



## **PROPOSED INVERCARGILL CITY DISTRICT PLAN**

**Decision 28A**

**Designations  
General Matters**

### **Hearings Committee**

Councillor Darren Ludlow (Chair)

Councillor Neil Boniface

Councillor Graham Sycamore

Keith Hovell

11 October 2016

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## INTRODUCTION

The District Plan Hearings Committee has been appointed by the Invercargill City Council to consider and issue decisions on the submissions lodged to the Proposed Invercargill City District Plan.

In this decision we consider the submissions lodged to Appendix IV Schedule of Requirements and Designations the Proposed District Plan.

The RMA 1991 sets out particular matters to be considered to requirements and designations. Sections 168 and 171 apply to Notices of Requirement.

Where the requiring authority sought a rollover of the designation without any modification, then Schedule 1 clause 9 applies. Under clause 9, a Territorial Authority cannot make a recommendation where no modification is sought and no submissions have been received

This Decision has been split into eight parts. This first part addresses the designations that are to be rolled over without modification, or those with minor amendments which have no material effect on the activities undertaken in association with the designation. The other seven parts to this decision are divided up under the headings of the different requiring authorities that have sought modifications to their notices of requirements, and/or which have the subject to submissions, being:

- Decision 28B -Minister of Education
- Decision 28C -Chorus NZ Ltd
- Decision 28D -Spark NZ Ltd
- Decision 28E -The Power Company
- Decision 28F -Electricity Invercargill Ltd
- Decision 28G -Invercargill Airport Ltd
- Decision 28H -Southland District Council

In this Decision, the following meanings apply:

"The Council" means the Invercargill City Council.

"Further Submitter" means a person or organisation supporting or opposing a submission to the Proposed Plan.

"FS" means Further Submission.

"Hearings Committee" means the District Plan Hearings Committee established by the Council under the Local Government Act.

"NZTA" means the New Zealand Transport Agency.

"Operative District Plan" means the Invercargill City District Plan 2005.

"Proposed Plan" or "Proposed District Plan" means the Proposed Invercargill City District Plan 2013.

"RMA" means the Resource Management Act 1991.

"Submitter" means a person or body lodging a submission to the Proposed Plan.

At the commencement of the hearings, Crs Boniface and Ludlow declared an interest as Directors of PowerNet Limited, Cr Sycamore declared an interest as a Director of Invercargill City Holdings Limited and Commissioner Hovell declared a conflict of interest in relation to submissions lodged by Cunningham Properties Limited. The Councillors and Commissioner

took no part in deliberations in relation to the designations and submissions of the parties referred to.

## **THE HEARING**

The hearing to consider the submissions lodged to the matters set out in this decision was held in the Council Chambers of the Invercargill City Council on 2 and 3 March 2015.

### **Section 42A Report**

The Hearings Committee received a report from Liz Devery, Senior Policy Planner with the Invercargill City Council. In her report, Mrs Devery outlined the statutory requirements applying to the processing of designations in the Proposed Plan, most of which had been carried over from the Operative Plan. She referred to section 171 of the RMA which outlines the various matters the Council was required to have regard to in assessing designations, noting that for designations not imposed by the Council, a recommendation is made back to the designating authority who makes a final decision. That decision may be subject to appeal by any relevant submitter or the Council. She also set out the process to be followed where works are to be undertaken on designated land to give effect to the designation. An Outline Plan is to be submitted to the Council under Section 176A, with the Council having an opportunity to request changes to that Plan. A right of appeal by the Council exists where those changes are not agreed to by the designating authority.

At the hearing, Mrs Devery explained that her report included a number of sites where there had been no modification to the designation when carried over from the Operative Plan, and no submissions had been lodged. She advised the Committee that in such cases no further action is required, as the Council is unable to make a recommendation in relation to these designations. However, where designations were new, or had been modified either in their extent or in relation to conditions, then the Council could make a recommendation to the designating authority.

### **Appearances at the Hearing**

The Minister of Education, The Power Company, Electricity Invercargill and Invercargill Airport Ltd were all represented at the hearing. Chorus NZ Ltd and Spark NZ Ltd tabled statements of evidence.

## **MINISTER OF CORRECTIONS**

The Minister of Corrections has one designation in the Operative District Plan, and sought to retain this designation without modification in the Proposed Plan. No submissions were received on this designation.

It is noted that the notation for the legal description for the site now differs to that in the Operative District Plan. This modification is minor in effect as it does not change the boundaries of the designation, but merely ensures that the legal description is accurate. This alteration is considered to be minor and falls under Section 181(3)(a) of the RMA. No formal recommendation is required for this designation. The designation will be listed in the Proposed District Plan as follows:

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
Minister of Corrections	Invercargill Prison	42 Liffey Street Invercargill	Lot 1 DP 13235 (CFR SL10C/658)	8, 9	1

## MINISTER OF POLICE

The Minister of Police has four designations in the Operative District Plan, and sought to retain these designations without modification in the Proposed Plan. No submissions were received on these designations.

It is noted that there is an error in the locality column of the Table in Appendix IV – Schedule of Requirements and Designations. The address for the Bluff Police Station is shown as 76 Barrow Street. This address was officially changed to 80 Barrow Street in 2007. The Table requires amending to reflect the new address identifier. This does not alter the physical location or boundaries of the site, but ensures that the property can be accurately identified by the public. This is a minor modification that can be made under Section 181(3)(a) of the RMA.

No formal recommendation is required for the Minister of Police’s designations. The designations will be listed in the Proposed District Plan as follows:

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
Minister of Police	Bluff Police Station	<del>76</del> 80 Barrow Street Bluff	Sections 2B, 6A and Part 2A, Block XII Town of Campbelltown	29, 30	2
	Invercargill Police Station	117-119 Don Street Invercargill	Lot 1, DP 13986 and Lot 1 DP 12753	9	3
	North Invercargill Community Policing Centre	72 Windsor Street Invercargill	Lot 2 DP 13621	10	4
	South Invercargill Community Policing Centre	141 Janet Street Invercargill	Lot 4 Block IV DP 1714	17	5

## MINISTER OF JUSTICE

The Minister of Justice has one designation in the Operative District Plan for the Courthouse at 35 Don Street, Invercargill. The Ministry sought that this designation be rolled over into the Proposed Plan with the name of the designating authority changed from “Minister for the Courts” to “Ministry of Justice”. No submissions were received on this designation.

The modification sought is a technical change. It does not change the purpose of the designation or the site boundaries. The designation is already in existence and has been given effect to.

Section 180 of the RMA provides for the situation where a designation is transferred from one designating authority to another. Following notification of the transfer, the Council is required to amend the District Plan without further formality.

It should be noted however that Section 166 of the RMA does not provide for the Ministry of Justice as a designating authority. Rather, it is the Minister of Justice who has the status of a designating authority.

No formal recommendation to the Minister of Justice is required. The designation will be listed in the Proposed District Plan as follows:

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
Minister of Justice	Courthouse	35 Don Street Invercargill	Lot 1 DP 12894	9	6

## THE RADIO NETWORK LIMITED

Radio Network Ltd has one designation in the Operative District Plan for “telecommunication and radiocommunication and ancillary purposes and land uses” at 51 Deveron Street. It has been requested that this be retained in the Proposed Plan without modification. No submissions were received on this designation.

It is noted that since notifying the Proposed District Plan, The Radio Network Ltd has officially changed its name to NZME. Radio Ltd. Section 180 of the RMA provides for the situation where a designation is transferred from one designating authority to another, or where a business name is changed. Following notification of the change, the Council is required to amend the District Plan without further formality.

No formal recommendation is required for NZME. Radio Ltd’s designation. The designation will be listed in the Proposed District Plan as follows:

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP NO.	DESIG. No.
<del>The Radio Network Limited</del> <u>NZME. Radio Ltd</u>	Telecommunication and radio-communication and ancillary purposes and land uses	51 Deveron Street Invercargill	Section 22, Block LXII, Town of Invercargill	9	36



## NEW ZEALAND TRANSPORT AGENCY

The New Zealand Transport Agency (NZTA) has seven designations in the Operative District Plan and it has sought to retain these in the Proposed Plan with minor wording modifications to the “Purpose”. No submissions were received on this designation.

NZTA sought that where the subject of the designation is for State Highway Purposes, but is not limited access road, the wording simply read “State Highway Purposes”. NZTA advise that the Table in Appendix IV describes the locality by identifying the relevant State Highway in the next column, and therefore it is unnecessary to include this as part of the subject.

Where the State Highway is a limited access road, the NZTA suggest that the subject read “State Highway Purposes – Limited Access Road” on the grounds that this information can be useful.

While the changes are to the “Purpose” column in the Table in Appendix IV – Schedule of Requirements and Designations, the modifications sought should not change the overall functioning of the areas designated. The designations are already in existence and therefore already given effect to. This alteration is considered to be minor and falls under Section 181(3)(a) of the RMA.

No formal recommendation is required for the NZTA designations. They will be listed in the Proposed District Plan as follows:

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
New Zealand Transport Agency	State Highway Purposes	State Highway 1	Part Woodlands-Invercargill High-way, East Road, Tay Street, Clyde Street, Bluff Road, Ocean Beach Road, Blackwater Street, Gore Street, Marine Parade and Ward Parade	6, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 22, 26, 27, 28, 29, 30	<u>4847</u>
	State Highway Purposes	State Highway 6	Winton-Lorneville Highway, North Road, Dee Street	2, 6, 8, 9	<u>4948</u>
	State Highway Purposes	State Highway 99	Lorneville-Wallacetown Highway	2	<u>5049</u>
	State Highway Purposes-Limited Access Roads	State Highway 1	Rockdale Road (south side) and eastern boundary of Lot 1, DP 9781 (north side) east to City Boundary - both sides. Bluff Road from north side of Lot 33, DP 9852 (Kingswell Creek) to south side of Lot 2, DP 1905 (Frome Street) - east side. Bluff Road from former City Boundary (part way along Lot 1, DP 11849, 668 Bluff Road) to west boundary of	11, 12, 13, 16, 17, 18, 21, 22, 26	<u>5150</u>

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
			Lot 3, DP 13440 (2360 Ocean Beach Road) - both sides		
	State Highway Purposes - Limited Access Roads	State Highway 6	North Road from City Boundary to north of Lot 1, DP 1905 (470 North Road), west side and north side of Lot 1, DP 14110 (465 North Road) - both sides.	2, 6	<del>5254</del>
	State Highway Purposes-Limited Access Roads	State Highway 99	Lorneville-Wallacetown Highway between State Highway 6 and the City Boundary	2	<del>5352</del>
	State Highway Purposes and Limited Access Road	State Highway 98	Lorne-Dacre Road	2	<del>5453</del>

## NEW ZEALAND RAILWAYS CORPORATION

The New Zealand Railways Corporation has one designation listed in the Operative District Plan and it has been requested that this be rolled over to the Proposed Plan without modification.

A submission was received in respect of this designation from KiwiRail Holdings Ltd (79.1) requesting a change of the name of the requiring authority to "KiwiRail Holdings Ltd". Section 180 of the RMA provides for the situation where a designation is transferred from one designating authority to another. Following notification of the change, the Council is required to amend the District Plan without further formality.

No formal recommendation to KiwiRail Holdings Ltd is required with regard to the designation. Nor is any response required to the submission, other than the Council noting that the designation for "Railway Purposes" will be listed in the Proposed District Plan as follows:

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
New Zealand Railways Corporation <u>KiwiRail Holdings Ltd</u>	Railway purposes	Throughout the District entering from the north and south and terminating at Bluff	Consult District Planning Maps	2, 6, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 22, 26, 27, 28, 29, 30	<del>5554</del>

## TRANSPOWER NZ LTD

Transpower New Zealand has two designations in the Operative District Plan being the Invercargill Substation at 25 Tuai Street and the Tiwai Substation at 1411 Tiwai Road. Transpower New Zealand Ltd sought the rollover of these designations to the Proposed Plan without modification.

No submissions were received on these designations, therefore these designations are to be rolled over into the Proposed District Plan and no formal recommendation is required. The designations will be listed in the Proposed District Plan as follows:

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
Transpower New Zealand Limited	Electricity Substation and Ancillary Structures and Activities, including telecommunications	25 Tuai Street	Lot 1 DP 12414	12	<u>5655</u>
	Electricity Substation and Ancillary Structures and Activities, including telecommunications	1411 Tiwai Road	Lot 2 DP 13987	31	<u>5756</u>

## METEOROLOGICAL SERVICE OF NEW ZEALAND LTD

The Meteorological Service of New Zealand Ltd has two designations in the Operative District Plan that they have sought to roll these over to the Proposed District Plan without modification. No submissions were received on these designations.

No submissions were received on these designations, therefore these designations are to be rolled over into the Proposed District Plan and no formal recommendation is required. The designations will be listed in the Proposed District Plan as follows:

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
Meteorological Service of New Zealand Limited	Meteorological and Administrative Activities	32 Airport Avenue Invercargill	Lot 1 DP 12318	8	<u>7169</u>
	Meteorological Activities	69-106 Invercargill Airport	Lot 1, DP 13285	5	<u>7270</u>

## SOUTHLAND REGIONAL COUNCIL

The Southland Regional Council has one designation in the Operative District Plan which they sought to rollover into the Proposed Plan. While the area of the designation is correctly shown in the Proposed Plan, the locality omits reference to the property at 22 Price Street. This omission arises as a consequence of action taken in 2008 to extend the boundaries of the designation to include that property.

This alteration is considered to be a correction of an error that can be made under Section 181(3)(a) of the RMA. No formal recommendation is required regarding this designation. The designations will be listed in the Proposed District Plan as follows:

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
Southland Regional Council	Southland Regional Council Offices and ancillary uses	220 North Road, <u>and</u> 22 Price Street, Invercargill	Lot 2 DP 10277 and Lot 30 DP 4214	6	79

## INVERCARGILL CITY COUNCIL

The Invercargill City Council has 16 designations listed in the Proposed District that Plan.

### Rollover

The Invercargill City Council has sought to rollover eleven of their listed designations without modification. No submissions were received on these designations and therefore no formal decision is required. These designations will be listed in the Proposed District Plan as follows:

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
Invercargill City Council	Civic Administration Office and Town Hall	101 Esk Street, Invercargill	Sections 5, 6, 7, 17, 18 and Part 16 Block III, Town of Invercargill, Lots 1 and 2 DP 4632	9	80
	Eastern Cemetery	30 and 62 East Road, Invercargill	Lot 1 DP 8051, Part Lot 1 Deeds 121	11	81
	Reserve	6 Ward Parade Bluff	Part Lot 1 LT 513 Town of Campbelltown	29,30	82
	Waste Water Treatment Plant	175 Grant Road Otatara	Section 1, SO 11266, Block XX, Invercargill Hundred and 300m Restricted Building Area	16	84
	Waste Water Treatment Plant	196 Mokokoko Road, Omaui	Section 1 SO 11790, Block V Campbelltown Hundred and 150m Restricted Building Area	21	85
	Waste Water Treatment Plant	53 McGorlick Street, Bluff	Lot 1 DP 15211	28, 30	86

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
	Water Supply Purposes (for the establishment of a new reservoir and pump station)	3/107 and 4/107 Shannon Street Bluff	9379m2 contained within Section 12 and Part Section 13 Block 1 Campbelltown Hundred	28,30	90
	Road widening	8 Dunns Road Otatara	Lot 48 District Plan 1652	15	91
	Service Lane	Spey, Jed, Don, Deveron Street block	Part of Section 5, 18, 19, Block LXII Town of Invercargill	9	<del>92</del> 93
	Service Lane	Yarrow, Deveron, Spey, Kelvin Street block	Lot 4, DP 6890, Part of Lot 2 DP 8913 Sections 2, 3, 4, 5, 6, 7, 16, 17, 18, 19, 20 Block LXV Town of Invercargill, Lot 1 DP 8913, Lots 1 and 2 DP 13169, Lot 1 DP 10785, Lot 1, DP 2679 and Lot 3 DP 2041	9	<del>93</del> 94
	Service Lane	Yarrow, Jed, Spey, Deveron Street block	Part of Lot 1 DP 4007	9	<del>94</del> 95

### Rollover of Existing Designations with Modification

The Invercargill City Council has four designations that they have sought to rollover subject to modifications. No submissions were received on these designations.

The Invercargill City Council has sought to amalgamate a number of previous designations at Lake Street and Station Road, being designations 88, 91 and 96 of the Operative District Plan. This amalgamation is reflected in the Proposed District Plan as proposed Designation 83. The modification does not change the scope of activities on the subject land as the properties were all previously designated for Waste Water Treatment related activities. The boundaries of the sites have not been extended or altered.

Proposed Designations 87 and 88 at Bond Street reflect an update of the legal references for the properties following a subdivision that changed the boundaries of the sites. This modification will not result in effects on the environment that are more than minor, and reflects the current activities being carried out on the sites.

The Council has sought to reduce the size of the designated area at 75 Suir Street, Bluff to more accurately reflect the current use of the property. The effects of altering the boundaries of the designation will be less than minor in effect.

The modifications will not change the overall purpose of the designations. As the activities covered by the designations are already in existence and therefore already given effect to, any adverse effects on the environment are expected to be no different from the current situation and are part of the existing environment. A consideration of alternative sites, routes or methods is not necessary as the activities are already in existence and, apart from 75 Suir Street which is reducing the size of the designated area, the designations are not changing in terms of its physical extent. The designations are considered reasonably necessary to achieve the objectives of the requiring authority.

These alterations are minor and can be made under Section 181(3)(a) of the RMA. The designations will be listed in the Proposed District Plan as follows:

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
Invercargill City Council	Waste Water Treatment Plant and Biosolids Processing	11 Lake Street Invercargill and the Empoundment Area west of Lake Street.	Section 87 SO 7500 Block XIX, Invercargill Hundred, Section 6, 7, 8, 9, 10 and 11 SO 431 Block XIX Invercargill Hundred, Part Section 12 Block XIX Invercargill Hundred. Lot 1 DP 5986 Part of Part Section 10, Block III Invercargill Hundred added	17	83
	Solid Waste Management Centre	303 Bond Street Invercargill	Lot 3 DP 421886	8	87
	Composting Facility	351 Bond Street Invercargill	Lot 4 DP 421886	8	88
	Solid Waste Management Centre, Bluff	75 Suir Street Bluff	Pt Section 15 Blk I Campbell Town Hundred	28, 30	89

### Removal of Designations

The Invercargill City Council has requested the removal of two designations shown in the Proposed District Plan. No submissions were received on these designations.

Part 4 Bond Street, Invercargill, was designated in the Operative District Plan for road widening work. It is noted that the designation listed in the Proposed District Plan for road widening on the land at Part of 7 to 9 Victoria Avenue covers the same land was referred to in the Part 4 Bond Street designation. Now that the road widening work has been completed, there is no longer a need for these designations.

14 Marine Parade was designated for a reserve in the Operative District Plan. This land has since been purchased by the Council's Parks Department and there is no longer a need for the designation.

Section 182 of the RMA requires that the designations be removed from the Proposed Plan without further formality.

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
Invercargill City Council	Reserve	14 Marine Parade, Bluff	Part Lot 3, Deeds Plan 55, Town of Campbelltown	29, 30	77
	Road Widening	Part 4 Bond Street, Invercargill	Part of Lot 13, DP5221 Section 2, SO 4835	8	80
	Road widening	Part of 7 to 9 Victoria Avenue	Part of Lot 13 DP 5221		92

## **INCLUDING CONDITIONS ON DESIGNATIONS IN THE DISTRICT PLAN**

### **The Submissions**

Submissions 102.23 Chorus NZ Ltd and 104.21 Spark New Zealand Ltd consider that the conditions on their designations should be included in the District Plan. The submitters request that the conditions they propose on their designations be included in the District Plan.

### **Decision 28/1**

These submissions are accepted in part.

### **Amendments to District Plan**

- (i) Include the conditions applying to all designations within Appendix VI
- (ii) Include an additional column in the Table in Appendix 4 to identify those designations with conditions.

### **Reasons**

1. It is good practice to include the conditions applying to designations in the District Plan. They are publicly available information and the District Plan is the most logical and convenient place to enable ready access by the public and those with an interest in the designations.
2. It is appropriate to include conditions relating to all designations in the District Plan, not just the designations of Chorus and Spark.
3. Not all conditions sought by Chorus and Spark had been recommended for inclusion on their designations.

## **OUTLINE PLAN WAIVER**

Section 176A of the RMA specifies that requiring authorities must submit details of works to be undertaken on designated sites to the Territorial Authority in the form of an outline plan showing:

- (a) the height, shape, and bulk of the public work, project, or work; and
- (b) the location on the site of the public work, project, or work; and
- (c) the likely finished contour of the site; and
- (d) the vehicular access, circulation, and the provision for parking; and
- (e) the landscaping proposed; and
- (f) any other matters to avoid, remedy, or mitigate any adverse effects on the environment.

The Territorial Authority may request changes before construction is commenced. The requiring authority then has a discretion to accept or reject the request, although a right of appeal to the Environment Court in relation to the decision of the requiring authority.

Section 176A(2) of the RMA specifies that an outline plan need not be submitted to the Territorial Authority if:

- (a) the proposed public work, project, or work has been otherwise approved under this Act; or

- (b) the details of the proposed public work, project, or work, as referred to in subsection (3), are incorporated into the designation; or
- (c) the territorial authority waives the requirement for an outline plan.

The Proposed Plan at page 5-39 lists the "Circumstances when an outline plan is not required" as follows:

*An Outline Plan of works will not be required where all of the following standards are met:*

1. *The envelope of effects will not change from those identified in the notice of requirement;*
2. *There will be no change to the existing footprint for development on the site;*
3. *Existing structures are to be maintained or upgraded and there is no discernible change to the visual appearance of the site;*
4. *Compliance with the relevant industry Code of Practice will be achieved;*
5. *The contour of the site is to remain unchanged;*
6. *Existing structures are to be relocated on the site and where the effects of such relocation will be the same or similar as those for the existing location;*
7. *Compliance with noise standards in the Plan is achieved; and*
8. *There is no significant increase in the amount of hazardous substances to be stored on the site.*

No submissions have been lodged to this provision.

The following requiring authorities have requested that a condition be imposed on their designations to the effect that they are exempt from the Outline Plan process as follows:

#### Spark New Zealand Ltd and Chorus New Zealand Ltd

*That no outline plan shall be required for any internal building works that do not result in any increases in noise emissions, or for the replacement of any antennas with antennas of similar size provided that there is no overall increase in the overall height of the facility.*

#### Electricity Invercargill Ltd and The Power Company Ltd

*That no outline plan shall be required for any works that do not result in any increases in noise emissions, or for the replacement of any transformers, poles, support structures, switchgear, cables or conductors provided that there is no overall increase in the height of the facility.*

Section 176A(2)(c) provides a discretion to the Council. Having regard to the advice of Mrs Devery in her Section 42A Report, and in response to matters discussed with her at the hearing, the Committee has concluded that the issue of a waiver of the type sought by the requiring authorities cannot be the subject of a valid condition on a designation. The requiring authority makes the formal decision on conditions recommended under Section 171(2) of the RMA. The inclusion of a waiver condition would effectively represent the delegation of the Council's powers to the requiring authority, and the RMA does not provide for that.

As a consequence, no waiver conditions have been recommended by the Committee for inclusion on new or modified designations as part of the current process. In the Committee's view, it is appropriate to include in the District Plan the criteria the Council will have regard to in considering any request to waive the submission of an Outline Plan. As noted above, no submissions have been lodged to the District Plan provisions and no change can be made to them. Even if the above exemptions were sought as a submission on those provisions, it would have been the decision of the Committee to reject those submissions. The matters



raised in the suggested conditions are generally dealt with already in the District Plan provisions.

Dated at Invercargill this 11<sup>th</sup> day of October 2016



Councillor Darren Ludlow (Chair)



Councillor Neil Boniface



Councillor Graham Sycamore



Keith Hovell