, Sep 19, 2021, 4:48 PM



Hi Talia,

There is nothing about this site that I am aware of that is different from any other.

Re the reserve area. Where the plants are this is reserve and nothing can be built there, however the big area that is grass behind it, it is possible to have sections and the developer is working through deciding at the moment if they will put sections there or have a reserve. If they do have sections they not come off the shared driveway that services Lot 243, they will come off the main road into the subdivision before you get to the first roundabout.

If you are interested in putting an offer on the section we can do this, I just need answers to the following questions:

1. Full names of whomever you want on the agreement
2. Deposit is 10% payable once any conditions you have are met.
3. Any conditions. Eg do you want it subject to Solicitors approval, finance, house sale etc. If you do let me know which conditions please
4. Settlement date is 10 working days after title is issued
5. Your address
6. Your lawyers details.

Then I will put an offer together and send it through for you to have a look at.

...

ATTACHMENT 4
RECOMMENDED CONDITIONS

Proposed Conditions

Counties Energy Glenbrook Substation

Designation Number	_____
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 the LVIA prepared by Align Ltd prepared by a suitably qualified person; and
 - f. Outcomes from the consultation undertaken with Ngati Te Ata and Ngati 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. 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 Ngati Te Ata and Ngati Tamaoho

2. Counties Energy shall consult with Ngati Te Ata and Ngati 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 Ngati 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 shall 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.

Landscaping and visual

4. 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; 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.
5. 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 4.
6. All landscaping and planting shall 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 shall be replaced no later than the next planting season.
7. The substation switchroom is 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

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

Setbacks

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

Noise

11. Noise from the substation must not exceed the following noise limits when measured within the 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 L_{Amax} 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.

12. At the request of the Council, and within 20 working days of that request, a suitably qualified acoustic professional engaged by the consent holder must provide to 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 11
 - c. recommends specific actions, in the event of a breach, that will ensure compliance with the noise limits specified in condition 11
13. All specific actions outlined in the report provided by the suitably qualified acoustic professional in accordance with condition 11 must be implemented, to the satisfaction of the Council, within 40 working days from the provision of that report.
14. In the event that the specific actions referred to above are not implemented within the period specified in this condition, the activity directly associated with the source of the noise must cease until such time that the specific actions are implemented.

Advice Note:

Noise levels are measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of environmental sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental noise

Electric Magnetic Fields (EMF)

15. 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).

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 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

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 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.
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 occur between the hours of 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 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.

Hazardous Substances Environmental Management Plan (HSEMP)

27. 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 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.
28. The Requiring Authority must ensure that all transformers containing more than 1000L of oil are banded. Each band shall be of sufficient capacity to contain the total volume of oil contained within each transformer plus an allowance for rainwater.

ATTACHMENT 5
PROPOSED CONDITIONS

Proposed Conditions – Revision 1 (31 October 2022)

Counties Energy Glenbrook Substation

Designation Number	_____
Requiring Authority	Counties Energy Limited
Location	Nola Avenue, Glenbrook
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, 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 the LVIA prepared by Align Ltd prepared by a suitably qualified person; and
 - f. Outcomes from the consultation undertaken with Ngati Te Ata and Ngati Tamaoho during the detailed design phase; and
 - g. A Construction Management Plan to facilitate construction supervision, coordinate inspections, ensure that health and safety matters are appropriately addressed in accordance with clause 1.5.5.3 (Stage 2: Construction) of 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 Ngati Te Ata and Ngati Tamaoho

- 2. Counties Energy shall consult with Ngati Te Ata and Ngati 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.

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 shall apply:
 - a. Works in the immediate vicinity of the site that has been exposed shall cease;
 - b. 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.
 - e. 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

- 4. 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.
- 5. The substation switchroom is 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

- 6. The maximum height of buildings must not exceed the maximum 8m height limit for

buildings in the Residential Single House Zone.

Setbacks

7. Buildings must not be located within 10m of streams and wetland zoned Open Space: Informal Recreation

Noise

8. 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 L_{Amax} for all other times

Advisenote: 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)

9. 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

10. 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

11. 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.

Hazardous Substances Environmental Management Plan (HSEMP)

12. 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 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.
13. The Requiring Authority must ensure that all transformers containing more than 1000L of oil are banded. Each band shall be of sufficient capacity to contain the total volume of oil contained within each transformer plus an allowance for rainwater.

ATTACHMENT 6

Relevant Sections of New Zealand Coastal Policy Statement and National Policy Statements

Attachment 8: Relevant NZCPS and National Policy Statements objectives and policies

New Zealand Coastal Policy Statement 2010 (NZCPS)

Objective 1

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;
- protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and
- maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity

Objective 3

To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:

- recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;
- promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;
- incorporating mātauranga Māori into sustainable management practices; and
- recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.

Policy 2 The Treaty of Waitangi, tangata whenua and Māori heritage

In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment: ...

- (d) provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga², may have knowledge not otherwise available;

Policy 23 Discharge of contaminants

(1) In managing discharges to water in the coastal environment, have particular regard to:

- (a) the sensitivity of the receiving environment;
- (b) the nature of the contaminants to be discharged, the particular concentration of contaminants needed to achieve the required water quality in the receiving environment, and the risks if that concentration of contaminants is exceeded; and

- (c) the capacity of the receiving environment to assimilate the contaminants; and:...
- (4) In managing discharges of stormwater take steps to avoid adverse effects of stormwater discharge to water in the coastal environment, on a catchment by catchment basis, by:
 - ...
 - (b) reducing contaminant and sediment loadings in stormwater at source, through contaminant treatment and by controls on land use activities;

National Policy Statement for Freshwater Management 2020 (NPS-FM)

2.1 Objective

(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems
- (b) second, the health needs of people (such as drinking water)
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

2.2 Policies

Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.

Policy 2: Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.

Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

Policy 5: Freshwater is managed (including through a National Objectives Framework) to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.

Policy 15: Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement