



## **PROPOSED INVERCARGILL CITY DISTRICT PLAN**

### **Recommendation 28C**

#### **Designations**

#### **Chorus New Zealand Ltd**

#### **Hearings Committee**

Councillor Darren Ludlow (Chair)

Councillor Neil Boniface

Councillor Graham Sycamore

Keith Hovell

11 October 2016

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## **INTRODUCTION**

The Hearing to consider the matters set out in this recommendation was held in the Council Chambers of the Invercargill City Council on 2 and 3 March 2015.

In this recommendation, the following meanings apply:

"Chorus" means Chorus New Zealand Limited.

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

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

"RMA" means the Resource Management Act 1991.

"Spark" means Spark New Zealand Limited.

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 submitters, referred to.

The Council is required by Section 171 to make a recommendation to the requiring authority where a designation is modified. The Invercargill City Council may recommend the modification be confirmed, with or without further modification, or withdrawn.

The Committee received a Section 42A report on Designations from Liz Devery, Senior Policy Planner with the Invercargill City Council.

Chorus NZ Ltd was not represented at the hearing but evidence was tabled.

### **Material Tabled at the Hearing**

An unsigned submission from Chorus and Spark outlined that in requesting a rollover in designations to the Proposed Plan no changes to the boundaries of sites was sought, but conditions were promoted as a positive step to provide national consistency for operational needs and for neighbours of facilities, and also to balance managing potential environmental effects of the facilities. The submission notes that the Section 42A Report seeks to add further conditions and where these mirror District Plan zoning rules they are not supported. Reference is made to the Outline Plan process as being available to the Council to seek changes to any development occurring on the site.

The submission also referred to Clause 9(3) of the First Schedule of the RMA, which indicates that in the absence of any submissions to a designation that is rolled over without modification, no recommendation is to be made by the Council.

Attached to the submission was a copy of the recommendations from the Section 42A Report, with deletions and changes suggested, including removal of conditions requiring a boundary setback of 4 metres for the Bluff Exchange, site coverage and reference to water quality at a number of sites, and amendment to the conditions referring to the height of buildings and structures at various sites.

## **CORRECTION OF DESIGNATION NOTATION**

Spark NZ Ltd lodged a submission (104.22) clarifying that the primary designating authority for Designation 39, 10 The Crescent, Invercargill, is Spark NZ Ltd, and not Chorus NZ Ltd, as was listed in Appendix III of the Proposed Plan. It is appropriate to amend the Appendix to accurately reflect the roles of the designating authorities by deleting this designation from the listing for Chorus and retaining it under the Spark NZ Ltd Designations

This designation was included by error. Section 182 of the RMA requires that the change be made without further formality.

## **MODIFICATION OF EXISTING DESIGNATIONS**

Chorus NZ Ltd lodged notices of requirement requesting modification to their existing designations for the following sites:

- 70 Barrow Street, Bluff
- 24 Clifton Street, Invercargill
- 113 John Street, Invercargill
- 273 North Road, Invercargill
- 71 Kennington- Roslyn Bush Road
- 1997 Winton- Lorneville Highway
- 180 Flagstaff Road, Bluff
- 32 Oreti Road, Otatara

Chorus NZ Ltd promoted conditions for each of these sites as a positive step to provide national consistency for operational needs, for the neighbours of facilities, and also to balance managing potential environmental effects of the facilities.

### **General Issues**

For each of the designated sites there are several common issues as follows:

#### **Radiofrequency Exposure**

Chorus as part of their notice of requirement suggested the inclusion of a condition referring to Radiofrequency Exposure. The evidence submitted at the hearing on behalf of Chorus, highlighted that this matter is dealt with by Regulation 4 of the National Environmental Standard for Telecommunication Facilities 2008. As a consequence, the Committee agrees that a condition referring to this matter is no longer required.

#### **Outline Plan Waiver**

Decision 28A discusses the request of various requiring authorities to include a condition on their designations to waive the submission of an outline plan where particular conditions are met. As set out in that Decision, the Committee has concluded that such a condition is not valid. Nor does the Committee consider the inclusion of such a condition appropriate taking into account the provisions included in the Proposed Plan.

#### **Amended District Plan Provisions**

The Committee noted that since the Hearing on designations there have been amendments made to the Noise provisions of the Proposed District Plan through Variation 2. Decision 19 Infrastructure, also amends the provisions applying to communication masts and associated antenna. Where these changes are more permissive than those notified in the Proposed

Plan, for consistency, amendments have been made to the conditions sought by Chorus in the recommendations set out below.

### **70 Barrow Street, Bluff**

Chorus NZ Ltd lodged a notice of requirement requesting modification to their rolled over designation for the Bluff Exchange located at 70 Barrow Street Bluff, being Part of Section 3 Block XII Town of Campbelltown, Lots 1, 1A and 11 Block II DP 225. The modification sought by Chorus is to include conditions in respect of future works on the site.

#### **Section 42A Report**

Mrs Devery, in her Section 42A Report, noted the Barrow Street site is located in the Industrial 1 Zone in the Proposed District Plan, and that as a result the maximum height within this zone is 12 metres. The Conditions sought by Chorus proposed a maximum of height of 10 metres. Mrs Devery recommended amending Condition 4 to allow buildings to have a maximum height of 12 metres to be consistent with the proposed zoning of the site.

The Section 42A Report also discussed the siting of future buildings and structures on the property. As the site adjoins residentially zoned properties, Mrs Devery considered that a new condition should be included requiring all new buildings and structures to be set back four metres from those properties in the Residential 2 Zone.

Mrs Devery also recommended that Condition 5 on Noise be amended to reflect noise standards NZS 6801:2008 Acoustics - Measurement of Environmental Sound and 6802:2008 - Acoustics Environmental Noise. She considered that this would make the condition consistent with the way noise is measured under the District Plan.

#### **Evidence Tabled**

A statement was tabled from Mary Barton of Chorus NZ Ltd. This stated that the 4 metres setback for new buildings and structures in relation to the adjoining residentially zoned properties was not required and suggested that this condition be removed.

The other amendments recommended by Mrs Devery were not opposed.

#### **Consideration of the Issues**

The issue in dispute between Chorus and Council staff related to the recommended 4 metre setback for any new buildings and structures where the site adjoins land within the Residential 2 Zone. Given the size of the site at 70 Barrow Street (1912m<sup>2</sup>) and the location of residences on adjoining properties, the Committee concluded there would be a low risk of any new buildings or structures having significant adverse effects on the surrounding residential properties. Condition 4 included in the Notice of Requirement requires buildings to comply with the District Plan "height in relation to boundary" controls along boundaries shared with the Residential 2 Zone. Rule 3.29.4(B) of the Proposed Plan applies a recession plane in Infogram 4. The Committee accepts that buildings complying with this recession plane requirement will not adversely impact on the amenity values of the adjoining residential areas. In the circumstances the recommended 4 metre setback is not required.

#### **Recommendation**

Pursuant to Section 171(2) of the RMA, it is recommended that the requirement for the site at 70 Barrow Street, Bluff, be confirmed subject to the conditions set out below.

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
Chorus New Zealand Limited	Telecommunication and radio-communication and Ancillary Purposes	70 Barrow Street Bluff	Part Section 3, Block XII, Town of Campbelltown, Lots 1, 1A and 11, Block II DP 225	29, 30	37
<p><b>Conditions</b></p> <p><b>Height – Masts and antennas</b></p> <ol style="list-style-type: none"> <li>That the height of any mast (excluding any lightning rod) shall not exceed 15m.</li> <li>Any new mast and associated antennas shall comply with the relevant height in relation to boundary controls from adjoining Residential 2 Zone boundaries as included in the Invercargill City District Plan.</li> <li>Antennas mounted on the roof of buildings, and on any mast, shall not extend more than 3.5 metres above the maximum height of the roof of any that building or mast.</li> </ol> <p><b>Buildings</b></p> <ol style="list-style-type: none"> <li>Any buildings, excluding masts, exhaust flues, antennas and air conditioning equipment shall be contained within the following building envelope:  <i>Height – 12 metres</i>  <i>Height in relation to boundary – shall comply with the relevant height in relation to boundary controls from adjoining Residential 2 Zone boundaries as included in the Invercargill City District Plan.</i>            Except this shall not restrict the maintenance, upgrading and replacement of any existing building where it infringes this condition, provided there is no additional exceedance of the standards with this condition.</li> </ol> <p><b>Noise</b></p> <ol style="list-style-type: none"> <li>Any new noise generating equipment (excluding any electricity alternator required for emergency backup power generation) shall not exceed the following noise limits:            At or within the boundary of any other site within the  <b>Industrial 1 Zone:</b>            0700 – 2200 pm on any day: 65 dB L<sub>Aeq</sub>            2200 pm – 0700 am on any day: 50 dB L<sub>Aeq</sub>  <b>Residential 2 Zone:</b>            0700 – 2200 pm on any day: 55 dB L<sub>Aeq</sub>            2200 pm – 0700 am on any day: 40 dB L<sub>Aeq</sub></li> <li>Where existing site noise already exceeds the levels in condition 5 above, that any new noise generating equipment (excluding any electricity alternator required for emergency backup power generation and/or load shedding) shall cumulatively in combination with any other noise generating equipment on the site not result in any increase in existing noise levels received at any other property boundary. A noise assessment may need to be submitted as part of any outline plan to confirm the existing noise levels and predicted new noise levels to confirm compliance with this condition.</li> <li>For any new electricity alternator required for emergency backup power generation and/or load shedding that exceeds the noise limits in Condition 5 above, that an outline plan shall be required that demonstrates how the equipment and any mitigation is the best practicable option (BPO) to ensure that noise levels do not exceed a reasonable level.</li> </ol>					



## **24 Clifton Street, 113 John Street and 273 North Road**

Chorus NZ Ltd lodged a notice of requirement requesting modification to their existing designations for the following sites within the Residential 1 Zone of the Proposed Plan:

- Invercargill East Exchange, located at 24 Clifton Street, Invercargill being Lot 16 Block XIV DP 84
- South Invercargill Exchange, located at 113 John Street, Invercargill being Lot 1 DP 13091
- Waikiwi Exchange, located at 273 North Road, Invercargill being Lot 4 DP 6336

The modification sought by Chorus is to include conditions in respect of future works on the site.

### **Section 42A Report**

In her Section 42A Report, Mrs Devery noted that the maximum height for masts and antennas in the conditions sought by Chorus was proposed at 15 metres. She noted that this exceeds the maximum 10 metres height sought by Chorus for these structures in the Proposed District Plan provisions for the Residential 1 Zone. She stated that should these structures be built up to 15m in height, they will extend above other buildings and structures in the Residential 1 Zone, however the effects of this would be mitigated through the requirement for masts and antennas to comply with the height in relation to boundary controls for the zone.

Mrs Devery considered the other rules for the Residential 1 Zone in respect of the location of buildings and structures on sites and site coverage. She noted that all three sites have buildings that are within 4 metres of the boundary and have site coverage of more than 35%, exceeding the Proposed Plan environmental standards for the Residential 1 Zone. In response to this, Mrs Devery recommended that for new buildings and structures on the sites maximum site coverage of 50% should be set, to ensure that residential amenity of adjoining properties is not significantly affected.

She also noted that the three sites have “very little if any” permeable surfaces, which the Proposed District Plan now requires in the Residential 1 Zone. Her recommendation was to require at the time new building proposed that a plan indicating how storm water is to be managed in terms of the quantity and quality be submitted to Council.

### **Evidence Tabled**

In the evidence tabled at the Hearing, Ms Barton of Chorus NZ Ltd opposed the implementation of a maximum 50% site coverage, as it would mean that essential activities on the sites may require resource consent, which was considered unnecessary. She also opposed the condition requiring the issue of stormwater quantity and quality to be addressed as part of the outline plan process.

Ms Barton advised that Chorus accepted the other modifications recommended in the Section 42A Report.

### **Consideration of the Issues**

The Committee noted that in terms of the site coverage, these three sites already exceed the 35% site coverage requirement stipulated for the Residential 1 Zone in the Proposed District Plan, with the building 24 Clifton Street at approximately 50% site coverage. However, it considered no action was required because the buildings on the three sites have been

established for over 30 years and residential development and redevelopment has occurred on adjoining sites without any issues arising. The Committee was satisfied that any proposals to further develop the sites in the future and increase the footprint of the buildings can be adequately assessed through the outline plan procedure, and any concerns dealt with at that time. The Committee concluded, the conditions relating to the height of the structures and compliance with the recession plane provisions will ensure that some of the residential amenity values are retained.

While increasing areas of impermeable surfaces can compromise stormwater capacity, given that all three of these sites already have minimal areas of permeable surfaces, any future development is unlikely to lead to a significant increase in effects on water quality and quantity.

## Recommendation

Pursuant to Section 171(2) of the RMA, it is recommended the requirements for the sites listed be confirmed subject to the conditions set out below.

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
Chorus New Zealand Limited	Telecommunication and Radio-communication and Ancillary Purposes	24 Clifton Street Invercargill	Lot 16 Block XIV DP 84	10	38
	Telecommunication and Radio-communication and Ancillary Purposes	113 John Street Invercargill	Lot 1 DP 13091	10	42
	Telecommunication and Radio-communication and Ancillary Purposes	273 North Road Invercargill	Lot 4 DP 6336	6	43

### Conditions

#### **Height – Masts and antennas**

1. That the height of any mast (excluding any lightning rod) shall not exceed 10 metres.
2. Any new mast and associated antennas shall comply with the relevant height in relation to boundary controls from adjoining residentially zoned boundaries as included in the Invercargill City District Plan.
3. Antennas mounted on the roof of buildings, and on any mast, shall not extend more than 3.5 metres above the maximum height of the roof of any that building or mast.

#### **Buildings**

4. Any buildings, excluding masts, exhaust flues, antennas and air conditioning equipment shall be contained within the following building envelope:

*Height – 10 metres*

*Height in relation to boundary* – shall comply with the relevant height in relation to boundary controls from adjoining residential boundaries as included in the Invercargill City District Plan.

Except this shall not restrict the maintenance, upgrading and replacement of any existing building where it infringes this condition provided there is no additional exceedance of the standards with this condition.

#### **Noise:**

5. Any new noise generating equipment (excluding any electricity alternator required for emergency backup power generation) shall not exceed the following noise limits:

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
	At or within the boundary of any other site within the Residential 1 Zone: 0700 – 2200 on any day: 55 dBA L <sub>Aeq</sub> 2200 – 0700 on any day: 40 dBA. L <sub>Aeq</sub>				
6.	Where existing site noise already exceeds the levels in condition 5 above, that any new noise generating equipment (excluding any electricity alternator required for emergency backup power generation and/or load shedding) shall cumulatively in combination with any other noise generating equipment on the site not result in any increase in existing noise levels received at any other property boundary. A noise assessment may need to be submitted as part of any outline plan to confirm the existing noise levels and predicted new noise levels to confirm compliance with this condition.				
7.	For any new electricity alternator required for emergency backup power generation and/or load shedding that exceeds the noise limits is Condition 5 above, that an outline plan shall be required that demonstrates how the equipment and any mitigation is the best practicable option (BPO) to ensure that noise levels do not exceed a reasonable level.				

### **71 Kennington – Roslyn Bush Road and 1997 Winton – Lorneville Highway**

Chorus NZ Ltd lodged a notice of requirement requesting modification to their existing designations for the following sites within the Rural Zone of the Proposed Plan, although the zoning has been amended to Rural as a consequence of a decision to amalgamate the rural zones.

- Kennington Exchange located at, 71 Kennington – Roslyn Bush Road Invercargill being Section 1 SO 9147 and Section 1 SO 6694 Block V Invercargill Hundred
- Makarewa Exchange located at 1997 Winton - Lorneville Highway being Section 1 SO 6001 and part Section 9 Block IV Town of Makarewa, situated in Block III Invercargill Hundred.

The modification sought by Chorus is to include conditions in respect of future works on the site.

#### **Section 42A Report**

Mrs Devery, in her Section 42A Report, noted that the height for masts and antennas was proposed at 25 metres which exceeds the maximum 10 metre height for the Rural 1 Zone. Mrs Devery, while acknowledging that a 25 metre maximum height would not shade any residences, considered that because of the size of the sites and their different environment contextual nature that a maximum height of 20 metres for the Kennington site and 15 metres for the Makarewa site was appropriate. She also considered that there was no need for height controls in relation to the boundary

There were no other significant issues raised in the report, although Mrs Devery considered that proposed Condition 2 related to Bluff Hill site only and should be deleted from the conditions for these properties.

#### **Evidence tabled**

The tabled statement from Ms Barton of Chorus NZ Ltd opposed amendments to the maximum height for masts and antennas on that grounds that the original height proposed is considered as necessary for these sites.

Ms Barton stated that Chorus accepts the other modifications recommended in the Section 42A Report.

### Consideration of the Issues

The only significant issue raised in relation to these designations is that of the height of antennas and masts. Ms Barton and Mrs Devery had differing points of view in relation to the maximum height of masts and associated antenna on these sites, as set out above. In considering this matter, the Committee is mindful of Infrastructure Decision 19/70 that provides enables masts of up to 25 metres in height in the Rural Zone, with antenna extending a further five metres in height beyond that. The Committee is of the view that the same provisions should apply to these designations.

### Recommendation

Pursuant to Section 171(2) of the RMA, it is recommended the requirements for the sites listed be confirmed subject to the conditions set out below.

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
Chorus New Zealand Limited	Telecommunication and Radio-communication and Ancillary Purposes	71 Kennington-Roslyn Bush Road	Section 1 SO 9147 and Section 1 SO 6694, Block V Invercargill Hundred	13	39
	Telecommunication and Radio-communication and Ancillary Purposes	1997 Winton-Lorneville Highway	Section 1 SO 6001 and being Part Section 9 Block IV Town of Makarewa	2	40

#### Conditions

##### **Height – Masts and antennas**

1. That the height of any mast (excluding any lightning rod) shall not exceed 25 metres.
2. Antennas mounted on the roof of buildings, and on any mast, shall not extend more than 3.5 metres above the maximum height of the roof of any that building or mast.

##### **Building**

3. Any buildings, excluding masts, exhaust flues, antennas and air conditioning equipment shall be contained within the following building envelope:

*Height – 10 metres*

Except this shall not restrict the maintenance, upgrading and replacement of any existing building where it infringes this condition provided there is no additional exceedance of the standards with this condition.

##### **Noise:**

4. Any new noise generating equipment (excluding any electricity alternator required for emergency backup power generation) shall not exceed the following noise limits within the notional boundary of any noise sensitive activity:
  - 0700 – 2200 on any day: 55 dBA  $L_{Aeq}$
  - 2200 – 0700 on any day: 45 dBA.  $L_{Aeq}$
5. Where existing site noise already exceeds the levels in condition 4 above, that any new noise generating equipment (excluding any electricity alternator required for emergency backup power generation and/or load shedding) shall cumulatively in combination with any other noise generating equipment on the site not result in any increase in existing noise levels received at any other property boundary. A noise assessment may need to be submitted as part of any outline plan to confirm the

existing noise levels and predicted new noise levels to confirm compliance with this condition.

6. For any new electricity alternator required for emergency backup power generation and/or load shedding that exceeds the noise limits in Condition 4 above, that an outline plan shall be required that demonstrates how the equipment and any mitigation is the best practicable option (BPO) to ensure that noise levels do not exceed a reasonable level.

### **180 Flagstaff Road**

Chorus NZ Ltd lodged a notice of requirement requesting modification to their existing designation for the Bluff Hill Microwave Station, located at Part 180 Flagstaff Road, being Part of Section 25 Block I Campbelltown Hundred. The modification sought by Chorus is to include conditions in respect of future works on the site.

### **Section 42A Report**

In her Section 42A report, Mrs Devery considered that the Bluff Hill site was different from the other rural sites due to its location. She noted that Bluff Hill, or Motupohue, is a statutory acknowledgement area and a scenic reserve in Department of Conservation (“DoC”) ownership. A letter from DoC, dated 16 September 2011, was provided with the Notice of Requirement stating that they had no concerns about the roll-over of the designation.

Mrs Devery acknowledged that there are a number of telecommunication and radiocommunication installations on the site. Bluff Hill is also identified in the Proposed District Plan as an Outstanding Natural Feature and Landscape. It is in the Coastal Environment and also contains areas of significant indigenous vegetation. Because this designation is located within this valued area of the District, it was her opinion that the issues around visual effects, ground disturbance and disturbance of the vegetation need to be addressed in the conditions. Mrs Devery developed three conditions (9, 10, and 11) to ensure future work on this site would not have a negative effect on the surrounding environment.

### **Evidence tabled**

The statement tabled by Ms Barton of Chorus NZ Ltd opposed the implementation of conditions 10 and 11 in relation earth works and measures to avoid remedy or mitigate adverse effects on the outstanding natural features and landscapes, significant indigenous vegetation, cultural and heritage values of the site. The evidence did not oppose condition 9 in respect of an accidental find.

Ms Barton stated that Chorus accepts the other modifications recommended in the Section 42A Report.

### **Consideration of the Issues**

While Bluff Hill area is a highly valued site in the Invercargill City District, as detailed in Mrs Devery’s report, this is an existing designated area, which has been highly modified and used for infrastructural purposes over a number of years. An area of approximately 515 square metres has already been cleared of vegetation, with the site being fenced and containing an existing building. The Committee considers that while future earthworks and development on the site has the potential to create off-site effects, if further development was to occur within the designated area the level of impact will be minimal. The Committee does not therefore consider it necessary to include the condition recommended by Mrs Devery that sought to address these potential off-site effects.

The Committee also noted, there are associated masts and antenna outside the designated area and these will be subject to the provisions of the Proposed District Plan and any licencing requirements from the Department of Conservation.

## Recommendation

Pursuant to Section 171(2) of the RMA, it is recommended that the requirement for the site at Flagstaff Road, Bluff, be confirmed subject to the conditions set out below.

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
Chorus New Zealand Limited	Telecommunication and Radio-communication and Ancillary Purposes	Part 180, Flagstaff Road, Bluff	Part of Section 25 Block I Campbelltown Hundred	29,30	44
<p><b>Conditions</b></p> <p><b>Height – Masts and antennas</b></p> <ol style="list-style-type: none"> <li>That the height of any mast (excluding any lightning rod) shall not exceed 25 metres.</li> <li>Antennas mounted on the roof of buildings, and on any mast, shall not extend more than 3.5 metres above the maximum height of the roof of any that building or mast.</li> <li>Notwithstanding Conditions 1 and 2, the antennas or dishes on the mast existing on the Bluff Hill site on [decision date] may be upgraded, reconfigured or additional antennas or dishes installed subject to there being no increase in the overall height of the mast and attached antennas.</li> <li>All masts, antennas and support structures shall be painted or supplied in a recessive colour or supplied in a material that will weather to a dull finish (e.g. galvanised steel brackets and antenna components) excluding any Global Positioning System (GPS) Antenna.</li> </ol> <p><b>Buildings</b></p> <ol style="list-style-type: none"> <li>Any buildings, excluding masts, exhaust flues, antennas and air conditioning equipment shall be contained within the following building envelope: <i>Height – 10 metres</i> Except this shall not restrict the maintenance, upgrading and replacement of any existing building where it infringes this condition provided there is no additional exceedance of the standards with this condition.</li> </ol> <p><b>Noise</b></p> <ol style="list-style-type: none"> <li>Any new noise generating equipment (excluding any electricity alternator required for emergency backup power generation) shall not exceed the following noise limits within the notional boundary of any noise sensitive activity: 0700 – 2200 on any day: 55 dBA L<sub>Aeq</sub> 2200 – 0700 on any day: 45 dBA. L<sub>Aeq</sub></li> <li>Where existing site noise already exceeds the levels in condition 6 above, that any new noise generating equipment (excluding any electricity alternator required for emergency backup power generation and/or load shedding) shall cumulatively in combination with any other noise generating equipment on the site not result in any increase in existing noise levels received at any other property boundary. A noise assessment may need to be submitted as part of any outline plan to confirm the existing noise levels and predicted new noise levels to confirm compliance with this condition.</li> <li>For any new electricity alternator required for emergency backup power generation and/or load shedding that exceeds the noise limits in Condition 6 above, that an outline plan shall be required that demonstrates how the equipment and any mitigation is the best practicable option (BPO) to ensure that noise levels do not exceed a reasonable level.</li> </ol>					

#### **Accidental find**

9. That any Koiwi (human skeletal remains), waahi taonga (resource of importance) or waahi tapu (place will feature a special significance) or artefact material are discovered as part of the construction process, then work shall stop to allow a site inspection by the appropriate rūnanga and their advisers, who would determine whether the discovery is likely to be extensive and whether a thorough site investigation is required. Material that is discovered should be handled and removed by tribal representatives responsible for the tikanga (custom) appropriate to the removal or preservation.

### **32 Oreti Road**

Chorus NZ Ltd lodged a notice of requirement requesting modification to their existing designation for this site within the Otatara Zone of the Proposed Plan, located at 32 Oreti Road, Otatara, being Lots 6 and 7 DP 5523. The modification sought by Chorus is to include conditions in respect of future works on the site.

#### **Section 42A Report**

Mrs Devery's report on this notice of requirement focused on the proposed height of antennas and masts. She noted that the height sought of 15 metres exceeded the 10 metres permitted in the Otatara Zone. It was noted that Chorus have promoted a condition requiring masts and antenna to comply with the District Plan 'height in relation to boundary' provisions. Because of this, Mrs Devery concluded that this would manage some of the effects of these structures on the adjoining properties.

She did suggest that due to the location of houses at 30 and 40 Oreti Road that a condition be included to require a 4m setback for all new buildings from the boundaries adjoining these properties.

#### **Evidence Tabled**

The tabled evidence of Ms M Barton of Chorus NZ Ltd opposed the implementation of a condition requiring a setback of 4 metres from the boundaries adjoining the properties at 30 and 40 Oreti Road. Chorus considered that the standards for the underlying zone should not be applied as that is not the intent of the designation framework.

#### **Consideration of the Issues**

The only significant issue raised was that of the 4 metre setback for new buildings recommended by Mrs Devery. While the Council is not obliged to apply all of the development standards from the Proposed District Plan on a designation, the Committee was of the view that it is appropriate to consider the designation in light of the environmental context of the site.

The existing exchange building (of approximately 40 square metres) is situated in the eastern corner of the site. It is approximately 35 metres from the boundary of 30 Oreti Road, and 30 metres from the boundary of 40 Oreti Road. While the site has a historic designation and has been used for non-residential purposes, the site is largely undeveloped, and in the Committee's view, the neighbours currently enjoy reasonable separation from the structures. The designation on the site, however, would enable further development and it is appropriate to consider the potential effects of such development on the environment and, in particular, on the neighbouring properties.

It is considered that 40 Oreti Road would be most affected should the non-residential use expand and develop up to the property boundaries. With the residence at 40 Oreti Road only three metres from the south-western boundary, future non-residential development up

to this boundary would potentially have a negative impact on this residence. This potential effect should be addressed by way of conditions. The Committee considers that there is sufficient separation between the site and the residence located at 30 Oreti Road to justify not having a setback requirement from that boundary.

## Recommendation

Pursuant to Section 171(2) of the RMA, it is recommended that the requirement for the site at 32 Oreti Road, Otatara, be confirmed subject to the conditions set out below.

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
Chorus New Zealand Limited	Telecommunication and Radio-communication and Ancillary Purposes	32 Oreti Road Otatara	Lots 6 and 7 DP 5523	15	41
<p><b>Conditions</b></p> <p><b>Height – Masts and antennas</b></p> <ol style="list-style-type: none"> <li>That the height of any mast (excluding any lightning rod) shall not exceed 10 metres.</li> <li>Any new mast and associated antennas shall comply with the relevant height in relation to boundary controls from adjoining Otatara zoned boundaries as included in the Invercargill City District Plan.</li> <li>Antennas mounted on the roof of buildings, and on any mast, shall not extend more than 3.5 metres above the maximum height of the roof of any that building or mast.</li> </ol> <p><b>Buildings</b></p> <ol style="list-style-type: none"> <li>Any buildings, excluding masts, exhaust flues, antennas and air conditioning equipment shall be contained within the following building envelope:  <i>Height – 10 metres</i>                      Height in relation to boundary – shall comply with the relevant height in relation to boundary controls from adjoining boundaries as included in the Invercargill City District Plan.                      Except this shall not restrict the maintenance, upgrading and replacement of any existing building where it infringes this condition provided there is no additional exceedance of the standards with this condition.</li> <li>All new buildings and structures shall be set back at least 4m from the boundary adjoining the properties at 40 Oreti Road, Otatara.</li> </ol> <p><b>Noise</b></p> <ol style="list-style-type: none"> <li>Any new noise generating equipment (excluding any electricity alternator required for emergency backup power generation) shall not exceed the following noise limits:                      At or within the boundary of any other site within the Otatara Zone:                          0700 – 2200 on any day: 55 dB L<sub>Aeq</sub>                          2200 – 0700 on any day: 40 dB L<sub>Aeq</sub></li> <li>Where existing site noise already exceeds the levels in condition 5 above, that any new noise generating equipment (excluding any electricity alternator required for emergency backup power generation and/or load shedding) shall cumulatively in combination with any other noise generating equipment on the site not result in any increase in existing noise levels received at any other property boundary. A noise assessment may need to be submitted as part of any outline plan to confirm the existing noise levels and predicted new noise levels to confirm compliance with this condition.</li> <li>For any new electricity alternator required for emergency backup power generation and/or load shedding that exceeds the noise limits is Condition 5 above, that an outline plan shall be required that</li> </ol>					



demonstrates how the equipment and any mitigation is the best practicable option (BPO) to ensure that noise levels do not exceed a reasonable level.


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



Councillor Darren Ludlow (Chair)



Councillor Neil Boniface



Councillor Graham Sycamore



Keith Hovell