

Recommendation following the hearing of a Notice of Requirement under the Resource Management Act 1991

Proposal

To establish a new electricity substation for Counties Energy at 50 Orawahi Road, Glenbrook.

This Notice of Requirement to designate land at 50 Orawahi Road, Glenbrook, for electricity supply purposes is **CONFIRMED** in whole, subject to conditions. The reasons are set out below.

NoR Reference	Glenbrook Beach Substation
Site address:	50 Orawahi Road, Glenbrook
Requiring Authority / Applicant:	Counties Energy Limited
Hearing commenced:	8 June 2023, 9.30am
Hearing Panel:	Richard Blakey (Chairperson) Helen Mellsop Justine Bray
Appearances:	<p><u>For the Requiring Authority:</u> Counties Energy Limited represented by: Qiuang Wang, Senior Planner Tim Logan, Programme Manager Jo Michalakis, Planner Alastair Michaels, Project Manager Julie Greenslade, Landscape Architect</p> <p><u>For Council:</u> Craig Cairncross, Team Leader Joe McDougall, Planner Andrew Gordon, Noise Consultant Ruben Naidoo, Environmental Health Officer Stephen Brown, Landscape Architect Patrice Baillargeon, Senior Hearings Advisor</p>
Hearing adjourned	8 June 2023 at 12:19pm
Commissioners' site visit	8 June 2023
Hearing Closed:	4 July 2023

INTRODUCTION

1. Pursuant to s.168 of the Resource Management Act 1991 (**RMA**), Counties Energy Limited (**CEL**), as the Requiring Authority, gave notice (Notice of Requirement, hereafter **NoR**) to the Council to designate the site at 50 Orawahi Road, Glenbrook (Lot 5000 DP 562266, ½ Share Lot 2003 DP62266),¹ for electricity supply purposes in the Auckland Unitary Plan (Operative in Part) (**AUP(OP)**).
2. The Requiring Authority advises that it requires 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.
3. 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 that 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; and
 - Civil site works such as earthworks, stormwater drainage, wastewater drainage, carparks and driveways.
4. The hearing for the NoR was held on 8 June 2023 at the Waiuku Community Hall (10 King Street, Waiuku) by Independent Hearing Commissioners, Richard Blakey (Chair), Helen Mellsop and Justine Bray (**Hearing Panel**), who were appointed and act under delegated authority from the Council under ss.34 and 34A of the RMA. There were no appearances at the hearing by submitters.
5. This recommendation report assesses the NoR under s.171 of the RMA and addresses the issues raised in the submissions and contains the Hearing Panel's recommendation to the Requiring Authority pursuant to s.171(2) of the RMA.

THE SITE AND THE EXISTING ENVIRONMENT

6. The site is zoned Residential – Single House Zone (**SHZ**) under the AUP(OP) and is located within the Glenbrook 3 Precinct. The land area requirement to be designated is 3,358m² (comprised of land within a larger site of 27.4631 hectares).

¹ 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.

7. Other particulars of the site and existing environment were described in the Council's agenda report as follows:
- The irregularly shaped land subject to the NoR 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 urbanisation including the construction of houses along Orawahi Road and McLarin Road that border the subject site, with sites to the north comprising of single storey dwellings, consistent with the SHZ provisions.
 - A small portion of land to the south is zoned Business – Neighbourhood Centre Zone,² but the majority of the land to the south and to the west remains rural in character and is zoned either Future Urban Zone (**FUZ**) or Mixed Rural Zone.
 - East of the site at 80 McLarin Road, Glenbrook, proposed Private Plan Change 91 aims to rezone the site from FUZ to Residential – Mixed Housing Suburban Zone, create a new precinct and extend the Stormwater Management Area - Flow 1 control.

RESOURCE CONSENTS AND OUTLINE PLAN OF WORKS

8. Regional consents will be required in order to establish the sub-station on the site and are yet to be applied for (e.g., for dewatering). An Outline Plan of Works (**OPW**) will also be required and no waiver for the OPW has been sought through this NoR process.

SUBMISSIONS AND EVIDENCE

Notification and submissions

9. The NoR was limited notified by the Auckland Council (**Council**) on 9 December 2022, with the submission period initially closing on 30 January 2023, but subsequently extended to 27 February 2023.³
10. A total of five submissions were received, all in opposition.

² Referred to in the agenda report as Local Centre Zone but further reference to the AUP(OP) maps confirms that this is Neighbourhood Centre.

³ During the submission period it was 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 s.2A of the RMA.

Agenda report

11. A report was prepared by the Council's Policy Planner, Joe McDougall in accordance with s.42A of the RMA (**agenda report**), which recommended that the NoR be confirmed, subject to amendments to the proposed conditions. The reasons for this recommendation were summarised in the agenda report as follows:⁴

- *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 [gives] 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 [section] 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.*

12. The agenda report advises that views from the Franklin Local Board were sought and were provided at the Local Board's business meeting of 9 May 2023:

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.*

⁴ Agenda, at p.49

13. In accordance with (b) above, the Local Board did not seek the opportunity to present to this Panel. We have nevertheless taken its views into account in preparing our recommendations on the NoR.
14. The agenda report, along with the Council's various specialist assessments, was circulated prior to the hearing and taken as read. The evidence presented at the hearing responded to the issues and concerns identified in the Council's report, the NoR itself and the submissions made on the NoR. Expert evidence on behalf of the Requiring Authority was also circulated prior to the hearing and again was taken as read.
15. The evidence presented by the Requiring Authority at the hearing is summarised below.

Evidence for the Requiring Authority

16. **Tim Logan** is the head of the CEL Network Planning and Major Projects Team. He presented a statement of evidence at the hearing which described the role of CEL and its long term planning for energy demand in the Franklin region, and its current response to growth.⁵ His statement noted that CEL currently has ten substations across the Franklin region and four of these have been built or substantially upgraded in the last four years. CEL needs to build or re-build five more substations in the next decade. The current proposal is one of those five, and in this regard he advised that:⁶

The Glenbrook Beach substation is planned primarily in response to expected residential development in the area, based on the unitary plan. Large areas of Glenbrook Beach and Clarkes Beach have been zoned future urban in the unitary plan, and just driving to site you will have seen substantial residential development has already taken place.

17. Mr Logan's statement also described the process involved in site selection, including in terms of identifying the area where demand requires it, and then appropriate sites in terms of size and avoidance of potential hazards, as well as land that is available for purchase. He stated in summary that:

24. *...Counties Energy are designating this site primarily to supply the load growth we expect to result from the Unitary Plan zoning, particularly where low density agricultural land has been given a residential zoning.*

25. *The precise timing and configuration of the site is challenging to predict given the uncertainty of the surrounding load growth and the preliminary nature of the design to date, and we would like to emphasise that we see Counties role as responding to the growth outlined in the Unitary Plan. However we believe that the work provided to date shows that the site meets all of our requirements and that the effects of our work are within*

⁵ EV3

⁶ EV4, at [6]

what is reasonable, allowable and appropriate for a residential neighbourhood.

18. Mr Logan also responded to questions about the noise characteristics of substations and the likely construction period and associated disturbance of the shared vehicle access (with 115 McLarin Road) during this period. We refer to these issues later in this recommendation report.
19. **Qiu Wang** presented planning evidence on behalf of the Requiring Authority.⁷ Ms Wang's evidence described the need for the project and its strategic context, as well as addressing the nature of effects on the environment, including those anticipated by the AUP. She also responded to the matters arising in the agenda report and the submissions and provided comments in respect of the proposed conditions. In particular, her evidence noted that:
- The proposed designation is required to secure a suitable site for the construction of a new 33kV zone substation in order to ensure that reliable and secure electricity supply is provided to Glenbrook given the growth in development in this location and the wider Counties area.⁸
 - Counties Energy has considered many alternative sites over several years in the face of increasing competition for land that can physically accommodate a substation with its associated design parameters.⁹
 - There are a range of activities that can be reasonably anticipated to occur on the site, and these include:¹⁰
 - *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.*
 - *Substations and electricity storage facilities compliant with noise limit of 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, when measured from the boundary of a residential zone or within the notional boundary of a rural zone site.*
 - *Earthworks for network utilities and electricity generation up to 2500m² and 2500m³ other than for maintenance, repair, renewal, minor infrastructure upgrading.*
 - *One dwelling per site*
 - *Development compliant with the SHZ and Infrastructure standards including:*
 - o *maximum height for buildings of 8m*
 - o *minimum yards including 1m side and rear yards, 3m front yard and 10m riparian yard.*

⁷ EV1

⁸ EV1, at [7] and [8]

⁹ Ibid, at [9]

¹⁰ Ibid, at [20]

20. Ms Wang was generally in agreement with the assessments provided in the agenda report other than in respect of the recommendation to require a wider setback to the rear and side boundaries (beyond the 1m standard for the SHZ). She noted however that it was unlikely that the substation would be within 1m of the boundaries.
21. She also addressed the matters raised in submissions in respect of landscape and visual amenity; noise; health and safety; electrical interference; construction effects and alternative sites. Her assessment noted her agreement with the conclusions set out in the agenda report on all these matters.
22. Ms Wang considered the recommended conditions were generally acceptable but noted some required amendments and corrections. These were a matter of further discussion during the hearing and the Requiring Authority's Reply and we refer to these matters later in this report.
23. **Julie Greenslade** presented evidence on behalf of the Requiring Authority in respect of landscape and visual effects.¹¹ Her evidence described the existing landscape character of the site, and a summary of landscape effects, including from several representative viewpoints. She also highlighted the design mitigation incorporated into the proposal, including planting and fence structures. She considered that the landscape and visual effects of the proposal would range from very low to moderate and was generally in agreement with the assessment provided for the Council by Mr Brown, other than in respect of the timing of additional mitigation planting.
24. Ms Greenslade responded to the issues raised in submissions in respect of landscape/visual effects matters, and overall concluded that "*in the long term the mitigation planting will reduce all visual effects to Low for the immediate dwellings affected and Very Low for the broader neighbourhood*".¹²
25. Ms Greenslade responded to questions with respect to the timing of components of the landscape plan, as well as in respect of the growth habit of the existing Kanuka vegetation within the adjacent reserve area.

Council response

26. **Andrew Gordon**, the Council's noise specialist, responded to the matters raised by the Panel with CEL witnesses with respect to the acoustic performance of substations and the likely noise environment that would be created adjacent to residential properties. Mr Gordon advised that he based his understanding of likely noise levels from an acoustic report prepared for a similar NoR for Kingseat,¹³ and his memorandum had noted noise levels of up to 65dB at 2m from an air-cooled substation facility (without mitigation), while operating at 100%. He remained of the view that the conditions as drafted would ensure that the noise effects of the proposed facility would be within the standards of the AUP(OP).

