

## Mercury NZ Limited

### RMA rights to operate at Southdown

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**Land use consent to develop and operate a gas fuelled  
cogeneration station**

**Granted: 28 April 1995**

## 1. LAND USE CONSENT

- *Land use consent to develop and operate a gas fuelled cogeneration station.*
- *Consent Authority – Auckland City Council*

Consent Number	
Date Granted	28 April 1995
Expiry	No expiry
Covers	<ul style="list-style-type: none"><li>- Noise</li><li>- Ecosystems (Stormwater Management and Chemical Storage)</li><li>- Traffic and Parking</li><li>- Lighting</li><li>- Signs</li><li>- Fire Protection</li><li>- Steam Pipeline</li><li>- Landscape / Visual</li></ul>
Variations	None

- *Conditions of consent*



ENVIRONMENTAL MANAGEMENT SERVICES  
*limited*



AUCKLAND CITY

6576-08

A R E A O F F I C E

Our Ref: 202 Hugo Johnston Drive, Penrose

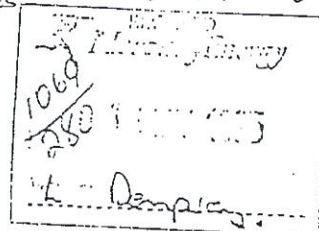
TAMAKI-MANUKAU

Area Manager, Clive A. Manley

28 April 1995

DEMOCRACY SERVICES MANAGER 1-12-98

Southdown Cogeneration Limited  
C/- Private Bag 92008  
AUCKLAND



ATTN: Lindsay Demsey

Dear Sir/Madam

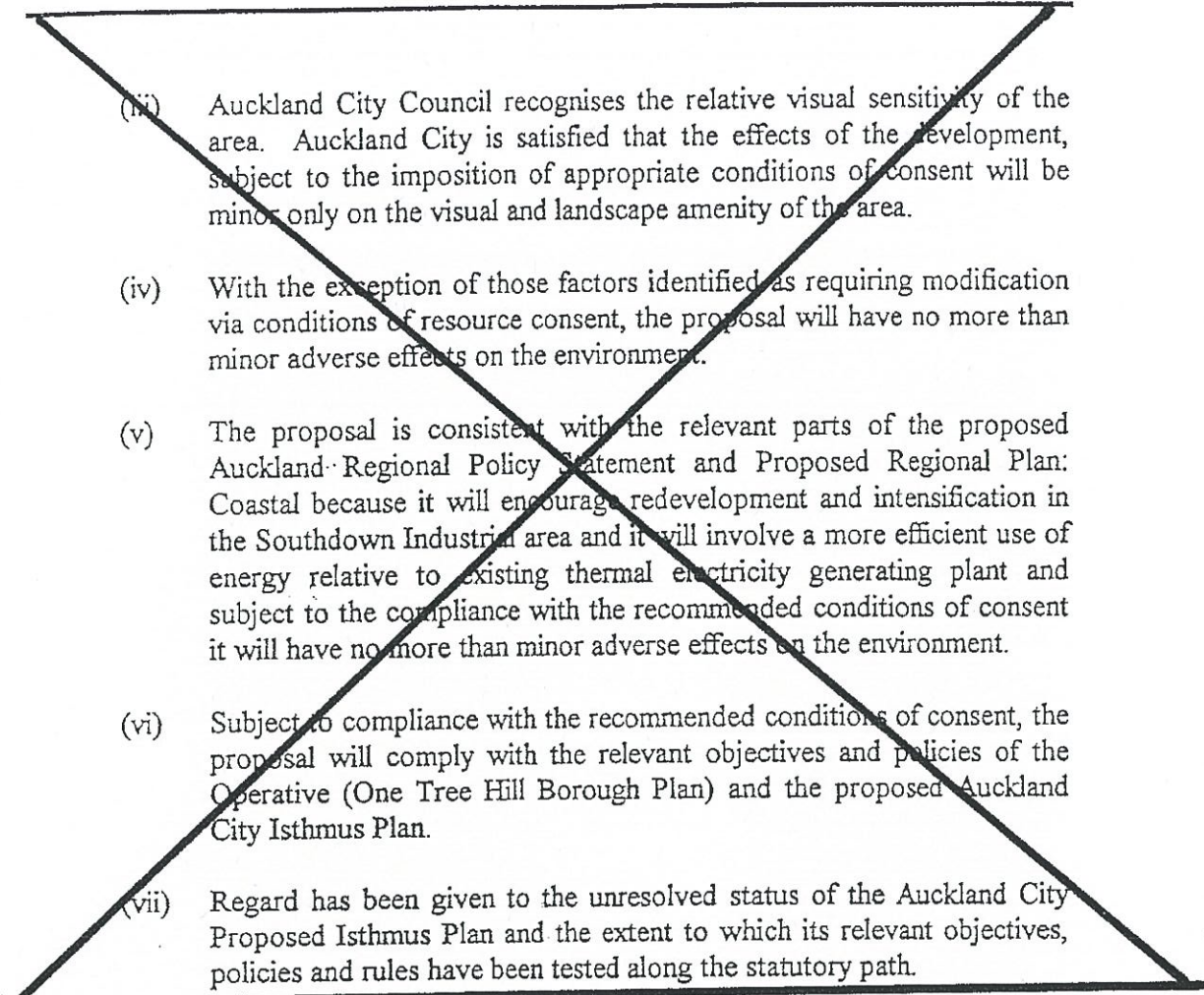
RE: NON-COMPLYING LANDUSE RESOURCE CONSENT  
APPLICATION TO DEVELOP AND OPERATE A  
COGENERATION POWER STATION

On 3rd to 8th April 1995, Auckland Regional Council and Auckland City Planning Commissioners, chaired by Cr B Burrill, heard and considered the above application.

DECISION REACHED BY THE AUCKLAND CITY PLANNING  
COMMISSIONERS RELATING TO THE LANDUSE CONSENT IS AS  
FOLLOWS:

1. That the application by the joint venture group comprising Mercury Energy and Trans Alta Energy Corporation for non-complying land use consent to develop and operate a gas fuelled cogeneration station located on Lot 3 D.P. 129768 being 202-220 Hugo Johnston Drive, Penrose be granted pursuant to sections 104 and 105 of the Resource Management Act 1991.
2. Pursuant to section 113 of the Resource Management Act 1991 the reasons for the non-complying activity being granted are as follows:
  - (i) The aspects of the development which have been identified as potentially having more than minor adverse effects on the environment can be remedied or mitigated by appropriate conditions of consent.
  - (ii) Auckland City recognises the importance of the coastal environments of the Manukau as taonga to local Tangata Whenua, particularly Ngai Tai Ki Tamaki in terms of the land use consent. Auckland City is satisfied that the effects of the development on the coastal environs of the Manukau will be minor only and further, appropriate conditions of consent can be imposed to ensure the ongoing protection of this culturally important and ecologically sensitive environment.



- 
- (iii) Auckland City Council recognises the relative visual sensitivity of the area. Auckland City is satisfied that the effects of the development, subject to the imposition of appropriate conditions of consent will be minor only on the visual and landscape amenity of the area.
  - (iv) With the exception of those factors identified as requiring modification via conditions of resource consent, the proposal will have no more than minor adverse effects on the environment.
  - (v) The proposal is consistent with the relevant parts of the proposed Auckland Regional Policy Statement and Proposed Regional Plan: Coastal because it will encourage redevelopment and intensification in the Southdown Industrial area and it will involve a more efficient use of energy relative to existing thermal electricity generating plant and subject to the compliance with the recommended conditions of consent it will have no more than minor adverse effects on the environment.
  - (vi) Subject to compliance with the recommended conditions of consent, the proposal will comply with the relevant objectives and policies of the Operative (One Tree Hill Borough Plan) and the proposed Auckland City Isthmus Plan.
  - (vii) Regard has been given to the unresolved status of the Auckland City Proposed Isthmus Plan and the extent to which its relevant objectives, policies and rules have been tested along the statutory path.

**CONDITIONS OF CONSENT** - Pursuant to s.108 of the Resource Management Act 1991 the consent shall be subject to the following conditions:

**General**

1. Except where otherwise specified below the development and operation of the cogeneration plant shall be in accordance with the plans and information contained in the three (3) volume "Assessment of Environmental Effects" submitted by the applicant in support of the land use application and dated volumes 1 and 2 - 2 July 1994 and Volume 3 - October 1994.

**Noise**

2. (a) Construction activities

The following noise levels shall not be exceeded at the boundary of the cogeneration site:

For all construction activities except rock breaking - L10 75dBA at all times.

For rock breaking activities except explosive blasting - L10 80dBA at all times.

The noise from explosive blasting shall not exceed a peak sound level of 122dBC.

When blasting operations are undertaken the limit of particle velocity (peak particle velocity) measured on any foundation (or uppermost full storey) of any adjacent building not connected with the site, related to the frequency of ground vibration, shall not exceed the limits of Table 1 DIN Standard 4150

Part 3 (1986). Blasting activities shall only occur during daylight hours and shall not exceed 4 occasions on any day. All neighbours within a 500metre radius of the site shall be notified by mail of any blasting activities at least 48 hours before their commencement.

(b) Commissioning and shut down and maintenance

- (i) The noise from all commissioning activities except safety valve checking shall not exceed an L10 noise level of 80dBA or an Lmax of 90dBA when measured at the boundary of the site.
- (ii) It is understood that safety valve checking will occur during commissioning and also periodically during plant maintenance and operation. Safety valve checking shall only occur between the hours of 7am and 7pm and shall not exceed an Lmax of 90dBA when measured at the boundary of the site. In addition, all neighbours within a 200m radius of the site shall be notified 48 hours prior to the commencement of any safety valve checking.

(c) Plant Operation

- (i) The L10 noise level from any activity (except emergency safety valve discharges during plant operation) measured at the boundary of the site shall not exceed an L10 of 70dBA.
- (ii) Vibration - No activity during the plant's operation shall be permitted to create vibration levels (acceleration in metres per second squared) relative to frequency which effects occupants of adjacent premises by exceeding the base curves of figures 2a(z axis), 3a(z and y axis) and 4a(combined zy,z axis) of International Standard ISO 2631/2/1989 - Evaluation of Human Exposure to Whole Body Vibration. Part 2: Continuous and Shock Induced Vibration in Buildings (1-80HZ).



Annex A and Table 2 of ISO 2631.2.1989 shall be used for the assessment of continuous intermittent and transient (impulsive) vibrations. For transient vibrations occurring several times a day the lowest values in Table 2 shall be used at the multiplying factor to estimate building vibration.

Instruments to measure such vibration, and methods of measurement shall comply with Australian Standards AS293.1987.

- (d) During commissioning the applicant shall undertake such testing as necessary to ensure that when the plant becomes operational the relevant noise conditions above will be met.

### Ecosystems Protection and Hazardous Substances Management

- 3. (a) Stormwater control works shall be constructed in accordance with the standards and criteria defined in the "Southdown Cogeneration Project Assessment of Environmental Effects, Volume 3 Additional Information, October 1994", for all stages of the project.
- (b) A site management plan for the continuing management and maintenance of the site's stormwater management system shall be prepared by the applicant for the approval of the Development Services Manager, Tamaki/Maungakiekie Area Office. This plan shall include:
  - (i) A maintenance schedule, including measures to retain the function and integrity of the silt retention pond.
  - (ii) Procedures for testing the silt in the retention pond immediately post construction and at six (6) monthly intervals, unless otherwise instructed by the Development Services Manager, Tamaki/Maungakiekie Area Office, by appropriate means to determine and report the presence of asbestos.
  - (iii) The removal and disposal of any silt containing asbestos.
  - (iv) Details of the disposal of silt to land.

Once approved the site management plan shall be implemented in full.
- (c) No oil or grease shall be discharged into the public stormwater system.
- (d) The chemical storage area shall be constructed and managed in accordance with the relevant descriptive information provided as part of

the "Southdown Cogeneration Project Assessment of Environment Effects. July 1994 and October 1994". The applicant shall prepare, to the satisfaction of the Development Services Manager, Tamaki/Maungakiekie Area Office, a site management contingency plan specifying appropriate measures to contain sediment laden oil and/or chemical spills and prevent any discharge to the Manukau Harbour, either directly or via the reticulated stormwater discharge system.

- (e) The applicant shall ensure that:
  - (i) Appropriately qualified and trained staff shall be available to meet the requirements of the site management plan referred to in condition 3(b) above, and to ensure that;
    - no unauthorised materials are discharged to surface waters and/or the Manukau Harbour, and
    - no offsite impacts to the environment occur as the result of any mishap.

#### Traffic and Parking

- 4. (a) The applicant shall obtain the prior approval of the Traffic Operations Manager, Auckland City Council for the times and routes of the transportation of heavy loads associated with the construction of the approved development.
- (b) The applicant shall provide an appropriate service loading bay for the cogeneration facility. Prior to construction the applicant shall obtain approval as to the details of the service loading bay from the Traffic Operations Manager, Auckland City.
- (c) All internal vehicle paths and roadways shall be designed in accordance with the appropriate truck tracking curves to the satisfaction of the Traffic Operations Manager, Auckland City Council.
- (d) All on site parking, manoeuvring and loading areas shall be formed, surfaced, drained and marked out to the satisfaction of the Traffic Operations Manager, Auckland City Council.

#### Lighting

- 5. All internal and external lighting associated with cogeneration project shall be directed so as not to create a nuisance or amenity detraction for road users; aircraft and/or residential property.



No part of any building exterior or the site shall be lit with upwardly facing lights. All light sources shall be so selected, located, aimed, adjusted and screened to minimise light spill and glare. The use of artificial lighting shall not cause an added illuminance in excess of 50 lux when measured at any point on the boundary of the site.

### Signs

Signage on the site shall comply with the Operative One Tree Hill Borough District Plan (until it ceases to be operative), and the Auckland City Council Signs Bylaw.

### Fire Protection

- (a) The applicant shall carry out a comprehensive fire safety study to ensure that proposed fire prevention, detection, protection and fighting measures are appropriate to the specific fire hazards of the proposed development. This fire safety study should be based on a specific analysis of hazard potential and the elements of the system proposed to deal with this identified hazard. This approach will ensure that fire fighting measures are appropriate to meet the extent of potential fires.
- (b) Once prepared this plan shall be presented for approval to the New Zealand Fire Service or equivalent recognised authority. Once approved this fire plan shall be implemented in full. Evidence that this fire plan has been approved shall be forwarded to the Development Services Manager, Tamaki/Maungakiekie Area Office.

### Steam Pipeline

8. The transference of steam outside the site, via steam pipeline to steam using industries shall be subject to an appropriate hazard analysis study identifying the location and type of appropriate steam shut down devices such that potential harm to the environment or persons is minimised as far as reasonably practicable. This hazard analysis shall be approved by the Development Services Manager, Tamaki/Maungakiekie Area Office and once approved it shall be implemented in full.

### Landscape/Visual

9.
  - (a) The applicant shall use appropriate architectural techniques to reduce the apparent perceived height of the chimneys. Details of how this is to be achieved shall be provided for the approval of the Development Services Manager, Tamaki Maungakiekie Area Office.
  - (b) The applicant shall design the station so as to minimise any adverse visual effect of the station on the surrounding environment, as far as



reasonably practicable. Details of how this is to be achieved shall be provided by the applicant in an Architectural Design Plan for the approval of the Development Services Manager, Tamaki/Maungakiekie Area Office having consulted with Auckland City's Landscape Architect. Such approval not to be unreasonably withheld. The Architectural Design Plan shall take into account the following requirements:

- (i) The facade, including the disposition of constituent masses, shall be architecturally designed so as to:
  - (a) not visually dominate the natural landscape character of the coastal management area;
  - (b) complement the natural landscape character of the coastal management area and the industrial character of the area;
- (ii) Building finishes shall be sympathetic with the textures and colours of the local natural coastal landscape.
- (iii) The scale and form of the buildings shall complement significant coastal landforms in the locality.
- (c) The applicant shall develop the station in accordance with the approved Architectural Design Plan. To ensure that this work is completed, the applicant shall provide Auckland City with a cash performance bond or bank surety to the value of \$200,000. This bond shall be released upon completion of the agreed works, including painting.
- (d) The applicant shall provide, for the approval of the Development Services Manager, Tamaki Maungakiekie Area Office a landscape plan to achieve the appropriate mitigation of adverse visual effects. This plan shall have particular regard to the ecology of Anne's Creek and the original coastal flora of the locality, shall use ecosourced plant material from the Tamaki ecological district and shall include detailed plans and specifications addressing species selection, location, planting density and soil preparation. A comprehensive landscape maintenance plan and schedule shall accompany these documents.
- (e) Once approved the Landscape Plan shall be implemented in full to the satisfaction of the Development Services Manager, Tamaki Maungakiekie Area Office so that all mitigating and wetland planting is established not later than the end of the first planting season following the commissioning of the plant, being no later than six (6) months from such commissioning.

- (f) To ensure that the approved landscaping plan is undertaken in full and actively maintained until fully established the applicant shall provide Auckland City with a cash performance bond or bank surety to the value of \$250,000 such that Council could undertake and maintain the approved landscaping plan in full should the applicant fail to do so. This bond shall be released in the following way:
- (i) 50% on the completion of the implementation of the landscape plan as approved by the Development Services Manager, Tamaki/Maungakiekie Area Office.
  - (ii) 25% six (6) months after the date of the satisfactory implementation of the complete approved landscape plan, subject to the satisfactory maintenance of all landscaping features as assessed by the Development Services Manager, Tamaki Maungakiekie Area Office.
  - (iii) The final 25% one year after the date of the satisfactory implementation of the complete approved landscape plan, subject to the satisfactory maintenance of all landscape features as assessed by the Development Services Manager, Tamaki Maungakiekie Area Office.

The bond shall be prepared at the expense of the applicant and in a form acceptable to the Council's solicitors.

- (g) The applicant will meet the cost of the Council in monitoring the mitigating planting at completion, again after a period of one year, and thereafter as deemed necessary until such time as the mitigation is achieved.
- (h) The applicant shall enter into a registrable covenant pursuant to section 77 of the Reserves Act 1977 in respect of the approved landscape areas on the subject site to protect the amenity value of the landscaping for the duration of the consent. Such covenant shall be upon such terms as shall be approved by the Auckland City Council and shall be prepared by the Council's solicitor at the applicant's expense.

#### Public Walkway

10. (a) As part of the landscaping plan, required to be approved and implemented in the conditions 16.1.2.22 and 16.1.2.23 above, the applicant shall include a link in the Mangere Inlet walkway system along the full length of the northern boundary of the subject site within the property owned by the applicant. This walkway link shall be included in the landscape plan, such that, as far as practicable persons using the walkway are not adversely affected by the cogeneration plant.



- (b) The applicant shall pay the total cost of the formation of that portion of the walkway, which runs over their property. The applicant shall liaise with the Parks Manager of the Tamaki Maungakiekie Area Office to ensure that the portion of the walkway traversing their property is designed and formed to integrate with the design and formation of the walkway proper.
- (c) Once the walkway has been developed in full the applicant shall place an easement over it in favour of Auckland City Council such that public access over the whole of the walkway on the applicant's property is guaranteed in perpetuity. The wording of the easement shall be approved by Auckland City Council's solicitor and shall be prepared at the applicant's expense.

#### Financial Contribution

11. Pursuant to section 409 1(b) of the Resource Management Act 1991, a financial contribution of \$200,000 shall be paid to the Auckland City Council at or before the commencement of the development.

Advisory Note: It is noted that the land is still subject to a 'railway purpose' designation. The applicant should liaise with the designating authority to achieve the removal of this designation.

Please note that the Resource Consent commences:

- (a) When the time for lodging appeals against the grant of the consent expires and no appeals have been lodged, or
- (b) When the Planning Tribunal determines the appeals or all applicants withdraw their appeals.

Sections 120 and 121 of the Resource Management Act set out the rights of appeal and specify statutory notifications, as well as the form of the Notice of Appeal. The Notice of Appeal must be lodged with the Planning Tribunal (Justice Department, Tribunals Division, P O Box 5027, Wellington) and Council within 15 workings days of the notice of the decision being received.

This consent does not constitute building consent approval. Please check as to whether or not a building consent is required under the Building Act 1991. If a building consent application is already lodged with Council or has already been obtained you are advised that unless otherwise stated, the use shall not commence until conditions of this resource consent have been met.

**Consent to discharge stormwater and to discharge  
contaminants from an industrial or trade process site**

**Granted: 20 November 2003**

Permit No. 28244

AUCKLAND REGIONAL COUNCIL

RESOURCE CONSENT

Granted pursuant to the Resource Management Act 1991

PERMIT NO. 28244

**CONSENT HOLDER:** Southdown Cogeneration Limited

**FILE REFERENCE:** 16897

**CONDITIONS OF CONSENT**

**Duration of Consent:** This consent shall expire on 31 December 2023 unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

**Purpose of Consent:** To authorise the discharge of stormwater from the Southdown Power Station in accordance with Sections 14 and 15 of the Resource Management Act 1991, and to authorise the discharge of contaminants from an industrial or trade process site (power generation and associated activities) in accordance with Section 15 of the Resource Management Act 1991.

**Site Location:** 164-220 Hugo Johnston Drive, Southdown

**Legal Description of Land:** Lot 1, DP 178192, comprised in Certificate of Title NA 109D/643

**Discharge Locations:** Map Reference NZMS 260 R11 731 737

**Territorial Authority:** Auckland City Council

**DEFINITIONS:**

**ARC:** means the Auckland Regional Council

**Manager:** means the Manager, Land & Water Quality Section, ARC, or nominated ARC staff acting on the Manager's behalf.

**TP10:** means ARC Technical Publication No. 10, *Stormwater Management Devices Design Guidelines Manual*, May 2003.



**GENERAL CONDITION:**

1. That the consent holder shall permit the servants or agents of ARC to have access to relevant parts of the property at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements and/or to take samples.

**SPECIFIC CONDITIONS:**

**Stormwater Diversion and Discharge**

2. That the consent holder shall ensure the stormwater system is implemented, monitored and maintained generally in accordance with the Southdown Cogeneration Ltd Application (reference 28132) and Assessment of Environmental Effects (August, 2003). Any amendments that may affect the capacity or performance of the stormwater system shall be approved by the Manager in writing, prior to construction.
3. That the consent holder or its agent shall arrange and conduct a pre-construction site meeting between ARC and all relevant parties, including the site stormwater engineer, with regard to the stormwater management system, prior to any infrastructure works commencing on the site. Any resulting amendments to the stormwater management system may be reviewed by ARC at the time and shall be approved in accordance with Condition 2 above.
4. That the consent holder shall ensure that, for stormwater flows in excess of the capacity of the primary systems, that the existing diversion to the discharge pipe downstream of the pond is maintained to allow surplus stormwater from critical storms, up to the 1 % Annual Exceedance Probability event, to discharge with the minimum of nuisance and damage.
5. That the consent holder or its agent shall arrange and conduct a post construction site meeting within 30 days of completion of installation of the stormwater management system, between ARC and all relevant parties, including the site stormwater engineer. At which point the As-Built Plans and the Operation and Maintenance Plan shall be submitted, as specified in conditions 6 and 8.
6. That the consent holder shall submit an Operation and Maintenance Plan based on the existing stormwater management procedure for the stormwater system to the Manager for written approval within 30 days of the completion of installation of the stormwater management system. The Operation and Maintenance Plan shall include, but not be limited to:
  - i) Pond, oil separator, fuel unloading facility, sump and bund monitoring requirements and maintenance.
  - ii) Post storm maintenance.

- iii) Frequency of regular maintenance and inspections.
  - iv) General inspection checklists for all aspects of the stormwater management system.
  - v) Details of the person or body who will hold responsibility for the ongoing maintenance and obligations associated with the stormwater management system.
7. That the consent holder shall ensure that the stormwater management system is managed in accordance with the Operation and Maintenance Plan that has been approved by the Manager and as specified in Condition 6.
8. That the consent holder shall supply to the Manager **within 30 days** of work completion, As-Built plans of the stormwater management system. The As-Built plans shall also include but not be limited to:
- a) The surveyed locations and elevations of all stormwater structures, which shall be measured to the nearest 0.1 metre with co-ordinates expressed in terms of the New Zealand Map Grid and DOSLI datum.
  - b) Stormwater management device details including locations, dimensions, volumes, treatment efficiencies, inlet, discharge rates and outlet structures.
  - c) Elevations of all inflow and outflow structures.
  - d) Documentation of any discrepancies between the approved design plans (Condition 2) and the "as built" plans.

#### **Industrial Discharges Environmental Management Requirements**

9. That the consent holder shall prepare an Environmental Management Plan (EMP) based on the draft EMP submitted with the Application for the site in accordance with Rule 5.5.20 of the Proposed Auckland Regional Plan: Air, Land and Water (PARPALW) and submit it to the Manager for written approval **at least 60 days** before the unit is commissioned. The EMP shall include, but not be limited to:
- a) An Environmental Policy;
  - b) The identification of the specific activities and contaminants associated with the industrial or trade processes on-site;
  - c) Documented procedures and methods to be used to manage the environmental risk from these activities and ensure the contaminants identified avoid contacting stormwater runoff, including;
    - The operation and maintenance, and a schedule of inspection of environmentally hazardous substances, storage facilities and compounds,
    - Disposal of waste liquids and solid materials and chemicals produced on-site,
    - An Emergency Spill Response Plan in accordance with Condition 14,



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- The methods, procedures and frequencies for undertaking periodic testing of the Emergency Spill Response Plan and recording the performance and outcomes from this testing,
  - Operation and maintenance of the site stormwater system, including the treatment system under typical and storm flow conditions,
  - A comprehensive site plan developed in accordance with Condition 15,
  - The identification of staff training needs and the establishment of appropriate staff induction and training procedures,
  - Procedures and methods to be used to manage the environmental risk associated with the activities of any contractors working on the site.
  - The methods, procedures and frequencies for undertaking stormwater treatment system discharge quality monitoring;
- d) Appropriate auditing requirements to ensure performance of all components of the EMP;
- e) Reporting procedures and frequencies for all aspects of performance of site environmental management;
- f) The methods, procedures and frequencies for undertaking the stormwater treatment system discharge quality monitoring required by Condition 16;
- g) A method by which the EMP is reviewed by management to ensure its continuing suitability, adequacy and effectiveness; and
- h) The responsibilities for these procedures and methods.
10. That the consent holder shall supply details regarding the fuel unloading system including the bunding and other management measures necessary to avoid the discharge of fuel from this facility. These details shall be supplied to the Manager and approved prior to construction of the fuel unloading system commencing.
11. That the consent holder shall ensure that the management systems are actioned in accordance with the EMP which has been approved by the Manager as specified in Condition 9 **within 30 days** of the approval of the EMP by the Manager.
12. That the ARC may review the EMP annually after the date of granting of this consent to give effect to any changes required for any of the following reasons:
- a) Changes requested by the consent holder, and approved by the ARC, provided they do not result in a relaxation of standards set by, or in conflict with, the requirements of resource consent conditions;
  - b) Changes in legislation or regulations;
  - c) Changes in Regional or District Plans;
  - d) Changes needed to revise procedures based on operational experience or changes in site activities.

13. That any changes to the EMP pursuant to Condition 12 shall be approved by the Manager in writing prior to implementation.
14. The Emergency Spill Handling Procedure required by Condition 9 shall be based on the existing procedure and shall be developed to reflect the new volumes and nature of substances stored on site and include:
  - a) A protocol/method for identifying, stopping, containing and cleaning up any existing discharge;
  - b) Appropriate spill kits to allow containment and/or absorption of spilled material and the identification of their locations;
  - c) Appropriate signage to identify the location of spill kits and the actions to be taken in the event of a spill;
  - d) Appropriate action to identify and/or minimise any adverse effects on the environment, including action to take if the spilled material has reached any public stormwater system and/or any waterbody;
  - e) Methods for the disposal of spilled materials and any other contaminated materials used in the spill clean-up;
  - f) A procedure for reviewing and revising, where necessary, the spill response plan, particularly after a spill or emergency situation, to prevent a recurrence;
  - g) A procedure to ensure that all spill kits and spill response equipment are inspected and maintained fully stocked and in good working condition; and
  - h) A procedure for notifying as soon as practicable the ARC's 24 hour emergency response service in the event of any spill on site that results in contamination of any stormwater system, waterbody, or land.

That the consent holder shall undertake at least two training exercises annually for all relevant staff to test the Emergency Spill Response Plan in accordance with the methods and procedures specified in the EMP required by Condition 9.

15. The site plan as required by Condition 9 shall be certified "as-built" by a registered engineer and shall show:
  - (a) All stormwater pipes and their inlets: down pipes, stormwater cesspits and manholes;
  - (b) Any open drains;
  - (c) Any internal low point and sumps where runoff might pond;
  - (d) Any areas where unpiped stormwater leaves the site (including soak holes);
  - (e) The stormwater treatment systems and any pre-treatment devices;
  - (f) All sanitary sewers and their inlets; gully traps, trade waste connections, floor drains and manholes;
  - (g) Any other wastewater storage or treatment systems;



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- (h) The location of the major areas of activity on the site: generation and processing activities, storage and wash down areas;
  - (i) The location of the final discharge point of the site stormwater system to any public stormwater system and/or any waterbody.
16. That the consent holder shall undertake a stormwater monitoring programme to assess the effectiveness of the stormwater management system and EMP. This programme shall include the collection of at least four flow weighted composite samples annually from the stormwater treatment system outflow structure. These samples shall be collected during rain events that are preceded by at least three days of no rain and at least one rainfall event must be greater than 10mm. These samples shall be analysed for the following parameters:
- (a) Total Suspended Solids mg/L
  - (b) Polycyclic Aromatic Hydrocarbons µg/L
  - (c) pH
  - (d) Oils and grease mg/L
- The samples shall be collected and analysed in accordance with the methods and procedures specified in the EMP required in Condition 9(f).
17. The stormwater monitoring programme shall be reviewed following the collection of two years of monitoring data to assess the programme's effectiveness and relevance and to determine whether any changes are required.
18. That the consent holder shall forward annually to the Manager from the date of granting of this consent, a report on all aspects of performance of site environmental management, including the results of stormwater system monitoring, as specified in the EMP required in Condition 9.

**REVIEW CONDITION:**

19. The conditions of this consent may be reviewed by the ARC pursuant to Section 128 of the Resource Management Act 1991, (with the cost of the review process being borne by the Consent Holder) by the giving of notice pursuant to Section 129 of the Act, in one of the following years:
- June 2004
  - June 2005
  - June 2006
  - June 2007
  - June 2008
- and at five yearly intervals thereafter.



The purposes of the review shall be to ensure that the conditions of this consent are consistent with any conditions imposed on any relevant Catchment Wide Consent and to consequently enable the ARC to:

- (i) Insert conditions, or modify existing conditions, requiring the Consent Holder to adhere with any network system performance measures contained in any regional plan for the Auckland Region; and/or
- (ii) Insert conditions, or modify existing conditions, requiring the Consent Holder to characterise the nature of any discharges authorised by this consent and to report the results of that monitoring to the ARC; and/or
- (iii) Insert conditions, or modify existing conditions, requiring the Consent Holder to monitor the effects of any discharges authorised by this consent on the local receiving environment and to report the results of that monitoring to the ARC; and/or
- (iv) Insert conditions, or modify existing conditions, requiring the Consent Holder to adopt the best practicable option to remedy, mitigate or minimise any adverse effects on the environment resulting from the discharges authorised by this consent, including remedying or mitigating any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.

#### ADVICE NOTES:

1. The consent holder is advised that they will be required to pay to ARC any administrative charge fixed in accordance with Section 36(1) of the Resource Management Act 1991, or any additional charge required pursuant to Section 36(3) of the Resource Management Act 1991 in respect of this consent.
2. The consent holder is advised that the date of the commencement of this consent will be as determined by Section 116 of the Resource Management Act 1991, unless a later date is stated as a condition of consent. The provisions of Section 116 of the Resource Management Act 1991 are summarised in the covering letter issued with this consent.
3. The consent holder is referred to Section 124 of the Resource Management Act 1991, which provides for the exercising of a consent while applying for a new consent for the same activity.
4. The consent holder is advised that, pursuant to Section 125 of the Resource Management Act 1991, this resource consent lapses on the expiry of five years after the date of commencement of this consent unless the consent is given effect to or other criteria contained within Section 125 are met.
5. The consent holder is advised that, pursuant to Section 126 of the Resource Management Act 1991, if this resource consent has been exercised, but is not subsequently exercised for a continuous period of five years, the consent may be cancelled by the ARC unless other criteria contained within Section 126 are met.

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6. Pursuant to Section 136 and 137 of the Resource Management Act 1991, the consent holder may transfer the consent to another party by notifying ARC in writing of its intention to do so.
7. Unless the consent has lapsed, been surrendered or cancelled, or transferred to another party, the consent holder is responsible for compliance with all conditions of the consent for the duration of the consent.
8. Prior to earthworks commencing the consent holder is advised to become familiar with the Permitted Activity category requirements of the Proposed Regional Plan: Sediment Control (dated September 1995) and take particular note of the following:

*Sediment originating from the site of a land disturbance activity shall be managed in such a way to ensure that after reasonable mixing it does not give rise to any of the following effects to the receiving waters:*

- *the production of any conspicuous scums, foams or floatable suspended materials,*
- *any conspicuous change in the colour or visual clarity,*
- *any emission of objectionable odour,*
- *the rendering of freshwater unsuitable for consumption by farm animals,*
- *any significant adverse effect on aquatic life.*

*Examples of methods to control the discharge of sediment are outlined in the Technical Publication No.90 "Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region, March 1999" available from the ARC.*

**This consent has been granted by the Auckland Regional Council pursuant to the Resource Management Act 1991.**

Eddie Grogan  
Manager  
Land & Water Quality  
Auckland Regional Council

Date:

20/11/03

**Land use consent to erect and operate an additional diesel/gas fired turbine and construct additional ancillary buildings and two diesel storage tanks**

**Granted: 16 January 2004**





## AUCKLAND CITY

16 January 2004

Environment Management Services Limited  
Scinde Building  
71 Tennyson Street  
PO Box 149  
NAPIER  
NEW ZEALAND

MIGHTY RIVER POWER

30 JAN 2004

HAMILTON

Attention: Stuart Lush

Dear Sir/Madam,

**APPLICATION FOR RESOURCE CONSENT AT 164-220 Hugo Johnston Drive,  
Penrose BY Southdown Cogeneration Limited (TCS REF: LUC57030408001)**

This is to advise you that resource consent was granted under delegated authority by the Team Coordinator on 16-01-2004

The full text of the decision is as follows

Pursuant to Section 104B of the Resource Management Act 1991, the discretionary activity land use application by Southdown Cogeneration Limited to erect and operate an additional diesel/gas fired turbine and construct additional ancillary buildings and two diesel storage tanks that:

- Involves earthworks of approximately 3400m<sup>2</sup> over an area with a slope of approximately 2.0%.
  - Involves construction works and the establishment of an activity on a site identified on Council records as being potentially subject to soil instability.
  - Involves the establishment of a hazardous facility.
  - Involves the location of an activity on a contaminated site.
  - Involves the establishment and operation of an electricity generating turbine fired on diesel (or gas).
  - Exceeds the maximum allowable 20.0m height limit by a maximum height of 8.0m, over an area of 7.5m<sup>2</sup>.

at 164-220 Hugo Johnston Drive, Penrose described as LOT 1 DP 178192, CT 109D/643 be **granted consent**.

Pursuant to Section 113 of the Resource Management Act 1991, the reasons for this discretionary activity consent are as follows:

Y:\rad2F08A.tmp.doc

Postal Address  
Private Bag 92516 Wellesley Street Auckland 1030 New Zealand  
Location UDC House 35 Graham Street Auckland City  
Telephone (09) 379 2020  
www.aucklandcity.govt.nz

- (a) The granting of consent to the applicant's proposal will have minor adverse effects on the surrounding industrial and coastal environments. In particular, the proposed development:
- (i) is considered to be generally compatible with the character and intensity of the industrial environment surrounding the development site
  - (ii) has an increased height beyond that anticipated, however the proposed chimney stack is to be the same height and general dimension as the existing exhaust stacks on the site and is generally constructed to a bulk, scale and form consistent with other such structures within the surrounding area
  - (iii) will increase the electricity generation capacity of the development site and will supply the national grid in periods of short electricity supply
  - (iv) continues to provide for a sense of spaciousness between buildings and once completed the additional landscaping will improve the visual amenity of the surrounding streetscape
  - (v) allows for the safe and efficient movement of vehicles within the site and provides for a safe connection to the existing roading network
  - (vi) continues to protect the levels of aural amenity currently permitted on the development site
  - (vii) will be undertaken in a manner that is sensitive to the existing coastal environment and will mitigate any potential adverse effects of silt and sedimentation of natural watercourses
  - (viii) will blend into the existing industrial environment when viewed from more than 2km from the development site
  - (ix) the site has previously been remediated with the site being cleared of asbestos material to the basalt layer
  - (x) the site has previously been re-engineered to preserve the stability of the site
  - (xi) is capable of mitigating the potential adverse safety effects resulting from the storage of hazardous materials on the site
- (b) The granting of consent to the applicant's proposal is consistent with the relevant assessment criteria for discretionary activities, and in particular those assessment criteria relating to the construction and use of a potentially unstable and contaminated site, establishment of a hazardous facility, the operation of diesel powered electricity generation and building height.
- (c) The imposition of the following conditions will ensure that the effects of the applicant's proposal are mitigated and or avoided, in particular the consent holder shall undertake the proposed development in accordance with the information and plans submitted with the application. Suitable construction management techniques shall be implemented to ensure that the adverse effects arising from silt and sedimentation are controlled. The consent holder shall implement prescribed acoustic control of the equipment on the site to reduce the adverse noise effects on the surrounding coastal environment. Additionally, the consent holder shall undertake additional planting and paint the new buildings in muted tones to remedy and mitigate potential adverse visual amenity effects.



- (d) The supply of electricity is considered to be a matter of national importance. The proposed development will allow for increased supply, for example when other generation plant is out of service or at any time when generation is required, including during periods of decreased hydrological supply.
- (e) The applicant's proposal is consistent with the objectives and policies of the Operative District Plan, and the sustainable management purpose of the Resource Management Act 1991.

Pursuant to Section 108 of the Resource Management Act 1991, this consent is subject to the following conditions:

**Activity in Accordance with Application and Plans**

- (1) The proposed activity shall be carried out generally in accordance with the plans and all information submitted with the application, being described as:
  - Plans drawn by E. V. Rogers of Mighty River Power entitled 'Southdown Power Station,' Folder number S30/1b.1, Drawing Numbers:
    - Sheet XMRH 61/4 - Proposed Extensions Preliminary Site Layout Option 'D'
    - Sheet XMRH 62/4 - Proposed Extensions Preliminary Architectural Elevations Option 'D'
    - Sheet XMRH 68/4 - Proposed Extensions Preliminary Site Layout Basic Block Layout Option 'D'

Comprising 3 sheets in total, all date stamped 25 August 2003 by council

The application covering letters and Assessment of Environmental Effects by Mr Stephen Daysh of Environmental Management Services Limited entitled 'Southdown Power Station Addition of One Gas Turbine Generator Resource Consent Applications and Assessment of Environmental Effects,' File Reference S06-03-01, dated August 2003.

Air Discharge Assessment by G Fisher, C Heydenrych, T Clarkson, N Gimson, S Nichol, S Xie and A Scoggins of the National Institute of Water and Atmospheric Research Limited (NIWA), entitled 'Air Discharge Assessment for One Additional Gas Turbine Generator at Southdown Power Station,' Project Number EMS03101, dated 18 August 2003.

The Geotechnical and Hazardous Substances Assessment by John Crawford, Roger Williams and Graeme Proffitt of Opus International Consultants Limited, entitled 'Mighty River Power Southdown Power Station Expansion: Addition of One Gas Turbine Generator Consent Issues for Stormwater, Site Contamination Hazardous Substances and Plant Foundations, dated 18 August 2003.

The Noise Assessment by Mr Malcolm Hunt of Malcolm Hunt Associates Noise & Environmental Consultants, entitled 'Southdown Power Station Addition of One Gas Turbine Generator Assessment of Noise Effects for Mighty River Power,' Report Number 013-0120-06(E), dated August 2003.

The Visual Assessment by King Consultants Limited Landscape Architects, entitled 'Southdown Power Station Expansion Project Landscape Visual Impact Assessment Single Gas Turbine Proposal prepared for Mighty River Power,' dated August 2003.

The additional information letters by Ms Lucy Foden, Environmental Advisor of Mighty River Power Limited, entitled Resource Consent Application for Additional Gas Turbine Generator at Southdown Power Station, dated 04 September, 07, 08 and 13 October 2003.

All referenced by Council as AO/03/04080 - LUC57030408001

#### **Monitoring**

- (2) The consent holder shall pay the Council a consent compliance monitoring charge of \$500.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent. (This charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc, all being work to ensure compliance with the resource consent).

The \$500.00 (inclusive of GST) charge shall be paid, as part of the resource consent fee and the consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

#### **Administration Charges**

- (3) The Council's administrative charges for receiving, processing and determining an application or for any specified or additional matter in accordance with section 36 of the Act or any regulation under the Act, or as necessary to enable the Council to recover its actual and reasonable costs in respect of this application, must be paid in full within 14 days of the receipt of the invoice for this decision. This consent shall not be exercised prior to such payment.

#### **Construction Management Plan**

- (4) Prior to commencement of any works on the site, the consent holder shall submit and obtain council approval of a Construction Management Plan to the satisfaction of the Team Leader, Compliance Monitoring. The Construction Management Plan shall include specific details relating to avoiding, remedying or mitigating adverse effects on the environment of the demolition, earthworks, construction and management of all works associated with this development as follows:



- (i) Details of the site manager, including their contact details (phone, facsimile, postal address;
- (ii) The location of a large notice-board on the site that clearly identifies the name, telephone number and address for service of the site manager;
- (iii) Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities;
- (iv) Ingress and egress to and from the site for vehicles and construction machinery during site works period.
- (v) Proposed location of any wheel-wash facilities.
- (vi) Proposed numbers and timing of truck movements throughout the day and the proposed routes.
- (vii) Proposed hours of work on the site (NB: hours shall correspond with any other condition in this consent relating to working hours).

In addition the construction management plan for the upgrading project shall ensure that all requirements specified in the Opus International Report are met, and erosion and sediment discharge controls are consistent with those defined within ARC Technical Publication 90: Erosion & Sediment Control: Guidelines for Land Disturbing Activities and Annexure 14: Silt and Sediment Control Measures: Auckland District Plan – Isthmus Section. These requirements will address specifically the following activities:

- Stripping of the site
- Storage of top soils
- Containment of sites during after hours periods
- Reinstatement of exposed areas following earthworks.
- Disposal of excess soils should be disposed of either onsite or removed to a clean-fill, or controlled site if asbestos is found.
- The plan shall also include monitoring processes to ensure requirements are met and recorded, defining any response strategies for failure of controls.

The above details shall be shown on a site plan and supporting documentation as appropriate. The approved Construction Management Plan shall be implemented and maintained throughout the entire demolition and construction period.

#### **Environmental Management Plan**

- (5) Prior to the construction works commencing on the site the consent holder shall submit a final Environmental Management Plan for the approval of Team Leader, Compliance Monitoring, Auckland City Environments. The final Environmental Management Plan shall be based on the Draft Plan submitted with the application. The Environmental Management Plan for the Southdown site shall address management of the existing stormwater pond to ensure discharges from the earthwork activities to the receiving environment have sufficient reduction of

sediment to meet the site's stormwater discharge consent standards. Further, following completion of earthworks all sediment contained within the stormwater pond is to be removed and disposed of appropriately. Recording and reporting of this maintenance shall be in accordance with stormwater discharge consent requirements.

#### **Earthworks and Sedimentation Control**

- (6) Sediment originating from the site of a land disturbance activity shall be managed in such a way to ensure that after reasonable mixing it does not give rise to any of the following effects to the receiving waters:
  - (i) The production of any conspicuous scums or foams or floatable suspended materials;
  - (ii) Any conspicuous change in the colour or visual clarity;
  - (iii) Any emission of objectionable odour;
  - (iv) The rendering of freshwater unsuitable for consumption by farm animals;
  - (v) Any significant adverse effect on aquatic life.
- (7) Any sediment retention measure installed shall be cleaned out before it is 50% full of sediment, and this removed material shall be deposited in a manner that ensures that it can not wash to any waterbodies or coastal waters.
- (8) Earthworks, roading, tracking and trenching activities shall be isolated from the path of any run off from the surrounding land to prevent it from washing across the site and eroding sediment from the bared earth.
- (9) Any measures used to control the path of any run off from surrounding land shall:
  - (i) Be capable of containing the flow from the critical 20 year return period rainfall event;
  - (ii) Be constructed on a grade to avoid erosion of the run off control measure where for bare unlined surfaces this grade shall be no greater than 1%;
  - (iii) Have an erosion-proof outfall.
- (10) All stormwater from any new hard surfaces, and any groundwater collected from behind retaining walls, shall be collected and disposed of to a Council approved reticulated system.
- (11) A wheel wash shall be constructed prior to any works commencing on the development site. All vehicles exiting the site are required to use this facility. The wheel wash shall remain in use until the completion of the site works.
- (12) To prevent contamination of drains with water containing soil sediment there shall be no stock piling of excavated material on the site. Any surplus excavated material (except where this is to be re-used on the site) shall be removed from the site.
- (13) All measures to mitigate against the discharge of sediment from a site shall:
  - (i) Be implemented prior to the commencement of any land disturbing activity;
  - (ii) Be retained until the land disturbing activity has been completed.

On completion of the land disturbing activity, the site shall be secured to prevent the generation and discharge of any further sediment from the activity to any receiving waters.



### **Noise**

- (14) The operational noise of the commissioned plant shall not exceed an  $L_{10}$  of 70dBA, as stated in Part 8.B of the Operative District Plan, measured at the nearest business zoned boundary and measured in accordance with NZS6801:1991 and NZS6802:1991.
- (15) The construction phase of development shall comply with the noise limits specified in rule 4A1.D of the Operative District Plan, and shall be assessed in accordance with NZS6803P:1984.
- (16) No activity during the plant's operation shall be permitted to create vibration levels, ( $\text{mm/s}^2$ ) relative to frequency which affects occupants of adjacent premises by exceeding the base curves of figures 2a(Z axis), 3a(Z & Y axis), and 4a (combined Z,Y,Z axis) of International Standard ISO 2631/2/1989 – *Evaluation of Human Exposure to Whole Body Vibration. Part 2. Continuous and Shock Induced Vibration in Buildings (1-80Hz)*.
- (17) The consent holder shall retain the services of a suitably qualified acoustic engineer to provide a report, (once the plant is fully operational) that demonstrates compliance with condition (16) above. The assessments shall be undertaken from each of the assessment points illustrated in Figure 2 of the acoustic report submitted with the application. This shall be conducted in accordance with NZS6801:1991 and NZS6802:1991. The report shall be submitted to the satisfaction of the Team Leader, Compliance Monitoring, Citywide, within 1 month of the commissioning of the generator.

Should non-compliance with condition (14) become evident, mitigation measures and further sampling shall be undertaken to ensure compliance, to the satisfaction of Team Leader, Compliance Monitoring, Auckland City Environments.

### **Colour Scheme**

- (18) Within three months of the erection of the proposed plant the consent holder shall paint the proposed diesel/gas fired turbine, electricity generator, exhaust stack and two diesel storage tanks in a colour scheme comprising of muted tones, such as grey, dark green or earthen browns. In the event that the proposed colour scheme differs to the that of the two existing generators, turbines and exhaust stacks the existing plant shall also be painted in the same colour scheme. The use of a consistent colour scheme will reduce the potential dominance effects and provide for a consistent visual appearance.

### **Landscaping**

- (19) A detailed landscape plan, including an implementation and maintenance programme for all landscaping on the site, shall be submitted to and approved by Council (Team Leader, Incident Management), prior to any works commencing on the site.
  - (i) The plan shall include details of the additional planting that is to be undertaken on the site, beyond that currently existing on the site. The

landscape plan shall specify plant sizes at the time of planting and intended species. The landscaping plan shall include the provision of at least eight specimen trees along the southern boundary and at least three specimen trees along the western site boundary.

- (ii) The specimen trees are to be a minimum bag size of Pb95 and be a minimum height of 2.0m at the time of planting.
- (iii) The landscaping shall be implemented and maintained in accordance with the approved landscaping plan within the first planting season following the completion of the construction works on the site. The landscaping shall be irrigated and maintained thereafter to the satisfaction of the Team Leader, Compliance Monitoring, Auckland City Environments.

#### **Hazardous Facilities**

- (20) The consent holder shall provide prior to excavation, and implement a project-specific excavation management plan to the satisfaction of Team Leader, Compliance Monitoring, Auckland City Environments to control the potential adverse effects of asbestos containing materials during the excavation and construction periods.

This excavation management plan should also include adequate health and safety procedures to protect the health of excavation/site workers in accordance with The Guidelines for Cleanup of Contaminated Sites and Guidelines for the Management and Removal of Asbestos, Occupational Safety & Health Service, Department of Labour.

- (21) Prior to each stage of construction works commencing on the development site, including diesel storage tanks, bunding system, ancillary structures and facilities for the management and control of hazardous substances, the consent holder shall provide final plans and detailed design to the satisfaction of the Team Leader, Compliance Monitoring, Auckland City Environments. The final plans and design details shall be generally in accordance with the application materials namely Southdown Power Station Addition of One Gas Turbine Generator Resource Consent Application and Assessment of Environmental Effects (prepared by Environmental Management Services Ltd Napier) including the Hazardous Substance Report attached in Appendix Three of the AEE, prepared by Opus International Consultants Ltd on 18 August 2003 and its subsequent amendments dated 4 September 2003.
- (22) The hazardous substances facilities and controls shall be constructed in accordance with the plans and details provided under conditions (20) & (21) above, all systems and facilities shall be maintained thereafter in accordance with industry best practice to ensure the safe operation of the site.
- (23) That the consent holder shall apply to the Auckland City Council for Dangerous Goods licence for the proposed facility prior to lodgement of building consent, should the licensing of hazardous substance remains in council's jurisdiction at that time.
- (24) In the event of any incidents resulting in discharge of diesel to the environment the consent holder shall as part of operating procedure, report to council (Team Leader, Compliance Monitoring) within 24 hours of the incident occurring.



### **Upgrade of Plant Equipment**

- (25) In the event of improved technologies this consent shall not restrict the consent holder from upgrading/replacing the existing turbines/generators on the site to improve efficiencies and the electrical generation of the site. The site shall however continue to operate within the parameters of the application documents referenced in condition (1) above and in continued accordance with the conditions of this consent. In the event that the turbines and/or generators are upgraded/replaced the consent holder shall within 3 months of commissioning such equipment undertake on site testing and provide a detailed report to the satisfaction of the Team Leader, Incident Management, Auckland City Environments to show continued compliance with conditions (14) & (16) above.

### **ADVICE NOTES**

#### **Engineering**

- (26) *The Consent Holder shall be advised of Council's requirements outlined in Metrowater Development and Connection Standards issued July 1997, particularly the requirements for:*

- *Clearance requirements for works in relation to Public Services*
- *Protection of services in relation to construction activities*
- *Water supply connections*

*Details shall be provided with the Building Consent Application.*

- (27) *The consent holder is advised that any damage to Auckland City Council public drains, resulting from the proposed development, shall be rectified at the consent holders expense to the satisfaction of the Team Leader, Development Engineering, Auckland City Environments at the cost of the Consent Holder.*
- (28) *The Consent Holder is advised to ensure that the development is protected for fire fighting to the requirements of the NZ Fire Service Code of practise For Fire Fighting Water Supplied. The Consent Holder should contact the NZ Fire Service for a risk rating and Hydrant test. Evidence of meeting this Code of Practise shall be provided to ACE Team Leader Monitoring prior to the commissioning of the additional turbine. Any Cost associated with providing fire protection shall be at a cost to the consent holder.*
- (29) *The consent holder is advised that the existing stormwater treatment ponds on the development site may be used for the disposal of stormwater, as a council approved reticulated system, to satisfy the requirements of condition (10) above.*

#### **Landscaping**

- (30) *The consent holder is advised that Ms Andrea Julian, council's Senior Specialist Ecologist/Planner – Heritage Division, would be happy to advise on suitable plant*

species and maintenance programs suitable for the existing vegetation. If required Ms Julian can be contacted on 307-7442.

General

- (31) The applicant needs to obtain all other necessary consents and permits, including those under the Building Act 1991, and comply with all relevant Council Bylaws.
- (32) This resource consent will expire five years after the date of commencement of consent unless: (a) It is given effect to before the end of that period; or, (b) Upon an application made prior to the expiry date, the Council fixes a longer period. The statutory considerations, which apply to extensions, are set out in section 125(1)(b) of the Resource Management Act 1991.
- (33) A copy of this consent should be held on site at all times during the establishment and construction phase of the activity.
- (34) The consent holder is requested to notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencement. Such notification should be sent to the Team Leader, Compliance Monitoring and include the following details:
  - name and telephone number of the project manager and site owner
  - site address to which the consent relates
  - activity to which the consent relate
  - expected duration of works
- (35) This consent does not constitute building consent approval. Please check as to whether or not a building consent is required under the Building Act 1991. If a building consent application is already lodged with Council or has already been obtained you are advised that unless otherwise stated, the use shall not commence until conditions of this resource consent have been met.
- (36) If this consent and its conditions alter or affect a previously approved building consent for the same project you are advised that a new building consent may need to be applied for.
- (37) If you disagree with any of the above conditions (except any condition that requires the payment of a financial contribution) or with any additional charges relating to the processing of the application, you have a right of objection pursuant to Section 357 of the Resource Management Act 1991 which shall be made in writing to Council within 15 working days of notification of the decision. Council will as soon as practicable consider the objection at a hearing.

Yours faithfully,



**Sharon Tipene**  
**SENIOR ADMINISTRATION OFFICER**  
**CUSTOMER ADVICE & CONSENTS**



**Change of conditions of land use consent  
R/LUC/1994/5602763/1**

**Granted: 5 April 2012**

**RESOLUTIONS PASSED BY A  
DUTY COMMISSIONER**

**SECTION 95 DETERMINATION  
FOR MIGHTY RIVER POWER LTD  
AT 164-220 HUGO JOHNSTON DRIVE, PENROSE  
(APPLICATION NO.: R/VCC/1994/5602763/1)**

**COMMISSIONER:** Mr Greg Hill

**APPLICANT:** Auckland Council

**DECISION**

That, pursuant to section 95A of the Resource Management Act 1991, this application be processed without public notification because the activity will have adverse effects on the environment that are minor. In particular, the proposed changes will have less than minor adverse amenity, character, noise, ecology and cumulative effects on the environment due to the following reasons:

- The change to Condition (1) will allow for a flexible mode of operation (as described in the amended condition). This change does not involve any physical works on the site, will align the condition with the actual operation and other consents for the operation, such as air discharge permits, will not extend the hours of operation and will not increase noise emissions from the site.
- The change to Condition (9) introduces an amended landscape plan. This plan includes native species that are appropriate for the coastal location. As such, the ecology of the Anne's Creek area will not be adversely affected by the changes to this condition. In addition, the changes will not adversely affect the amenity of the site or surrounding environment as the overall quality and quantity of landscaping will still be achieved through the amendment.
- The change to Condition (10) relocates the proposed public walkway easement to the southern side of the subject site. This change will not adversely affect the amenity of the site or surrounding environment (it is likely to improve it). The amended landscape plan complements the changes to the walkway ensuring that future users will not be adversely affected by the change.
- Other changes to the conditions are as a consequence of the amendments above.

That, pursuant to section 95A(4), there are no special circumstances to warrant public notification because the District Plan envisages what is proposed, and as such, it cannot be described as being out of the ordinary and giving rise to special circumstances.

That, pursuant to section 95B of the Resource Management Act 1991, this application be processed without limited notification because the adverse effects on any person, including those who submitted to the initial application which was granted consent) are less than minor.

Accordingly, I determine that the application proceed on a non-notified basis.

**Mr Greg Hill**  
**Commissioner:**



**Date:** 5<sup>th</sup> April 2012



**RESOLUTIONS PASSED BY A  
DUTY COMMISSIONER**

**APPLICATION FOR RESOURCE CONSENT  
BY MIGHTY RIVER POWER LTD  
AT 164-220 HUGO JOHNSTON DRIVE, PENROSE  
(APPLICATION NO.: R/VCC/1994/5602763/1)**

**COMMISSIONER:** Mr Greg Hill

**APPLICANT:** Auckland Council

**DECISION**

Application R/VCC/1994/5602763/1 made by Mighty River Power Ltd to change Conditions (1), (2)(a), (4)(b), (5), (9) and (10) of resource consent R/LUC/1994/5602763/1. This requires consent for the following matters:

Section 127(3)(a) provides that an application to change or cancel a consent condition is to be assessed as if it were an application for a resource consent for a **discretionary** activity. Overall, the application is a **discretionary** activity.

Pursuant to sections 104B and 127 of the Resource Management Act 1991, this application is **granted consent**.

**Changes to Condition Wording**

Pursuant to Section 127, Conditions (1), (2)(a), (4)(b), (5), (9) and (10) of the consent be amended (changes identified in bold) to read:

**"General**

- (1) Except where otherwise specified below the development and operation of the **generation** plant shall be in **general** accordance with the plans and information contained in the three (3) volume "Assessment of Environmental Effects" submitted by the applicant in support of the land use application and dated volumes 1 and 2 – 2 July 1994 and Volume 3 – October 1994 and the additional information provided within the application referenced AO/03/03416, prepared by Janette Campbell entitled "Southdown Cogeneration Limited Application for Change to Landuse Consent TN/94/02763," dated 17 July 2003. For the avoidance of doubt, this consent contains no limitations on the electrical output and annual generation of the station, provided the activity is otherwise carried out in **general** accordance with the documents listed in the previous sentence.

**Mode of Operation**

- (1A) **The mode of operation of the plant may consist of baseload power production and/or peaking power production. In addition, the operation of the plant may consist of cogeneration involving the production of electricity and steam, or the production of either electricity or steam only.**

**"Noise**

- (2)  
(a) Construction Activities  
The following noise levels shall not be exceeded at the boundary of the **generation** site:  
For all construction..."

"Traffic and Parking

(4)

(a) ...

(b) The applicant (**consent holder**) shall provide an appropriate service loading bay for the **generation** facility. Prior to construction the applicant..."

"Lighting

(5) All internal and external lighting associated with the **generation** project shall be directed so as not to create nuisance or amenity detraction for road users, aircraft and/or residential property.  
No part of any building..."

"Landscape/Visual

(9)

(a) ...

...

(d) The applicant (**consent holder**) shall **establish amenity landscape plantings** to achieve the appropriate mitigation of adverse visual effects. **All amenity landscape plantings shall be in accordance with the Landscape Development Plan, as set out in:**

(i) **The report "Existing Planting Groups and Proposed Landscape Development, by LA4 Landscape Architects Limited, dated 3 August 2011; and**

(ii) **The Landscaping and Easement Plan (titled "Existing + Proposed Planting", Ref No. 11-042 LC01 rev A, dated 19/12/2011) attached to this consent.**

(e) **The Landscape Development Plan under condition 9(d) above, including any new or replacement plantings, shall be implemented in full and approved by Auckland Council within 12 months of 5 April 2012. Thereafter the amenity landscape plantings shall be maintained at regular intervals in accordance with the report "Existing Planting Groups and Proposed Landscape Development, by LA4 Landscape Architects Limited, dated 3 August 2011, and to the satisfaction of Auckland Council.**

(f) **Deleted in full**

(g) The applicant will meet the cost of the Council in monitoring the mitigation planting at completion, again after a period of one year one, and thereafter as deemed necessary until such time as the mitigation is achieved.

(h) **If considered necessary by Auckland Council, the applicant (consent holder) shall enter into a registrable covenant pursuant to section 77 of the Reserves Act 1997 in respect of amenity landscape planting areas A, B, C, D, E, F, G, and H, as shown on the Landscaping and Easement Plan (titled "Existing + Proposed Planting", Ref No. 11-042 LC01 rev A, dated 19/12/2011) attached to this consent, to protect the amenity value of the landscaping for the duration of the consent. Such covenant shall be on such terms as shall be approved by the Auckland Council and shall be prepared by the Council's solicitor at the applicant's (consent holder's) expense. The applicant (consent holder) shall register the covenant within 30 days of approval being given by Auckland Council under condition 9(e).**

(i) **The applicant (consent holder) shall implement and maintain amenity landscape planting areas I, J, and K, in accordance with conditions 9(d) and (e) above, for the duration of the consent.**



**Note - the Council is aware that the consent holder may seek to develop or expand the Southdown Power Station operations onto the adjoining site - Lot 2 DP 178192, Computer Freehold Register NA 109D/643. Should consent be granted to any expansion onto this site condition 9 (i) may then not be appropriate. A variation to amend and/or delete this condition could be sought at the time of any application to expand the Southdown Power Station operations.**

**"Public Walkway"**

**(10)**

- (a) The applicant (consent holder) shall place an easement over areas marked as "Easement 1" and "Easement 2" on the Landscaping and Easement Plan (titled "Existing + Proposed Planting", Ref No. 11-042 LC01 rev A, dated 19/12/2011) attached to this consent, to enable the Council, or its authorised agent, to develop a public walkway south of the Southdown Power Station site linking with the Mangere Inlet Walkway.**
- (b) The wording of the easement shall be approved by Auckland Council's solicitor, such that:**
  - (i) It comprise of two 6-metre wide easement areas with "Easement 1" being not less than 200m<sup>2</sup> and "Easement 2" being not less than 300m<sup>2</sup>.**
  - (ii) It authorises the Council, or its authorised agent, a right at any time, in accordance with the terms and conditions of the easement, to develop a footpath verge and grassed areas over "Easement 1" and "Easement 2", except that the area of "Easement 1" not within the Vector Gas Easement (as shown on the Landscaping and Easement Plan (titled "Existing + Proposed Planting", Ref No. 11-042 LC01 rev A, dated 19/12/2011)) may also incorporate the footpath and any vegetation.**
- (c) The easement shall be registered by the applicant (consent holder) within 6 months of the wording of the easement being approved under condition 10(b).**
- (d) The applicant (consent holder) shall pay the survey, registration and legal costs in relation to the preparation and registration of the easement.**

**The following advice note shall be included in the original decision:**

Any relocation of the boundary fence surrounding the Southdown Power Station by the Council to facilitate construction of the footpath or footpath verge in accordance with the easement shall not affect the noise measurement locations in conditions 2(a) to 2(d) of this consent, which at all times shall remain as the legal boundary of the of the Southdown Power Station site (Lot 1 DP 178192, Computer Freehold Register NA 109D/643).

**Reasons for the Decision**

Pursuant to section 113 of the Resource Management Act 1991, the reasons for this decision are as follows:

- (a) In terms of section 104(1)(a) of the Resource Management Act 1991, the proposal will result in no more than minor adverse effects on the environment. In**

particular, the proposal will result in less than minor adverse amenity, character, noise, ecology and cumulative effects. The reasons for this are:

- The change to the mode of operation does not involve any physical works on the site, will align the condition with the actual operation and other consents for the operation, will not extend the hours of operation and will not increase noise emissions from the site. As such, the proposal will not result in any adverse noise or character effects.
- The amended landscape plan includes native species that are appropriate for the coastal location. As such, the ecology of the Anne's Creek area will not be adversely affected by the proposed changes. In addition, the changes will not adversely affect the amenity of the site or surrounding environment as the overall quality and quantity of landscaping will still be achieved through the amendment.
- It is appropriate to remove the bond requirement to ensure the landscaping is undertaken as: all the landscaped areas have been established but some areas require new or replacement planting. The triggers in the amended conditions give clear direction for the implementation of the new updated landscape plan and are sufficient for the Council to secure the landscaping and the desired levels of amenity without retaining the additional requirement to bond the landscaping.
- The relocation of the proposed public walkway easement to the southern side of the subject site will not adversely affect the amenity of the site or surrounding environment. The amended landscape plan complements the changes to the walkway ensuring that future users will not be adversely affected by the change.

In terms of the positive effects:

- The relocation of the proposed public walkway easement to the opposite side of the Power Station site provides for possible future expansion of the Power Station onto the adjoining allotment. This also represents a more efficient use of natural and physical resources by utilising some of the same infrastructure and services to the site.
- The proposed public walkway easement relocation may result in safer access for the public, as well as being located close to the coastal environment and the ecological areas associated with Anne's Creek. This will enhance the amenity and enjoyment from using the public walkway network linking with the Mangere Inlet Walkway.
- The amended Landscape Plan will further compliment the coastal ecology of the Anne's Creek area. The amended Landscape Plan utilises the existing landscape areas on the site, as well as upgrading some of the existing planted areas. This will provide suitable amenity screening of the Power Station.

- (b) In terms of section 104(1)(b) and 127(3) of the Resource Management Act 1991, the proposal is consistent with the relevant objectives, policies and assessment criteria of the Operative District Plan. The reasons for these conclusions are discussed in (a) above.
- (c) In terms of section 104(1)(c) and 127(3) of the Resource Management Act 1991, other relevant matters, including monitoring and the Local Government Act 2002 with reference to development contributions have been considered in the



determination of the application. In this case, no additional monitoring charges or contributions will be required.

- (d) In weighing all of the Section 104 matters, the amendments to the conditions of consent are appropriate and will either have no more than minor adverse effects, or positive effects on the environment. The proposal meets the purpose of the Resource Management Act 1991.

### **Conditions**

Pursuant to section 108 of the Resource Management Act 1991, this consent is subject to the following conditions:

- **Changes to Condition Wording**

The conditions as set out above under the heading **Changes to Condition Wording**

- **Staging of Conditions**

Stage 1 Conditions: Predevelopment

Conditions required to be met prior to works commencing on the site.

- **Predevelopment**

Administrative Charges

- (1) Pursuant to section 116 of the RMA, this consent (or any part thereof) shall not commence until such time as all charges pursuant to section 36 of the RMA, owing at the time of Council's decision is notified are paid in full to the Council.

### **Advice Notes**

- (1) *This consent is to be read in conjunction with the previously approved resource consents and does not negate the consent holder's requirement to continue to comply with the conditions of that original resource consent, subject to the amendments approved above (council ref #'s R/LUC/1994/5602763 and RVCC/2003/5703416.*
- (2) *The consent holder shall obtain all other necessary consents and permits, including those under the Building Act 2004, and comply with all relevant Council Bylaws. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004. Please note that the approval of this resource consent, including consent conditions specified above and in the original consent, may affect a previously issued building consent for the same project, in which case a new building consent may be required.*
- (3) *A copy of this consent shall be held on site at all times during the establishment and construction phase of the activity.*
- (4) *This consent does not relieve the consent holder of his/her responsibility to apply for any other consents which may be required by the Auckland Council and/or New Zealand Historic Places Trust. This consent is issued under the Resource Management Act 1991 and does not remove the need to comply with all other applicable Acts (including the Property Law Act), regulations, Bylaws, and rules of law.*
- (5) *The scope of this resource consent is defined by the application made to Auckland Council and all documentation supporting that application.*

- (6) *If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to Council within 15 working days of notification of the decision.*

**Mr Greg Hill**  
**Commissioner:**



**Date:** 5<sup>th</sup> April 2012



**Consent to discharge contaminants into air**

**Granted: 21 December 2012**



## RESOURCE CONSENT 39725 SECTION 104 AND 108 DECISION

### Application Description

Consent to discharge contaminants into air from a power station made up of two gas fired turbines, a gas/diesel fired turbine, ancillary boiler and associated activities with a nominal combined daily fuel usage of 40 TJ as an annual average.

### Application and Property Details

Applicant's Name: Mighty River Power

Consent Application Number: 39725

File Number: 9781

Site Address: 142-220 Hugo Johnston Drive, Penrose

Legal Description: Lots 1 and 2 DP 178192

## DECISION UNDER DELEGATED AUTHORITY

Acting under delegated authority pursuant to Sections 104, 104B, 105, 107 and 108 of the RMA, consent is granted to the discretionary activity application by Mighty River Power to discharge contaminants into air from a power station made up of two gas fired turbines, a gas/diesel fired turbine, ancillary boiler and associated activities with a nominal combined daily fuel usage of 40 TJ as an annual average at 142-220 Hugo Johnston Drive, Penrose, being consent application 39725.

### Signed under Delegated Authority

Jacqueline Jolliffe

**Team Leader, Air Quality**

**Natural Resources and Specialist Input, Resource Consents**

Date:

21/12/2012

## REASONS FOR THIS DECISION

The reasons for this decision are as follows:

1. It is considered that the overall adverse effects on the receiving environment are no more than minor. Subject to the imposition of conditions, the effects can be further avoided, remedied or mitigated.
2. The proposal is considered to be consistent with the relevant provisions of the NES: AQ, ARPS, the Regional Plan and in particular, the integrated management of the Region's natural and physical resources.



3. The proposal will be consistent with Part 2 of the RMA by promoting the sustainable management of natural and physical resources. Overall it is considered that the cumulative safeguards of Section 5(2)(a) to (c) have been met and the proposal thereby meets the purpose of the RMA.
4. The sensitivity of the receiving environment to the adverse effects of the discharge will not be compromised given the level of the discharge, the application of suitable control technology and appropriate on site management techniques.

## CONDITIONS

Pursuant to section 108 of the RMA, this consent shall be subject to the following conditions:

### General conditions

#### **Activity in accordance with proposal**

1. The plant and associated processes shall be operated in accordance with the documentation submitted to Auckland Council as part of application 39725 where not amended by the conditions of this resource consent. No alterations shall be made to the plant or processes that do not, or are not likely to, comply with the provisions of this consent, a regional rule or regulations under the Resource Management Act 1991 (RMA).

#### **All charges paid**

2. This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:
  - a) All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the RMA.
  - b) All additional charges imposed under section 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.
3. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

### Term of consent

4. This consent shall commence on surrender of consents 30109 and 28175.
5. Under section 125 of the RMA, this consent shall lapse five years after the date it is granted unless the consent is given effect to or an extension is granted.
6. This consent shall expire on 31 December 2037 unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.

### Access

7. Access to the relevant parts of the property shall be maintained and be available at all reasonable times to enable the servants or agents of Auckland Council to carry out inspections, surveys, investigations, tests, measurements or take samples whilst adhering to the Consent Holder's health and safety policy.

