



Waitakere City Council
Te Taiao o Waitakere

NOTICE OF EXTRAORDINARY MEETING

PLANNING AND REGULATORY COMMITTEE

I hereby give notice that pursuant to Standing Order 14.4 an Extraordinary meeting of the Planning and Regulatory Committee will be held on:-

DATE: Monday, 17 November 2008 **TIME:** 1.00 pm

MEETING ROOM: Council Chamber

VENUE: Waitakere Central, 6 Henderson Valley Road, Henderson, Waitakere

to consider a Notice of Requirement By Requiring Authority Under Section 168 of the Resource Management Act 1991 for an Electricity Substation at 37 Don Buck Road, Massey and to take any necessary action connected therewith.

13 November 2008

Desiree Tukutama
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8815

MEMBERSHIP:

| | | |
|-------------|-----|------------------------------------|
| Councillors | VS | Neeson, JP (Chairman) |
| | WW | Flaunty, QSM, JP (Deputy Chairman) |
| | DQ | Battersby, JP |
| | MFP | Chan, JP |
| | LA | Cooper, JP |
| | AK | Corban, OBE, JP |
| | MM | Jolley |
| | JP | Lawley, JP |
| | PG | Mitchell |

Mayor RA Harvey, QSO, JP (ex officio)
Deputy Mayor (ex officio)

(Quorum 5 members)

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(Meeting Room could be subject to change)

(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR AN EXTRAORDINARY MEETING OF PLANNING AND REGULATORY
COMMITTEE TO BE HELD IN THE COUNCIL CHAMBER AT WAITAKERE CENTRAL,
6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE, ON
MONDAY, 17 NOVEMBER 2008, COMMENCING AT 1.00 PM**

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**AGENDA FOR AN EXTRAORDINARY MEETING OF PLANNING AND REGULATORY
COMMITTEE TO BE HELD IN THE COUNCIL CHAMBER AT WAITAKERE
CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON MONDAY, 17 NOVEMBER 2008, COMMENCING AT 1.00 PM**

1 APOLOGIES



2 CONFLICTS OF INTEREST

The Council has acknowledged in its Code of Conduct that Elected Members need to be vigilant to stand aside from decision making when a conflict arises between their role as a member of the Council and any private or other external interest they might have. This note is provided as a reminder to members to check that no such conflicts arise in relation to any items on this agenda.



**3 NOTICE OF REQUIREMENT BY A REQUIRING AUTHORITY UNDER SECTION 168
OF THE RESOURCE MANAGEMENT ACT 1991 FOR AN ELECTRICITY
SUBSTATION AT 37 DON BUCK ROAD, MASSEY**

GLOSSARY

| | |
|----------------------------------|---------------------------------|
| Notice of Requirement | (the notice) |
| The Resource Management Act 1991 | (the Act) |
| The Waitakere District Plan | (the Plan) |
| Vector Limited | (Vector) |
| electromagnetic fields | (EMF) |
| metre | (m) |
| AEP | (Annual Exceedance Probability) |

EXECUTIVE SUMMARY

A hearing held at which Vector will present a submission to Council supporting the Notice of Requirement (the notice). No submitters want to be heard, but it is possible that a few submitters may attend the meeting to observe.

The purpose of this report is to provide to the Planning and Regulatory Committee the background information, discussion of the environmental effects, and recommendations to the Council, for the Vector notice for an electricity substation at 37 Don Buck Road, Massey.

Vector Limited (Vector) has given notice to designate a site at 37 Don Buck Road, Massey for the purposes of an electricity substation. The effect of the notice, if confirmed, will be to create a designation in the Waitakere District Plan (the Plan). The Council is required to process the notice in accordance with the Resource Management Act 1991 (the Act). The notice has been publicly notified and 3 submissions have been received, all from adjacent landowners. The Council is required to consider the submissions and make a recommendation to Vector on the notice in accordance with the Act. This report includes the Council officers recommendation on the notice. A description of the proposal and an analysis of effects is provided. The staff recommendation is to the effect that Council recommend that Vector confirm the notice subject to specific conditions that will control effects of the electricity substation.

RECOMMENDATIONS

It is recommended that the Planning and Regulatory Committee resolve to:

1. **Receive** the Notice of Requirement by a Requiring Authority Under Section 168 of the Resource Management Act 1991 for an Electricity Substation at 37 Don Buck Road, Massey report.
2. **Agree** that the Council recommends that Vector Limited confirm the Notice of Requirement for an Electricity Substation at 37 Don Buck Road, Massey; subject to the following conditions:
 - a) The electricity substation shall be constructed in general accordance with "Notice of A Requirement by a Requiring Authority for a Designation Under Section 168 of the Resource Management Act 1991" (being the notice by Vector Limited for a designation for Electricity Supply Purposes – Substation), received by Council on 3 March 2008 and referenced by Council as LUC 2008 - 351, including further information submitted to Council as part of the notice of requirement. This includes the proposed landscaping and 1.8 metre (m) high visually permeable fencing along the front and rear boundaries of the site (with the installation of a gate along the front boundary). The landscaping shall be implemented in the first planting season after the construction of the electricity substation.
 - b) If the final design and layout does not reflect that submitted with the Notice of Requirement, an Outline Plan shall be submitted in accordance with s. 176A of the Resource Management Act 1991. This Outline Plan is to include confirmation that the substation has been designed so that it can continue to operate during 1% Annual Exceedance Probability (AEP) flood events.
 - c) An Outline Plan shall be submitted in accordance with s. 176A of the Resource Management Act 1991 prior to the construction of the second transformer. This Outline Plan is to include confirmation that the substation has been designed so that it can continue to operate during 1% AEP flood events.
 - d) Operational noise from the electricity substation shall not exceed the following levels as measured at any residential boundary:
 - At all times - 35dBA,L10 (10min); and
 - Noise shall be measured and assessed in accordance with "NZS6801:2008 Measurement of Sound", and "NZS6802:2008 Assessment of Environmental Sound".
 - e) The requiring authority shall, at its expense, provide an acoustic report from a suitably qualified, experienced and recognised acoustic engineer within three months of the installation and commissioning of each of the proposed two transformers demonstrating compliance with the noise levels permitted in condition 4 above. The acoustic report shall be submitted to The Manager, Resource Consents.
 - f) The electricity substation shall be designed and constructed so that it can continue to operate during 1%AEP flood events.
 - g) The electricity substation shall comply with New Zealand electric and magnetic field reference limits as documented in the National Radiation Laboratory publication "Electric Magnetic Fields and Your Health" (2001).

- h) The requiring authority shall, at its expense, provide a report from a suitably qualified, experienced and recognised electrical engineer within 3 months of the installation and commissioning of each of the proposed 2 transformers demonstrating compliance with the electric and magnetic field reference limits permitted in condition (g) above. The report shall be submitted to The Manager, Resource Consents.
- i) Appropriate sedimentation and erosion control measures shall be employed for any earthworks on the designated site.
- j) Noise from construction activities shall not exceed the limits recommended in and shall be measured and assessed in accordance with, the New Zealand Standard NZS 6803:2008, Acoustics - Construction Noise.

BACKGROUND

1. Vector has given notice to designate a site at 37 Don Buck Road, Massey for the purposes of an electricity substation. A copy of the notice is in the attachments as circulated separately with the agenda.
2. The Act provides for requiring authorities to give notice of a requirement for a designation in the district plan. The Council's role in processing a notice is similar to that of an application for resource consent. However, one important difference is that the Council does not make decisions on submissions to the notice. Instead the Council makes recommendations to the requiring authority, i.e. Vector, after having considered any submissions and considered the matters set out in the Act. Vector will then make a decision on those recommendations.
3. This report sets out the Council officer's advice on the resource management issues raised by the Vector notice for an electricity substation at 37 Don Buck Road, Massey. The report contains recommendations to the Council. It is not the formal notice of recommendation of the Council. The formal notice of recommendation will be compiled by the Council, after consideration of the notice and the hearing of submissions (if required).
4. The site is owned by Vector. It is currently in residential use with a single detached dwelling which will be removed. Vector proposes to build and operate a 33/11 kV electricity zone substation. This zone substation will supply electricity to the immediate Ranui area and include parts of Henderson North and Massey West.
5. The staff recommendation is to the effect that the Council recommend that Vector confirm the notice of requirement subject to modifying it by the inclusion of specific conditions.

DECISION MAKING

Issues

6. Issues arising from the notice are discussed in detail in paragraphs 33-69 below.

Options Identified

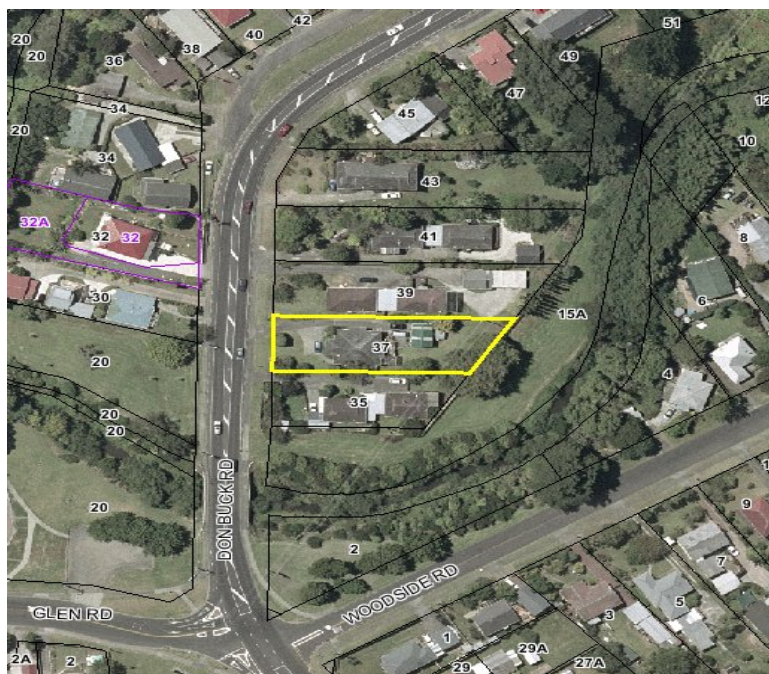
7. The options available to the Council are limited to those set out in s.171(2) of the Act which states:

“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:”*

8. There is no “do nothing” option in this context.

The site



An aerial photograph of the site is shown above.

9. The site has the street address of 37 Don Buck Road, Massey; and the legal description of Lot 2 DP 44364. The area of the site is 1067m². It is located a little to the north of Don Buck Road/Glen Road/Woodside Road intersection.
10. The site is adjacent to: Don Buck Road to the West, 39 Don Buck Road to the North, Council reserve to the East and 35 Don Buck Road to the South.
11. The site is relatively level with a slight slope to the east in the direction of Swanson Stream which is approximately 25 metres from the eastern boundary of the site. It is likely to be part of the floodplain of the Swanson Stream. Road access is from Don Buck Road.
12. The site is Living Environment as are the adjacent residential sites. There is a single detached dwelling on the site which is used for residential purposes. Adjacent residential sites also have dwellings and are used for residential purposes. The District Plan zoning of the site and surrounding areas is shown in the next diagram.



13. The site is owned by Vector and is currently rented for residential purposes pending resolution of the notice.

The Proposed Electricity Substation

14. Vector proposes to construct and operate a 33/11kV electricity zone substation. This substation will supply electricity to the immediate Ranui area and also parts of Henderson North and Massey West.
15. The attachments (circulated separately with the agenda) contain the notice which includes a site plan, elevations of the proposed building and artist's interpretation of the proposed building. The notice states:

"The exterior of the substation will be designed to appear as a residential dwelling with a large detached "garage". The buildings will be clad in a mixture of weather board and plaster with a long-run steel roof. The maximum height of the buildings is approximately 8.086m and they have a total ground area of just over 230m². A sealed driveway into the site and through to between the two buildings will be constructed and the remainder of the site will be grassed and landscaped.

The “residential dwelling exterior” is essentially constructed over the concrete building, which houses the substation. The substation will house the switchboards and 20MVA transformer with the capacity to accommodate a second 20MVA transformer when required in the future. Beneath each transformer there is an oil containment area with a capacity for 17,400 litres. This is a sealed, reinforced concrete containment with no openings. Although there is transformer oil within each of the transformers (approximately 15,000 litres) no additional oil is stored on site.

Two approximately 12.4m high electricity poles will be installed at the rear of the site to take the feeder lines from the existing power pole near the rear of the site.

The existing boundary fences will be either retained or upgraded in consultation with the directly adjoining neighbours. A 1.5m high pool-type fence will be installed along the front and rear boundaries to secure the site [This has been changed to 1.8m]. Some landscaping, to the level expected around a residential dwelling in this residential area, will be undertaken with the remainder of the site grassed. A concept landscaping plan is attached. The proposed plant species along the northern boundary may be changed to reflect species preferred by the adjoining landowners.

It is likely that Vector will construct and commission the substation during 2008 and 2009.

It is noted that the final design of the building may change and if this does occur then an Outline Plan will be submitted for consideration by Council under s176A of the Act.”

The Resource Management Act 1991

16. Section 168 of the Act provides that a requiring authority may, at any time, give notice to a territorial authority of its requirement for a designation for a project or work. Vector is a requiring authority.
17. The Act provides that the procedures to be adopted in processing a notice are generally those that are adopted for processing a resource consent application. This includes lodging the notice, requiring further information, public notification, lodging of submissions and hearing of submissions. In respect of this notice, all of those procedures have been followed, up to the stage of this hearing.
18. The procedure differs from the resource consent process in respect of the territorial authority consideration of the notice, and the hearing of any submissions. Section 171 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 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 to be reasonably necessary in order to make a decision on the requirement.*
- 19. Section 171(1) is subject to Part II of the Act. Part II contains the purpose and principles of the Act within 4 sections (ss. 5-8). 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.” (See Estate of P.A. Moran and Others v Transit NZ (W55/99).
- 20. Part II of the Act is therefore important in consideration of this notice.
- 21. Section 5 of the Act sets out the purpose of the Act, “to promote the sustainable management of natural and physical resources”. “Sustainable management” is defined as meaning:

“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.”*
- 22. Section 6 of the Act sets out Matters of National Importance which shall be recognised and provided for. These include the natural character of the coastal environment, wetlands, lakes and rivers and their margins; outstanding natural features and landscapes; protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna; maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers; the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, historic heritage and recognised customary activities.
- 23. Section 7 of the Act sets out a range of “other matters” which shall be given “particular regard”. These include kaitiakitanga; the ethic of stewardship; the efficient use and development of natural and physical resources; the efficiency of the end use of energy, the maintenance and enhancement of amenity values; the intrinsic values of ecosystems, maintenance and enhancement of the quality of the environment; and any finite characteristics of natural and physical resources, the habitat of trout and salmon, the effects of climate change and the benefits of renewable energy.
- 24. Section 8 of the Act covers the Treaty of Waitangi and imposes an obligation to “take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)”.
- 25. After considering these matters, the Council needs to make a recommendation to Vector under s. 171(2) of the Act which states:

“The territorial authority may recommend to the requiring authority that it –

- (e) confirm the requirement:*
- (f) modify the requirement:*
- (g) impose conditions:*
- (h) withdraw the requirement:”*

26. Reasons must be given for the recommendations.
27. Note that Council only has the ability to make recommendations, not a decision (as would be the case in a resource consent application).
28. Under s. 172 of the Act, the requiring authority (Vector) has a 30 working day period from the receipt of the Council's recommendations, to advise the Council whether the recommendations are accepted or rejected, in whole or in part. Vector may modify the notice only if the modification is recommended by the Council or is not inconsistent with the notice as originally notified.
29. Where the requiring authority rejects a recommendation in whole or in part, or modifies the notice, the authority must give reasons for its decision.
30. It then becomes the obligation of the Council to (under s.173) ensure that a copy of Vector's decision is served on every person who made a submission and given to the landowners and occupiers directly affected by the decision. This notification must be completed within 15 working days of the decision.
31. The Council itself, and any person who made a submission on the notice, may lodge an appeal on the requiring authority's decision to the Environment Court (s. 174). This must be done within 15 working days of receiving the notice of the decision. In determining an appeal, the Environment Court must have regard to the matters set out in s. 171 and may confirm or cancel a notice or modify the notice in such a manner, or impose such conditions, as the Court thinks fit.
32. Finally, if there are no appeals, or once the Environment Court decision is received, the Council must, as soon as reasonably practicable, include the designation in its Plan (assuming the designation is confirmed).

Assessment of Options

Effects on the Environment Identified by Vector

Traffic

33. Traffic and parking issues are analysed in the notice. Traffic movements to and from the site will increase temporarily during construction of the substation. However, this effect will be of short duration, and will not be significantly above background traffic levels on Don Buck Road. There will be no permanent staffing of the substation and access will be limited to occasional access for maintenance and operation. Overall there will be no significant effects.

Noise

34. Construction of the substation will generate noise. This will be similar to general construction noise and will be of short duration. A condition is proposed to mitigate any effects of construction noise.
35. The operation of the transformers will generate noise. The potential effects of transformer noise have been considered by an experienced acoustic consultant employed by Vector and the analysis and recommendations is included in the notice. Vector's acoustic consultant recommends:

“As the Substation would operate continuously it is considered that the night-time limits of 40dBA,L10 for noise emission to the boundary of a residential dwelling would be the more stringent control.

Considering the above, it is recommended that the following design criterion for the substation be applied:

- 35dBA,L10 (10min)

A 5 decibel penalty has been included in this criterion to ensure that any special audible characteristics of the transformers have been taken into account.”

36. Council’s noise expert has also considered potential noise emission from the transformers and also recommends a 35dBA,L10 (10min) noise limit. Conditions are recommended to ensure compliance with this noise limit.

Lighting

37. The notice makes the following statement:

“All lighting in hours of darkness for the substation will be minimal as all maintenance is normally undertaken in daylight hours. All non day-time lighting will be restricted to providing assistance to switch operators in occurrence of fault finding conditions or will be standard residential security lights.

Lighting will be designed to ensure this is minimal light spill onto adjoining properties.”

38. It is considered that the effects of lighting will be consistent with what would normally be expected in a residential environment.

Visual effects

39. The notice states:

“It is the intention of Vector Limited to position the substation within a “house” exterior. This has been designed to be compatible with the surrounding residential character. Landscaping will also be provided and a draft landscaping plan is included in Appendix B.

Overall the substation will appear as a large residential dwelling and is compatible with the surrounding residential neighbourhood.

The two termination poles are located in such a position so again they will not have an over-shading or domination effect on adjoining properties and are not in any significant sightlines. It is noted that the existing power pole on No. 35 Don Buck Road will be removed as part of the undergrounding of the existing overhead line from the subject site to Don Buck Road to the south (assuming any required easements or such like can be obtained).”

40. The notice contains site plans showing the building design and landscaping. A “photomontage” is also provided to indicate the future external appearance of the buildings.

41. The Council's urban design specialist has reviewed the notice and has no concerns regarding the appropriateness of the proposed design in the context of the surrounding residential environment. However, conditions are recommended to ensure that the substation is constructed generally in accordance with what is shown in the notice, or if there is a significant change in the design, an outline plan of works is required to be submitted to Council for consideration.

Electromagnetic Fields

42. The notice contains an evaluation of the risk to human health from the electromagnetic fields (EMF) generated by the operation of the substation. The conclusion is that electromagnetic fields strength will be within the New Zealand Reference Limits as set out in "Electric and Magnetic Fields and your Health" published by the National Radiation Laboratory, Ministry of Health.
43. In particular, modelling of magnetic field strength by the requiring authority indicates that the maximum magnetic field will be 64.06 μT and that the magnetic fields at the northern and southern boundaries will be no more than 0.87 μT and 13.40 μT respectively. These figures are well below the Ministry of Health's reference limit of 100 μT for general public exposure.
44. Staff note that the possible but as yet unproven effects of EMF on human health are a contentious issue within the general media. It is also a concern that has been raised by one submitter (see paragraph 56).
45. However, staff are of the opinion that adherence to the New Zealand Reference Limits is an appropriate and cautious response to this potential effect based on current scientific evidence. Conditions are recommended to ensure that compliance with these reference limits is both monitored and achieved.

National Policy Statements

46. None of the provisions of existing national policy statements are relevant to the notice.

Auckland Regional Policy Statement

47. The proposed electricity substation would be a relatively small sub component of the Auckland regions electricity transmission and distribution system. However, it is part of a package of new projects intended to upgrade the electricity distribution system in west Auckland. Provision of infrastructure such as this therefore contributes to the Auckland Regional Policy Statements strategy of managing growth and providing for urban intensification within the Metropolitan Urban Limit.

The Operative Waitakere District Plan Policy

48. The following objectives and policies of the Plan are considered relevant to the notice. The proposed substation is considered to be consistent with these policies for the reasons given below:

| Policy | Analysis |
|---|--|
| Policy 2.12 Infrastructure should be designed and located so that clearance of outstanding native vegetation is avoided, and clearance of significant native vegetation and significant and outstanding fauna habitat is minimised. | The site is in residential use and no native vegetation or habitat remains to be affected by construction of a substation. |

| Policy | Analysis |
|---|---|
| <p>Objective 10</p> <p>To maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers, including maintaining:</p> <ul style="list-style-type: none"> • an acceptable level of quiet and freedom from nuisance created by noise, odour, dust and vibration; • adequate levels of daylight and sunlight in dwellings; • adequate levels of darkness for sleep; • a safe environment; • an accessible environment, which includes enhancing public access to and along the coast and waterways and between areas of public land; • adequate levels of on-site privacy; • healthy air quality. <p>This Objective is intended to achieve, at the very least, a minimum level of physical health and wellbeing for residents, workers and visitors. The Act requires the Plan to manage the effects of activities on the environment and humans. It also requires the Plan to have particular regard for the maintenance and enhancement of those natural and physical characteristics that contribute to people's appreciation of, amongst other things, its pleasantness. Any enjoyment or sense of pleasantness derived from the environment is fundamentally dependent on whether residents, workers and visitors find it a healthy place to be.</p> | <p>The recommended conditions will ensure that the wellbeing of residents will not be adversely affected.</p> |
| <p>Policy 10.1</p> <p>Non-residential activities should be managed in a way that emissions of odour, dust, electro-magnetic radiation, radio frequency radiation and other discharges to air do not cause a nuisance, or otherwise have an adverse effect on the health of occupants of surrounding residential properties. Where a resource consent is required and specific reference is made in the rules or assessment criteria to health and safety matters, an assessment of adverse effects will be required. This will include, where relevant, reference</p> | <p>The recommended conditions will ensure that the wellbeing of residents will not be adversely affected</p> |

| Policy | Analysis |
|--|---|
| <p>to any appropriate standards or scientific opinion.</p> <p>Where activities cannot be managed in a way that avoids the creation of a nuisance on adjacent sites;</p> <ul style="list-style-type: none"> • they must be located at a sufficient distance from those sites, or within an appropriate Working Environment. • or appropriate performance measures to minimise emissions should be imposed so that the adverse effects of any emissions are avoided. | |
| <p>Policy 10.2</p> <p>Activities should not emit noise such that it causes a nuisance to occupants of surrounding properties.</p> | <p>The recommended conditions will ensure that the wellbeing of residents will not be adversely affected</p> |
| <p>Policy 10.3</p> <p>Activities should be managed in a way that any associated artificial lighting of roads, driveways, signs and sites and the exterior of buildings do not detract from the ability of occupants of surrounding buildings to achieve uninterrupted and adequate levels of sleep.</p> | <p>The proposed lighting for the substation will not have adverse effects on the ability of adjacent residents to achieve uninterrupted and adequate sleep.</p> |
| <p>Policy 10.6</p> <p>Buildings, storage and parking areas should be designed and placed on-site, or screened in a way that maintains the privacy and onsite amenity of adjacent residential properties, including the privacy of outdoor space. Particular regard should be had for the protection of privacy within the more intensively settled Living and Rural Villages Environments.</p> | <p>There will be no permanent staffing of the substation and only occasional onsite staff presence for maintenance and operational purposes. The privacy of adjacent residential properties will be maintained.</p> <p>Adequate access and parking is provided for.</p> |
| <p>Policy 10.11</p> <p>Activities should provide for:</p> <ul style="list-style-type: none"> • the on-site parking and loading of motor vehicles; • the location and design of access to car parking and loading areas, including areas for reverse manoeuvring to ensure that then safe and efficient functioning of adjacent roads, according to the positioning of that road in the Roding Hierarchy, is not adversely affected. | |

| Policy | Analysis |
|--|---|
| <p>Policy 10.12</p> <p>The use, manufacture and storage of hazardous materials should be managed in a way that avoids the possibility of escape or discharge of hazardous substances and any consequent adverse effects on human health.</p> | <p>The transformers will contain approximately 15,000 litres each of oil which is a potential contaminant. However, transformer leaks are rare and the substation building is designed to contain any leaks. There will be no adverse effects on human health.</p> |
| <p>Policy 10.13</p> <p>Activities should be carried out in a way that avoids or mitigates adverse effects of natural hazards on natural and physical resources and on the health and safety of people and communities.</p> | <p>The substation is located in a flood hazard area associated with Swanson Stream. A flood hazard analysis has been undertaken by Vector's consultants. This analysis indicates that the substation can be constructed and operated to run safely during a 1 in 100 year flood event. The Council's engineering and hydrological specialists have reviewed this information and agree with this conclusion subject to the proposed conditions, which have been agreed with Vector (refer to the attachment circulated separately with the agenda).</p> |
| <p>Policy 10.14</p> <p>Activities should be of a scale and located and managed in a way that:</p> <ul style="list-style-type: none"> • any traffic generated by the activity, including heavy traffic, does not detract from the capacity of the road to cater safely for motor vehicles, pedestrians and cyclists, and the wellbeing of residents occupying surrounding sites; • the safe and efficient functioning of the road network is not adversely affected. | <p>Minor traffic only will be generated by the substation. There will be no adverse effects.</p> |
| <p>Policy 10.16</p> <p>Driveways, carriageways and carparking areas should:</p> <ul style="list-style-type: none"> • be laid out in a way that provides for the safe circulation of vehicles and pedestrians; • be of sufficient design quality to ensure the safe passage of motor vehicles, cyclists and pedestrians and discharge of stormwater; • be designed to avoid edge fretting; • allow safe, ready access to adjoining sites. | <p>Access and parking is provided for to an appropriate standard.</p> |

| Policy | Analysis |
|--|---|
| <p>Policy 11.3</p> <p>Buildings and structures should be located so that they maintain the neighbourhood character, visual amenity of the surrounding area and the characteristic streetscape of the area, including providing for:</p> <ul style="list-style-type: none"> • the overlooking of streets by buildings; • maintaining characteristic links between private and public space arising from the orientation of houses and the way they face the street; • the setback of buildings from the road boundary; • planting of section frontages; in a way that gives particular regard to variations in amenity values, and neighbourhood character. | <p>The substation building is designed to be consistent with the residential character of adjacent buildings. The building will not be permanently occupied but visually permeable fencing will be used at the front and rear of the site.</p> <p>The buildings will be closer to the street than some of the adjacent residential houses, but still comply with the 3.0m yard set in the Plan. In the context of the sloping topography of the site, this is not expected to give rise to a significant visual effect. Also positioning of the buildings in this way assists with flood hazard mitigation.</p> <p>Adequate landscape planting is provided for.</p> <p>Overall, the substation will be appropriate in terms of neighbourhood character.</p> <p>Conditions are recommended to ensure that the substation is constructed as indicated in the notice of requirement.</p> |
| <p>Policy 11.7</p> <p>Infrastructure should be designed and managed in a way that:</p> <ul style="list-style-type: none"> • will maintain, and not adversely affect the amenity values and neighbourhood character of the surrounding area, including streetscape character; • placement on sensitive ridgelines in a way that visual intrusion above that ridgeline when viewed from a public place is avoided, or where unavoidable, remedied or mitigated; • does not detract from the significance to tangata whenua of any ridgeline; • minimises disturbance of natural and physical features; • does not physically dominate adjoining sites. | <p>See above. The buildings will be located in a valley floor rather than a ridgeline. Neither will they dominate adjoining sites.</p> |

| Policy | Analysis |
|---|---|
| <p>Policy 11.8</p> <p>Structures, (except within the Working and Community Environments), should be of a form, height and scale which avoids physical domination of surrounding sites and buildings, which does not adversely affect the landscape character and other amenity values of these areas, and which minimises encroachment on views. In particular, relocated housing must be of a scale, form and finished quality, and located so as to maintain and enhance surrounding amenity values and neighbourhood character.</p> | <p>The buildings will be of a height, scale and external appearance that is consistent with what is reasonable in a low density Living Environment and will not dominate or adversely affect surrounding sites.</p> |
| <p>Policy 11.10</p> <p>Non-residential activities should be designed and managed in a way that:</p> <ul style="list-style-type: none"> • maintains the visual amenity values of the Environment they are in; • maintains the amenity of the site and surrounding area when viewed from the street; • adequately screens any associated carparking, vehicle access and storage areas from view, from residential sites. | <p>See above. Also the front of the buildings will have a residential character when viewed from the street.</p> <p>Access by vehicles will occur infrequently for maintenance and operational purposes. There are no external storage areas. No additional screening is considered necessary beyond that provided by the boundary fencing.</p> |
| <p>Policy 11.12</p> <p>Activities should be of a scale, and located and managed in a way, that does not increase the number of vehicle trips, including heavy vehicle trips, to a level that adversely affects the amenity values of the surrounding Environment or neighbourhood, taking into account the location of the site in relation to the roading hierarchy and the characteristic levels of quiet found in these areas.</p> | <p>Minor traffic only will be generated by the substation. There will be no adverse effects.</p> |
| <p>Policy 11.13</p> <p>Activities should be carried out in a way that maintains the characteristic levels of quiet of each Human Environment.</p> | <p>Conditions are recommended to ensure that operational noise from the transformers does not exceed levels appropriate to the Living Environment.</p> |
| <p>Policy 11.18</p> <p>Non-residential activities (other than retail activities) may be located within residential areas of the City, provided that the individual and cumulative impacts of such a provision do not</p> | <p>Location of the proposed electricity substation within this residential area will not give rise to any individual adverse effects provided that the recommended conditions are adopted.</p> <p>Also substations are a type of</p> |

| Policy | Analysis |
|--|---|
| adversely affect amenity values and neighbourhood character or fragment residential activities to the point that essential residential character is lost, and the safety of residents is harmed. | infrastructure that will occur infrequently in relation to the total area of Living Environment. Therefore recommending that this notice be confirmed will not give rise to any cumulative adverse effects. |

Operative Waitakere District Plan Living Environment Rules

49. If it were not for the notice, the proposed substation would have required resource consent under the following Living Environment Rules.

Building Height – Rule 4.2

50. The proposed building would exceed the Plan's 8.0m height threshold by approximately 0.08m at the eastern end of the proposed buildings. There will be no significant adverse effect from the minor exceedance of this standard.

Height in Relation to Boundary – Rule 5.3 Discretionary Activities

51. The proposed buildings will exceed the height to boundary standards of the district plan along the southern boundary. In the context of the positions of residential buildings to the south, and the extensive existing vegetation on the southern boundary of the site, the exceedance of the height to boundary standards will not have any significant adverse effects in terms of daylight or sunlight access to the residential site to the south.

Building Location – Privacy/Amenity – Rule 8.2 Discretionary Activities

52. The building will not be fully screened from the road. This would not comply with Rule 8.1(b) which requires screening of non-residential activities in a Living Environment. However, in this case, the electricity substation will be constructed and operated in a way that does not give rise to visually obnoxious effects in the context of a Living Environment. In addition, planning opinion and practice regarding screening has changed since this section of the plan was drafted; to the effect that visual permeability is considered desirable in many cases for security safety, and amenity reasons.

Non-residential Activities – Rule 10.2 Discretionary Activities

53. The proposed electricity substation is a non-residential activity within a Living Environment. However, for the reasons discussed above, no adverse effects will arise on residential amenity, and the provision of infrastructure of this type is necessary to the overall sustainability of the Living Environment.

Car Parking and Driveways – Rule 12.3 Limited Discretionary Activities

54. Access and parking is provided for to an appropriate standard. Minor traffic only will be generated by the substation. There will be no adverse effects.

Infrastructure – Rule 17.4 Discretionary Activities

55. The proposed substation would involve construction of significant above ground structures in a Living Environment. However, for the reasons discussed above, no adverse effects will arise on residential amenity, and the provision of infrastructure of this type is necessary to the overall sustainability of the Living Environment.

Issues Raised in Submissions

56. Three submissions were received either opposing the notice, or seeking modifications to the notice. No submissions were received in support of the notice. A full copy of written submissions is contained in the attachments circulated separately with the agenda. The submissions are summarised below.

| Submitter | Address | Summary | Staff Comment |
|---|--|---|--|
| Dale Keogh | 2/39 Don Buck Road, Massey. | The submitter requests that the boundary fences be six feet high and made of solid wood to prevent people climbing in. | It is desirable to have the fences along the road and park boundaries to be made of visually permeable materials for security reasons. In correspondence dated 9 June 2008, to Dale Keogh (refer to the attachments as circulated separately with the agenda), Vector has said that it will increase the fence height from 1.6m to 1.8m and construct it of swimming pool type fence which is visually permeable. The same letter states that Vector will also replace the submitter's common boundary fence at the time of substation construction. A condition is recommended to require 1.8m high visually permeable Swimming pool fencing along the road and reserve boundaries. The submitter has indicated to Council that they are satisfied with this proposed condition (Phone conversation 28 October 2008). |
| Mr and Mrs KG & SA Lee, and in an identical submission - Nigel Lee | 3 Darimouth Place Albany 35B Don Buck Road, Massey. | The submission opposes the NOR raising a variety of issues summarised as follows: a) A concern about the construction of the second transformer. b) The possibility of transformer oil leaks causing contamination of the | Vector has discussed these issues with the submitter and has provided the submitter with a site visit to an operating substation of similar design to that proposed in the notice. Vector has also responded to the concerns raised by the submitter. |

| Submitter | Address | Summary | Staff Comment |
|-----------|---------|---|---|
| | | <p>Swanson Stream.</p> <p>c) A concern about the feeder lines crossing their property.</p> <p>d) A request for a 1.8 metre high fence.</p> <p>e) A concern that the designation of the site would allow Vector to undertake further upgrades in the future and a request for further consultation should Vector change the final design of the substation. A request for compliance monitoring during construction.</p> <p>f) A request for a visit to a similar site to hear noise emissions and an assurance that noise limits will be complied with particularly when the second transformer is built.</p> <p>g) A request that the proposed communications antenna shall not cause interference with any electrical goods or appliances from surrounding neighbours.</p> <p>h) A concern about exposure to EMF radiation from the power lines and transformer.</p> <p>i) Concern that the level of effort that went into alternative site investigation was inadequate.</p> | <p>The issues raised are effectively addressed by the recommended conditions of consent. In particular, the conditions will ensure that the substation does not differ significantly from that indicated in the notice, and that appropriate EMF and noise emission standards will be adhered to.</p> <p>The issues raised are responded to individually as follows:</p> <p>a) and e) – refer to draft conditions 1 and 2.</p> <p>b) – refer paragraph 15.</p> <p>c) – refer paragraphs 42 – 45.</p> <p>d) – refer to comments above for submission from Dale Keogh.</p> <p>f) – a site visit has been provided.</p> <p>g) – the antenna is no longer included.</p> <p>h) – refer paragraphs 42 – 45.</p> <p>i) – refer paragraph 58</p> <p>j) – refer paragraph 48</p> <p>k) – it is unclear what documentation is inadequate. Draft conditions 4.5 and 10</p> |

| Submitter | Address | Summary | Staff Comment |
|-----------|---------|---|---|
| | | <p>j) A request that policies 10.1, 10.2, 10.3, 10.5, 10.6, 10.9, 10.11, 10.13 and 11.13 be complied with.</p> <p>k) A concern that relevant documents have not been supplied with reference to Rule 13.1 Residential Activity.</p> <p>l) Concern about noise emissions from the substation and a request that the recommended standards be enforced.</p> <p>m) A request to remove overhead power lines.</p> | <p>address noise.</p> <p>l) - Draft conditions 4.5 and 10 address noise.</p> <p>m) – refer paragraph 39.</p> <p>The submitters have confirmed that they are satisfied with the proposed conditions.</p> |

Conclusion on Effects

57. Overall it is concluded that there will be no significant adverse effects as a result of confirming the notice, provided that the recommended conditions are adopted.

Alternative Sites, Routes or Methods

58. The analysis of alternatives referred to in s. 171(1)(b) of the Act is not required because Vector owns the site subject to the notice, and because there will be no significant adverse effects if the recommended conditions are adopted.

The Objectives of the Notice

59. The notice does not expressly state an objective, but an implicit objective may be taken from page 7 of the notice where it states:

“To ensure adequate security of [electricity] supply to the area...”

The Need for the Requirement

60. The Vector notice states:

“A new substation in the Ranui area is critical to the long-term security of power supply to the Ranui area. A new substation is required to meet increased power demand which is resulting from the increasing population in this area.”

61. While the author of this report has no expertise in the management of electricity distribution systems there is no obvious reason to disagree with this statement. Ranui is a growth area and this is likely to result in increasing electricity demand. Therefore the work (the substation) is considered reasonably necessary to achieve the objective.

Consideration of Community Views

62. A consultative process has been used as set out in paragraphs 65 - 67 to assess community views. These are reported on in paragraph 56.

Preferred Option

63. As a result of the analysis provided in paragraphs above, it is recommended that the Council adopt the option set in s. 171(2) (a) and (c) of the Act as follows:

“The territorial authority may recommend to the requiring authority that it –

- (a) confirm the requirement:*
- (b) ...*
- (c) impose conditions:*
- (d) ...”*

STRATEGIC CONTEXT

64. Construction of the electricity substation, subject to the recommended conditions, will be consistent with Council’s strategic direction as set out in the Long Term Council Community Plan and Draft Growth Management Strategy.

CONSULTATION

65. The procedures set out in the Act for public notification of notices of requirement have been followed. This included public notices in newspapers, signs set out on the site, mail out of copies of the notice to adjacent landowners and occupiers, and mail out to other relevant statutory agencies and tangata whenua.
66. The notice was also referred to Council’s internal urban design, Ecowater, noise and parks specialists for consideration.
67. It is considered that this consultation was appropriate and no additional consultation beyond that required in the Act is necessary.

RESOURCES

68. No staff resources other than staff time are required and this is cost recoverable.

IMPLEMENTATION ISSUES

69. The procedures for implementation are prescribed by the Act and are summarised in paragraphs 16 - 32 above.

Report prepared by: Christopher Turbott, Senior Planner - Policy Implementation.

