



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Decision No. 28F

Designations

Electricity Invercargill Ltd

Hearings Committee

Councillor Darren Ludlow (Chair)

Councillor Neil Boniface

Councillor Graham Sycamore

Keith Hovell

11 October 2016

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INDEX

| | |
|--|---|
| Introduction | 1 |
| Modification of Existing Designations | 1 |
| New Notice of Requirement – 273 Racecourse Road | 2 |
| Section 42A Report | 2 |
| Evidence on behalf of Electricity Invercargill Ltd | 3 |
| Consideration of the Issues..... | 3 |
| Recommendation..... | 3 |

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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:

"EIL" means Electricity Invercargill 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.

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 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 The Invercargill City Council may recommend the modification be confirmed, with or without further modification, or withdrawn.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.

Electricity Invercargill Ltd was represented at the Hearing by Joanne Dowd of Mitchell Partnerships Ltd.

MODIFICATION OF EXISTING DESIGNATIONS

Electricity Invercargill Ltd sought to roll over four designations subject to minor modifications. These existing designations are at 101 Doon Street, 56 Leven Street, 151 Lime Street and 219 Spey Street. The modification was to the purpose of the designation, including the word "substation" so that the purpose for the designations reads "Electricity Zone Substation and Ancillary Purposes". This modification of the wording clarifies the purpose of the designations and does not change it.

No submissions were received relating to this modification.

It is considered that this is a minor modification that essentially does not change the scope of the activities that can be carried out on the sites. These are existing designations, with infrastructure already in place. The modifications do not change the extent or boundaries of the designations. It is considered that this is a change that can be made under the provisions of Section 181(3)(a) of the RMA.

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. |
|------------------------------|--|-----------------|---------------------------------------|---------|------------|
| Electricity Invercargill Ltd | Electricity Zone Substation and Ancillary Purposes | 101 Doon Street | Lot 8 DP 308322 | 9 | 66 |
| | Electricity Zone Substation and Ancillary Purposes | 56 Leven Street | Lot 1 DP 13721 | 9 | 67 |
| | Electricity Zone Substation and Ancillary Purposes | 151 Lime Street | Lot 1 DP 11625 | 10 | 68 |
| | Electricity Zone Substation and Ancillary Purposes | 219 Spey Street | Section 2 Blk LV Town of Invercargill | 9 | 70 |

NEW NOTICE OF REQUIREMENT - 273 RACECOURSE ROAD

Electricity Invercargill Ltd sought a notice of requirement to designate their existing assets at 273 Racecourse Road (Racecourse Road Substation), being Section 2 SO Plan 8633. The designation notation is for *Electricity Zone Substation and Ancillary Purposes*. The land is owned and operated by EIL and is managed by PowerNet Limited under the Energy Companies Act 1992. The site is located in the Rural Zone of the Proposed Invercargill City District Plan. The Notice of Requirement included conditions for the designated site.

The Notice of Requirement was notified on 24 August 2013. No submissions were received.

Section 42A Report

Mrs Devery's Section 42A Report outlined details of the site and the Notice of Requirement received by Electricity Invercargill Ltd.

In addition to the issue of Outline Plan exemption, and the wording of the noise condition, discussed in Decision 28A Designations, General Matters, Mrs Devery recommended amendment to Condition 2 and suggested that the condition also require that structures, excluding overhead structures, be set back from the boundary adjoining the neighbouring residential properties. The condition suggested by the requiring authority seeks a site coverage of up to 50%. Mrs Devery was concerned that development to this scale would impact on the amenities of the adjoining properties and she recommended that a 4 metre setback would allow for areas of open space to protect amenity values of the neighbouring properties.

Ms Devery concluded that the designation met all the criteria that needed to be considered under Section 171(1) and recommended that the designation be confirmed subject to modifications of the conditions as discussed above.

Evidence on behalf of Electricity Invercargill Ltd

Joanne Dowd of Mitchell Partnerships Limited, advised on behalf of PowerNet Limited which is an electricity network management company established by The Power Company Limited (TPCL) and Electricity Invercargill Limited (EIL). With regard to the additional designation for EIL she indicated that the site was already developed and was being included in the Proposed Plan to facilitate changes that may be required to the sites in the future.

Mrs Dowd referred to the conditions sought by EIL which, although there were no immediate plans to undertake any changes, would allow flexibility to upgrade services "while controlling the scale of structures to ensure any adverse effects on adjacent sensitive land uses are not unreasonable". In referring to the amendments to the conditions recommended in the Section 42A Report she advised of general acceptance of those referring to Outline Plans and Noise.

In respect of the proposed set back, Ms Dowd advised that current assets on the site are set back 9 meters from the residential properties to the west and that a four metre setback for any new structures, excluding overhead lines and their support structures was appropriate and acceptable to Electricity Invercargill Ltd.

Consideration of the Issues

There was general agreement between Mrs Dowd and Mrs Devery on the conditions put forward and the recommended amendments. For the reasons set out in Decision 28A, not all conditions have been carried over to the recommendation below.

A condition was promoted by the requiring authority that the maximum height of buildings on the site be either the height of existing buildings, or 11 metres, whichever is the greater. The Committee considered such a provision uncertain and favoured a specified height limit. No details were provided of the height of buildings on the designated sites, and in the absence of that the Committee has recommended a condition specifying a height limit of 11 metres.

Recommendation

Pursuant to Section 171(2) of the RMA, it is recommended that the requirement for the site at 273 Racecourse Road, Invercargill, be confirmed subject to the conditions set out below.

| REQUIRING AUTHORITY | PURPOSE | LOCALITY | LEGAL DESCRIPTION | MAP No. | DESIG. No. |
|--|--|-----------------------------------|-------------------|---------|------------|
| Electricity Invercargill Ltd | Electricity Zone Substation and Ancillary Purposes | 273 Racecourse Road, Invercargill | Section 2 SO 8623 | 12 | 69 |
| Conditions <ol style="list-style-type: none">The maximum height for all new structures associated with the reception, transformation and distribution of electrical power shall be 11 metres.Structures, excluding overhead lines and their support structures shall be set back at least 4m from all side and rear boundaries adjoining properties in the Residential 1 Zone and not cover more than 50% of the site. <p>Note: Notwithstanding any definition in the Plan, for the purposes of this designation the following definition will apply:</p> <p><i>The area of a "Structure" shall be measured as the total ground area covered by a building or structure, but shall not include landscaped areas, open sealed or unsealed outdoor storage areas, car parking and</i></p> | | | | | |

vehicle access areas, drainage systems, underground lines, underground earthing grids, fences or land covered by overhead lines and their support structures.

3. The strength of electric and magnetic fields generated by infrastructure located at the site shall not, within publicly accessible areas, exceed the limits for continuous non-occupational exposure confirmed by the International Commission on Non-Ionising Radiation Protection (1990), or any subsequent amendments thereof or substitutes for.
4. Any new noise generating equipment shall not exceed the following noise limits:
At the boundary of the site
At all times - 65 dB L_{Aeq}
Provided that noise levels shall not exceed the following noise limits within the notional boundary of any noise sensitive activity.
Weekdays and Weekends
0700 – 2200 on any day 50 dB L_{Aeq}
2200 – 0700 on any day: 40 dB L_{Aeq}
Sound levels are to be measured in accordance with the provisions of NZS 6801 2008: Acoustics - Measurement of Environmental Sound and assessed in accordance with the provisions of NZS 6802:2008: Acoustics Environmental Noise (or subsequent amendments).
5. Where existing site noise already exceeds the levels in condition 4 above, that any new noise generating equipment (excluding any electricity equipment required for emergency backup power generation) 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.

Dated at Invercargill this 11th day of October 2016



Councillor Darren Ludlow (Chair)



Councillor Neil Boniface



Councillor Graham Sycamore



Keith Hovell