### Specific conditions

#### Discharge limits

8. All processes on site shall be operated, maintained, supervised, monitored and controlled to ensure that emissions authorised by this consent are maintained at the minimum practicable level.
9. Without limiting the generality of Conditions 8 and 12, the Consent Holder shall at all times operate, maintain, supervise, monitor and control all processes on site so that the discharge of specified air pollutants shall not exceed the corresponding emission rates set out below:
  - a) Nitrogen oxides from GE101, GE102, GE105 and BO103 stacks during Normal Operations:

Parameter	GE101 and GE102	GE105 Natural Gas	GE105 Diesel	BO103
Nitrogen oxides (as nitrogen dioxide)	100 parts per million by volume measured on a dry gas basis and corrected to 0 degrees Celcius, 1 atmosphere pressure and 15% oxygen, averaged over 10 minutes	35 parts per million by volume measured on a dry gas basis and corrected to 0 degrees Celcius, 1 atmosphere pressure and 15% oxygen, averaged over 10 minutes	42 parts per million by volume measured on a dry gas basis and corrected to 0 degrees Celcius, 1 atmosphere pressure and 15% oxygen, averaged over 10 minutes	100 parts per million by volume measured on a dry gas basis and corrected to 0 degrees Celcius, 1 atmosphere pressure and 15% oxygen, averaged over 10 minutes



- b) During start-up and shutdown procedures the nitrogen oxides limit on GE101, GE102 and GE105 turbine stacks given in 9(a) above may be exceeded for a consecutive period of not more than 60 minutes but shall comply with the following limits:

Parameter	GE101 and GE102	GE105 Natural Gas	GE105 Diesel
Nitrogen oxides (as nitrogen dioxide)	250 parts per million by volume measured on a dry gas basis and corrected to 0 degrees Celcius, 1 atmosphere pressure and 15% oxygen, averaged over 10 minutes	250 parts per million by volume measured on a dry gas basis and corrected to 0 degrees Celcius, 1 atmosphere pressure and 15% oxygen, averaged over 10 minutes	450 parts per million by volume measured on a dry gas basis and corrected to 0 degrees Celcius, 1 atmosphere pressure and 15% oxygen, averaged over 10 minutes

## Operations

10. All supervisors and staff shall be trained to take appropriate corrective action in the event of the high nitrogen oxides alarm being triggered.
11. Beyond the boundary of the site, there shall be no odour, dust or smoke caused by discharges from the site, which in the opinion of an enforcement officer, is noxious, offensive or objectionable.
12. Beyond the boundary of the site, there shall be no hazardous air pollutant, caused by discharges from the site, which is present at a concentration that causes, or is likely to cause adverse effects to human health, the environment or property.
13. No discharges from any activity on site shall give rise to visible emissions, other than water vapour and clean steam, to an extent which, in the opinion of an enforcement officer, is noxious, dangerous, offensive or objectionable.
14. Visible emissions of water vapour and steam from the turbine/boiler exhaust stacks and all cooling towers shall be kept to a practicable minimum.
15. The cooling towers shall be operated to minimise the entrainment of droplets of cooling water. Monitoring of cooling water droplet deposition may be required at the reasonable discretion of an enforcement officer.

*Advice Note 1: Monitoring for cooling water droplet deposition shall only be required if complaints are received and verified by Auckland Council enforcement officers.*

16. Natural gas shall be the only fuel used in the GE101 and GE102 turbine generators, auxiliary duct burners and the ancillary boiler.
17. Natural gas or diesel shall be the only fuels used in the GE105 turbine generator, conditional upon the requirements of Conditions 28 and 29.

18. All products of combustion from the GE101 and GE102 gas turbines, the auxiliary duct burners and the GE105 turbine shall be discharged through exhaust stacks at a minimum height of 28 metres above ground level.
19. All products of combustion from the BO103 ancillary boiler shall be discharged through an exhaust stack at a minimum height of 15 metres above ground level.
20. All waste steam from the heat recovery steam generators shall be discharged through cooling tower stacks at a minimum height of 7.8 metres above ground level.
21. Biocides used in the cooling tower's water treatment plant shall be approved by the Team Leader – Air Quality in writing prior to use. Biocides containing chromates and sulphates shall not be used.

#### **Monitoring – Analysers**

22. Until a Predictive Emissions Monitoring System (PEMS) has been certified pursuant to Condition 24, the Consent Holder shall install appropriate monitoring equipment, including a high nitrogen oxides alarm, to continuously monitor the concentration of the following gases in the GE101, GE102 and GE105 turbine stacks during their operation and log the results for:
  - a) Nitrogen dioxide (NO<sub>2</sub>).
  - b) Nitric oxide (NO).
  - c) Oxides of nitrogen (NO<sub>x</sub>) as NO<sub>2</sub> equivalents.
  - d) Oxygen (O<sub>2</sub>).
23. The Consent Holder shall ensure that all monitoring equipment used pursuant to Condition 22 is, as far as practicable, installed, operated, maintained and calibrated (including independent emissions testing as required) in accordance with the manufacturer's recommendations and that reasonable steps are taken to keep it in good working order.

#### **Monitoring – Predictive Emissions Monitoring System (PEMS)**

24. Conditions 22 and 23 of this consent shall cease to have effect if a PEMS Management Plan has been certified by the Team Leader – Air Quality. Before such certification can be provided, the Consent Holder must:
  - a) Prepare a PEMS Report for Auckland Council's review. The PEMS Report shall be prepared with the assistance of a suitably qualified and experienced expert to the satisfaction of the Team Leader – Air Quality and shall include:
    - i) Justification for the applicability of a PEMS at Southdown for nitrogen oxides.
    - ii) A description of the processes used to develop the Southdown PEMS including any protocols, tests or experiments.



- iii) Results of the testing and calibration of the PEMS including relevant statistical analyses of the accuracy, reliability and repeatability of the predicted emission levels as referenced against data obtained from operational monitoring equipment used at the site.
  - iv) An analysis of Southdown PEMS accuracy, repeatability and reliability, as compared with the requirements described in the USEPA PS-16 (or any subsequent update) for PEMS.
  - v) An analysis of potential risks, shortfalls or limitations associated with the implementation of the Southdown PEMS.
- b) Prepare and submit a PEMS Management Plan to the Team Leader – Air Quality for certification. The PEMS Management Plan shall be prepared with the assistance of a suitably qualified and experienced expert and shall include:
- i) The aims of the PEMS.
  - ii) Details of the turbine parameters to be monitored and the contaminants to be predicted.
  - iii) Details of how the PEMS will integrate with the operation of GE101, GE102 and GE 105, including high nitrogen oxide alarms and any other alarms or controls.
  - iv) Maintenance and calibration details for data sensors used by the PEMS.
  - v) PEMS testing and calibration (including independent emissions testing) frequency and procedures.
  - vi) PEMS acceptance thresholds (accuracy limits).
  - vii) Contingency plans for PEMS sensor failure and other abnormal or emergency scenarios.

*Advice Note 2: The certification (or withholding of certification) of the PEMS Management Plan by Auckland Council shall be based on its assessment as to whether the PEMS Management Plan adequately addresses those matters contained in Conditions 24(b) of this consent. Where the Team Leader – Air Quality considers the PEMS Management Plan does not meet the standard for certification, the Consent Holder may commission a professional peer review of Auckland Council's formal written response outlining the inconsistencies by an independent expert agreed to by both parties.*

25. If a PEMS has been certified in accordance with Condition 24(b), the Consent Holder shall operate the site in accordance with the certified PEMS Management Plan and shall submit to Auckland Council as part of the report required pursuant to Condition 34 the following information:
  - a) Results of the PEMS, including comparison with the limits prescribed in Condition 9.
  - b) Any PEMS calibration or testing results.
  - c) Steps taken to rectify any technical problems experienced with the PEMS.
26. The theoretical carbon monoxide emissions from the turbine generators shall be continuously calculated and logged.
27. All tests and monitoring shall be carried out to the satisfaction of Auckland Council.

#### **Commissioning – Diesel firing of GE105**

28. The Consent Holder shall advise Auckland Council of the intention to operate GE105 using diesel at least 2 hours prior to the commissioning.
29. In the event that GE105 is operated using diesel, the Consent Holder shall carry out commissioning tests to determine the concentration and mass emission rate of fine particulate (PM<sub>10</sub>), nitrogen dioxide, sulphur dioxide and carbon monoxide from the stack. These tests shall be undertaken in accordance with the following:
  - a) The tests shall be conducted within one month of the diesel-fired commissioning of the turbine generator.
  - b) The tests shall be conducted for start-up, shut-down and normal process conditions.
  - c) The tests shall comprise not less than three samples for each of the start-up, shut-down and normal process conditions runs.
  - d) The concentration results shall be corrected to zero degrees Celcius, one atmosphere pressure, 15% oxygen and a dry gas basis.
  - e) The results of all tests, relevant operating parameters, raw data, and all calculations shall be submitted to Auckland Council within 20 working days of the last of the samples being taken.

*Advice Note 3: Should the commissioning testing demonstrate emissions of contaminants significantly in excess of those assumed to occur as part of the report Air Discharge Effects at Southdown Power Station: November 2012, prepared by Fisher et al, the discharges would be considered to be in contravention of Condition 1 of this consent and enforcement action may be taken by Auckland Council.*



### Reporting conditions

30. The Consent Holder shall notify Auckland Council as soon as practicable in the event of any materially significant increase in the discharge of contaminants into air, which may result in adverse effects to the environment or a breach of these conditions.
31. A daily Plant Log shall be maintained that records the following information for each entry:
  - a) Date and time.
  - b) Turbine GE101, GE102 and GE105 daily mass (kg) of fuel used.
  - c) Turbine GE101 and GE102 steam injection rate and turbine GE105 water injection rate.
  - d) GE101 and GE102 auxiliary duct burners daily mass (kg) of fuel used.
  - e) Sulphur content of fuel (diesel only).

The Consent Holder shall make the Plant Log available for inspection at the request of an Auckland Council enforcement officer during normal operating hours and shall keep the Plant Log available for such purpose for a period of at least two years from the date of each entry.

32. All air quality complaints that are received shall be recorded. The complaint details shall include:
  - a) The date, time, location and nature of the complaint.
  - b) The name, phone number and address of the complainant, unless the complainant elects not to supply these details.
  - c) Weather conditions, including approximate wind speed and direction, at time of the complaint.
  - d) Any remedial actions undertaken.

Details of any complaints received shall be provided to Auckland Council within 48 hours of receipt of the complaint.

33. All records, monitoring and test results that are required by the conditions of this consent shall be made available upon request by an enforcement officer during working hours and shall be kept for a minimum of two years from the date of each entry.

34. The Consent Holder shall submit an Annual Report of operational performance to Auckland Council by 31 March each year. The report shall include the following information for the preceding calendar year of operation:
- a) A description of any exceedances of the discharge limits for nitrogen oxides.
  - b) A description of the reasons for any exceedances.
  - c) A description of the remedial actions taken to rectify the exceedance or prevent a reoccurrence.
  - d) The following fuel characteristics:
    - i) Average nitrogen (N<sub>2</sub>) (% mol).
    - ii) Average carbon dioxide (CO<sub>2</sub>) (% mol).
    - iii) Average calorific value (MJ/scm).
    - iv) Average specific gravity.
    - v) Average and maximum sulphur content (diesel only).
  - e) Fuel usage.
  - f) Calculated average carbon monoxide emissions.
  - g) Calculated carbon dioxide emissions.
  - h) A description of complaints received relating to air discharges.
  - i) All PEMS information required pursuant to Condition 24 of this consent.
35. The Consent Holder shall provide to Auckland Council by 30 May 2014 and every two years thereafter a written report:
- a) Reviewing any technological advances in the reduction or mitigation of emissions, especially, but not exclusively in respect of the oxides of nitrogen and of carbon dioxide, how these might be applicable and/or benefits and disadvantages of the advances.
  - b) Detailing any measures that have been taken by the Consent Holder to improve the energy efficiency of the power station.
  - c) Detailing any measures that have been taken by the Consent Holder, or on behalf of the Consent Holder, which mitigate the effects of or which reduce greenhouse gas emissions to air from either this site or any other site.
  - d) Addressing any other issue that the Consent Holder considers relevant to the minimisation of mitigation of the emissions from the site.



