

NOTICE OF MEETING

RESOURCE CONSENTS HEARINGS PANEL

TO: Chairperson John Childs
 Crs Ross Craig
 Wayne Walker

A meeting of the Resource Consents Hearings Panel will take place in the Council Chamber, Rodney District Council, Centreway Road, Orewa on Monday, 27 July 2009 commencing at 9.00 a.m.

for: CHIEF EXECUTIVE
Rodger Kerr-Newell

OREWA
17 July 2009

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PROGRAMME

<u>Time</u>		<u>Page</u>
9.00 a.m.	NOTICE OF REQUIREMENT BY VECTOR LIMITED TO DESIGNATE THE PROPERTY LOCATED AT 11 WYN CLOSE, KAUKAPAKAPA FOR AN ELECTRICITY SUBSTATION Address: 11 Wyn Close, Kaukapakapa APPLICANT: VECTOR LIMITED	1

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ITEM NO: 1

APOLOGIES

ITEM NO: 2

REPORT



TO Resource Consents Hearings Panel
ON 27 July 2009
FROM Laura Christian
SIGNATURE

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APPROVED FOR RELEASE BY Carl Jenkins – Team Leader
SIGNATURE

A handwritten signature in black ink, appearing to read "Carl Jenkins".

SUBJECT **NOTICE OF REQUIREMENT BY VECTOR LIMITED TO DESIGNATE THE PROPERTY LOCATED AT 11 WYN CLOSE, KAUKAPAKAPA FOR AN ELECTRICITY SUBSTATION**

Address: 11 Wyn Close, Kaukapakapa

APPLICANT: VECTOR LIMITED

FILE REF L55133

WARD Western

PART A:

LOCATION: 11 Wyn Close, Kaukapakapa

LEGAL DESCRIPTION: Lot 1 DP 159252

ZONING Proposed District Plan 2000: Residential Medium Intensity

EXECUTIVE SUMMARY

Vector Limited, a requiring authority under the Resource Management Act 1991, seeks to designate the property located at 11 Wyn Close, Kaukapakapa, legally described as Lot 1 DP 159252 for an electricity substation. The proposed work involves the development and operation of a 33/11kV electricity zone substation and ongoing maintenance and upgrading of the substation. The substation will be fully enclosed within a building and will supply electricity to the wider Kaukapakapa area.

PART B:

1.0 DESCRIPTION OF THE PROPOSAL

Notice of Requirement is given by Vector Limited for a designation for an electricity substation on the parcel of land legally described as Lot 1 DP 159252 which is located at 11 Wyn Close, Kaukapakapa.

The existing load on the electricity supply network has increased to the point where the existing substation in the area is almost fully loaded. To ensure adequate electricity supply to the wider Kaukapakapa area, an additional 33/11kV electricity zone substation is required within the next ten years. The key features of the substation include:

- Building form consistent with the residential area, consisting of timber, painted concrete panels and shutters. This design avoids the need for security fencing, which may visually detract from this area.
- The substation will house switchboards and a 10MVA transformer, with the capacity to accommodate a second 10 MVA transformer in the future.
- Beneath each transformer is an oil containment area with a capacity for 17,400 litres, which is sealed.
- All power cables into and out of the site will be underground, however the reticulation along Kahikatea Flat Road will remain overhead.
- Connections to water and wastewater are not required.
- Stormwater from the roof and carpark area will be piped to a stormwater detention tank prior to dispersal.
- Most of the existing vegetation around the boundary of the site will be retained, with some additional planting proposed, as per the landscaping plan provided as part of the application.
- The existing fence will be retained with farm gates installed across the site entrance.

The establishment of a designation in the District Plan will enable the construction, operation and maintenance of the electricity zone substation with the above features at 11 Wyn Close, Kaukapakapa. The applicant has advised that it is likely that the substation will be constructed and commissioned within the next ten years.

Figures 1 and 2 below show the site layout and elevations plans of the proposed electricity substation.

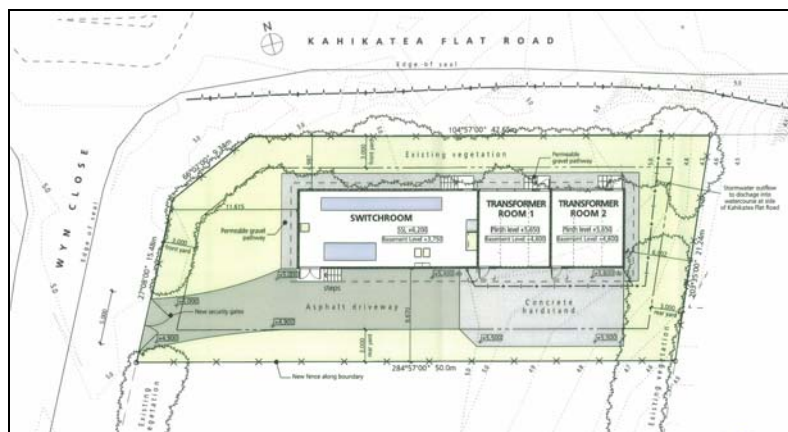


Figure 1 – Site Layout Plan

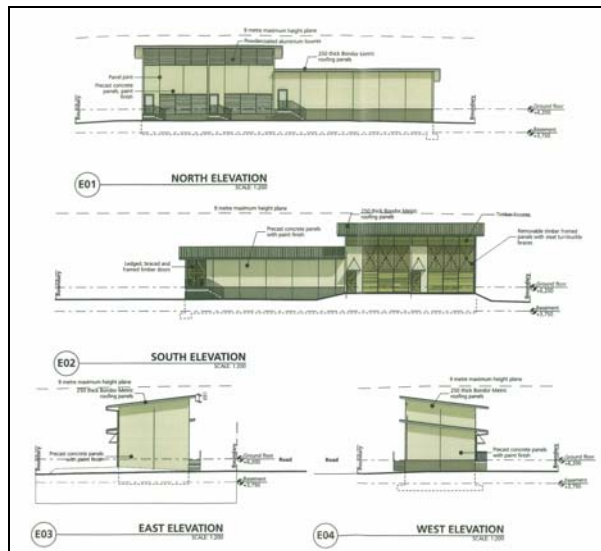


Figure 2 – Substation Elevations

The application has stated that the subject site meets the technical requirements of Vector and is located within the area to be serviced and that the substation can be constructed on the site with minimal adverse effects.

2.0 DESCRIPTION OF THE SITE

The NoR relates to the site located at 11 Wyn Close, Kaukapakapa, which is legally described as Lot 1 DP 159252. The site has an area of 0.6223ha and contains a single residential dwelling and extensive lawns and gardens. The substation site at the northern end of the site is 1020m² in area, which is vacant of buildings. This site is to be subdivided off in the future should this designation be confirmed. The site is located on the intersection of Kahikatea Flat Road and Wyn Close. The site is shown below in Figure 3.



Figure 3 – Aerial Photograph of the Subject Site (highlighted in pink) and surrounds

The photographs below (Figures 4 to 7) show the current site layout.



Figure 4 – View of site from 2 Wyn Close



Figure 5 – View east toward site from Kahikatea Flat Road



Figure 6 – View west toward site from Kahikatea Flat Road



Figure 7 – View towards dwelling on-site from substation location

3.0 PUBLIC NOTIFICATION

The Notice of Requirement (NoR) was publicly notified on 23 April 2009 in accordance with Sections 93 and 168 of the Resource Management Act 1991. The closing date for submissions was 29 May 2009.

A total of 2 submissions were received. Both submissions were in opposition to the proposal, seeking the withdrawal of the NoR. The submissions received are attached as **Appendix 4** to this report.

A summary of submissions, together with decisions sought is detailed in the table below:

No	Submitter	Address	Support/ Oppose	Summary of Relief Sought & Reasons	Wish to be heard
1	Kaukapakapa Area Residents & Ratepayers Association Inc	C/- Neville Miller, Kaukapakapa	Oppose	<ul style="list-style-type: none">Residential site is inappropriate for a utility activity;Concerns include appearance, noise, impact on health & negative impact on property values etc.	Yes
2	PD & TL McMahon	1559 Kahikatea Flat Rd, Kaukapakapa	Oppose	<ul style="list-style-type: none">Proposed site is inappropriateInadequate assessment of alternative sitesDesign of the substationLandscapingStormwaterEnvironmental issuesImpact on property values	Yes

4.0 STATUTORY ASSESSMENT

The application is for a Notice of Requirement by a Requiring Authority under Section 168 of the Resource Management Act 1991.

Under Section 171 of the Act, when considering a requirement and any submission received, a territorial authority must, subject to Part II, consider the effects on the environment of allowing the requirement and having particular regard to:

- a) *Any relevant provisions of*
 - (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 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 considered reasonably necessary in order to make a decision on the requirement.*

In accordance with section 171(2) after considering a notice of requirement the territorial authority may decide to:

- a) confirm the requirement
- b) modify the requirement
- c) impose conditions
- d) withdraw the requirement

Within 30 working days of the day on which it receives the territorial authority's recommendation under section 171, the requiring authority makes a decision whether to accept or reject that recommendation, in whole or part. The territorial authority or any submitter to the notice of requirement may appeal the decision made by the requiring authority under section 174, to the Environment Court.

Depending on the outcome of the decision or appeal, the designation may be placed in the district plan.

5.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

Subject to Part II of the Resource Management Act, when considering an application for a designation and the submission received, the Council shall have regard to any actual and potential effects on the environment. The assessment of environmental effects is outlined below:

5.1 Visual Character and Amenity

The subject site is located on the urban edge of the Kaukapakapa Township. The site and the area to the west is zoned residential medium intensity and the land to the east is zoned general rural. The site is also located in close proximity to a major intersection, being Kahikatea Flat Road with Kaipara Coast Highway (State Highway 16). Kahikatea Flat Road provides a key link to Orewa and Auckland from this area.

Therefore, due to the location of the site, the proposal has the ability to adversely affect the visual character and amenity of the surrounding environment.

Visual:

The applicant's consultant in the application has stated that the aim of the design is to integrate the substation into the existing environment, which is zoned residential medium intensity under the Rodney District Plan – Operative in Part. Therefore the exterior construction will consist of painted concrete panels, wood, louvres and shutters.

The applicant's consultant has also advised that the location of the building will be consistent with the development controls as set out in the Plan. In addition, there is existing dense vegetation located along the boundary with Kahikatea Flat Road, screening the majority of the site from this main road. Vegetation is also located along the boundary with Wyn Close, however it is less dense in this location. A Landscape Plan, prepared by Isthmus (dated 17.03.09) shows areas of vegetation to be removed and areas to be replanted (See Figure 8 below).

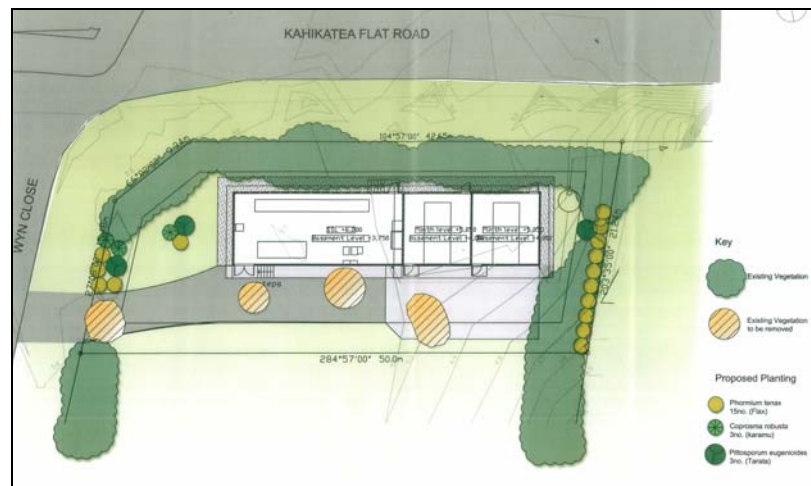


Figure 8 – Proposed Landscaping Plan

To assess the impact on the visual amenity and character of the area, the applicant has engaged Isthmus Group Ltd to prepare a Landscape and Visual Assessment, which has concluded that:

Landscape and visual amenity will be maintained and enhanced as a result of the following factors:

- *The site is an appropriate one for an activity such as a substation, taking into account the fact that it is not a significant landscape, it is embedded within a small settlement, that it is not a prominent site, and the extent of existing screening vegetation.*
- *The architectural design and detailing means the substation building will be in keeping with the settlement and have a good level of amenity for such a functional structure.*
- *The actual and potential effects on both public and private view will be minor or negligible, taking into account the design of the substation, the extent of screening and backdrop vegetation, and the separation from nearby houses.*

Council's Consultant Arborist (Nigel Clough) reviewed the proposal and advised that the removal of trees greater than 6 metres in height requires resource consent. He noted that all trees less than 6 metres in height can be removed without resource consent and this includes the trees in the centre of the site, being:

- 2x Magnolia sp
- 1x Cabbage tree, *Cordyline australis*
- 1x Lemonwood, *Pittosporum eugenioides*
- 1x *Pittosporum* sp.
- Flax *Phormium* sp.

To accommodate the new entrance way the following trees need to be removed:

- 1x Lemonwood, *Pittosporum eugenioides* (less than 6m)
- 1x Lemonwood, *Pittosporum eugenioides* (greater than 6m)
- 1x Norfolk Island Hibiscus, *Lagunaria pattersonii* (greater than 6m)

Mr Clough noted that the vegetation along the northern boundary must be retained to provide screening of the substation. It was also noted in this report that this line of vegetation will in due course require trimming to provide clearance to overhead power lines.

Mr Clough has provided the following recommended conditions:

- The proposed works hereby approved shall proceed in strict accordance with the details set out in the description of works attached to this consent along with any recommendations noted.
- The removal of the subject vegetation shall be undertaken by a suitably qualified arborist, using currently accepted arboricultural dismantling methods and practices, in a manner so as to cause no damage to other vegetation on the site.
- That the trimming of the boundary vegetation shall be undertaken by a suitably qualified arborist, using currently accepted arboricultural pruning methods and standards.
- That the trimming of the boundary vegetation be undertaken prior to the commencement of development works on site.
- That no more of the canopy of boundary vegetation be removed than is necessary to accommodate the proposed substation and allow an unimpeded work space.
- That suitable fencing is erected around all vegetation prior to the commencement of works on the site.
- The protective fencing is to remain in place until the completion of works on the site.
- That the Council is informed as to when the proposed planting works have been completed.

Overall, it is considered that the proposed landscaping and design of the building will help to integrate the site into the existing residential and rural environment.

Noise:

The Rodney District Plan – Operative in Part, sets a maximum noise level of 40dBA at the site boundary, between 7pm and 10pm. The application has provided a suggested condition to ensure that the substation complies with this Rule.

The applicant's consultant has also stated that substations are designed in a manner which minimises noise emissions and are often located directly adjoining residential dwellings with no noise effects.

The proposal has also been reviewed by Council's Environmental Health Officer (Ian Farrell) who advised that the noise received at the notional boundary of any residential site in the vicinity of the site shall not exceed 45 dBA Leq, as specified in the Rodney District Plan 2000 – Operative in Part for noise received in Group B sites in rural zones. In addition Mr Farrell advised that construction works shall only take place between 7am to 7pm Monday to Friday and 8am to 1pm on Saturdays. No works shall be undertaken on Sundays.

Provided that the above standards are met it is considered that any adverse noise effects of the construction and operation of the substation will be adequately avoided.

Lighting:

The applicant has stated that "standard residential sensor security lighting will be installed on the exterior of the building". This lighting is designed to ensure that there is minimal light spill outside the site boundaries.

It has also been stated in the application that all maintenance will normally be undertaken during daylight hours; therefore all lighting required during night time will be minimal. Any lighting required outside of daylight hours will be restricted to providing assistance for switch operators in occurrence of fault finding conditions or will be standard residential security lights.

It is therefore considered that any adverse effects resulting from the proposed lighting will be no more than minor.

Electric Magnetic Fields:

The application has included a report on Electric Magnetic Fields (EMF) which has confirmed that the magnetic field strengths expected at the site are significantly lower than the recommended safe exposure standard limits. It is therefore considered that any adverse effects to health will be no more than minor.

Summary

Overall it is considered that the proposed substation will not adversely affect the visual character and amenity of the surrounding environment to a degree that is more than minor, for the reasons given above.

5.2 Transportation & Access

The NoR application has stated that it is proposed to access the substation via a new crossing place off Wyn Close.

The application states that there will be increased traffic movements to and from the site during the 9 to 12 month construction period, however these movements will not be significantly above that expected for the construction of a residential dwelling. The application has also noted that a Construction Traffic Management Plan will be prepared and will specifically address potential concerns from residents about the need to maintain safe ingress and egress from Kahikatea Flat Road and Wyn Close.

The application has stated that traffic associated with the substation following construction will be minimal and restricted to trained Vector Limited employees and authorised contractors. There will be no staff permanently located on the site.

The applicant's Consultant sought advice from Council's Transportation Engineers during the design process, who advised that the accessway to the site be positioned as close to the rear boundary of the new lot as possible. This requirement has been incorporated in the design.

The application states that a turning bay has not been provided, so as to reduce the impervious area on the site. They have also stated that due to the low traffic volumes that a turning bay is generally not required on substation sites. However, should traffic movements change in the future, the application has stated that there is adequate room on the western side of the substation building to install a turning bay.

Council's Transportation Engineer (Mairi Joyce) advised that the following conditions should be required:

- *A turning area must be provided on the subject site to allow servicing vehicles to perform a 180^o turn to avoid reversing onto the street;*
- *The formation of the driveway and parking/loading area must comply with the Rodney Standards of Design and Construction;*
- *Should any on-street loading or reversing of trucks onto the road be required during construction, a Construction Traffic Management Plan shall be submitted to the Team Leader Resource Consents for review and approval, prior to any works commencing.*

It is noted that there is sufficient room onsite to provide a turning area adjacent to the entrance to the site, between the building and the vegetation along Wyn Close boundary.

Overall, it is considered by the processing planner that any effects to the safe and efficient functioning of the road network can be avoided, remedied or mitigated in this instance.

5.3 Positive Effects

The NoR application has stated that the proposal will have positive effects for the district, given that the proposed substation will supply electricity to meet the growing needs of the Kaukapakapa area.

6.0 ISSUES RAISED IN THE SUBMISSIONS

6.1 Alternative Sites

Submissions raised concern that the applicant has only given cursory consideration to alternatives. The consideration of alternatives is discussed in Section 8 of this report.

The submissions have also raised the Structure Plan that is being prepared for the Kaukapakapa area by the Council. However this plan is in the early stages of preparation. A copy of the work outline has been attached to this report, as appendix 8.

6.2 Effects on Property Values

Submissions received raised concerns regarding the effects of the proposed substation on adjacent property values. As there is unclear evidence supporting this claim, it is difficult to determine whether the substation will affect property values in a negative way. Furthermore, there is still debate as to whether property values are a relevant consideration under the RMA. The Environment Court decision in *Giles v Christchurch City Council A92/2000*, the Court noted:

“A consent authority and this court on appeal, is required to have regard directly to the likely effects on the environment of allowing the activity. A valuer’s appraisal of the way those effects might impact on market value would duplicate the consent authority’s function in an indirect way. We prefer to rely on the evidence of qualified resource management planners about the effects themselves.”

It is important to note that effects to privacy, visual effect of the building and proximity to other buildings, or a change in character could adversely affect the amenity of neighbouring properties, which also may contribute to diminution of property values. It is noted that a submission stated that the substation could be built on a rural site and designed to look like a traditional farm building and screened as necessary to minimise its impacts. As has been previously stated in this report, it is considered that the building proposed and associated landscaping, have been designed to ensure that the existing amenity values of the residential area are not compromised.

6.3 Stormwater Effect

A submission from the owner of 1559 Kahikatea Flat Road, Kaukapakapa, advised that at present the north western corner of their site is subject to periodic flooding and they receive minimal runoff from the subject site. However they have concerns that the impervious surface will exacerbate the present flooding problem. Therefore all stormwater should be piped under Kahikatea Flat Road and into the Waikahikatea Stream on the northern side of the road, as per Tonkin and Taylors flooding assessment dated 20 November 2007.

Council’s Development Engineer (Ross Green) reviewed the proposal in light of these concerns and advised that the Tonkin Taylor Flooding Assessment Report dated 20 November 2007 suggests that the stormwater from the impervious area of the substation be conveyed under Kahikatea Flat Road in a new culvert.

However, Mr Green also advised that the report indicates that the alternative to piping under the road is to provide on site detention which is the option chosen by the applicant. Detention storage on site will be provided such that post development flows from the site will be limited to pre development flows. Mr Green has acknowledged that therefore there will be no additional flow going to the water table on Kahikatea Flat Road following the development of the 256m² of impervious area of the substation, so there won't be an effect on the culvert under the road.

Therefore it is considered that any effects on flooding and stormwater control have been adequately mitigated by the on-site storage of water.

6.4 Design & landscaping

Concern has also been raised in the submissions relating to the design of the substation and the associated landscaping. One submission sought the following conditions:

- Commence planting as soon as practicable after designation to ensure that the utility is screened as much as possible at the time of construction.
- All existing eastern boundary planting should be retained and more heavily planted, including under-planting, to screen the building as much as possible.
- To locate the swale well away from the eastern boundary, so that it does not interfere with the root systems of the existing trees.

It is considered that the above requests are reasonable and should be implemented by the Applicant.

6.5 Environmental Effects

One of the submissions outlined a concern relating to the storage of oil on the subject site.

7.0 RELEVANT PLAN PROVISIONS

7.1 Auckland Regional Policy Statement

The Auckland Regional Policy Statement sets out the broad resource management issues, objectives and policies for the Auckland Region to achieve the integrated management of its natural and physical resources. The purpose of a Regional Policy Statement as required under Section 59 of the RMA is:

'...to achieve the purpose of the Act by providing an overview of the resource management issues in the Region, and Policies and methods to achieve integrated management of the natural and physical resources of the whole Region'

The following objectives and policies are relevant to the proposal:

Objective 5.3-1

The sustainable use of energy resources (excluding minerals), and the efficient use and development of energy resources.

Objective 5.3 -2

To avoid, remedy or mitigate any adverse effects of development proposals relating to the production, distribution, and use of energy.

Policy 5.4.4 – 1

Assessment of environmental effects for energy generating and transmission proposals, shall, where necessary, be carried out in accordance with the requirements of the Fourth Schedule of the RM Act and any relevant provisions of the RM Act.

7.1.1 Comments

The above objectives and policy are concerns with sustainable use and development of energy resources and the avoidance, remediation, or mitigation of adverse environmental effects, and the avoidance of impairment to human health that may potentially arise from the development proposal of distribution or transmission of energy.

It is considered that the NoR for a designation of an electricity substation is consistent with the objectives and policies of the Auckland Regional Policy Statement in that it aims to provide for the community's social, cultural and economic well-being while avoiding or mitigating any significant adverse effects on the environment.

7.2 Rodney District Plan(s)

7.2.1 Proposed District Plan 2000

The site is zoned Residential Medium Intensity under this Plan. The following objectives and policies are relevant to this proposal:

Chapter 8 Residential

Objective 8.3.1

To maintain and enhance amenity values within residential sites.

Objective 8.3.2

To maintain and enhance amenity values of neighbourhoods and residential areas.

Policy 8.4.1: Effects of buildings within a site

Buildings should be located and designed so as to minimise adverse effects on the same site, including effects on:

- (a) the admission of daylight and direct sunlight into buildings and outdoor living areas; and
- (b) privacy, both inside dwellings and in outdoor living areas; and
- (c) vehicle movement and parking; and
- (d) the ability of the site to provide adequate stormwater and waste water drainage.

Policy 8.4.2: Effects of building son other sites

Buildings and other development should be located and designed to avoid or mitigate their adverse effects on other residential sites, including effects on:

- (a) the admission of daylight and direct sunlight into buildings and outdoor living area;
- (b) visual and aural privacy;
- (c) stormwater and waste waster drainage.

Policy 8.4.3: Amenity values and liveable neighbourhoods:

Residential subdivision and development should be designed, located and arranged in such a way as to minimise adverse effects on the neighbourhood and other residential areas, and to provide for high amenity values and liveable neighbourhoods. This will be achieved by managing the effects of subdivision and development in green fields and built up areas in different ways. Management of adverse effects may result in:

- (a) having neighbourhoods of generally similar dwelling density;
- (b) having an overall compatibility in building scale, spacing and design;
- (c) retaining existing significant trees appropriate to an urban situation, and ensuring that space is available to plant new ones;
- (d) using the amenity value of the street and other open spaces to mitigate the adverse effects of higher intensity development on residential sites;
- (e) ensuring there is adequate car parking and manoeuvring space;
- (f) retaining existing heritage values.

Policy 8.4.4: Health, safety and amenity values

Activities in residential areas should be sited, designed and operated to avoid, remedy or mitigate adverse noise and traffic effects on the health, safety and amenity values of people in the area.

Policy 8.4.5: Non-residential activities

Non-residential activities should be located, designed and operated so that adverse effects that are incompatible with the environment of a residential area, such as interrupting the sense of community and cohesion within neighbourhoods, noise, traffic generation and visual impact, are avoided, mitigated or remedied. If this is not possible, then these activities should not be located in residential areas.

Comments:

The above objectives and policies of the Plan seek to maintain the residential character and amenity values within residential areas. In addition they recognise that some non-residential activities could be located in these areas, provided any adverse effects to amenity and character are avoided, remedied or mitigated.

As discussed in Section 5.0 Assessment of Environmental Effects, the proposed substation has been designed to be encompassed entirely within a building. This building has been designed to integrate with the residential character of the area. In addition a landscaping plan has been proposed in addition to the existing vegetation that is located on the site, which will help to integrate the building into the surrounding residential environment. Therefore resulting in a visual effect that is no greater than that of a residential dwelling, which is a permitted activity under the Plan.

Effects to the amenity values and safe and efficient functioning of the roading network was also addressed in Section 5.0, which stated that due to the nature of the activity, there will be no permanent staff on the site and therefore any traffic effects will be no greater than that of a residential dwelling, therefore having no more than minor effect on the amenity values currently enjoyed by surrounding owners/occupiers and on the safe and efficient functioning of the roading network.

Overall, it is considered that the proposal is consistent with the above objectives and policies.

Section 8.8.3 – Medium Intensity Residential Zone

Objective 8.8.3.1.1

To protect and maintain the open and spacious living environments that exists throughout most of the residential areas of the District.

Policy 8.8.3.2.5

Development and subdivision in the Medium Intensity Residential Zone should integrate and retain significant trees and other landscape features.

Policy 8.8.3.2.6

Any activity that adversely affects the amenities of residential sites or the sense of residential cohesion that results from having neighbours close at hand and neighbourhoods of a predominantly residential character where people live, should not be located within the Medium Intensity Residential Zone.

Policy 8.8.3.2.7

In the medium Intensity Residential Zone, no more than 35% of a site should be covered in buildings.

Comments:

Taking into account the above objectives and policies, with particular reference to the Residential Medium Intensity Zone, it is considered that the proposed building is consistent with the surrounding zone character, in that the building has been designed in a way that complements the residential character and the site has existing vegetation providing screening to the majority of adjoining site, most of which will be retained. Additional proposed planting will further help to screen the building from other sites.

Overall, it is considered that the proposal is consistent with the above objective and policies of the Residential Medium Intensity zone.

Chapter 19 Utilities

Objective 19.3.1

To ensure that utilities are designed, located, constructed, operated, maintained and upgraded in a way that avoids, remedies or mitigates any adverse effects on:

- (a) The natural and physical environment including both land and water; and*
- (b) Amenity values and on the health, safety and wellbeing of people and communities; and*
- (c) Sites, buildings, places or area of heritage and of archaeological value.*

Objective 19.3.2

To ensure that the design and location of activities does not adversely affect the operation and options for future use of existing utilities wherever possible.

Policy 19.4.1

Utilities should be designed and located so that they achieve their intended purpose in an efficient way, are compatible with existing networks where this is technically feasible and have an appropriate design life, to ensure adverse effects are avoided, remedied or mitigated in the long term.

Policy 19.4.2

Utilities should be designed, located, operated and maintained in such a way that adverse effects on the natural environment are minimised, including:

- (a) Minimising discharges to natural water during construction and operation, and ensuring that systems are designed so that discharges have no more than minor adverse effects on the natural environment including all receiving environments;*
- (b) Minimising disturbances to highly valued natural resources (such as areas of native bush and wetlands and other landforms), significant natural areas and landscapes as far as practicable, through design and other measures, and restoring areas which have to be modified.*

Policy 19.4.3

Utilities should be designed, located, operated and maintained and upgraded in such a way that adverse effects on health and safety, and amenity values of surrounding sites are minimised, including minimising effects on the following:

- (a) The safety of people as a result of emissions from telecommunications networks or electromagnetic fields associated with electricity transmissions;*
- (b) The health and safety of people as a result of the possibility of electrocution from structures supporting electricity lines, and of stormwater channels, culverts and outfalls posing risks of drowning;*
- (c) The health and wellbeing of people as a result of noise levels and vibrations;*
- (d) The health or enjoyment of people as a result of odour generation;*
- (e) The safety and efficiency of traffic movement (including pedestrians) on roads and streets as a result of disruption caused by maintenance of utilities;*
- (f) The enjoyment of people as a result of loss of visual privacy;*
- (g) Sites, buildings, places or areas of heritage and archaeological value;*
- (h) The health and safety effects from waste water discharge (both controlled and uncontrolled) and acute chronic health effects from stormwater discharges.*

Policy 19.4.4

Utilities should be designed, located, operated and maintained in such a way that they do not unduly impede the ability of roads to be used for conveying traffic or pedestrians to use footpaths safely and do not reduce the amenity values of land within roads.

Policy 19.4.5

Activities to be located in close proximity to existing utilities should be designed and constructed so that people using the activity are protected from any adverse effects generated by that utility.

Comments:

The above objectives and policies seek that utilities are designed to ensure that they are compatible with the existing networks and surrounding environment.

The construction of the substation has the potential to adversely affect natural systems, such as runoff to waterways. It is therefore important that the works are designed so that any adverse effects of construction are minimised. It is noted that there are no highly valued natural resources in the vicinity of the site.

The applicant has proposed to use construction materials, colours and landscaping to ensure that the building is integrated into the surrounding rural and residential environments

Utility structures present a potential hazard in the form of electrocution. Noise and vibration from transformers is also a potential effect. The applicant has advised that the proposed construction and operation of the substation will comply with the relevant noise levels and vibration standards. In addition the substation will be housed within a secure building, therefore restricting any potential electrocution hazards. Overall it is considered that the proposal will not result in any adverse health effects to the general public.

Traffic generation can also affect the amenity of the neighbourhood in which a utility is located. As was discussed in Section 5.0 of this report, there will be no permanent staff on the site; therefore it is considered that any traffic generated by the substation will not adversely affect the existing amenity values of the neighbourhood.

7.3 Permitted Baseline

Although the purpose of a designation is to allow the requiring authority to undertake activities in compliance with the designation, rather than the District Plan rules, it is useful to review the rules that apply to permitted activities in the zone for comparison.

The table below sets out the subsequent compliance of the proposal to the standards for permitted activities of the underlying zoning (Residential Medium Intensity) under the Proposed District Plan 2000 – Operative in Part.

Standards for permitted activities	Proposed District Plan 2000	Compliance
Max. height	9m	8m - complies
Height in relation to boundary	3m + 45 ⁰	complies
Bulk	150 ⁰	complies
Site coverage	35%	260m ² = 25.4%
Yard setback	Front – 6m, 3m once subdivided Side – 1.2m	Front – 11.615m & 3m – will only comply once site is subdivided

	Rear – 3m Shoreline – 23m	Side – N/A Rear – 3m - complies Shoreline – m
Earthworks	200m ³	Non-compliance: Cut – 312m³ Fill – 113m³ Total - 425m³
Vegetation removal	Any native or exotic tree less than 6m in height	Non-compliance – two trees over 6m are to be removed for vehicle crossing construction
Noise	Strictest control is 40dBA (High background noise – due to District Arterial Road).	Will comply with 40dBA

As can be seen from the above table, the proposal would not comply with the relevant permitted earthworks level and removal of two trees over 6 metres in height, however it will comply with all other residential development controls.

8.0 CONSIDERATION OF ALTERNATIVES & NECESSITY OF REQUIREMENT

8.1 Consideration of Alternative Sites

Vector Limited advised in their Notice of Requirement (NoR) that they undertook an initial assessment of 47 South Avenue, which was for sale. However, this site had a number of design issues such as access problems, potential flooding and an overhanging cliff. Vector also investigated 5 Peak Road, but this site was subsequently sold to another party. 34 Peak Road was also investigated however the owner wanted to undertake a residential subdivision of this site and therefore was not a willing vendor. These sites are shown on figure 9 below.

Vector has stated that they do not consider that there are any other practical and economically viable alternatives to increasing the power supply capacity and security to the wider Kaukapakapa area.

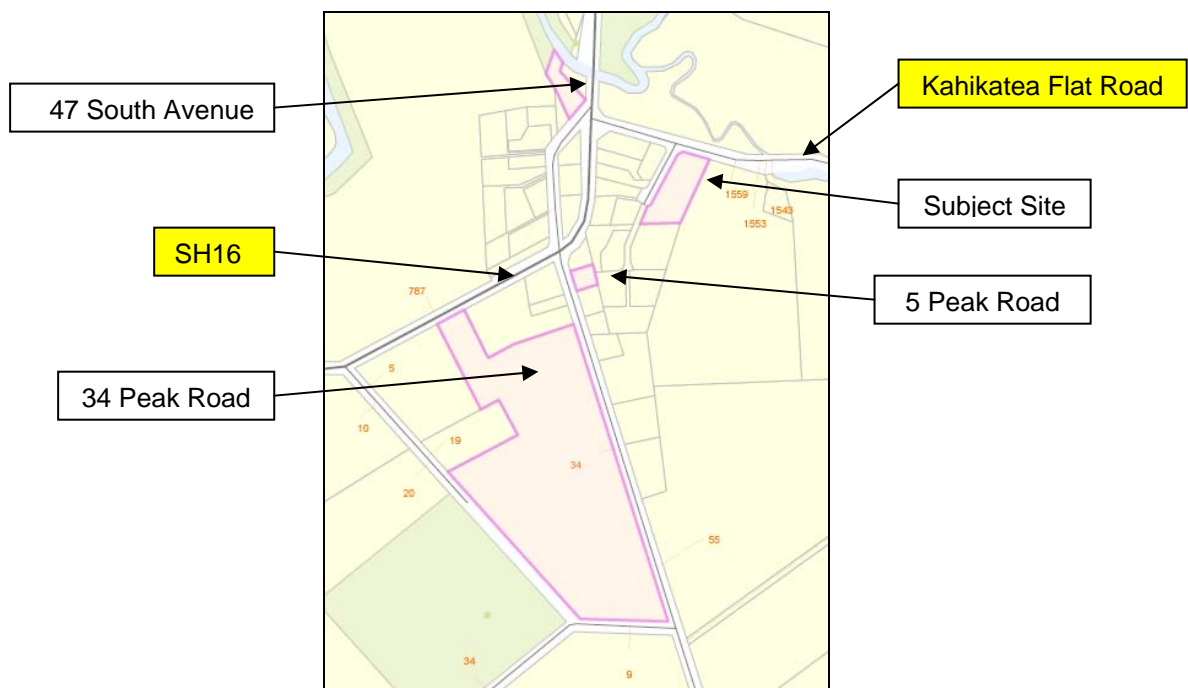


Figure 9 Alternative sites investigated in relation to the subject site

8.2 Consultation

The NOR application advised that the applicant has entered into a property agreement with the current landowner of the subject site. Once the designation has been confirmed the designated site will be subdivided from the parent site.

The application has also stated that in March 2009, the applicant's consultant (David Hay) met with the owners of the three adjoining sites, being 2 Wyn Close (C. & J. Lunt), 1578 Kahikatea Flat Road (D. Wilcock) and 1559 Kahikatea Flat Road (P. McMahon). These parties were shown a draft copy of the plans and were also provided with a question and answer sheet which addressed common questions.

The applicant (Vector) has also met with representatives of the Kaukapakapa area Residential and Ratepayers Association to explain the proposal.

8.3 Necessity of Requirement

Section 171(1)(c) of the RMA states that Council must have particular regard to:

whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.

Vector has the responsibility for the development, design and maintenance of the line and cables that distribute electricity to ensure the needs of residential and commercial customers are met.

The NOR application has stated that a substation in this location is required to distribute electricity to the Kaukapakapa area for the long term security of power supply to the area. The designation of a site in this area for the purpose of establishing, operating and maintaining a substation is therefore necessary to meet this objective. The designation will also provide flexibility for Vector to upgrade the site in the future to reflect market demand and changing technology.

9.0 PART II OF THE RESOURCE MANAGEMENT ACT

9.1 Section 5 – Purpose of the Act

The purpose of the Act is the sustainable management of natural and physical resources. Sustainable management is defined in section 5 as:

Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –

- a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;*
and
- b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystem;*
and
- c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment*

The proposal represents the sustainable management of natural and physical resources as it will use a vacant area of land for the purpose of an electricity substation. The substation will provide for the social and economic wellbeing and for the health of the community, while avoiding, remedying and mitigating any adverse effects on the environment.

9.2 Section 6 – Matters of National Importance

Matters of national importance include preserving the natural character of the coastal environment, wetlands, lakes and rivers; the protection of outstanding natural features and landscape, areas of significant vegetation; maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.

The subject site is not located within the coastal environment, and is not located within any other area mentioned above. It is therefore considered that the proposal is not contrary with the above section.

9.3 Section 7 – Other Matters

Other matters from Section 7 that are relevant to this proposal include:

- The efficient use and development of natural and physical resources
- The maintenance and enhancement of amenity values
- Maintenance and enhancement of the quality of the environment

It is considered that the proposed designation will promote the efficient use of natural and physical resources. There will be a minor disturbance during the construction of the substation, however this effect will be temporary and any effects can be avoided, remedied or mitigated.

Overall, it is considered that the proposed substation is not contrary to Section 7 matters.

9.4 Section 8 – Treaty of Waitangi

This section of the RMA requires that the principles of the Treaty of Waitangi are taken into account when considering a proposal. There are no known archaeological or wahi tapu sites on the subject site. However should any sites be unearthed during the construction process, all works are required to cease and the Historic Places Trust informed, under the Historic Places Act.

10.0 CONCLUSION

A designation is a provision in a district plan which provides notice to the community of an intention by a requiring authority to use land in the future for particular work/project. Once a site is designated for a particular purpose (in this case for an electricity substation), the requiring authority is able to proceed with the specific work on the site as if it was permitted by the district plan.

Vector Limited seeks to designate the property located at 11 Wyn Close, Kaukapakapa, for an electricity substation. The designation will enable the construction, operation and maintenance of the substation and all ancillary structures and activities associated with these works.

It is considered that the adverse environmental effects resulting from the proposed designation will be no more than minor. The proposal is also considered to be consistent with the objectives and policies of the General Rural zone and those of the Utilities Chapter of the Rodney District Plans. It is considered that the proposal is consistent with the objectives and policies of the Auckland Regional Policy Statement.

It is considered that the Notice of Requirement is consistent with Part II of the Resource Management Act in that it will enable an efficient use of resources and can be undertaken in a sustainable manner with no more than minor adverse effects.

It is recommended that this Notice of Requirement be confirmed, subject to conditions.

RECOMMENDATION:

That pursuant to Section 168 of the Resource Management Act 1991, and subject to additional and contrary information being presented at the hearing, the Notice of Requirement to designate the property located at 11 Wyn Close, Kaukapakapa, to enable the development and operation of a 33/11kV electricity substation, is confirmed subject to the following conditions:

REASONS FOR THE RECOMMENDATION:

1. The designation is necessary to allow the Requiring Authority to efficiently provide electricity to the wider Kaukapakapa area.
2. The Requiring Authority has adequately considered alternative sites before selecting the subject site for the proposed project.
3. Any environmental effects of the designation and the proposed electricity substation can be adequately mitigated by appropriate landscaping and acceptable noise levels.
4. The proposal is considered to be generally consistent with the objectives, policies for the Residential Medium Intensity zone of the Rodney District Plan 2000 Operative in Part.
5. The proposal is consistent with the objectives and policies of the Auckland Regional Policy Statement.
6. It is considered that this outcome will help to achieve the purpose and principles contained in Part II of the Resource Management Act 1991, in that the designation will result in an efficient use of the land resource to enable the supply of electricity which is critical for the social, cultural and economic well-being of the community.

CONDITIONS:

1. (general) the activity shall proceed in general accordance with the Notice of Requirement submitted to Council dated 2 April 2009 and the plans drawn by Construct Architects Limited, dated March 2009m numbered L55133 and signed by Processing Planner Laura Christian, dated 08/06/09.
2. (outline plan) if either the final design and layout of the substation does not reflect the design and layout submitted with the Notice of Requirement, or if there are any future additional works proposed that are not permitted by the District Plan, an outline plan shall be submitted in accordance with section 176A of the Resource Management Act 1991 to the Rodney District Council, before any construction is commenced. However, where the future additional work is in accordance with the Notice of Requirement or is permitted by the District Plan, then the requirement for an Outline Plan is waived under s176A(2).
3. (landscape plan) the landscaping plan (Isthmus Group Ltd, Drawing 2658, Figure 5, dated March 2009) shall be implemented during the first planting season after the construction of the substation. The landscaping shall be maintained thereafter.
4. (arborist work) Any alteration to vegetation on the site shall be undertaken in accordance with the report prepared by Nigel Clough of Tree Solutions dated 01 June 2009. This includes:
 - The proposed works hereby approved shall proceed in strict accordance with the details set out in the description of works attached to this consent along with any recommendations noted.
 - The removal of the subject vegetation shall be undertaken by a suitably qualified arborist, using currently accepted arboricultural dismantling methods and practices, in a manner so as to cause no damage to other vegetation on the site.
 - That the trimming of the boundary vegetation shall be undertaken by a suitably qualified arborist, using currently accepted arboricultural pruning methods and standards.
 - That the trimming of the boundary vegetation be undertaken prior to the commencement of development works on site.
 - That no more of the canopy of boundary vegetation be removed than is necessary to accommodate the proposed substation and allow an unimpeded work space.
 - That suitable fencing is erected around all vegetation prior to the commencement of works on the site.
 - The protective fencing is to remain in place until the completion of works on the site.
 - That Council is informed as to when the proposed planting works have been completed.
5. (fencing) the applicant shall construct a fence around the perimeter of the substation site prior to the substation becoming operational.

6. (traffic management plan) prior to any construction being undertaken, a temporary Traffic Management Plan is required to be submitted to Council and approved by the Team Leader. Resource consents or similar position, should any on-street loading or reversing of trucks onto the road be required.
7. (access) The following measures shall be implemented prior to the operation of the substation:
 - Driveway, access and parking/loading area to be constructed to RDC Standards of Design and Construction
 - A turning area must be provided to allow vehicles to perform a 180^o turn to avoid reversing onto the street.
8. (construction noise) construction activity on the site shall only occur between the following hours:

Monday to Friday	7:00am to 7:00pm
Saturday	8:00am to 1:00pm

All construction noise shall comply with and be measured and assessed in accordance with, NZS6803:1999, Acoustics – Construction Noise.

9. (operation noise) the operation noise from the substation shall comply with the following requirements of the Rodney District Plan 2000 – Operative in part at the notional boundary (notional boundary is defined as a line 20m from the side of a rural dwelling existing at 1 April 2009, or the legal boundary where this is closer to the dwelling) at all times, as follows:

Mon – Fri: 7:00am to 6:00pm	At all other times:
45dBA L _{eq}	40 dBA L _{eq}

10. (archaeological) if any artefact, including human remains is exposed during any site works the following procedures shall apply:
 - a) Immediately when an artefact is unearthed, all site works shall cease; and
 - b) The site supervisor shall immediately secure the area in a way that ensures any artefacts or remains are untouched; and
 - c) The site supervisor shall notify the following groups that an archaeological site has been unearthed, so that appropriate action can be taken:
 - tangata whenua,
 - the New Zealand Historic Places Trust,
 - the Department of Conservation, and
 - the Council's RMA Compliance Administration Officer (telephone 0800426 5169) and
 - in the case of human remains the police.
11. (lapse of consent) This designation shall lapse 10 years from the date it has been confirmed.

APPENDICIES

- Appendix 1:** Application as notified
- Appendix 2:** Plans
- Appendix 3:** Public Submissions
- Appendix 4:** Review of the Noise Impact Assessment by Ian Farrell (Council's Health Protection Officer)
- Appendix 5:** Arboricultural Report - prepared by Nigel Clough
- Appendix 6:** Engineer's Report - Prepared by Ross Green
- Appendix 7:** Transportation Engineer's Report - Prepared by Mairi Joyce
- Appendix 8:** Kaukapakapa Structure Plan - Timeline