¹¹ EV2

¹² EV2, at [38]

¹³ No specific acoustic report was provided for this NoR.

27. **Stephen Brown**, the Council's landscape architect, attended the hearing on Teams but did not advise of any substantive further comments at the hearing, and subsequently informed the hearing administrator that his assessment of the proposal remained as set out in his review reports of 8 November 2022 and 9 May 2023. He drew attention to his support for the planting of some specimen trees as early as possible near the substation accessway and the 'throat' of vegetation next to 115 McLarin Road.
28. **Joe McDougall** confirmed that he remained supportive of the proposal and would provide his further comments on the Requiring Authority's amendments to proposed conditions following adjournment of the hearing, to be included in the Applicant's reply.

Site visits

29. The Panel visited the subject site prior to the commencement of the hearing and observed the existing planting around the NoR area and development underway on adjacent residential sites. Following the adjournment of the hearing, and at the recommendation of Mr Logan, the Panel also visited an existing substation at 125 Kitchener Road in Waiuku, in order to gain an appreciation of the acoustic characteristics of such a facility, during the daytime period.

Reply for the Requiring Authority

30. The Requiring Authority's right of reply was provided by Ms Wang by way of a letter dated 27 June 2023.¹⁴ The Reply included a copy of the acoustic assessment provided in respect of CEL's proposed substation at Kingseat.¹⁵ It also advised of CEL's proposed changes to certain conditions, which it noted have been reviewed by Mr McDougall and other Council specialists "*and have been agreed upon*".¹⁶
31. Following its review of the Reply, the Panel issued a query on 29 June 2023 seeking further information in respect of legal obligations for the maintenance of access to 115 McLarin Road under proposed Condition 26A. In particular, the Panel noted that the Reply letter referred to this condition as requiring communication with 115 McLarin Rd, and "*to ensure access to their property is maintained during construction*". However, the Panel was concerned to note that the condition itself only makes reference to communication requirements. We therefore sought further comment as to the Requiring Authority's legal obligations to 115 McLarin Road in respect of the terms of the right-of-way easement for maintenance of access to that property and invited possible alternative wording for the condition.
32. The Requiring Authority responded to the Panel's request on 30 June 2023 with respect to the particulars of the easement and sought that the proposed version of Condition 26A be retained. We refer to this matter in more detail later in this recommendation report.

¹⁴ EV4

¹⁵ EV5

¹⁶ EV6

33. Other matters arising from the Requiring Authority's original Reply letter are addressed in the following section of this report.
34. After considering the Reply, the Panel was satisfied that it had sufficient information to make its recommendations on the NoR and the hearing was duly closed on 4 July 2023.

ISSUES IN CONTENTION

Introduction

35. The recommendations made in this report, in terms of the framework provided by s.171 of the RMA, follow the deliberations and the findings made by the Commissioners after considering the NoR, the submissions lodged, the Council's reports and the evidence presented at the hearing, including final comments made by Council officers, and a written reply and associated updated conditions schedule provided by Ms Wang on behalf of the Requiring Authority. Having considered that information, it was apparent that there were no substantive matters of contention between the Council and the Requiring Authority. Nevertheless, the Panel enquired with respect to several matters during the hearing related to potential effects on the surrounding environment (including noise issues raised by submitters), as referred to in the evidence summary above. These were:
 - The extent of noise arising from the operation of a substation;
 - The timing at which components of the proposed landscape plan would be implemented;
 - Maintenance of the site prior to implementation of the designated works and how that landscaping and the site would be maintained; and
 - How access to the adjacent site at 115 McLarin Avenue, within a shared right-of-way, would be provided for during construction works.
36. The Panel notes that it is generally satisfied with the responses received as part of the Requiring Authority's reply, subject to the amendments it recommends to certain of the conditions and addresses the abovementioned topics below.

Effects of noise

37. Adverse effects related to noise are those arising in respect of the operation of the substation. The Panel wished to understand the noise characteristics of such facilities, which we initially assumed would be constant across any given day, and the need to adopt different noise standards across the day and night (per the noise limits defined in the AUP(OP)). Mr Logan advised that substations do operate at variable capacity, and noise levels, depending on changes in demand across the day, with the peaks for residential environments typically occurring during the morning and evening.

38. For further surety in this regard, and as previously noted, the Panel visited an existing substation facility at 125 Kitchener Road in Waiuku. While we understand, based on the above comments, that substations may not be operating at capacity in the middle of the day, we noted that noise from the substation operation was not audible to us. In this regard there appeared to be some 'headroom' with respect to potentially higher, or audible levels, that may occur at peak periods.
39. We were also provided, as part of the Requiring Authority's Reply, a copy of an acoustic report prepared for CEL as part of its application for a substation at 554 Kingseat Road, Kingseat. The Reply letter advised in this regard as follows:

We note that the similarities between the substation at Kingseat and the Glenbrook Beach substation are that both substations will be 33kV, with a switchroom and two semi-enclosed transformer bays. The operation of the two substations will be very similar. We note that the main difference between the substation at Kingseat and the Glenbrook Beach substation with respect to noise is that the Kingseat substation will be surrounded by land that is zoned rural while the Glenbrook Beach Substation will be surrounded by residential zoned land. As per Standard E26.2.5.3(2), noise from substation is measured from the notational boundaries of rural zoned land. In a rural context, the neighbouring dwellings are further away from the Kingseat Substation compared to the separation distance between neighbouring dwellings and the Glenbrook Beach substation.

As discussed in the hearing, I am of the opinion that a lower noise limit for this substation is not necessary because the noise limits as set out in Standard E26.2.5.3(2) are specifically to manage noise effects from substations on activities on residential zoned land. By compliance with such standards, noise effects on surrounding residential activities can be avoided. I also note that there has been discussions of standardising noise limits for substations national wide in a National Planning Framework. As such, I do not believe there should be different noise limits imposed on individual substations.

40. The Reply also addressed a change to the relevant condition (#12) requiring the measuring and monitoring of noise emitted from the substation to confirm compliance with the relevant noise standards:

Counties Energy has reconsidered and has decided to include a condition which enables the measuring and monitoring of noise emitted from the substation. However, instead of providing a report prepared by a qualified acoustic professional within 20 working days (as recommended by Council) Counties Energy would like to provide this report as soon as practical. This is because depending on the availability of acoustic professional, it may or may not be achievable to submit a report within 20 working days. In all cases, Counties Energy will advise the Council the approximate timeframe for the report to be submitted once known to enable efficient monitoring and to provide council with confidence that any issues will be resolved.

41. The Panel accepts the further commentary for the Requiring Authority and is satisfied that compliance with noise standards can be readily achieved, and in accordance with those standards that apply to such facilities in respect of residential land.
42. However, while we acknowledge the potential difficulties for the Requiring Authority in the timing of preparing an acoustic report in a timeframe as short as 20 working days from the request from the Council, we do not consider it appropriate to leave the condition in an open-ended state as sought, given that such a review is likely to be required where an issue has arisen and requires remediating. The Panel has therefore amended the condition to provide a timeframe of no more than two months (40 working days) for this report to be provided.
43. Condition 13 sets out the timeframes for implementation of any specified actions recommended by the acoustic report required under Condition 12. In this regard, the Reply has sought a similar “as soon as practicable” clause in lieu of a specific timeframe (being 40 days in the Council’s original version). The reasons for this are set out in the Reply as follows:

This is because, depending on the availability of contractors and any material or devices required, it may or may not be achievable to implement the required works within 40 working days. In all cases, Counties Energy will advise the Council [of] the approximate timeframe for the report to be submitted once known to enable efficient monitoring and confidence for the council that any issues will be resolved.

44. For the same reason as set out in respect of Condition 12, we have retained the existing reference to 40 working days. We consider that any issue that triggers the Council’s requirement to seek an acoustic report should be addressed in as timely a manner as possible, and the combination of the two conditions establishes a total potential timeframe of four months, and any longer would not be appropriate in the Panel’s view.
45. Associated with these changes we have adopted the Requiring Authority’s request to remove Condition 15 which required the sub-station to cease operations in the event of any breach of the specific actions required by the aforementioned conditions. We agree with comments in the Reply, which reflected the Panel’s observations during the hearing, that this sanction could result in a loss of power for the surrounding community for an unknown period. We have determined that the requirements of the conditions, and corresponding timeframes, are clear on their face, and can be monitored and/or enforced through the normal provisions of the RMA.

Implementation of the landscape plan

46. The Panel queried during the hearing the timing at which the landscape plan should be implemented, and whether this should commence prior to construction, or prior to the operation of the substation. The Requiring Authority noted that construction

activity would be likely to be damaging to any new landscape planting, and the Reply stated in respect of Condition 4¹⁷ that:

Condition 4 has been amended to reflect what has been outlined in Ms Julie Greenslade's hearing evidence. Namely, that it is not practicable to plant prior to either the construction of the substation or before the installation of services (i.e. underground cabling) down the driveway or the stormwater services, due to the required location of these services and the otherwise narrow throat of the site where it meets the accessway. It is the desire of Counties Energy to also have tradespeople park on the site and not on the street. As mitigation for not being able to plant prior to construction, Counties Energy proposes to plant the specimen trees post construction, but at a larger grade. It was also accepted at the Kingseat site that, in general terms, it is not practical to plant prior to construction and council experts were in agreement with this assertion. The grade of specimen trees at planting and their height at maturity have been specified as per Mr Steven Brown's suggestion.

47. In this regard, it is proposed to retain the original wording of clause (b) of the condition, as follows:

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.

48. The Reply also noted that Condition 5 has been proposed to be amended for the following reasons:

It is uncertain at this stage as to what planting can be implemented and when. However, it is noted that Condition 4b requires a planting programme and information regarding the staging of planting. Therefore, the Requiring Authority is proposing changes to Condition 5 to require proposed landscaping to be implemented in accordance with the detailed landscape plan and planting programme.

49. The Panel accepts the reasons set out in the Reply for providing the landscape planting at a post-construction stage. However, on review of Conditions 4 and 5 it is unclear when the final landscape plan will be prepared, beyond an indicative planting programme required by Condition 4(b), and when the landscaping itself is required to be implemented. We have therefore amended Condition 5 (and Condition 4(b) to align) to specify that the landscaping is required to be undertaken prior to the operation of the substation.¹⁸

¹⁷ Renumbered as Condition 5 in Attachment A

¹⁸ Note that these conditions have been renumbered as Conditions 5 and 6 in Attachment A as result of the inclusion of new Condition 4 described below ('Maintenance of the site')

Maintenance of the site

50. In view of the proposed lapse date for the designation, and the lack of a definitive timeframe as to when the substation would be constructed, the Panel raised a concern during the hearing as to the need for a condition to require the Requiring Authority to maintain the site in a tidy manner. The Reply addressed this matter by advising that:

A new condition has been proposed to ensure the designation area/ site will be maintained in good condition prior to the construction of the substation and the implementation of any proposed landscaping. This will ensure that lawns are mown, etc.

51. The condition (new Condition 4) is as follows:

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

52. The Panel considers the proposed condition is appropriate and addresses its concerns on this matter.

Access to 115 McLarin Road

53. As noted previously, the Panel sought additional information from the Requiring Authority as to the extent of its legal obligations to the neighbour at 115 McLarin Road and party to the right-of-way to maintain access to that property.

54. The Reply as received on 27 June 2023 advised of a new condition, Condition 26A, to address this matter, “to ensure that there will be communication between the owners of 115 McLarin Road, who are sharing the accessway during construction to ensure access to their property is maintained during construction”. The condition was drafted as follows:

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

55. However, and as noted previously, the Panel was concerned that the condition would only address communication requirements and not the Requiring Authority’s legal obligations to 115 McLarin Road in respect of the maintenance of access for that property owner.

56. The Requiring Authority responded to the Panel’s request on 30 June 2023 with respect to the particulars of the easement as follows:

The substation site will be created by way of subdivision through the implementation of a recently granted subdivision consent. Whilst the subdivision consent has not yet been implemented, we understand that in the case where Counties Energy becomes the owner of the new allotment, their legal obligations to 115 McLarin Road in respect to the terms of the right-of-way easement for maintenance of access to that property are outlined in the Easement Instrument 12126925.3 and as set out in the Land Transfer Regulations 2018 and Property Law Act 2007. These include, but are not limited to:

- obtain consent from the owners of 115 McLarin Road prior to commencing works within the commonly owned accessway.*
- give notice to the owners of 115 McLarin Road prior to entering the commonly owned accessway, for works on the accessway.*
- ensure all work is performed properly and completed promptly.*
- immediately make good any damage done within the commonly access lot by restoring the surface of the land as nearly as possible to its former condition.*
- compensate the owners of 115 McLarin Road of damage caused by the work to any buildings, erections, or fences on 115 McLarin Road.*

57. On the basis of its legal obligations in terms of the abovementioned legislation, the Requiring Authority considered the wording of Condition 26A to be sufficient.

58. The Panel has considered this matter, including by reference to the relevant easement instrument¹⁹ and associated legislative requirements. We remained somewhat concerned as to the extent to which the above obligations were at some variance to the intent of the condition, at least insofar as the need to obtain consent from 115 McLarin Road prior to the commencement of works. We have therefore determined that, to ensure the rights of the owner(s) of 115 McLarin Road are sufficiently clear to that party, the condition should be amended as follows:²⁰

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

¹⁹ Application, Appendix L at pp.37/38

²⁰ Condition 27 in Attachment A

59. Based on that amendment the Panel is satisfied, by reference to the Requiring Authority's undertakings and summary of obligations to 115 McLarin Road, as set out in its letter of 30 June 2023 (including the requirement for the obtaining of consent from the owners of 115 McLarin Road) that the interests of that party will be appropriately safeguarded.

Other matters

60. The Panel notes one other aspect of the Reply, in respect of proposed Condition 7. The Reply stated that:

Condition 7 has been amended to specifically address the treatment of the concrete wall at the western end of the transformer bay to ensure the visual amenity effects are mitigated as intended, in a similar way to the switchroom.

61. The proposed wording for the condition is as follows:

Any part of the substation switchroom that would be visible from outside of the site and the concrete wall at the western end of the transformer bay are required to have exterior cladding and surfaces that modulate their form and/or colours that are recessive, such as grey or earthy tones. The purpose of this condition is to ensure that the substation building does not appear excessively mono-textural and/or monolithic.

62. However, the Panel does not consider that the requirement for recessive exterior cladding should be limited to areas visible outside of the site only. The Panel is not certain as to what those areas would be (for example, upper parts of the fire walls may be visible from the north and south). It notes that it is also possible that in the future the surrounding bush could thin out as it matures and the buildings be partly visible from the south particularly. We have therefore reverted to the wording of Condition 7 that was proposed in the NoR at notification stage but amended this to include the concrete firewalls as well as the switchroom.

63. The proposed wording for the condition is as follows:

The substation switchroom and concrete firewalls must have exterior cladding and surfaces that modulate their form and/or colours that are recessive, such as grey or earthy tones. The purpose of this condition is to ensure that the substation building does not appear excessively mono-textural or monolithic.

Summary

64. Accordingly, we find that the changes to the proposed conditions, as proposed by the Requiring Authority and subject to the amendments that we have proposed, are appropriate to ensure that all relevant matters are addressed during the OPW stage along with any required regional consent processes.

RELEVANT STATUTORY PROVISIONS CONSIDERED

65. Counties Energy Limited is a Requiring Authority in terms of s.166 of the RMA. The Requiring Authority has given notice to the Council of its requirement to designate the site at 50 Orawahi Road, Glenbrook, for electricity supply purposes.
66. Section 171 of the RMA sets out the matters to which a territorial authority must have regard when considering a requirement and any submissions received, and in making its recommendations to the requiring authority. Section 171 is subject to Part 2, which states the purpose and principles of the RMA.
67. 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.*
68. 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.²¹

69. After considering these matters, a council needs to make a recommendation to the requiring authority under s.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.*

70. Reasons must be given for the recommendation under s.171(3) of the RMA.

Section 171(1)(a) – Any relevant provisions of a national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement, a regional plan, a district plan or proposed district plan.

71. Pursuant to s.171(1)(a), when considering the NoR we must, subject to Part 2, we must consider the effects on the environment of allowing the requirement, having particular regard to any relevant provisions of a national policy statement, the New Zealand Coastal Policy Statement, the regional policy statement, the proposed regional policy statement and the relevant regional and district plans and proposed plans.

72. Collectively the NoR application and the agenda report provided a comprehensive commentary on the relevant national and regional policy statements, and the AUP(OP). We do not intend to repeat this material in this decision; rather we rely on the application documents and officer's report in this regard, except to indicate that the following documents were considered of particular relevance in reaching our findings:

- Proposed Auckland Unitary Plan, including Chapter B Regional Policy Statement; and
- National Environment Standard for Assessing and Managing Contaminants in Soil to protect Human Health.

²¹ See *Estate of P.A. Moran and Others v Transit NZ* (W55/99)

73. The New Zealand Coastal Policy Statement was not considered relevant in relation to this particular requirement, and there are also no regional plans that are relevant to the consideration of this NoR. Any subsequent applications to develop the site that triggers the need for resource consents under the regional plans will be applied for at that time.

Section 171(1)(b) – Adequate consideration has been given to alternative sites, routes, or methods of undertaking the work or that it is likely that the work will have a significant adverse effect on the environment.

74. We adopt the s.171(1)(b) assessment at section 4.10 of the agenda report where Mr McDougall commented on the need for an alternatives assessment as follows:

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.

75. The Panel agrees with Mr McDougall's assessment in this regard, and the evidence of Ms Wang that expressed similar sentiments, and we also noted her commentary that:²²

It is considered that the work will not have a significant adverse effect on the environment and that a rigorous examination of alternative sites is therefore not required under that subsection of the RMA.

76. The Panel concludes that the Requiring Authority has given adequate considerations to alternative sites in accordance with the requirements of s.171(1)(b).

Section 171(1)(c) - Whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.

77. Mr McDougall's agenda report has addressed this requirement at section 4.12, where he commented that:

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.

²² EV1 at [44] – [47]

246. *I agree with this conclusion and therefore consider that the works and designation is reasonably necessary to achieve the requiring authority's objectives.*

78. We agree with that assessment and find that the designation is reasonably necessary for achieving the Requiring Authority's objective to meet the future demand for electricity that is anticipated with the development of Glenbrook and the wider area.

Section 171(1)(d) Other matters considered reasonably necessary in order to make a recommendation on the requirement.

79. The default period for the lapse of a designation is five years after its inclusion in a plan unless it has been given effect to or an application is made to extend the period, or a longer period is confirmed as part of the designation process.²³ For the present matter the Requiring Authority has sought a lapse period of 10 years.

80. The agenda report has considered this matter in some detail at section 4.14:

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.

81. In considering the lapse periods granted to other disputed designations, Mr McDougall considered that ten years was appropriate in this case, noting that:

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.*

²³ Section 184(1) of the RMA

82. Ms Wang's evidence also states in this regard that:²⁴

There remains some uncertainty regarding the sequencing and timing of the related 'feeder works' from the wider network, that impacts on the construction timetable for the substation. A 10-year lapse date is therefore required to provide sufficient certainty that the land will continue to remain available for use as a substation site.

83. The Panel accepts the evidence in this regard, and in particular the need to align the supply of electricity with demand which cannot be forecasted with certainty. Having regard to limited or minor nature of adverse effects that we discern to arise from the proposal, we find that a ten year lapse period is acceptable.

Part 2 of the RMA

84. Part 2 of the RMA sets out the purpose and principles of the RMA.

85. The Panel concludes that the NoR is consistent with **section 5**. The proposed designation will provide for the future energy needs associated with the future development of the surrounding area. Any adverse effects associated with constructing the new sub-station on the site will be addressed in detail through the regional resource consent requirements and the OPW processes.

86. In terms of **section 6**, while both the Requiring Authority and Mr McDougall concluded that there were no Matters of National Importance of relevance to this proposal, we are of the view that s.6(e) on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, discussed below with respect to s.8, is relevant (as is s.7(a)).

87. There are also a number of 'other matters' under **section 7**, of relevance to the proposed designation, to which we must have regard namely:

(a) *Kaitiakitanga;*

[(aa) The ethic of stewardship;]

(b) *The efficient use and development of natural and physical resources;*

(c) *The maintenance and enhancement of amenity values;*

(f) *Maintenance and enhancement of the quality of the environment;*

88. We find that these matters have all been appropriately addressed. We accept the conclusions in the agenda report that there are effects that can be internalised to the site and others that will result in less than minor effects on the wider receiving environment.

²⁴ EV1, at [8]

89. **Section 8** of the RMA requires all persons exercising functions and powers under the Act, in relation to managing the use, development, and protection of natural and physical resources, to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). These also enable consideration of ss.6(e) and 7(a) matters.
90. The Panel concludes that the principles of the Treaty of Waitangi have been taken into account. The Requiring Authority consulted with Mana Whenua at the time of lodgement of the NoR and no cultural concerns have been raised.

CONCLUSIONS

91. Section 171 of the RMA provides the means by which the NoR can be recommended to be confirmed or otherwise by the Requiring Authority. In terms of s.171 the Panel considers that the NoR should be confirmed, subject to the conditions prepared by the Requiring Authority and those amendments which we are recommending to be adopted (as Attachment A).
92. We have also concluded that the ten-year lapse period sought by the Requiring Authority for the designation is appropriate given the nature of the project and the expected timeframes anticipated in respect of the timing of growth and changes in electricity demand, land acquisition and outline plan approval processes to be completed, as well as its actual construction.
93. We further note that many of the issues raised by submissions will be appropriately dealt with at the OPW stage (and in accordance with the conditions applying to the NoR), which must occur before work commences and is subject to overview by the Council.

RECOMMENDATION

For the reasons set out in this report and summarised below, the Panel's recommendation to the Auckland Council is as follows:

In accordance with section 171(2) of the Resource Management Act 1991, the Auckland Council recommends to Counties Energy Limited that the Notice of Requirement for the Glenbrook Beach Substation applying to Lot 5000 DP 56226, ½ SH Lot 2003 DP 62266 at 50 Orawahi Road, Glenbrook, as shown on the 'Land Requirement Plan' in Appendix A of the Notice of Requirement, be confirmed, and be subject to the conditions set out in Attachment A.

REASONS FOR THE RECOMMENDATION

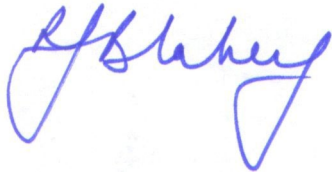
Under section 171(3) of the RMA the reasons for the Panel's recommendation are:

- 1) The NoR satisfies section 171 of the RMA as the designation is reasonably necessary for achieving the objectives of the Requiring Authority and will provide the ability for it to meet the future demand for electricity that is anticipated with the development of Glenbrook and the wider area.

- 2) The work proposed by the designation is consistent with Part 2 of the RMA in that it represents the sustainable management of natural and physical resources.
- 3) The designation is in general accordance with relevant objectives, policies of the Auckland Regional Policy Statement and the Auckland Unitary Plan.
- 4) Subject to the recommended conditions, and the amendments incorporated by the Panel set out in Attachment A, the designation will avoid, remedy or mitigate adverse environmental effects on the environment.

AMENDMENTS TO THE UNITARY PLAN (OPERATIVE IN PART)

That the Auckland Unitary Plan (Operative in Part) be amended as set out in Attachment A.



Richard Blakey

Chairperson (for and on behalf of the Hearing Commissioners)

Date: 12 July 2023

Attachment A - Recommended Conditions

Counties Energy Glenbrook Substation

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

Purpose

'Electricity supply purposes'

Conditions

Outline Plan

1. Prior to commencement of construction, the Counties Energy must submit an Outline Plan of Works to Auckland Council in accordance with section 176A of the Resource Management Act 1991 (RMA). The Outline Plan of Works must show:
 - (a) The height, shape, and bulk of the public work, project, or work; and
 - (b) The location on the site of the public work, project, or work; and
 - (c) The likely finished contour of the site; and
 - (d) The vehicular access crossings, circulation, and the provision for parking conforming with the relevant Auckland Transport standards and guidelines; and
 - (e) A detailed Landscape Plan generally in accordance with the landscape concept plan set out in Figure 3 of the Glenbrook Substation Visual Simulations prepared by Align Ltd and prepared by a suitably qualified person; and
 - (f) Outcomes from the consultation undertaken with Ngāti Te Ata and Ngāti Tamaoho during the detailed design phase; and
 - (g) A Construction Management Plan in accordance with the Auckland Code of Practice for Land Development and Subdivision (Version 1.0: December 2016); and
 - (h) Evidence that all necessary consents required by any Regional Plan or National Environmental Standard have been applied for; and
 - (i) Any other matters to avoid, remedy, or mitigate any adverse effects on the

environment including compliance with the following Rules of the Auckland Unitary Plan;

- i. Rule E26.2.5.2(6) Electricity transmission and distribution (Electric and magnetic fields).
- ii. Rule E26.2.5.2(7) Radio Frequency Fields (RF fields).
- iii. Rule E26.2.5.3(2) Noise from substations.
- iv. Rule E24.6.1 General standards for Lighting.
- v. Rule E25.6.27 Construction noise
- vi. Rule E25.6.30 Vibration
- vii. Rule E26.5 Earthworks all zones and roads.

Consultation with Ngāti Te Ata and Ngāti Tamaoho

2. Counties Energy shall consult with Ngāti Te Ata and Ngāti Tamaoho during the detailed design and subsequent construction processes prior to undertaking any work pursuant to this designation to ensure that the proposed design addresses their suggestions. This must include the suggestions found within the Cultural Impact Assessment by Ngāti Te Ata Waiohau, 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 Council and, in the case of human remains, the New Zealand Police; and
 - (d) The notification in (c) above must allow such persons being given a reasonable time to record and recover archaeological features discovered before work may recommence on the exposed site.
 - (e) Works must not commence in the immediate vicinity of the archaeological site until any approval required from the Heritage New Zealand Pouhere Taonga is obtained.

Maintenance of site

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

Landscaping and visual

5. A Detailed Landscape Plan must be prepared to ensure planting around the substation mitigates the adverse visual and amenity effects of the substation on the neighbouring properties and wider environment. The detailed landscape plan must be prepared by an experienced and qualified landscape architect or landscape professional and must:
 - (a) Detail the type of species to be planted, their spacing, and their size at the time of planting, including a minimum of 11 specimen trees comprised of native species, that will attain a minimum height of 8m upon maturity, planted at a minimum grade of Pb 150; and
 - (b) Provide an indicative planting programme with the objective of achieving planting, or staged areas of planting, at the earliest possible time after the site design details have been completed.
6. The Requiring Authority must implement the proposed landscaping in accordance with the detailed landscape plan and programme required by Condition 5, and prior to operation of the substation.
7. All landscaping and planting 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.
8. The substation switchroom that would be visible must have exterior cladding and surfaces that modulate the form and/or colours that are recessive, such as grey or earthy tones. The purpose of this condition is to ensure that the substation building does not appear excessively mono-textural and/or monolithic.

Maximum Height of Structures

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

Setbacks

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

Noise

12. Noise from the substation must not exceed the following noise limits when measured within the boundary of all adjacent properties:
 - (a) 55 dB 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.

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

Electric Magnetic Fields (EMF)

15. The operation of the substation 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 40 working days of the substation commencing operation; and
- (b) under the maximum load based on calculated scaling from actual recorded measurements.

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

Electrical Interference

- 17. Every reasonable effort must be made to ensure that the substation is operated, managed or controlled so that there is no electrical interference with television or radio reception at any adjacent property including complying with the requirements of the Radio Communications Regulations 2001, the Ministry of Economic Development's Radio Spectrum Management "Compliance Guide" (November 2004), NZ Standard for Radiofrequency Fields Part 1 (1999) and relevant Gazetted Notices.

Lighting

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

Erosion and Sediment Control Plan (ESCMP)

- 19. An Erosion and Sediment Control Management Plan (ESCMP) is required. The purpose of the ESCMP is to describe the methods and practices to be implemented to minimise the effects of sediment generation and yield on the receiving environment associated with the construction phase. The ESCMP must be prepared in accordance with the Council's '*Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region Guideline Document 2016/005*' (GD05) and any subsequent updates. The requiring authority must undertake construction in accordance with the ESCMP and must contain the following:
 - (a) Specific erosion and sediment control works for each stage (location, dimensions, capacity) in accordance with industry best practice as well as GD05;
 - (b) Supporting calculations and design drawings;
 - (c) Details of construction methods;
 - (d) Monitoring and maintenance requirements;
 - (e) Catchment boundaries and contour information; and
 - (f) Details relating to the management of exposed areas (e.g. grassing, mulch).
- 20. No earthworks activity on the subject site 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 be limited to the period between 7.30am and 6.00pm Monday to Saturday.

Construction Management Plan

26. A Construction Management Plan (CMP) is required to avoid, remedy or mitigate adverse effects, inclusive of those on the transport network, associated with the Project’s construction works to ensure that the construction activities, including vehicle movements, are appropriately managed by the Requiring Authority for the duration of the construction works. The CMP must contain the following:
 - (a) Where access points are to be located and procedures for managing construction vehicle ingress and egress to construction support and storage areas;
 - (b) Methods for managing and monitoring dust as a nuisance, including methods for minimising dust emissions, monitoring procedures and contingency procedures in the event of a dust nuisance event;

- (c) Measures to be adopted to keep the construction areas in a tidy condition in terms of disposal/ storage of rubbish and storage, unloading construction materials (including equipment). All storage of materials and equipment associated with the construction works must take place within the boundaries of the designation;
 - (d) The location of any temporary buildings (including workers' offices and portaloos) and vehicle parking (which should be located in the construction area and not on adjacent streets);
 - (e) Information on designated staff parking areas for construction workers; and
 - (f) An outline of the construction programme of the work, including construction hours of operation, indicating linkages to any other management plans.
 - (g) Construction Traffic Management Plan (in accordance with Auckland Transport standards) to address general construction activities and traffic movements including for safety and the delivery of equipment and materials.
27. The Requiring Authority must obtain written consent from the owners of 115 McLarin Road for right of access on the shared accessway for construction purposes prior to commencing works, and must ensure the owners of 115 McLarin Road are advised in writing no less than seven days prior to the construction works commencing. The written advice must include a brief description of the works, details of the location of the works, the duration of the works, mitigation measures and contact details for any complaints or enquiries. Notification details must be recorded in the CMP required by Condition 26.

Hazardous Substances Environmental Management Plan (HSEMP)

28. The purpose of the HSEMP is to outline the methodologies and processes that will be adopted to ensure that the risks of storing and using hazardous substances within the subject site will be appropriately managed by the Requiring Authority for the duration of the operation of the electrical substation. The HSEMP 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.
29. The Requiring Authority must ensure that all transformers containing more than 1,000L 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.