### Review condition

36. The conditions of this consent may be reviewed by the Team Leader – Air Quality pursuant to section 128 of the RMA, by the giving of notice in accordance with section 129, in January 2015 and in January every second year thereafter in order to:
- a) Deal with any significant adverse effect on the environment arising from the exercise of the consent that was not foreseen at the time that the application was considered.
  - b) Consider the adequacy of conditions that prevent nuisance beyond the boundary of the site, particularly if complaints have been received on a frequent basis and have been validated by an enforcement officer.
  - c) Consider developments in emission control technology and management practices that would enable practicable reductions in discharges to air.
  - d) To take into account any Act of Parliament, regulation, national policy statement or relevant regional plan that relates to limiting, recording or reducing emissions authorised by this consent.

### ADDITIONAL ADVICE NOTES

- 4. Any administrative charge fixed in accordance with section 36(1) of the RMA and any additional charge required pursuant to section 36(3) in respect of this consent shall be paid to Auckland Council.
- 5. This resource consent will lapse five years after the date of Auckland Council's decision unless:
  - a) It is given effect to before the end of that period. To give effect to this consent, the activity allowed by this consent must be established and the conditions contained in the consent complied with. Please note that there must be compliance with all of the consent conditions once the land use has been established, or
  - b) An application is made and granted prior to the expiry of that period for a time extension. The statutory considerations that apply to extensions are set out in section 125 of the RMA.
- 6. Pursuant to section 126 of the RMA, which provides for Auckland Council to cancel a resource consent by written notice, if this resource consent has been exercised, but is not subsequently exercised for a continuous period of five years, the consent may be cancelled by the Council unless other criteria contained within section 126 are met.
- 7. Auckland Council may at any time undertake source emission testing and/or any other monitoring to ensure compliance with the conditions of this consent. The Consent Holder is advised that they will be required to pay for the costs of this monitoring as per Advice Note 4.

8. The consent holder shall obtain all other necessary consents and permits, including those under the Building Act 2004, and the Historic Places Trust Act 1993. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004. Please note that the approval of this resource consent, including consent conditions specified above, may affect a previously issued building consent for the same project, in which case a new building consent may be required. If not all resource consents have been applied for, it remains the responsibility of the consent holder to obtain any and all necessary resource consents required under the relevant requirements of the RMA.
  
9. If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application you have a right of objection pursuant to sections 357A or 357B of the RMA. Any objection must be made in writing to Auckland Council within 15 working days of notification of the decision.



## DEFINITIONS

AQMA	Air Quality Management Area, as defined in the Regional Plan
ARAQT	Auckland Regional Air Quality Targets, defined in chapter 4 of the Regional Plan
ARPS	Auckland Regional Policy Statement
Council	The Auckland Council
District Plan	Auckland Council District Plan (Auckland Isthmus Section)
IANZ	International Accreditation New Zealand
NES	National Environmental Standard
NES:AQ	Resource Management (National Environmental Standard for Air Quality) Regulations 2004 and all amendments
OSTG	Once-through-steam-generator
PM <sub>2.5</sub>	Inhalable fine particulate matter less than 2.5 µm in diameter
PM <sub>10</sub>	Inhalable fine particulate matter less than 10 µm in diameter
Regional Plan	Auckland Council Regional Plan (Air, Land and Water) (operative in part)
RMA	Resource Management Act 1991 and all amendments
Team Leader	The Auckland Council Team Leader (Resource Consents department) for the specified team or nominated Auckland Council staff acting on the relevant Team Leader's behalf
VOC	Volatile Organic Compound, a hydrocarbon-based compound with a vapour pressure greater than 0.27 kilopascals at a temperature of 25°C
WHO	World Health Organisation

**Key planning provisions relevant to solar research and  
development activities in Auckland Unitary Plan**

**15 November 2016**



- (d) utilise renewable sources.

*Renewable electricity generation*

- (12) Provide for renewable electricity generation activities to occur at different scales and from different sources, including small and community-scale renewable electricity generation activities.

*National Grid*

- (13) Have regard to the extent to which actual and potential effects have been avoided, remedied or mitigated by the route, site and method selected when assessing the development of the National Grid.

*Road network*

- (14) Require road network activities to:
  - (a) avoid, remedy or mitigate adverse effects on residential or other sensitive activities, including effects of vibration, noise, glare and vehicle emissions;
  - (b) avoid, remedy or mitigate adverse effects on amenity values of adjoining properties and the streetscape; and
  - (c) maintain or enhance the safety and efficiency of the transport network.
- (15) Ensure roads are designed, located and constructed to:
  - (a) provide for the needs of all road users and modes of transport;
  - (b) avoid, remedy or mitigate adverse effects on amenity values of adjoining properties;
  - (c) avoid, remedy or mitigate adverse construction effects including effects of vibration, noise, and dust;
  - (d) avoid, remedy or mitigate adverse operational effects particularly on residential or other sensitive activities, including effects of vibration, noise, glare and vehicle emissions;
  - (e) minimise severance effects and changes to drainage patterns; and
  - (f) maintain or enhance the safety and efficiency of the transport network.

**E26.2.3. Activity table**

Table E26.2.3.1 Activity table specifies the activity status of land use and development activities in all zones and roads pursuant to sections 9(2) and 9(3) of the Resource Management Act 1991.

- Network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.

**Table E26.2.3.1 Activity table - Network utilities and electricity generation – All zones and roads**

Electricity generation and its storage								
(A59)	Small-scale electricity generation * solar electricity generation which is ancillary to network utilities located in roads and unformed roads and Strategic Transport Corridor Zone	NA P*	P	P	P	P	P	P
(A60)	Community-scale electricity generation * solar electricity generation	NA	P	P	RD# P*	P	RD# P*	RD# P*
(A61)	Large scale wind farms	NA	RD#	D	NC	RD#	D	NC
(A62)	Research and exploratory scale investigations for renewable electricity generation activities	D	P	NA	NA	NA	NA	P
(A63)	Other electricity generating facilities	NC	D	D	NC	D	D	NC
(A64)	Electricity storage facility that is not a minor utility structure	RD	P	P	RD#	P	RD#	RD#
Infringement of standards								
(A65)	Any activity that does not comply with Standard E26.2.5.2(6)	NC	NC	NC	NC	NC	NC	NC
(A66)	Any activity that does not comply with Standard E26.2.5.2(7)	NC	NC	NC	NC	NC	NC	NC

Table E26.2.3.2 Activity table specifies the activity status of land use and development for road network activities pursuant to section 9(3) of the Resource Management Act 1991.

- (1) The rules in Table E26.2.3.2 apply to the local public road network operated by Auckland Transport and any private road (provided the private road is in private ownership, provides public access and is connected to the public road network).
- (2) in this section:
  - (a) 'existing road' has the same meaning as in section 315 of the Local Government Act 1974 and includes legally established private roads (a road in private ownership providing public access and is connected to the public road network). Section 315 does not include a motorway within the meaning of the Government Roading Powers Act 1989; and
  - (b) for the purposes of these rules, the existing road includes activities undertaken within the formation width of the road which may extend beyond the legal road width refer to Figure E26.2.3.1; and



- (i) it must be located adjacent to part of a road on which car parking is authorised by Auckland Transport for a time period of at least 30 minutes for either general vehicle use or reserved for electric vehicles;
- (ii) the equipment must be removed by the owner (at the owner's sole cost) at least 30 days prior to the adjacent car parking space being permanently removed; and
- (iii) written notice of any proposed installation of the equipment must be given to Auckland Transport at least 2 months prior to the lodgement of any request to access the road corridor.

(5) Minor infrastructure upgrading

- (a) All activities and works must be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).

**E26.2.5.2. Activities within zones in Table E26.2.3.1 Activity table**

All activities listed as permitted in Table E26.2.3.1 Activity table must comply with the following permitted activity standards.

(1) Temporary network utilities:

- (a) all temporary network utilities, temporary electricity generation facilities and associated buildings and structures must be removed from the site on completion of the works.

(2) Building area:

- (a) the maximum aboveground building area for structures, excluding electricity and telecommunication support structures:
  - (i) in residential zones is 20m<sup>2</sup>;
  - (ii) in all other zones is 30m<sup>2</sup>;
- (b) Standard E26.2.5.2(2)(a)(i) and (ii) excludes:
  - (i) structures in industrial zones; and
  - (ii) substations or telephone exchanges incorporated within a building complying with the rules for the relevant zone which are provided for as a separate activity.

(3) Height:

- (a) the maximum height for structures, excluding electricity and telecommunication support structures, telecommunication devices, earth peaks, lightning rods, smart meters and GPS antennas, is 2.5m. Excludes:

- (i) structures in industrial zones, where the height controls of the relevant zone will apply;
  - (ii) substations and telephone exchanges incorporated within a building complying with the rules for the relevant zone or otherwise approved; and
  - (iii) telecommunication shelters in rural zones, where a maximum height of 3m applies;
- (b) the maximum height for support structures for electricity lines and telecommunication lines is 25m.
- (4) Yards:
- (a) electricity and telecommunication support structures must be set back at least 1m from any adjoining site that is zoned residential or Special Purpose – Māori Purpose Zone.
- (5) Pole mounted transformers:
- (a) The maximum dimension for transformers is 2m<sup>3</sup>
- (6) Electricity transmission and distribution (Electric and magnetic fields):
- (a) network utilities that emit electric and magnetic field emissions must comply with the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz – 100kHz) (Health Physics, 2010, 99(6); 818-836) and recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007).
- (7) Radio Frequency Fields (RF fields):
- (a) network utilities should not result in radio-frequency fields produced by the network utility exceeding the maximum exposure level of the general public in the New Zealand Standard for Radiofrequency Fields Part 1: Maximum Exposure Levels 3 kHz to 300GHz (NZS 2772.1: 1999) measured at all places reasonably accessible to the general public.

#### **E26.2.5.3. Specific activities within zones in Table E26.2.3.1**

The specific activities listed below are required to comply with the permitted activity standards in E26.2.5.1 and E26.2.5.2. Where a standard in E26.2.5.3 for a specified activity varies from a standard in E26.2.5.1 or E26.2.5.2, E26.2.5.3 shall apply.

##### *Minor infrastructure upgrading*

- (1) Minor infrastructure upgrading of network utilities must comply with the following controls (where relevant):



- (16) The noise (rating) level from small scale electricity generation must not exceed the noise control specified for activities in the zone in which the small scale electricity generation activity is located (including noise control for any zone interface), following the subtraction of 10 decibels from every applicable A-weighted noise limit in the applicable rule. A penalty for the noise containing Special Audible Characteristics in accordance with NZS6802:2008 Acoustics – Environmental Noise must not be applied.
- (17) Wind turbine towers, either freestanding tubular, lattice or tubular mast supported by guy wires, for a community-scale electricity generation facility must not exceed 25m in height.
- (18) Small and community scale wind turbines on sites adjoining residential zones must meet the height in relation to boundary control for the adjoining zone in which they are located.
- (19) There is no height limit for wind turbine towers associated with large-scale wind farms.

*Electricity generation - solar panels*

- (20) For small scale and community scale electricity, solar panels on the roof of a building must not exceed 250mm in height above the existing roof.

*Setbacks*

- (21) Wind turbine towers must be set back from the boundary of the site on which the wind turbine is located at a distance equivalent to the length of the turbine blades. The tips of the turbine blades must stay within the site at all times.

*Shadow flicker*

- (22) No dwellings on a neighbouring property must be exposed to more than 30 hours of shadow flicker per year based on realistic shadow flicker hours calculations from large-scale wind farms.

*Pipe and cable bridges*

- (23) Pipe and cable bridges must not exceed:

- (a) 25m in length;
- (b) 1m in diameter or width

*Underground pipelines for the conveyance of gas, water, wastewater and stormwater*

- (24) Any aboveground section of underground pipelines for the conveyance of gas, water, wastewater and stormwater must not exceed: