

PROPOSED INVERCARGILL CITY DISTRICT PLAN

Report No. 28

Designations

2 March 2015, 9.00 am COUNCIL CHAMBERS 101 ESK STREET, INVERCARGILL

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SENIOR PLANNER - POLICY

Peer Reviewed by: Dan Wells

JOHN EDMONDS AND ASSOCIATES LTD

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1. EXECUTIVE SUMMARY

The Proposed District Plan includes information in Appendix IV on the sites designated within the Invercargill city district. These designations are also shown on the Planning Maps. In the development of the Proposed District Plan requiring authorities requested that designations be rolled over as they existed or be modified, and some requiring authorities sought new Notices of Requirement.

There are 95 designations listed in Appendix IV of the Proposed District Plan, for 17 requiring authorities. The designation listed for the Ministry for Defence in the Operative District Plan has lapsed as part of the District Plan review process.

This report also assesses all of the designations, and any need for modification or conditions. There are four new designations sought to be included within the Proposed District Plan that are discussed within the detail of this report.

The report also addresses submissions received on the designations. Submissions in relation to this part of the Proposed District Plan have identified a number of minor inaccuracies that are recommended to be corrected. A couple of submissions also raised concerns related to a substation on Taiepa Road. I believe that the conditions on the designation will address the concerns raised, providing some amendments are made.

One submission sought to include the conditions of the submitter's designations within the District Plan. I have recommended that this submission be rejected, however I recommend that the Table in Appendix IV be amended to note which designations are subject to conditions to inform Plan Users that they may or may not need to consider conditions.

2. INTRODUCTION

2.1 Report Author

My name is Elizabeth Ann Devery. I am the Senior Planner – Policy at the Invercargill City Council, a position I have held since January 2003. I have over 14 years planning policy experience working in planning and regulatory roles in local government in New Zealand and the United Kingdom. These roles have focused on both developing and implementing District Plans and planning documents. I hold the qualifications of LLB/BA (Hons I) in Geography.

2.2 Peer Review

This report has been peer reviewed by Dan Wells from John Edmonds and Associates Ltd. Dan Wells is a practising resource management planner with a variety of experience throughout the plan change preparation process. Dan has a Bachelor of Resource and Environmental Planning (Hons) and a Post Graduate Diploma in Development Studies, both from Massey University.

2.3 How to Read this Report

This report differs to other Section 42 reports tabled for hearings on the Proposed District Plan. The designation process under the RMA is slightly different. This report is structured as follows:

- Part 2 considers several key procedural issues.
- Part 3 details what designations are and the process involved in drafting the Proposed District Plan summarises the various statutory provisions that apply to the consideration of the Proposed District Plan.
- Part 4 sets out the process involved for assessing notices of requirement.
- Part 5 includes analysis of the designations. This section is divided up with separate headings for each of the requiring authorities.
- Appendix 1 sets out the recommendations on each of the submission points.
- Appendix 2 sets out the recommended changes to the text of the Proposed District Plan.
- Appendices 3 41 include recommended conditions, along with aerial CityMap images, for certain designations.

To see recommendations on an individual submission please refer to the table in Appendix 1. The table sets out the name and relevant submission number of those that submitted on the Introduction; a brief summary of their submission and decisions requested, followed by my recommendation and the reasons for it.

2.4 Interpretation

In this report, the following meanings apply:

"Council" means the Invercargill City Council

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

"FS" means further submission

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

"Proposed District Plan" means the Proposed Invercargill City District Plan 2013 "Provisions" is a term used to collectively describe Objectives, Policies and Rules "RMA" means the Resource Management Act 1991

2.5 The Hearing Process

A number of hearings are to be held to consider the submissions lodged to the Proposed Invercargill City District Plan 2013. The hearings have been divided up to ensure that submissions on similar issues have been grouped together and to enable the Hearings Committee to make decisions on the provisions relating to those issues. This report applies to the Designations listed within the Proposed District Plan.

The Hearings Committee comprises of accredited Invercargill City Councillors, with the assistance of an Independent Hearings Commissioner. This Committee is to consider the Proposed Plan and the submissions and further submissions lodged. The designation process is different to the other Proposed District Plan Hearing processes.

For designations where the Council is the requiring authority the Committee has full delegation to issue a decision on these matters. For those other Notices of Requirement the Committee has delegated authority to make recommendations to the requiring authorities on whether to confirm, modify, impose conditions or withdraw each requirement (designation). For those Notices of Requirement for the roll over of designations that Council has received no submission on and does not wish to recommend any new conditions, the Council does not make a recommendation. It must simply include the "roll over" designation in the Proposed District Plan.

This report is prepared pursuant to Section 42A of the Resource Management Act 1991 (the "RMA"). Section 42A provides for a report to be prepared prior to a hearing setting out matters to which regard should be had in considering a Proposed District Plan and the submissions lodged to it. This report highlights those matters that are considered appropriate by the author for the Hearings Committee to consider in making recommendations and decisions on the submissions lodged. This report has been prepared on the basis of information available prior to the hearing.

While the Hearings Committee is required to have regard to this report, regard must also be given to the matters raised in submissions, and presentations made at the hearing. The comments and recommendations contained in this report are not binding on the Hearings Committee and it should not be assumed that the Hearings Committee will reach the same conclusions set out in the report having heard from the submitters and Council advisers.

The hearing is open to the public, and any person may attend any part of the hearing. The requiring authorities and those persons who lodged a submission have a right to speak at the hearing. They may appear in person, or have someone speak on their behalf. They may also call evidence from other persons in support of the points they are addressing.

At any time during or after the hearing, the Hearings Committee may request the preparation of additional reports. If that is done, adequate time must be provided to the submitters to assess and comment on the report. The Hearings Committee may determine that:

- the hearing should be reconvened to allow responses to any report prepared, or
- any responses be submitted in writing within a specified timeframe.

At the conclusion of the hearing process, the Hearings Committee will prepare written recommendations or decisions. This recommendation is sent to the requiring authorities. Within 30 working days of the day on which it receives the Council's recommendation, the requiring authority shall advise the Council whether they accept or reject the recommendation in whole or in part. A requiring authority may modify a requirement if, and only if, that modification is recommended by the Council or is not inconsistent with the requirement as notified. Where a requiring authority rejects the recommendation in whole or in part, or modified the requirement, the authority shall give reasons for its decisions.

Within 15 working days after a decision is made by the requiring authority, the Council must ensure that a notice of decision is served on submitters, and landowners and occupiers directly affected by the decision.

If not satisfied with the decision the submitters have a right of appeal to the Environment Court. Except on points of law, the decision of the Environment Court is final.

3. BACKGROUND

A designation is a planning technique used by Ministers of the Crown, local authorities and network utility operators approved as requiring authorities under Section 167 of the RMA. Only requiring authorities can seek designations for land.

A designation is a form of "spot zoning" over a site, area or route in a district plan. The "spot zoning" authorises the requiring authority's work and activity on the site, area or route without the need for land use consent from the relevant territorial authority (i.e. Section 9(3) of the RMA does not apply). A designation has a similar effect to a plan change establishing a permitted activity as it:

- identifies the land affected in the district plan
- enables a requiring authority to undertake the works within the designated area without the need for a land use consent
- sets the parameters under which the activity can occur.

Designations are also similar to a comprehensive land use resource consent as they enable a requiring authority to undertake the works within the designated area (subject to any conditions applied to it).

The designated area is still subject to any restrictions on land use under Section 9 (excluding subsection (3)) and in relation to air, water, and the coastal marine area as contained in Sections 12 - 15. Relevant regional council resource consents may also be needed in relation to a project or work.

A designation restricts anyone other than the requiring authority from carrying out work on the designated land that will prevent or hinder the project or work to which the designation relates, without first obtaining the requiring authority's permission (refer Section 176(b)).

Designations apply to district plans and proposed district plans only. The "underlying zone" of the district plan remains over the site and applies to any other activities that are for a purpose different to the designation purpose (or activities undertaken by a party other than the requiring authority) under Section 176. Therefore, any activity or works outside the scope of a designation will require resource consent unless the activity or works are a permitted activity within the underlying zone.

Under Section 176A an outline plan of the public work, project or work to be constructed on designated land must be submitted by the requiring authority to the Council to allow the Council to request changes before construction is started. An outline plan, as set out in Section 176A(3), must show:

- (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
- (d) Any other matters to avoid, remedy, or mitigate any adverse effects on the environment.

However, an outline plan need not be submitted for a number of reasons, including when the details of the proposed work are incorporated into the designation; or the Council waives the requirement.

3.1 Process involved in drafting the Proposed District Plan

Clause 4 of the First Schedule of the RMA sets out that the Council must invite Requiring Authorities to roll over their designations within the current Operative District Plan as part of a proposed plan. Requiring Authorities can request that an existing designation be rolled over as it currently stands, modify the designation, or lodge a new Notice of Requirement.

The requiring authorities were approached in August 2011 and asked whether they wished to retain the existing designations with or without modification, and/or to identify any new designations they would like included in the District Plan. Responses informed the development of Appendix IV of the Proposed District Plan.

Appendix IV sets out the Schedule of Requirements and Designations. There are 95 designations listed in the Appendix with a total of 17 different requiring authorities. The designations notified within the Proposed District Plan include a mix of those rolled over with no modification, rolled over subject to modification, and a number of new designations.

The designations were notified with the Proposed District Plan. Parties considered to be directly affected by additional Notices of Requirement were also served notice of the designations.

4. PROCESS INVOLVED FOR ASSESSING NOTICES OF REQUIREMENT

This report considers each requirement (designation) and submissions which were received on Appendix IV – Schedule of Requirements and Designations, of the Proposed District Plan.

This report includes a recommendation to the Committee on each designation and associated submissions that have been received. Unlike other Proposed District Plan Hearings, the Committee will make recommendations to the requiring authorities on whether to confirm, modify, impose conditions or withdraw each requirement (designation). In the case of the Council's own Notices of Requirement, the Committee will make the final decisions. Within 30 days of receiving recommendations, the requiring authority shall advise the Council whether the requiring authority accepts or rejects the recommendation in whole or in part.

Prior to the Proposed District Plan being notified, the Council and all other requiring authorities that held designations in the District were requested to:

- Confirm existing designations (roll over);
- Propose modifications to existing designations;
- Proposed new requirements for consideration.

Council received Notices of Requirement for all three types of designations, those being new, modified and rolled over. There is a different process to be followed for each type of designation as set out in the RMA.

In making a recommendation or decision on a Notice of Requirement, the Committee must not have regard to trade competition or the effects of trade competition. The matters that Committee must have regard to matters listed in Section 171(1):

"When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—

- (a) any relevant provisions of—
 - (i) a national policy statement:
 - (ii) a New Zealand coastal policy statement:
 - (iii) a regional policy statement or proposed regional policy statement:
 - (iv) a plan or proposed plan; and
- (b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—
 - (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or
 - (ii) it is likely that the work will have a significant adverse effect on the environment; and
- (c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and
- (d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.

It must provide reasons for the recommendation or decisions.

In assessing Notices of Requirement (designations) to be included in the Proposed District Plan, the Committee is to make a recommendation or decision, depending on who has lodged the Notice of Requirement.

If the Notice of Requirement is received by the Council, the Committee will hear the Notice of Requirement and make a decision to confirm, modify or cancel the requirement (Section 168A of the RMA).

In terms of those Notices of Requirement lodged by other requiring authorities, Council makes a recommendation and the requiring authority then makes the decision whether to accept the recommendation, accept in part, or rejects it, with reasons (Section 172) and advises the Council of this decision.

For those Notices of Requirement for the roll over of designations that the Council has received no submissions on and does not wish to recommend any new conditions, the Council does not make a recommendation. It must simply include the "roll over" designation in the Proposed District Plan.

5. ANALYSIS OF DESIGNATIONS

Separated out under the heading of each Requiring Authority, this section of the report includes an assessment of the designations and recommendations on any new or modified Notices of Requirement. I have kept the order of Requiring Authorities in the report consistent with the order set out in Appendix IV of the Proposed District Plan.

The modifications discussed in this report are changes to designations included within the Operative District Plan. These changes were notified with the Proposed District Plan.

5.1 Minister of Corrections

5.1.1 Roll Over of Existing Designation

The Department of Corrections has one designation in the Proposed District Plan and they sought to retain the existing designation for Invercargill Prison without modification. No submissions were received on this designation.

It is noted that the notation of the legal description for the site has, however, been slightly amended from 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 designation is not subject to any conditions. The underlying Zone of the site in the Proposed District Plan is Business 3 (Specialist Commercial) Zone. The site shares its boundary with the railway line to the west and roads to the north, south and east. Whilst some of the structures on the site are registered by Heritage New Zealand and a large portion of the site is also noted as being at Level 1 risk of Riverine Inundation, it is my opinion that the outline plan process will ensure that any effects of future development on the site are considered, and that there is no need to include any conditions.

It is my opinion that the modification of the legal description will not alter the purpose of the designation. As the designation is already in existence and therefore 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 considered necessary as the Invercargill Prison is already in existence and the designation is not changing in terms of its extent or boundaries. The designation is considered reasonably necessary to achieve the objectives of the requiring authority.

5.1.1.1 Recommendation

For the reasons outlined above, it is recommended that:

(a) The Notices of Requirement for the roll over with modification of the above designation be **confirmed** as notified.

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

5.2 Minister of Police

5.2.1 Roll Over of Existing Designations

The Minister of Police has four designations in the Proposed District Plan which have been retained without modification on request. No submissions were received on these designations. As the designations are existing they have been given effect to.

The Don Street designation is within the Business 1 (Central Business District) Zone of the Proposed District Plan. It is my opinion that the Police Station is an appropriate activity within this Zone and that there is no need for any conditions to be imposed on this site.

The other three sites are within residential zones. Whilst it is accepted that this type of activity plays a vital role in ensuring the well-being of the community, there would be benefits in imposing conditions on these designations in relation to height and location to ensure the amenity values of the adjoining neighbourhoods are maintained. The existing buildings and structures on these sites are residential in nature and do not have significant impacts on the residential character of the neighbourhood. However, the designation without conditions has the potential to enable development beyond what would otherwise be anticipated within the residential areas. The Outline Plan process does enable the Council to consider the effects of any future development, however the Council can only make recommendations for any alteration to the development and the requiring authority has the overall decision.

A consideration of alternative sites, routes or methods is not considered necessary as the Police Station and the community policing centres are already in existence and the designations are not changing in terms of their extent or boundaries.

The designations are considered reasonably necessary to achieve the objectives of the requiring authority.

I note that there is an error in Appendix IV as it relates to the community policing centre in Bluff. The address in the table refers to the correct legal descriptions of the site. However, the locality refers to 76 Barrow Street, when the correct address should be 80 Barrow Street. The property was changed from 76 to 80 in 2007 and this change should be reflected in the Proposed District Plan. It is my opinion that this is a minor change that corrects an inaccuracy and will have no adverse effects.

5.2.1.1 Recommendations

(a) It is recommended that the designation for the "Invercargill Police Station' at 117-119 Don Street be **rolled over** into the Proposed District Plan without further formality.

REQUIRING AUTHORITY	Purpose	LOCALITY	LEGAL DESCRIPTION	Map No.	DESIG. No.
Minister of Police	Invercargill Police Station	117-119 Don Street Invercargill	Lot 1, DP 13986 and Lot 1 DP 12753	9	3

(b) It is recommended that the following designations be **modified** and that conditions be imposed, as set out in **Appendix 3** of this report.

	REQUIRING PURPOSE AUTHORITY		LOCALITY	LEGAL DESCRIPTION	Map No.	DESIG. No.	
Minister Police	of	Bluff Police S	tation	76 80 Barrow Street Bluff	Sections 2B, 6A and Part 2A, Block XII Town of Campbelltown	29, 30	2
		North Community Centre	Invercargill Policing	72 Windsor Street Invercargill	Lot 2 DP 13621	10	4
		South Community Centre	Invercargill Policing	141 Janet Street Invercargill	Lot 4 Block IV DP 1714	17	5

5.3 Minister of Justice

5.3.1 Roll over of Existing Designation with modifications

The Minister of Justice has one designation in the Proposed District Plan. The Ministry sought that this designation be rolled over with a minor modification. This modification was changing the name of the designating authority from "Minister for Courts" to "Ministry of Justice".

No submissions were received on this designation.

It is my opinion that the modification of the name of the Requiring Authority from the Minister for Courts will not alter the purpose of the designation. While the requiring authority sought the wording to be changed to "Ministry of Justice", it is noted that the table in Appendix IV as notified states the requiring authority to be "Minister of Justice". However, Section 166 of the RMA defines requiring authority as follows:

"Requiring authority means -

- (a) A Minister of the Crown; or
- (b) A local authority; or
- (c) A network utility operator as a requiring authority under section 167"

Technically, the Minister of Justice can be a requiring authority as a Minster of the Crown. However, the Ministry is not provided for in the RMA definition. It is my opinion that the name of the Requiring Authority should, therefore, be stated as the Minister of Justice, not the Ministry of Justice, as notified.

As the designation is already in existence and therefore 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. The site is within the Business 1 (Central Business District) Zone and the activity is considered appropriate within this context.

A consideration of alternative sites, routes or methods is not considered necessary as the courthouse is already in existence and the designation is not changing in terms of its extent or boundaries. The designation is considered reasonably necessary to achieve the objectives of the requiring authority in providing a Courthouse.

5.3.1.1 Recommendation

For the reasons outlined above, it is recommended that:

(a) The Notices of Requirement for the roll over with modification of the above designation be **confirmed.**

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

5.4 Minister of Education

5.4.1 Roll over of Existing Designations, with modifications

There are 29 designations under the Minister of Education as notified in the Proposed District Plan. The Ministry sought to roll over their designations, subject to modification. The modifications included greater detail in the "purpose" given for the designations so that the sites are designated "for educational purposes" as well as the specific school. Other modifications reflect changes of names of sites or corrections of errors.

The Ministry also submitted on four of their designations seeking corrections to typos and further minor amendments in relation to legal descriptions and locality details (submissions 78.28 to 78.31). No other submissions were received on these designations.

The modifications sought relate to updates to the designations schedule to correctly reflect the:

- Name
- Purpose
- Legal and location description (to more accurately describe the physical location of the designation)

Modifications to the site descriptions and references will not change the overall purpose of the designation. No further assessment of these modifications is included within this report as the changes correct inaccuracies of information and do not alter the designation itself.

The change to the wording of the purpose of the designation to include "educational purposes" will result in more flexibility for the Ministry to carry out educational activities outside the specific terms of the subject school, such as pre-schools, or adult education. No definition of "educational purpose" has been provided by the requiring authority.

5.4.1.1 Assessment of Environmental Effects

This assessment of effects relates to the suggested change to the purpose of the designation to include "educational purposes" alongside the specific school or site name.

As stated above, no definition for "educational purpose" has been included as part of the Notice of Requirement. This term has been defined in other District Plans around the country as:

"Education Purposes" means for the purpose of the above Ministry of Education designations:

Includes the provision of instruction and/or training and may include such uses as early childhood education services, schools, community education, tertiary educational institutions, work skills training centres, outdoor education centres, sport training establishments and out of school care services and includes their ancillary administrative and support facilities (including cultural, recreational, communal or accommodation).

Should this term be included within the purpose statements for the designations, it would be important that this term be defined.

It is acknowledged that some of the sites designated by the Ministry of Education are currently used for purposes beyond the scope of their designation, and that this change reflects the various roles that the sites play in the community. Some sites are already used by community education and sporting groups, after school care programmes or for adult education purposes. These types of activities would fall within the definition of educational purposes, but not necessarily with the specific terms of the school or kindergarten. It is unclear whether all of the designated sites are being used for these extended activities or just a few.

This change however, does have the potential of changing the scope of effects. For example, the need for car parking for adult education is quite different to the car parking required for primary schools and kindergartens. As older students are more likely to require car parking, if the site cannot provide those parks on-site, then the effects of the activity extend beyond the boundary on to the street. While this is a public area, the effects of this in residential areas, where most of the designated sites are, extend to those living in the area. The hours of operation on the sites could also change from the standard five day a week, daytime hours to enabling the likes of night classes or weekend activities.

No assessment of environmental effects has been provided by the Ministry, other than a statement that the modifications will provide more flexibility for the use of the designated sites.

It is my opinion that changing the purpose of the sites would be a risk, given the potential for adverse environmental effects.

Even without the modification of the purpose for the Minister of Education sites, I believe there is scope to include conditions on the designations for any new development. The Ministry of Education has had its properties in the Invercargill City District designated for a number of years subject to no conditions. The outline plan process has been used to ensure that effects are contained within the site as much as possible. Under the RMA the matters that can be considered through the outline plan process include height, setback, hours of operation, landscaping and parking. There are risks involved in this approach as the Council does not make overall decisions. No notification or consultation process is required. There are no height, bulk or location requirements. The sites are not subject to any noise limits, or hours of operation. A number of the sites are listed heritage sites and due to the designations the District Plan provisions would not apply to them (although the Heritage New Zealand Pouhere Taonga Act does).

The importance placed on the maintenance and enhancement of amenity values in Part Two of the RMA supports the need for conditions, particularly with the majority of the sites being within residential areas. Whilst the majority of the designated sites have historically been used as schools and the people in the community are sensitised to the effects of the schools' existence, it is important that any future development on these sites be considerate of the environment that they are located within and anticipated amenity values.

It is not uncommon for the Minister's designated sites around the country to be subject to conditions. It is my understanding that there is discussion within the Ministry of Education to look at some standard conditions for their designations,

although these have yet to be developed. Many of their designations elsewhere in the country have site specific conditions.

I am recommending that, as a minimum, standard conditions should be placed on all of the Minister of Education designated sites to address the potential adverse effects.

5.4.1.2 Policy Statements and Plans

The Proposed Regional Policy Statement for Southland does not include any specific Objectives or Policies on "educational activities". The "Urban" chapter includes a number of objectives and policies seeking to ensure that any adverse effects of development are appropriately avoided, remedied or mitigated and encouraging high quality urban design.

The Proposed District Plan has a similar grounding, with specific anticipated amenity values detailed through the Zone specific provisions. These standards support the policies, by setting parameters for development.

"Educational activity" is defined within the Proposed District Plan as:

Educational activity: Means the use of land and buildings for the provision of regular instruction, teaching, learning or training at state, private or integrated facilities, together with any associated boarding activities, and includes ancillary administrative, recreational, cultural, car parking and retail facilities. This includes, but is not limited to, any primary school, intermediate school, secondary school, kohanga reo, language schools, learning centre and tertiary education facility.

Undesignated existing educational activities are permitted activities throughout the Zones. However, any new educational activity is a discretionary activity.

There are standards within the different zones setting out maximum height, any yard requirements, site coverage, and permeable surfaces. The Proposed District Plan also includes noise provisions. The Proposed District Plan also includes car parking requirements for the different types of activities.

Child Day Care Activity	One car park per two staff or part thereof on the site at any one time, plus one car park per 10 children provided for.
Educational Activity (Existing) as listed in Appendix V	One staff car park per additional two staff members or part thereof, plus one car park per 10 students or part thereof over the legal driving age, for students and staff in new structures.
	Where on-site recreational facilities are erected and used by persons not part of the educational activity (existing), the additional parking on site is to be sufficient to provide one car park per 10 persons or part thereof, including spectators, that the recreation facilities are designed to accommodate.
Educational Activity	One staff car park per two staff members or part thereof on site at any one time, plus one car park per 10 students or part thereof over the legal driving age.
	Where educational activities include recreational facilities that are available for wider community use, the total parking on site is to be sufficient to provide one car park per 10 persons designed to be accommodated in the facility.

It should also be noted that there are other District Wide provisions that may be relevant to some of the sites, such as Heritage, Outstanding Natural Features and Landscapes, Coastal Environment, and Natural Hazards.

The conditions I am recommending for the Minister of Education's sites are consistent with the District Plan provisions.

5.4.1.3 Alternative sites, routes and methods

A consideration of alternative sites, routes or methods is not considered necessary as the educational facilities are already in existence and the designations is not changing in terms of the physical extent or boundaries of the designated sites.

5.4.1.4 Are the proposed works reasonably necessary?

The designations are considered reasonably necessary to achieve the objectives of the requiring authority in providing for educational activities within the Invercargill city district.

5.4.2 Partial removal of Designation

The Council received notice from the Ministry of Education in June 2013 requesting that part of the designation for the Te Wharekura O Arowhenua shown as reference 8 on Map 11 of the Proposed District Plan be removed. The process for removal of part of a designation is set out in Section 182 of the RMA. The Council can decline to sever part of a designation on the basis that the effect on the remaining part of the designation would be more than minor.

The property at 45 Onslow Street, with the current legal description of Lot 1 DP463547, was previously part of the site used by Te Wharekura Arowhenua but has been subdivided off. This part of the property was considered surplus land that is no longer owned or used by the Ministry. The remainder of the designated land continues to be used for educational purposes and the effect of the removal of part of the designation is considered to be no more than minor.

The legal description for the land to be removed was previously:

Part Lot 4, DP 3698, Part Lots 1 and 2, DP 3941, Part Lot 3, DP 5914 and Part Section 12, Block I, Invercargill Hundred (to be known as Lot 1, LT 463547 (approved 15 May 2013) comprising 3.1795 ha) held in Gazette Notices 285985-285988 (and to be held in pre-allocated CFR 613736), Southland Land Registry.

5.4.3 Recommendation

It is recommended that:

(a) The Notices of Requirement for the roll over with modification for the Minister of Education listed in the Table below be **modified** as follows, with conditions set out in **Appendix 4** of this report:

REQUIRING AUTHORITY	Purpose	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG.
Minister of Education	Educational Purposes - Bluff Community School	39 Bradshaw Street, Bluff	Lots 1-12 Block VIII DP 22 <u>5</u> Campbelltown Hundred	29, 30	7
	Educational Purposes - Clarendon Kindergarten	30 Waiau Place Invercargill	Lots 16-17 DP 9367	17	9
	Educational Purposes - Coldstream Hostel	11 Lees Street Invercargill	Lots 1-3, 6-16 and Part Lots 4-5, Block IV DP 108	10	10
	Educational Purposes - Donovan Primary School	200 Drury Lane Invercargill	Lot 1 DP 8089	6	11
	Educational Purposes - Enwood Hostel	15 Enwood Lane Invercargill	Part Lots 28 and Lot 32 DP 1043	10	12
	Educational Purposes - Glengarry Kindergarten	116 Derwent Crescent Invercargill	Lot 115, DP 6141	11	13
	Educational Purposes - Invercargill Middle Primary School	31 Jed Street Invercargill	Sections 1-6 and 19-22 Block LIV Town of Invercargill	9	14
	Educational Purposes - Windsor North Primary School	91 Chelmsford Street Invercargill	Lot 1 DP 9730	10, 7	15
	Educational Purposes - James Hargest College – Junior campus	6 Layard Street Invercargill	Part Lot 1, DP 4390	7	16
	Educational Purposes – James Hargest College – Senior Campus	320 Layard Street Invercargill	Part Lot 6, Lot 7, Lot 16 and Part Lot 17 DP 2104	7	17
	Educational Purposes - New River Primary School	117 Elizabeth Street and 407 Ness Street Invercargill	Lots 30 and 31, Blk IV, DP 59, Part Lot 18 Deeds 3, Part Lots 1 and Lot-3, DP2205, Lot 8 DP 9827	17	18
	Educational Purposes - Aurora College	234 Regent Street Invercargill	Lot 7 DP 7842, Lot 8 DP 7842, Lot 14 DP 7842, Lot 65 DP 11499, Lot 64 DP 11258, Pt Lot 1 DP 7273, Pt Sec 34 BLK XIX Invercargill Hundred, Pt Lot 1 DP 3810, Lot 4 DP 7842	17, 18	19
	Educational Purposes - Ascot Community School	580 Tay Street Invercargill	Part Lots 5-6, DP 270, Part Lots 1-3, DP 5060 and Lot 596, DP 5761	10, 11	20
	Educational Purposes - Makarewa Primary School	56 Flora Road East Makarewa	Section 1, Block III Town of Makarewa	2	21
	Educational Purposes - Myross Bush Primary School	288 Mill Road North Invercargill	Lot 1, DP 3269	12	22
	Educational Purposes - Newfield Park Primary School	82 Wilfrid Street Invercargill	Part Section 18, Block I, Invercargill Hundred	10	23
	Educational Purposes - Otatara Primary School	146 Dunns Road Invercargill	Section 1 , Section 11 and Part Section 29, Block XXI, Invercargill Hundred	15	24
	Educational Purposes - Ranui Kindergarten	288 Nelson Street Invercargill	Lot 119, DP 58	17	25
	Educational Purposes - Ruru Special School	19 Ruru Street Invercargill	Lots 8 and 9, DP 2790 and Section 1 SO 7933 and Section 180, Block XV, Invercargill Hundred	6	26
	Educational Purposes - Salford Primary School	110 Lamond Street Invercargill	Part Lot 1, DP 2104	7	27
	Educational Purposes - Southland Boys' High Secondary School	181 Herbert Street Invercargill	Sections 45-46 and 118, Block I Invercargill Hundred, Part Lot 2 of 19, Lots 5-12, Lot 3 of 19, Lot 4 of 19, Lot 5 of 19, Part Lot 14, Part Lot 15, Part Lot 16, Part Lot 17, Part Lot 18 DP 696, Lots 1-2 DP 2537 and Lot 1 DP 7208	10	28

REQUIRING AUTHORITY	Purpose	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
Minister of Education continued	Educational Purposes - Southland Girls' High Secondary School	328 and 350 Tweed Street Invercargill	Parts Lot 2, DP 3106, Part Lots 17-18 DP 147, Part Lots 3 DP 3076 and Part Lot 1 DP 3373	10	29
	Educational Purposes - Fernworth Primary School	288 Pomona Street Invercargill	Part Lot 1 DP 9719	17	30
	Educational Purposes - Murihiku Young Parents Learning Centre	55 Isabella Street Invercargill	Parts Lot 2 DP 2285 and Lot 2 DP 5294	10	31
	Educational Purposes - Tisbury Primary School	3 Boundary Road Invercargill	Parts Lot 1 DP 561, Part Section 15 Block XXII Invercargill Hundred, Part Lot 1, DP 2856 and Part Section 74, Block II, Town of Seaward Bush	18	32
	Educational Purposes - Waihopai Primary School	121 Herbert Street Invercargill	Lot 1 of 19, Part Lot 2 of 19 and Lots 2 and 3, DP 696 and Lots 1-2, DP 7932	10	33
	Educational Purposes - Waikiwi Kindergarten	21 Durham Street Invercargill	Lots 7-8, Part Lots 5, 6, 26, 27 and 28 DP 194	6	34
	Educational Purposes - Waverley Park Primary School	55 Eden Crescent Invercargill	Lot 294 DP 4689	10, 11	35

(b) The Notice of Requirement for the partial removal of Designation 8 at 734 Tweed Street Invercargill be **modified** as follows, with conditions set out in **Appendix 4** of this report:

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	Map No.	DESIG. No.
Minister of Education	Educational Purposes - Te Wharekura O Arowhenua	734 Tweed Street Invercargill	Parts Lot 1, Parts Lot 2, DP 3941, Lot 7 DP 5102, Part Lot 3 DP 5914, Part Lot 4 DP 3698 and Part Section 12 Block I Invercargill Hundred (Approved Lot 2 LT 46357 on 15 May 2013) Lot 2 DP 463547	11	8

5.5 The Radio Network Limited

5.5.1 Roll Over of Existing Designation

Radio Network Limited has one designation in the Proposed District Plan and they sought to retain the existing designation for telecommunication and radiocommunication and ancillary purposes and land uses at 51 Deveron Street without modification. No submissions were received on this designation. This is an existing designation that has been given effect to.

51 Deveron Street is within the Business 1 (Central Business District) Zone of the Proposed District Plan. The site contains an existing building with a number of antenna and other such attachments.

The consideration of alternative sites, routes or methods is not considered necessary as the infrastructure is already in existence and the designation is not changing in terms of its physical boundaries. The designation is considered reasonably necessary for the requiring authority to carry out its objectives.

I note that the requiring authority has not suggested any conditions for this site. However, it is my opinion that to be consistent with other designations within the Business 1 Zone for similar activities, conditions should be considered as part of this process. Such conditions would ensure that any future development on the site is appropriate within its physical context. The conditions will also ensure that the activity is consistent with the National Environmental Standards for Telecommunications Facilities. Conditions I am recommending relate to height of buildings and structures, noise and radiofrequency exposures.

5.5.1.1 Recommendation

It is recommended that the designation detailed in the table below be **modified** and subject to conditions set out in **Appendix 5** of this report.

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

5.6 Chorus NZ Ltd

5.6.1 Relationship between Chorus NZ Ltd and Spark NZ Ltd Designations

In the Operative District Plan Telecom New Zealand Limited ("Telecom") was the requiring authority for nine designations. Following the enactment of the Telecommunications (TSO, Broadband, and Other Matters) Amendment Act 2011, Chorus NZ Ltd ("Chorus") was demerged from Telecom. As part of that demerger, various assets were transferred from Telecom to Chorus, and Chorus became Telecom's "successor" in respect of some of the designations. Chorus has therefore sought to take over the Telecom designations in respect of the elements of the Notice of Requirement that relate to their business. Where Telecom, now known as Spark NZ Ltd ("Spark"), still has interests in the designation as part of their business the Council needed to include separate designations for both authorities. The designations could be the same, however designations granted to Chorus are to be treated as the primary designations and the designations granted to Spark are to be treated as the secondary designations.

Chorus sought to become the requiring authority for eight designations. Spark was to be the primary and sole requiring authority for one, and sought secondary designations for two. A submission received from Spark (submission 104.22) identified errors in Appendix IV of the Proposed District Plan, which does not reflect their requests in terms of which designations the two parties sought to be requiring authorities for.

5.6.1.1 Recommendation

In response to this submission it is accepted that these inaccuracies should be corrected.

Chorus should be the primary requiring authority for Designations 37, 38, 40, 41, 42, 43, 44 and 45.

Spark is the primary and sole requiring authority for 10 The Crescent, shown as 39 and 46 in the Proposed District Plan.

Spark is the secondary requiring authority for designations at 113 John Street, Invercargill, No. 43 and Part 180 Flagstaff Road, Bluff, No. 45.

5.6.2 Roll Over of Existing Designations with modification

As well as modifications in terms of who the requiring authority is, Chorus has sought that the designations be rolled over with modification. They are not seeking to alter the boundaries or location of the designations but have sought the inclusion of conditions. None of the existing Telecom designations were subject to conditions. The introduction of the conditions was designed to:

- Provide a level of national consistency for its own operational needs and for the neighbours of its facilities; and
- Balance managing potential environmental effects with the operational requirements.

The conditions cover the following:

- Mast/antenna height
- Building size
- Radiofrequency exposures
- Noise
- Outline plan works

As all the designations are already in existence and therefore already given effect to they are part of the existing environment. A consideration of alternative sites, routes or methods is not considered necessary as the designation is already in existence and the designations are not changing in terms of their extent or boundaries. The designations are considered reasonably necessary to achieve the objectives of the requiring authority in providing for telecommunication and radiocommunication facilities.

There are no relevant National Policy Statements. The Infrastructure objectives and policies of the Proposed Regional Policy Statement for Southland seek to recognise and provide for regional, national and critical infrastructure, whilst ensuring that the infrastructure is integrated with land use and the environment. The designations provide for the local and national infrastructure, however conditions will ensure that any effects of this infrastructure on the amenity values of the surrounding neighbourhoods are considered.

Section 171 of the RMA requires the Committee to have particular regard to a Plan or Proposed Plan. For the purposes of this process, the relevant plan to consider is the Proposed District Plan. The assessment in this report focuses on the proposed conditions and the effects of these conditions on the environment. The provisions relating to infrastructure and the zone specific provisions are relevant to these designations.

The zone specific provisions are discussed under each site. The Notice of Requirement for the Chorus designations refers to the relevant Sub-Area of the sites under the Operative District Plan. This is because the Notice of Requirement was lodged prior to the notification of the Proposed District Plan.

The Infrastructure Objectives and Policies of the Proposed District Plan have a similar theme to the Proposed Regional Policy Statement for Southland and overall the proposals are in general accordance with them.

5.6.2.1 Conditions to waive outline plan requirement

Chorus has requested a condition be placed on its designations waiving the need for an outline plan in certain circumstances. I note that under Section 176A of the RMA Council has the option to use its discretion to waive the need for an outline plan. This is one of the few matters relating to designations that the Council makes a decision on and consideration of these conditions involves a different process. It is my interpretation of the RMA that, should these conditions be included as part of the designations, the Council does not recommend this condition for the acceptance of the requiring authority, but it is required to make a decision on this.

While there are no criteria within Section 176A(2)(c) for determining whether to waive the need for an outline plan, the matters that the Council should consider are:

- The level of effects that the proposed work or project may have;
- Whether the proposal or work would otherwise be a permitted activity and would meet any relevant performance standards of the underlying zone;
- Whether the effects of the works are addressed through a regional resource consent process;
- Whether the information has already be provided to the Council as part of the designation; and
- Whether meeting the conditions of the designation provides adequate control and certainty.

The Council has stipulated within Appendix IV of the Proposed District Plan the circumstances where an outline plan will not be required. In deciding whether the waiver of conditions suggested by the requiring authority should be accepted, these matters should also be part of the consideration.

The waiver condition sought by the requiring authority sets out two circumstances where an outline plan would not be required. The first is where the work is internal and will not increase noise emissions. Waiving the requirement for internal work is consistent with the waiver set out in the Proposed District Plan stating where the envelope of effects is not changed. The suggested conditions on noise cover situations where noise emissions are increased. I have no objections to this part of the waiver condition.

For similar reasons I am not concerned about the second part of the waiver condition. Other than including the term "maintenance and replacement" to be consistent with the Proposed District Plan, I believe the condition is consistent with the Proposed District Plan standard which exempts the need for an outline plan where the envelope of effects will not be changed.

For these reasons it is my recommendation that the waiver conditions on the Chorus designations be accepted.

5.6.2.2 Bluff Exchange - 70 Barrow Street, Bluff

70 Barrow Street is 526m² and has an exchange building located on it. It is located in the Domicile Sub-Area of the Operative District Plan and the Industrial 1 Zone in the Proposed District Plan. The site adjoins the Residential 2 Zone to the south and in part to the west.

No submissions were received on this Notice of Requirement.

The suggested conditions group this site with those previously in the Domicile Sub-Area. The Industrial 1 Zone is more permissive than the Residential zones in terms of expected amenity values, however the Proposed District Plan does recognise the Zone's proximity to residential properties and the need to be sensitive to those in the adjoining areas. I believe the conditions suggested by the requiring authority for this site are adequate, although I do suggest a couple of amendments.

Firstly, the Notice of Requirement seeks a maximum height of 10m for buildings on this site. However, I note that in the Industrial 1 Zone the maximum height for buildings is 12m. I recommend that the conditions be amended to provide for buildings up to 12m in height.

Secondly, I recommend amending the noise requirements to be consistent with the Proposed District Plan and the more recent noise standards.

I note that there is a 4m setback requirement in the Proposed District Plan where the property adjoins a residential zone. Whilst there is currently a significant separation distance between the site and any existing residential buildings on the residential properties adjoining the site to the south, and a large shed built on the property to the west, a 4m buffer would allow for the protection of some of the residential amenities of the area now and into the future should the sites be further developed.

5.6.2.2.1 Recommendation

For the reasons outlined above it is recommended that:

(a) The Notice of Requirement roll over with modification for Chorus New Zealand Ltd listed in the Table below be **modified**.

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP NO.	DESIG. NO.
Chorus New	Telecommunication and	70 Barrow Street	Part Section 3, Block XII,	29, 30	37
Zealand	radio-communication	Bluff	Town of Campbelltown, Lots 1,		
Limited	and Ancillary Purposes		1A and 11, Block II DP 225		

- (b) It is recommended that the conditions, as requested by the requiring authority, be amended. Recommended conditions are attached to this report as **Appendix 7.**
- (c) It is recommended that a condition to waive the need for an outline plan in certain circumstances be included

5.6.2.3 Invercargill East Exchange, 24 Clifton Street; South Invercargill Exchange, 113 John Street; Waikiwi Exchange, 273 North Road

The Invercargill East Exchange is located at 24 Clifton Street. This is a 1012m² site which houses an existing exchange building. It is surrounded by residential properties.

The South Invercargill Exchange is located at 113 John Street. This is a 909m² site is at the end of Metzger Street and is also surrounded by residential properties, although St Patricks School sits on the opposite side of the street. The site houses an existing exchange building.

273 North Road houses the Waikiwi Exchange. It is a 938m² site with an existing exchange building located on it. Directly adjacent to the site are residential properties, although on the other side of the road are commercial properties – a dairy and chemist/Post Office.

All three of these sites are in the Residential 1 Zone, and previously in the Domicile Sub-Area. No submissions were received on any of these three Notices of Requirement.

There are a number of conditions suggested for these sites in the Notices of Requirement.

I note that the Requiring Authority has sought a condition allowing masts and antennas up to 15m in height. However, in both the Chorus and Spark submissions on the Infrastructure provisions of the Proposed Plan, they sought a maximum height of 10m for these structures in the Residential 1 Zone. The designations act like resource consents and as such they are seeking this 15m maximum height for these specific sites. All properties are within a residential context and structures of this height will extend above other structures in the areas. However, it is noted that a condition is sought that requires the masts and associated antennas to comply with height in relation to boundary requirement. Shading caused by these structures is likely to be relatively minimal but infrastructural structures of this scale within a residential context will be visible. In saying this, the setback necessary to enable structures of this height will mitigate some of this effect.

I note that the Proposed District Plan requires a 4m setback for any non-residential building in the Residential 1 Zone (see Rule 3.34). All three sites have buildings within this 4m setback. The Proposed District Plan also sets a maximum site coverage of 35%. The structures that exist on the sites are all in excess of this standard. Existing use rights will apply to these sites and, should the structures be replaced in the future, the scale of the existing structures will be considered. However, should additional buildings be considered for the sites I recommend that a condition be placed on these designations ensuring that site coverage does not exceed 50% to ensure the residential amenity is not significantly affected.

The sites have very little, if any, permeable surfaces. Ideally opportunities to increase this would aid in mitigating effects on water quality and quantity. It is recommended that a condition be imposed on the Notices of Requirement such that for any new building proposed, a plan is to be submitted to Council detailing how stormwater is to be managed to reduce effects on water quality and quantity.

I do also suggest amending the noise requirements to be consistent with the Proposed District Plan and the more recent noise standards.

5.6.2.3.1 Recommendation

(a) The Notice of Requirement roll over with modification for Chorus New Zealand Ltd listed in the Table below be **modified.**

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	43
	Telecommunication and Radio-communication and Ancillary Purposes	273 North Road Invercargill	Lot 4 DP 6336	6	44

(b) It is recommended that the conditions, as requested by the requiring authority, be amended. Recommended conditions are attached to this report as **Appendix 11.**

(c) It is recommended that a condition to waive the need for an outline plan in certain circumstances as requested by the requiring authority be included subject to minor amendment.

5.6.2.4 Kennington Exchange, 71 Kennington-Roslyn Bush Road; Makarewa Exchange, 1997 Winton-Lorneville Highway.

The Kennington Exchange is located at 71 Kennington-Roslyn Bush Road, which is on the north-west corner of Drysdale Road, and on the boundary with the Southland District. This is a 724m² site with an existing exchange building. The properties in the immediate vicinity are both over 4ha. There are Transpower lines to the east of the site that are just over 100m from the closest boundary.

The Makarewa Exchange is located at 1997 Winton-Lorneville Highway, which is on the north-east corner of Flora Road East, opposite from the Makarewa School. This site is 405m^2 and houses an existing exchange building. The property directly adjoining the site is only 9739m^2 and those on the opposite side of the Winton-Lorneville Highway are also well below the minimum rural lot size.

These sites are both in the Rural 1 Zone in the Proposed District Plan, and previously in the Rural Sub-Area under the Operative District Plan. No submissions were received on these Notices of Requirement.

The requiring authority has suggested a number of conditions for these sites in the Notices of Requirement.

The requiring authority has sought a condition allowing masts and antennas up to 25m in height. This is consistent with both the Chorus and Spark submissions on the Infrastructure provisions of the Proposed Plan. The Proposed District Plan stipulates a 10m maximum height for structures within the Rural 1 Zone, and recommendations within the staff Section 42A report on the Infrastructure provisions supported this. Whilst the Kennington Exchange is within a rural context, the Makarewa Exchange is more residential. Structures up to 25m in height will extend well above other structures in both of the areas and, particularly on the small Makarewa site, would have a visual impact on the immediate area and adjoining properties. However, these are specific sites that have historically been used for infrastructure purposes and are not rural in character. Shading on to residential buildings will not be significant, due to the position of the sites in relation to the nearest residential properties. I am recommending that the maximum height of masts and antennas on these sites be reduced to 20m on the Kennington Exchange site and 15m on the Makarewa Exchange site, given the different environmental contexts of the sites.

There are no height in relation to boundary requirements in the Rural 1 Zone and, given that the sites in question do not border a residential zone, there is little need for the second paragraph to proposed condition 4. However, there is a rule within the Rural 1 Zone requiring all non-residential structures to be located at least 4m from any side and rear boundary. The existing buildings on both sites sit within this 4m yard. Given the separation distance between the Kennington Exchange site and the nearest residential buildings, and the scale of development in the area surrounding the site, and the compact nature of the Makarewa Exchange site, I do not think that a condition requiring this setback will be necessary on these sites.

I do suggest amending the noise requirements to be consistent with the Proposed District Plan and the more recent noise standards.

I note that the requiring authority has suggested a condition on radiofrequency standards. I believe this condition is necessary. Compliance with the standard is a matter required by the National Environmental Standard on Telecommunication Facilities. This condition is particularly important given the location of the sites in relation to residences, schools and Playcentres.

5.6.2.4.1 Recommendation

(a) The Notice of Requirement roll over with modification for Chorus New Zealand Ltd listed in the Table below be **modified**.

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	40
	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	41

- (b) It is recommended that the conditions, as requested by the requiring authority, be amended. Recommended conditions are attached to this report as **Appendix 13.**
- (c) It is recommended that a condition to waive the need for an outline plan in certain circumstances as requested by the requiring authority be included subject to minor amendment.

5.6.2.5 Bluff Hill Exchange, Part 180 Flagstaff Road, Bluff

The Bluff Hill Exchange sits on the top of Bluff Hill on Part 180 Flagstaff Road. The area of the designation is shown on the CityMap image in **Appendix 16** to this report. Bluff Hill, or Motupohue, is a statutory area which has a statutory acknowledgement applied to it. The land is 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 for the Bluff Hill Microwave Station that is located on the Motupohoe Scenic Reserve. 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.

This site is in the Rural 1 Zone of the Proposed District Plan, and was in the Rural Sub-Area in the Operative District Plan. No submissions were received on the Notice of Requirement.

Given the significance of the site and the potential impacts of the designation, I believe there is some merit in separating this site out from the other Rural 1 Zone designations and considering alternative conditions.

Given the sensitivity of the site, it is important that effects on visual effects, ground and vegetation disturbance, and radiofrequency emissions should be considered at the time of the development of the site. It is important that these issues, along with heritage and cultural values are considered as part of any development on the site. I am recommending that the conditions be amended to ensure that accidental find procedures are highlighted, erosion and sedimentation controls are addressed, and to highlight these other areas as being of importance to the site.

I have included a standard condition requiring masts and antennas to be a recessive colour. While this could be considered at the time of the outline plan, given the sensitivities and values of the site, this would be a standard expectation. As I have for the other Chorus designations, I also suggest amending the noise requirements to be consistent with the Proposed District Plan and the more recent noise standards.

5.6.2.5.1 Recommendation

(a) The Notice of Requirement roll over with modification for Chorus New Zealand Ltd listed in the Table below be **modified**.

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP NO.	DESIG. NO.
Chorus New	Telecommunication and	Part 180, Flagstaff	Part of Section 25 Block I	29,30	45
Zealand	Radio-communication and	Road, Bluff	Campbelltown Hundred		
Limited	Ancillary Purposes				

- (b) It is recommended that the conditions, as requested by the requiring authority, be amended. Recommended conditions are attached to this report as **Appendix 17.**
- (c) It is recommended that a condition to waive the need for an outline plan in certain circumstances be included

5.6.2.6 Otatara Exchange, 32 Oreti Road, Otatara

The Otatara Exchange is located at 32 Oreti Road, Otatara. This is a 1740m² site which houses a small existing exchange building on the eastern corner of the site. The remainder of the site is undeveloped. The site is surrounded by properties used for residential activities.

The property is within the Otatara Zone of the Proposed District Plan, previously the Otatara Sub-Area. This area is identified within the Proposed District Plan as being within an Outstanding Natural Feature and Landscape. However, there are no dunes or other features of significance on the specific site.

I note that the Requiring Authority has sought a condition allowing masts and antennas up to 15m in height. However, in both the Chorus and Spark submissions on the Infrastructure provisions of the Proposed Plan, they sought a maximum height of 10m for these structures in residential zones and 25m in rural zones. The designations act like resource consents and as such they are seeking this 15m maximum height for these specific sites. This part of Otatara is residential in nature. Structures 15m high will extend above other structures in the area. However, it is noted that the requiring authority is seeking a condition that requires the masts and associated antennas to comply with height in relation to boundary requirement. Because the site is less than a hectare there are recession plane requirements. The setback necessary to enable structures of this height will mitigate some of the visual and shading effects that infrastructural structures of this scale would have.

I note that the Proposed District Plan requires a 4m setback for any non-residential building in the Otatara Zone (see Rule 3.33.4). The existing building on the site is within this 4m setback. Given that adjacent to the building are two driveways, this has minimal adverse effect. However, I would suggest that given the scale of the adjoining properties and the separation distance between the existing residential buildings at 40 and 30 Oreti Road, a 4m separation be required on the south-west and north-west boundaries.

I do also suggest amending the noise requirements to be consistent with the Proposed District Plan and the more recent noise standards.

My recommendations for conditions for the Otatara Exchange are included in **Appendix 19.**

5.6.2.6.1 Recommendation

(a) The Notice of Requirement roll over with modification for Chorus New Zealand Ltd listed in the Table below be **modified**.

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP NO.	DESIG. NO.
Chorus New Zealand	Telecommunication and Radio-communication and	32 Oreti Road Otatara	Lots 6 and 7 DP 5523	15	42
Limited	Ancillary Purposes	• tatara			

- (b) It is recommended that the conditions, as requested by the requiring authority, be amended. Recommended conditions are attached to this report as **Appendix 19.**
- (c) It is recommended that a condition to waive the need for an outline plan in certain circumstances as requested by the requiring authority be included subject to minor amendment.

5.6.3 Chorus Submission 102.23

Chorus has submitted seeking that the conditions on their designations be included in the District Plan (submission 102.23). I agree that there would be benefits in ensuring that Plan Users are aware that conditions apply to the designated sites. However, in general it is the requiring authority that will be undertaking any work on the sites involved. The requiring authorities will be aware of the conditions. Including them all in the Proposed District Plan would also add significantly to the length of the Plan for limited gain, given the provisions will only occasionally be referred to.

I recommend that instead of including the conditions of all of the designations in the Proposed District Plan, the Appendix could be improved by including an additional column to recognise if there are conditions. The conditions are public information and are accessible for general public to view on request.

5.7 Spark NZ Limited (previously Telecom NZ Ltd)

Spark has sought the status of secondary requiring authority on two of the Chorus designations. These sites are 113 John Street and Part 180 Flagstaff Road. The Chorus designations are subject to conditions, as discussed above, and these conditions are to be carried through to the secondary designations as well.

Spark has also sought to roll over its designation at 10 The Crescent, subject to modifications.

5.7.1 Roll over of existing designation with modification – 10 The Crescent, Invercargill Exchange

The Invercargill Exchange is located on a 1629m² site at 10 The Crescent. It houses an existing exchange building and a number of car parks. The property is within the Business 1 Zone of the Proposed District Plan and the Business Sub-Area of the Operative District Plan.

The site was designated under the Operative District Plan. Spark is seeking to retain the designation but to include conditions. No submissions were received on this designation.

A consideration of alternative sites, routes or methods is not considered necessary as infrastructure is already in existence and the designations are not changing in terms of its extent or boundaries. The designation is considered reasonably necessary to achieve the objectives of the requiring authority.

The designation is consistent with the Proposed Regional Policy Statement for Southland and the Objectives and Policies on Infrastructure in the Proposed District Plan by providing for infrastructure. Including conditions seeks to ensure that the effects of this infrastructure are considered and integrated into the existing environment.

The conditions seek a maximum height of antenna and masts of 20m and for buildings a maximum height of 25m. Whilst structures of this height would have been permitted in the Operative District Plan, where there was no maximum height for structures, these suggested heights are both significantly higher than the permitted maximum height of structures in the Proposed District Plan for the site, which allows for buildings up to 10m. It is acknowledged that the effects of an antenna or mast on this site taller than 10m will not be significant. The property is not within the pedestrian friendly precinct. There are a number of infrastructural masts and antennas on buildings within the Business 1 Zone, and it is understood that the height of these structures needs to extend above adjoining buildings to ensure the effective functioning of the service provided. The maximum height for buildings is quite different. The policies in the Proposed District Plan seek to control the height of structures in order to create aesthetic coherence along frontages, avoid the creation of adverse microclimate effects and promote the availability of sunlight to the public street. As the majority of the buildings within the Business 1 Zone are mainly two storey structures, a 25m high building would impose significantly on the streetscape. It is unclear why the requiring authority requires a building of this height, and I recommend that the condition be amended to reduce the maximum height of structures on this site to 10m.

I note that the suggested conditions refer to height in relation to boundaries from adjoining residential zoned buildings. Given the site does not adjoin a residential zone, this condition is not considered necessary.

I also suggest amending the noise requirements to be consistent with the Proposed District Plan and the more recent noise standards. The conditions suggested by the requiring authority use the notional boundary. The notional boundary is not used in either the Proposed District Plan for the Business 1 Zone or the Operative District Plan for the Business Sub-Area. The permitted noise levels apply on site boundaries. The notional boundary would be difficult to analyse in this Zone where the properties are relatively small. Also residential activities are permitted and there is visitor accommodation adjoining the subject site. It is unclear why the Invercargill Exchange is likely to generate and emit greater noise levels than sites elsewhere in the city. I am recommending that the permitted noise levels be the same as the Proposed District Plan, unless there is good reason why these levels are not able to be met, suggested condition 6 covers situations where existing use exceeds the lower levels.

5.7.1.1 Conditions to waive outline plan requirement

Spark NZ Ltd has requested a condition be placed on its designations waiving the need for an outline plan in certain circumstances. I note that under Section 176A of the RMA Council has the option to use its discretion to waive the need for an outline plan. This is one of the few matters relating to designations that the Council makes a decision on and consideration of these conditions involves a different process. It is my interpretation of the RMA that, should these conditions be included as part of the designations, the Council does not recommend this condition for the acceptance of the requiring authority, but it is required to make a decision on this.

While there are no criteria within Section 176A(2)(c) for determining whether to waive the need for an outline plan, the matters that the Council should consider are:

- The level of effects that the proposed work or project may have;
- Whether the proposal or work would otherwise be a permitted activity and would meet any relevant performance standards of the underlying zone;
- Whether the effects of the works are addressed through a regional resource consent process;
- Whether the information has already be provided to the Council as part of the designation; and
- Whether meeting the conditions of the designation provides adequate control and certainty.

The Council has stipulated within Appendix IV of the Proposed District Plan the circumstances where an outline plan will not be required. In deciding whether the waiver of conditions suggested by the requiring authority should be accepted, these matters should also be part of the consideration.

The waiver condition sought by the requiring authority sets out two circumstances where an outline plan would not be required. The first is where the work is internal and will not increase noise emissions. Waiving the requirement for internal work is consistent with the waiver set out in the Proposed District Plan stating where the envelope of effects is not changed. The suggested conditions on noise cover situations where noise emissions are increased. I have no objections to this part of the waiver condition.

For similar reasons I am not concerned about the second part of the waiver condition. Other than including the term "maintenance and replacement" to be consistent with the Proposed District Plan, I believe the condition is consistent with the Proposed District Plan standard which exempts the need for an outline plan where the envelope of effects will not be changed.

For these reasons it is my recommendation that the waiver conditions on the Chorus designations be accepted.

5.7.2 Recommendation

(a) The Notice of Requirement roll over with modification for Chorus New Zealand Ltd listed in the Table below be **modified**.

REQUIRING AUTHORITY	Purpose	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
Spark New Zealand Ltd	Telecommunication and Radio-communication and Ancillary Purposes	10 The Crescent Invercargill	Lot 1 DP 13928	9	46

- (b) It is recommended that the conditions, as requested by the requiring authority, be amended. Recommended conditions are attached to this report as **Appendix 21.**
- (c) It is recommended that a condition to waive the need for an outline plan in certain circumstances as requested by the requiring authority be included subject to minor amendment.

5.8 New Zealand Transport Agency

5.8.1 Roll Over of Existing Designations with modification

The New Zealand Transport Agency has seven designations in the Proposed District Plan and they sought to retain their designations with minor wording modifications. These modifications were to the purpose, removing the reference to the State Highway number in the purpose column and simply using the term "State Highway Purpose", and where the State Highway is a limited access road to use the wording "State Highway Purpose – Limited Access Road". These modifications were notified with the Proposed District Plan.

No submissions were received on this designation.

It is my opinion that the modifications to the wording will not change the overall purpose of the designation.

As all 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 considered necessary as the roading infrastructure is already in existence and the designations are not changing in terms of its extent or boundaries.

The designations are considered reasonably necessary to achieve the objectives of the requiring authority in providing for State Highways.

5.8.1.1 Recommendation

For the reasons outlined above, it is recommended that:

(a) The Notices of Requirement roll over with modification for the New Zealand Transport Agency listed in the Table below be **confirmed**.

REQUIRING AUTHORITY	Purpose	LOCALITY	LEGAL DESCRIPTION	Map No.	DESIG. No.
New Zealand Transport Agency	State Highway 4 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	47
	State Highway 6 Purposes	State Highway 6	Winton-Lorneville Highway, North Road, Dee Street	2, 6, 8, 9	48
	State Highway 99 Purposes	State Highway 99	Lorneville-Wallacetown Highway	2	49
	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,	11, 12, 13, 16, 17, 18, 21, 22, 26	50

REQUIRING AUTHORITY	Purpose	LOCALITY	LEGAL DESCRIPTION	Map No.	DESIG. No.
			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 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	51
	State Highway Purposes- Limited Access Roads	State Highway 99	Lorneville-Wallacetown Highway between State Highway 6 and the City Boundary	2	52
	State Highway 98 Purposes and Limited Access Road	State Highway 98	Lorne-Dacre Road	2	53

5.9 New Zealand Railways Corporation

5.9.1 Roll Over of Existing Designation

New Zealand Railways Corporation has one designation in the Proposed District Plan and they sought to retain the existing designation without modification.

One submission was received in respect of this designation. The submission was from KiwiRail Holdings Ltd (submission 78.30). The submission supported the designation, but sought a change of the name of the requiring authority which has changed from "New Zealand Railways Corporation" to "KiwiRail Holdings Limited". This amendment would not alter the designation itself but merely keep the Proposed District Plan up to date.

As the designation is 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 considered necessary as the railway infrastructure is already in existence and the designations are not changing in terms of its extent or boundaries.

The designation is considered reasonably necessary to achieve the objectives of the requiring authority in providing for railways.

5.9.1.1 Recommendation

For the reasons outlined above, it is recommended that:

(a) The Notices of Requirement roll over with modification for KiwiRail Holdings Ltd listed in the Table below be **modified** by amending the name of the requiring authority in response to submission 79.1.

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
New Zealand Railways Corporation KiwiRail Holdings Ltd	Railway purposes	Throughout the District entering from the north and south and terminating at Bluff	Consult District Plan planning maps	2, 6, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 22, 26, 27 28, 29, 30	54

5.10 Transpower New Zealand Limited

5.10.1 Roll Over of Existing Designations

Transpower New Zealand has two designations in the Proposed District Plan and they sought to retain the existing designations without modification. No submissions were received on the designations. These are existing designations that have been given effect to.

The consideration of alternative sites, routes or methods is not considered necessary as the infrastructure is already in existence and the designations are not changing in terms of their physical boundaries.

The designation is considered reasonably necessary for the requiring authority to carry out its objectives.

The National Policy Statement on Electricity Transmission is relevant to these two sites. It provides guidance on the management and future development of the National Grid, of which these sites are part. This NPS requires the Council to consider the national significance of the National Grid infrastructure, as well as any effects on the environment. It is recognised that the structures on these sites are part of the National Grid and that this infrastructure is of national, regional and local importance.

I note that the requiring authority has not suggested any conditions for these sites. Transpower has, however, included an assessment of effects with their notice of requirement. It is my opinion that to be consistent with other designations for similar activities, that conditions should be at least considered as part of this process in order to ensure that any future development on the sites is appropriate within its physical context. Any conditions on these sites would relate to any new development on the site, and would not inhibit the maintenance and replacement of existing structures.

5.10.1.1 The Invercargill Substation, 25 Tuia Street, Invercargill

25 Tuai Street is in the Rural 2 Zone of the Proposed District Plan. It is over 13 ha and has been largely developed as an electricity substation, including a number of buildings. The properties to the south of the site are zoned Residential 1 and are separated from the site by Tuai Street itself. A City Map aerial image of the site is attached as **Appendix 22** to this report

There is an area of this site that is also designated by The Power Company Limited for "Electricity Zone Substation and Ancillary purposes". The designations are complementary and any work carried out on that part of the site would also need to comply with standards for the Transpower designation.

It is acknowledged that the existing structures extend well above the permitted height for the Rural 2 Zone. Whilst the site is separated from the adjoining residential properties by Tuai Street, and from properties to the east by Bethunes Lane, there are residential structures on the rural properties to the north. Should the site be further developed in the future, I would consider a 4m setback requirement as a minimum to maintain some of the amenity values of the area. I am also recommending the introduction of the recession plane requirements for new buildings on the site.

The requiring authority addresses low frequency noise in the Notice of Requirement, stating that they adopt the best practicable option to ensure that the emission of noise from the substation does not exceed a reasonable level. The requiring authority also states that there will be a circuit breaker operation characterised by a short sharp crack which is likely to occur on the site once every four years. They state that this operation may cause some disturbance to surrounding properties. However, I am in agreement with the requiring authority that due to the low frequency of this event and the established nature of the substation any actual or potential effects on the surrounding environment will be less than minor. I do, however, believe that noise condition should be considered to maintain and enhance the amenity values of the neighbouring properties.

The nature of the activity on the site is such that it involves the storage and use of hazardous substances. However, the requiring authority has provided an emergency management plan and has policies to manage the storage facilities on the site, including bunding where necessary. The site is also subject to the Hazardous Substances and New Organisms Act 1996. I am of the opinion that there is no need for a condition on hazardous substances.

The requiring authority states in its notice of requirement that it will continue to comply with the Ministry of Health ICNIRP Guidelines for electric and magnetic fields. Given that this is stated within the Notice of requirement itself.

5.10.1.2 Tiwai Substation, 1411 Tiwai Road, Invercargill

1411 Tiwai Road is in the Smelter Zone, and within the Coastal Environment. The designation is located within the developed part of the Smelter Zone in the vicinity of the Aluminium Smelter itself. To be consistent with the policies in the Proposed District Plan within this Zone, it is not considered necessary to impose amenity based conditions on matters such as height of structures.

The requiring authority addresses low frequency noise in the Notice of Requirement, stating that they adopt the best practicable option to ensure that the emission of noise from the substation does not exceed a reasonable level. The requiring authority also states that there will be a circuit breaker operation characterised by a short sharp crack which is likely to occur on the site once every four years. They state that this operation may cause some disturbance to surrounding properties. However, I am in agreement with the requiring authority that due to the low frequency of this event and the established nature of the substation any actual or potential effects on the surrounding environment will be less than minor. I do, however, believe that noise condition should be considered to be consistent with the requirement for other activities within the Smelter Zone. The Proposed District Plan provides no limit for noise on the site, but ensures that noise levels at the notional boundary of any noise sensitive activity are considered, and is a requirement for the Aluminium Smelter and any other activity carried out within this Zone.

The nature of the activity on the site is such that it involves the storage and use of hazardous substances. However, the requiring authority has provided an emergency management plan and has policies to manage the storage facilities on the site, including bunding where necessary. The site is also subject to the Hazardous Substances and New Organisms Act 1996. I am of the opinion that there is no need for a condition on hazardous substances.

The requiring authority states in its notice of requirement that it will continue to comply with the Ministry of Health ICNIRP Guidelines for electric and magnetic fields. Given that this is stated within the Notice of requirement itself.

5.10.2 Recommendation

(a) It is recommended that the following designations be **modified** and that conditions be imposed, as set out in **Appendices 23 and 24** of this report.

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	55
	Electricity Substation and Ancillary Structures and Activities, including telecommunications	1411 Tiwai Road	Lot 2 DP 13987	31	56

5.11 The Power Company Limited

5.11.1 Roll Over of Existing Designation

The Power Company Limited has one designation in the Proposed District Plan that they have sought to roll over without modification. No submissions were received on this designation.

As the designation is already in existence it has already been given effect to. The designation was confirmed by the requiring authority in August 2012 and it is not considered necessary to review the conditions again in this process.

A consideration of alternative sites, routes or methods is not considered necessary as the infrastructure is already in existence and the designation is not changing in terms of its extent or boundaries.

No recommendation is required in relation to this designation. It has been rolled over into the Proposed District Plan.

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	Map No.	DESIG. No.
The Power	Regional Network Utility	247 – 251 Racecourse	Sec 1 SO 5664, Lot 4 DP 4356	11,12	59
Company	Depot and Ancillary	Road , 16 and 22	and Sec 1 SO 11993		
Limited	Purposes	Findlay Road			

5.11.2 Roll Over of Existing Designations with modification

The Power Company Limited has two designations in the Proposed District Plan that they have sought to roll over subject to minor wording modifications. These modifications were to the purpose, adding the word "Substation". These modifications were notified with the Proposed District Plan.

No submissions were received on these designations.

It is my opinion that the modifications to the wording will not change the overall purpose of the designation. As all the designations are already in existence they have already been given effect to. The designations were confirmed by the requiring authority in 2011 and it is not considered necessary to review the need for conditions again.

It should be noted that The Power Company Limited's designation at 25 Tuai Street is part of a site designated by Transpower. I am recommending conditions on the Transpower designation (see section 5.10.1.1 above). As such any works proposed for this designation would also need to comply with those conditions.

A consideration of alternative sites, routes or methods is not considered necessary as the infrastructure is already in existence and the designations are not changing in terms of their extent or boundaries.

The designations are considered reasonably necessary to achieve the objectives of the requiring authority.

5.11.2.1 Recommendation

For the reasons outlined above, it is recommended that:

(a) The Notices of Requirement roll over with modification for The Power Company Limited listed in the Table below be **confirmed**.

REQUIRING AUTHORITY	Purpose	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
The Power Company Ltd	Electricity Zone Substation and Ancillary Purposes	23 Clapham Road	Section 88 Blk II Invercargill Hundred	12,13	57
	Electricity Zone Substation and Ancillary Purposes	25 Tuai Street	Lot 1 DP 12414	11,12	58

5.11.3 Withdrawal of designation

Immediately before notifying the Proposed District Plan, the Power Company Limited sought the withdrawal of a proposed designation on Holloway Street. This is noted in the table of designations on page 5-42 with a statement that Designation 60 is withdrawn. The designation was for a site that had not previously been designated. No assessment is required for the withdrawal of this proposed designation. The note was included because there was insufficient time between receiving notice of the withdrawal and notification of the Plan to renumber the designations and amend the planning maps.

It is anticipated that the Requiring Authority will submit a Notice of Requirement for this site to be processed outside of the Proposed District Plan review process.

5.11.4 New requirement to include in Proposed District Plan - 40 Colyer Road

In July 2014 the Power Company Limited confirmed the Council's recommendations on a Notice of Requirement for a new designation at 40 Colyer Road for an Electricity Zone Substation including all buildings structures, lines and ancillary purposes. The designation was confirmed subject to conditions.

As the designation was confirmed after the notification of the Proposed District Plan, it is not shown on the table in Appendix IV. This designation should be rolled over without further formality

5.11.4.1 Recommendation

It is recommended that the designation for The Power Company Limited in the table below be **confirmed** and added to the Proposed District Plan.

REQUIRING AUTHORITY	Purpose	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
The Power	Electricity Zone	40 Colyer Road	Proposed Lot 1, being a part of	<u>18</u>	To be
Company	Substation and Ancillary		Part Section 4 Block II		determi
Limited	<u>Purposes</u>		Campbelltown Hundred		ned

5.11.5 New requirements for consideration

The Power Company has sought to include three new requirements in the Proposed District Plan. Evaluation of the Notices of requirement and my recommendations on these proposed designations are set out below.

5.11.5.1 281 Chesney Street, Invercargill, Seaward Bush Substation

A Notice of Requirement for a new designation was received from The Power Company Limited, the purpose of which is the reception, transformation from subtransmission voltage to distribution voltage and distribution of electrical power and energy and ancillary purposes and land uses. The designation notation they sought is "Electricity Zone Substation and Ancillary Purposes".

The site to which the requirement applies is located at 281 Chesney Street, Invercargill. It is approximately 0.1009ha and is legally described as Part Lot 6 Block VII Invercargill Hundred DP 111, being the land comprised in Certificate of Title SL11B-409. The land is owned and operated by The Power Company Limited and is managed by PowerNet Limited under the Energy Companies Act 1992. The site is identified as being within the Rural 2 Zone of the Proposed Invercargill City District Plan. A CityMap image of the site is attached as **Appendix 25.**

The work proposed by the designation is the continuance of the existing use of the site which originally commenced in 1967. The work includes the operation, erection, installation, maintenance, replacement, alteration, improvement and removal of poles, support structures, transformers, buildings, switchgear, cables and conductors, associated equipment and other land use activities incidental thereto. No structures on the site extend beyond 10m in height.

This Notice of Requirement is for a designation to continue the existing use of the site and any changes to the established facilities and activities will be subject to the Outline Plan procedures as set out in Section 176A of the RMA.

The Notice of Requirement was notified on 24 August 2013. Notice was served on the following affected parties:

- Danny L Steel, 265 Chesney Street, Invercargill
- Paul J Stables, 281 Stirrat Street, Invercargill
- Angelina T Chadwick-Hamilton, 301 Stirrat Street, Invercargill
- Charles M and Pauline M Tomas, 316 Stirrat Street, Invercargill

No submissions were received.

5.11.5.1.1 Conditions to waive outline plan requirement

The Power Company Ltd has requested a condition be placed on its designations waiving the need for an outline plan in certain circumstances. I note that under Section 176A of the RMA Council has the option to use its discretion to waive the need for an outline plan. This is one of the few matters relating to designations that the Council makes a decision on and consideration of these conditions involves a different process. It is my interpretation of the RMA that, should these conditions be included as part of the designations, the Council does not recommend this condition for the acceptance of the requiring authority, but it is required to make a decision on this.

While there are no criteria within Section 176A(2)(c) for determining whether to waive the need for an outline plan, the matters that the Council should consider are:

The level of effects that the proposed work or project may have;

- Whether the proposal or work would otherwise be a permitted activity and would meet any relevant performance standards of the underlying zone;
- Whether the effects of the works are addressed through a regional resource consent process;
- Whether the information has already be provided to the Council as part of the designation; and
- Whether meeting the conditions of the designation provides adequate control and certainty.

The Council has stipulated within Appendix IV of the Proposed District Plan the circumstances where an outline plan will not be required. In deciding whether the waiver of conditions suggested by the requiring authority should be accepted, these matters should also be part of the consideration.

By accepting condition 6, the Council would be exercising its discretion under 176A without seeing certain proposals and removes any right of the Council for a subsequent appeal.

I do not object to a waiver from an outline plan when the requiring authority is replacing existing transformers, poles, support structures, swtictch gear, cables or conductors where there is no increase in the height of the structure, so long as the condition is amended to "maintenance and replacement" as defined in the Proposed District Plan. I understand that "maintenance and replacement" could well be carried out on the subject site without an outline plan, where "maintenance and replacement" does not result in an overall increase in height or change the scale or footprint of the structure. This is consistent with the definitions in the Proposed District Plan and given the history of the site is what can reasonably be expected.

My concern lies with the first clause of the condition which states that no outline plan shall be required for any works that do not result in any increase in noise emissions. To me, this condition reads as saying that the only effect that the Council needs to consider in relation to developments on the designated sites is any increase of noise emissions. This clause could result in enabling the authority to increase the footprint of the development, change the envelope of effects of the site or increase the amount of hazardous substances stored on the site without the involvement of Council or any other potentially affected party. I believe that given the location of this site in relation to residential properties, changes to the established facilities and activities, including those that increase noise emissions, should be subject to the Outline Plan procedures as set out in Section 176A of the Resource Management Act 1991. The details within the Notice of Requirement states at 5.2 that the outline plan process is anticipated when any changes to the established facilities and activities are proposed and contradicts the suggested condition for which there is no discussion or justification given.

I recommend that given the list of circumstances where the Council already states outline plans are not required, and what can be carried out on the site as a permitted activitiy under the Proposed District Plan, condition 6 is acceptable, subject to amendment.

5.11.5.1.2 Assessment of Environmental Effects

The subject site is situated within the Rural 2 Zone of the Proposed District Plan. The site comprises of an existing substation. It is on a corner site. The adjoining property

is over 4ha and is currently used for agricultural purposes. There is the potential under the Proposed District Plan for this property to be subdivided in the future. The properties at 281, 301 and 316 Stirrat Street have residences.

The existing use of the site is not rural in character. However, the designation sought is for the continuation of the existing substation which has been operating at the site for over 40 years. Any changes to the established facilities and activities will be subject to the Outline Plan procedures as set out in Section 176A of the Resource Management Act 1991.

The electricity substation provisions in the Proposed District Plan's Infrastructure Rule are subject to submissions. However, it is noted that the rule states that it is a permitted activity to erect electricity substations in the Rural 2 Zone exceeding 6m² and/or 2m in height. Pole mounted structures exceeding 0.6m³ are discretionary. Designation of this site would exempt the facility from this rule but further developments would be constrained by any conditions placed on the designation. In addition, the effects of any future changes to the facility and any mitigation measures would be addressed as necessary under any applicable Outline Plan procedures.

The maximum height for structures in the Rural 2 Zone is 10 metres in the Proposed District Plan. The Power Company Limited has proposed a condition which states that no structure shall be either no taller than the height of the tallest existing structure, or 11m, whichever is the tallest. It is considered that structures of this height will have no more than a minor adverse effect on the environment given the distance of the site from any existing residential use.

The site is significantly smaller than the 2ha minimum lot size set for the Rural 2 Zone in the Proposed District Plan. It is noted that this is a historic property that has been used by the requiring authority for over 40 years. The scale of development, at 50% site coverage, will be more intensive than would otherwise be permitted. Non-residential activities are required to provide a yard of 4m on all side and rear boundaries in the Rural 2 Zone. There is some distance between this site and the nearest residence. This separation distance, the scale of development in the area surrounding this site, and the relatively compact nature of the proposed designation site is such that the 4m setback is not considered necessary.

The requiring authority has also suggested conditions related to noise. To ensure that the noise standards are consistent with the approach to noise in the Proposed District Plan it is recommended that the noise conditions be updated to refer to NZS 6801:2008: Measurement of Environmental Sound and NZS 6802:2008: Acoustics Environmental Noise, and that the noise limits be expressed in terms compatible with those updated standards, rather than the 1991 standards. It is also recommended that the levels at the notional boundary be 50dB $L_{\rm Aeq}$ during the daytime hours and 40dB $L_{\rm Aeq}$ during the night time to be consistent with the requirements in the noise standards of the Proposed District Plan and to protect the amenity of those residential activities in the area.

5.11.5.1.3 National Policy Statement on Electricity Transmission 2008

Section 171(1) of the RMA states that when considering a requirement and any submission received, a territorial authority must, subject to Part 2 of the Act, consider the effects on the environment of allowing the requirement, having particular regard to any relevant provisions of a National Policy Statement, New Zealand Coastal Policy Statement. The most relevant Policy Statement in regards to this designation is the the National Policy Statement on Electricity Transmission 2008 which identifies the

need to operate, maintain, develop and upgrade the electricity transmission network, as being a matter of national significance. Policy 13 recognises that the designation process can facilitate long term planning for the development, operation and maintenance of electricity transmission infrastructure.

5.11.5.1.4 Policy Statements and Plans

The infrastructure objectives and policies of the Proposed Regional Policy Statement for Southland seek to recognise and provide for regional, national and critical infrastructure, whilst ensuring that the infrastructure is integrated with land use and the environment. I believe that the designation of this site will provide for the local and national infrastructure, and that conditions on this designation will ensure that any further effects of this infrastructure on the amenity values of the neighbourhood are considered.

Section 171 of the RMA requires the Committee to have particular regard to a Plan or Proposed Plan. For the purposes of this process, the relevant Plan to consider is the Proposed District Plan.

The Infrastructure objectives and policies of the Proposed District Plan have a similar theme to the Proposed Regional Policy Statement and overall the proposal is in general accordance with the objectives and policies relating to infrastructure.

The policies of the Rural 2 Zone state that the Rural 2 Zone is to create a transition between the rural and urban environments. Urban development is discouraged in this zone and the scale of development sought for the Rural 2 Zone is for structures of moderate height placed with space around them on individual sections.

5.11.5.1.5 Alternative sites, routes and methods

The Notice of Requirement has not identified any alternative sites, and gives the following reasons:

- (i) The Power Company Limited owns and manages the land for undertaking the work.
- (ii) There will be no significant adverse effects on the environment, as the infrastructure already exists on the site, and was established since 1967.

I agree that no alternative sites need to be provided because the site is owned and operated by The Power Company Ltd, and the adverse effects are less than minor for the reasons given above.

5.11.5.1.6 Are the proposed works necessary?

The existing facilities on the site have been operating since 1967. The Notice of Requirement states that the continued operation, maintenance and improvement of The Power Company Limited's network is important, and that it is important that this apparatus is correctly designated under the RMA to ensure that the range of operations are appropriately provided for in the District Plan.

The provision of infrastructure is recognised by the District Plan as important to meet the economic, social, health and safety needs of individuals and the community. The designation of the site for the purposes identified will ensure the long term efficient use of the facility, which will benefit the community.

5.11.5.1.6 Recommendation

(a) The Notice of Requirement roll over with modification for The Power Company Ltd listed in the Table below be **modified**.

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
The Power	Electricity Zone	281 Chesney Street	PT Lot 6 Blk VII Invercargill	17	61
Company	Substation and Ancillary		Hundred DP 111		
Limited	Purposes				

- (b) It is recommended that the conditions, as requested by the requiring authority, be amended. Recommended conditions are attached to this report as **Appendix 26.**
- (c) It is recommended that a condition to waive the need for an outline plan in certain circumstances as requested by the requiring authority be included subject to minor amendment.

5.11.5.2 189 Taiepa Road, Invercargill, Otatara Substation

A Notice of Requirement for a new designation was received from The Power Company Limited, the purpose of which is the reception, transformation from subtransmission voltage to distribution voltage and distribution of electrical power and energy and ancillary purposes and land uses. The designation notation they sought is "Electricity Zone Substation and Ancillary Purposes".

The site to which the requirement applies is located at 189 Taiepa Road, Invercargill. It is approximately 2023m² and is legally described as Part Section 85 Block XX Invercargill Hundred, CT SL11B/397. The land is owned and operated by The Power Company Limited and is managed by PowerNet Limited under the Energy Companies Act 1992. The site is identified as being within the Otatara Zone of the Proposed Invercargill City District Plan. A CityMap image of the site is attached as **Appendix 27.**

The work is the continuance of the existing use of the site which originally commenced in 1972. The work includes the operation, erection, installation, maintenance, replacement, alteration, improvement and removal of poles, support structures, transformers, buildings, switchgear, cables and conductors, associated equipment and other land use activities incidental thereto. No structures on the site currently extend beyond 10m in height.

This Notice of Requirement is for a designation to continue the existing use of the site and any changes to the established facilities and activities will be subject to the Outline Plan procedures as set out in Section 176A of the RMA.

The Notice of Requirement was notified on 24 August 2013. Notice was served on the following affected parties:

- Rodger W S Leader, 181 Taiepa Road, RD 9, Invercargill 9879
- Denis A and Pauline F Harvey, 7 Aicken Road, Invercargill 9879
- Martin L J and Jane M Carroll, 130 Oreti Road, RD 9, Invercargill, 9879

- Vyner Investments Limited, C/- AM Brookland,PO Box 97605, Manukau City, Auckland 2241
- The Occupier, 70 Vyner Road, RD 9, Invercargill 9879
- CP Trustees Limited, PO Box 639, Invercargill 9840

Submissions were received from two of these affected parties, the Leaders and the Harveys, relating to conditions on potential height of structures, noise levels and the measurement of magnetic and electricial frequencies.

5.11.5.2.1 Conditions to waive outline plan requirement

The Power Company Ltd has requested a condition be placed on its designations waiving the need for an outline plan in certain circumstances. I note that under Section 176A of the RMA Council has the option to use its discretion to waive the need for an outline plan. This is one of the few matters relating to designations that the Council makes a decision on and consideration of these conditions involves a different process. It is my interpretation of the RMA that, should these conditions be included as part of the designations, the Council does not recommend this condition for the acceptance of the requiring authority, but it is required to make a decision on this.

While there are no criteria within section 176A(2)(c) for determining whether to waive the need for an outline plan, the matters that the Council should consider are:

- The level of effects that the proposed work or project may have;
- Whether the proposal or work would otherwise be a permitted activity and would meet any relevant performance standards of the underlying zone;
- Whether the effects of the works are addressed through a regional resource consent process;
- Whether the information has already been provided to the Council as part of the designation; and
- Whether meeting the conditions of the designation provides adequate control and certainty.

The Council has stipulated within Appendix IV of the Proposed District Plan the circumstances where an outline plan will not be required. In deciding whether the waiver of conditions suggested by the requiring authority should be accepted, these matters should also be part of the consideration.

By accepting condition 6, the Council would be exercising its discretion under 176A without seeing certain proposals and removes any right of the Council for a subsequent appeal.

I do not object to a waiver from an outline plan when the requiring authority is replacing existing transformers, poles, support structures, swtictch gear, cables or conductors where there is no increase in the height of the structure, so long as the condition is amended to "maintenance and replacement" as defined in the Proposed District Plan. I understand that "maintenance and replacement" could well be carried out on the subject site without an outline plan, where "maintenance and replacement" does not result in an overall increase in height or change the scale or footprint of the structure. This is consistent with the definitions in the Proposed District Plan and given the history of the site is what can reasonably be expected.

My concern lies with the first clause of the condition which states that no outline plan shall be required for any works that do not result in any increase in noise emissions. To me, this condition reads as saying that the only effect that the Council needs to consider in relation to developments on the designated sites is any increase of noise emissions. This clause could result in enabling the authority to increase the footprint of the development, change the envelope of effects of the site or increase the amount of hazardous substances stored on the site without the involvement of Council or any other potentially affected party. I believe that given the location of this site in relation to residential properties, changes to the established facilities and activities, including those that increase noise emissions, should be subject to the Outline Plan procedures as set out in Section 176A of the Resource Management Act 1991. The details within the Notice of Requirement states at 5.2 that the outline plan process is anticipated when any changes to the established facilities and activities are proposed and contradicts the suggested condition for which there is no discussion or justification given.

I recommend that given the list of circumstances where the Council already states outline plans are not required, and what can be carried out on the site as a permitted activitiy under the Proposed District Plan, condition 6 is acceptable, subject to amendment.

5.11.5.2.2 Assessment of Environmental Effects

The subject site is situated within the Otatara Zone of the Proposed District Plan. The site comprises of an existing substation. It sits on a corner property at the junction of Taiepa, Oreti, Vyner and Aicken Roads. The neighbouring sites are used for mainly residential purposes. The properties directly adjoining the site are 3923m2 and 2.9ha.

The existing use of the site is not residential in character. However, the designation sought is for the continuation of the existing substation which has been operating on a corner of the site for over 40 years. Any changes to the established facilities and activities will be subject to the Outline Plan procedures as set out in Section 176A of the Resource Management Act 1991.

The electricity substation provisions in the Proposed District Plan's Infrastructure Rule are subject to submissions. However, it is noted that the rule states that it is a discretionary activity to erect electricity substations in the Otatara Zone. Designation of this site would exempt the facility from this rule but further developments would be constrained by any conditions placed on the designation. In addition, the effects of any future changes to the facility and any mitigation measures would be addressed as necessary under any applicable Outline Plan procedures.

The site is significantly smaller than the 4000m2 minimum lot size set for the for sites connected to Council's reticulated sewerage system in the Otatara Zone in the Proposed District Plan. It is noted that this is a historic property that has been used by the requiring authority for over 40 years. The scale of development at 50% site coverage will be a lot more intensive on this undersized lot than would otherwise be permitted or generally anticipated in the Otatara Zone. In the Otatara Zone there is a requirement in the Proposed District Plan for a side and rear yard of at least 4m for non-residential activities. Due to the existing location of the neighbouring residence and the the possibility for 7 Aicken Road to the south of the site, which is 2.9ha, to be subdivided for residential purposes, it is recommended that the conditions be amended to include a setback for new structures of at least 4m from all side and rear

boundaries to protect amenity values and to retain some areas of open space. I note that the site plan for the subject site shows a future switchroom located only 2m from the eastern boundary. For the purposes of the conditions, it would be reasonable to word the conditions to apply to structures not shown on the site plan given that the site plan was notified and affected parties had the opportunity to submit based on that plan.

It is noted that there is established landscaping on the proposed designated site along the boundaries shared with both 181 Taiepa Road and 7 Aicken Road. This landscaping acts as a visual screen and should be retained into the future.

The maximum height of structures in the Otatara Zone is 10 metres in the Proposed District Plan. The Power Company Limited has proposed a condition which states that no structure shall be either no taller than the height of the tallest existing structure, or 11m, whichever is the tallest. Both Mr Leader (submission 16.1) and Mr Harvey (submission 27.1) raised concerns about the suggested condition on the height of structures. The notice of requirement states that no structures existing on the site exceed 10m in height. The condition, therefore, would enable structures to be erected on the site up to 11m. The residence to the east of the site is likely to be the most affected by shading from structures on this site. However, it should be noted that there is the potential for the site to the south to be developed for residential activities and in future any residence on that site could be affected by this designation. It is my opinion that there should be a condition requiring compliance with Infogram 4 - Recession Planes measured along the boundary to the east and south. No elevations were provided with the Notice of Requirement for the "Future Switchroom". A structure two metres from the eastern boundary could meet the recession planes, depending on its design, so I do not believe that this condition would result in constraints on proposed activities.

Mr Leader raises questions in submission 16.1 on whether provision is made for noise control. I note, however, that the requiring authority has suggested conditions related to noise. The noise levels for the site set out in the suggested conditions are similar to the noise level allowed elsewhere in the Otatara Zone. To ensure increased consistency with the approach to noise in the Proposed District Plan it is recommended that the noise conditions be updated to refer to NZS 6801:2008: Measurement of Environmental Sound and NZS 6802:2008: Acoustics Environmental Noise, and that the noise limits be expressed in terms compatible with those updated standards, rather than the 1991 standards. It is also recommended that the levels at the notional boundary be 50dB $L_{\rm Aeq}$ during the daytime hours and 40dB $L_{\rm Aeq}$ during the night time to be consistent with the requirements in the noise standards of the Proposed District Plan and to protect the amenity of those residential activities in the area.

Mr Harvey (submission 27.3) has raised concerns that conditions relating to noise do not refer to low frequency noise emissions from the site. Low frequency noise is inherently difficult to place limits on and is not addressed specifically within the Proposed District Plan. Section 16 of the RMA requires all land owners and occupiers to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level. Sections 326-328 of the RMA enable the Council to take action against "excessive noise" which is defined as of such a nature as to unreasonably interfere with the peace, comfort and convenience of any person. Should unreasonable, or excessive low-frequency noise be emitted from the sub-station site, the RMA would enable the Council to require parties to reduce or avoid the noise.

I also believe that a set condition requiring that noise barriers be erected around any equipment emitting low frequency noise, as suggested in submission 27.3 by Mr Harvey, would be impractical. Many activities, including everyday residential activities, emit some levels of low frequency noise. There may also be other means of reducing the low frequency noise emissions other than barriers. These may include actions such as regular maintenance of equipment. The condition sought by the submitter, whilst well meaning, could render the site unusable or may require a course of action that may not be the most effective and efficient.

Mr Harvey (submission 27.2) also raises concerns about the measurement of electric and magnetic field emissions from the site. He is particularly concerned with the words in the proposed condition stating that these fields shall not exceed the limits "within publicly accessible areas". He is concerned that their private property would not be protected from these emissions. A similar clause, "reasonably accesible to the public", is used in the National Environmental Standard Telecommunications Facilities in relation to radiofrequency emissions. This term is explained Ministry Environment website: in for the http://www.mfe.govt.nz/publications/rma/national-environmental-standardstelecommunication-facilities-users-guide/3-matters. It states that:

"The standard uses the term "reasonably accessible to the general public" but does not define what this means. It is difficult to provide a precise definition, but in most cases, it should be fairly easy to determine what areas might and might not be reasonably accessible

"In general, areas accessible to the public should include anywhere that might under normal circumstances be occupied by a member of the public. This could include both public and private property (e.g. in the street, or on private land). Another way of thinking about it could be in terms of areas where members of the public have lawful access but may be unaware of exposures to RF fields."

While the term suggested in condition 3 of this Notice of Requirement does not include the exact words from the NES, my interpretation of the term "within publicly accessible areas" would be the same and as such the condition should ensure that emissions meet the standards on the submitter's private property.

It is my opinion that the environmental effects of the designation would be no more than minor subject to conditions on the designation addressing site coverage, height and setback requirements for any additional structures, and on noise and radiofrequency emission limitations.

5.11.5.2.3 National Policy Statement on Electricity Transmission 2008

Section 171(1) of the RMA states that when considering a requirement and any submission received, a territorial authority must, subject to Part 2 of the Act, consider the effects on the environment of allowing the requirement, having particular regard to any relevant provisions of a National Policy Statement, New Zealand Coastal Policy Statement.

The most relevant Policy Statement in regards to this designation is the National Policy Statement on Electricity Transmission 2008 which identifies the need to operate, maintain, develop and upgrade the electricity transmission network, as being a matter of national significance. Policy 13 recognises that the designation process can facilitate long term planning for the development, operation and maintenance of electricity transmission infrastructure.

5.11.5.2.4 Policy Statements and Plans

The infrastructure objectives and policies of the Proposed Regional Policy Statement for Southland seek to recognise and provide for regional, national and critical infrastructure, whilst ensuring that the infrastructure is integrated with land use and the environment. I believe that the designation of this site will provide for the local and national infrastructure, and that conditions on this designation will ensure that any further effects of this infrastructure on the amenity values of the neighbourhood are considered.

This site has been used for infrastructural purposes for over 40 years. Whilst the designation would allow for the further development of the site, conditions on the designation would control the scale and nature of these activities and the Outline Plan process would be involved. It could be argued that there is a functional need for this location based on the historical use of the site.

Section 171 of the RMA requires the Committee to have particular regard to a Plan or Proposed Plan. For the purposes of this process, the relevant Plan to consider is the Proposed District Plan. The provisions relating to infrastructure and the zone specific provisions are relevant to this designation.

The infrastructure objectives and polcies of the Proposed District Plan have a similar theme to the Proposed Regional Policy Statement and overall the proposal is in general accordance with the objectives and policies relating to infrastructure.

The Objective for the Otatara Zone is as follows:

Objective 1: Otatara maintains a high level of amenity associated with low density rural-residential lifestyle activity in a semi rural environment, including retaining rural allotments of varying sizes; a high degree of privacy; scenic values with views to the coast and the estuary areas; and feelings of remoteness away from urban environs.

The policies also promote low density residential development in this area of the Otatara Zone.

5.11.5.2.5 Alternative sites, routes and methods

The Notice of Requirement has not identified any alternative sites, and gives the following reasons:

- (i) The Power Company Limited owns and manages the land for undertaking the work,
- (ii) There will be no significant adverse effects on the environment, as infrastructure already exists on the site, and was established since 1957.

I agree that no alternative sites need to be provided because the site is owned and operated by The Power Company Limited. Should conditions, as suggested above, be placed on the Notice of Requirement, the adverse effects will be less than minor.

5.11.5.2.6 Are the proposed works necessary?

The existing facilities on the site have been operating since 1972. The Notice of Requirement states that the continued operation, maintenance and improvement of

The Power Company Limited's network is important, and that it is important that this apparatus is correctly designated under the RMA to ensure that the range of operations are appropriately provided for in the District Plan.

The provision of infrastructure is recognised by the District Plan as important to meet the economic, social, health and safety needs of individuals and the community. The designation of the site for the purposes identified will ensure the long term efficient use of the facility, which will benefit the community.

5.11.5.2.7 Recommendation

For the reasons set out above, it is recommended that:

(a) The Notice of Requirement for The Power Company Limited listed in the table below be **modified**.

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	Map No.	DESIG. No.
The Power Company Limited	Electricity Zone Substation and Ancillary Purposes	189 Taiepa Road, Invercargill	Pt Sec 85 BLK XX Invercargill Hundred	15	62

- (b) It is recommended that the conditions, as requested by the requiring authority, be amended. Recommended conditions are attached to this report as **Appendix 28.**
- (c) It is recommended that a condition to waive the need for an outline plan in certain circumstances as requested by the requiring authority be included subject to minor amendment.

5.11.5.3 8 Nichol Road, Invercargill, Bluff Substation

A Notice of Requirement for a new designation was received from The Power Company Limited, the purpose of which is the reception, transformation from subtransmission voltage to distribution voltage and distribution of electrical power and energy and ancillary purposes and land uses. The designation notation they sought is "Electricity Zone Substation and Ancillary Purposes".

The site to which the requirement applies is located at 8 Nichol Road, Invercargill. It is approximately 7285m² and is legally described as Lot 2 Deposited Plan 3084, Certificate of Title SL11B/405. The land is owned and operated by The Power Company Limited and is managed by PowerNet Limited under the Energy Companies Act 1992. The site is identified as being within the Rural 1 Zone of the Proposed Invercargill City District Plan. A locality plan is attached as **Appendix 29.**

The work is the continuance of the existing use of the site which originally commenced in 1957. The work includes the operation, erection, installation, maintenance, replacement, alteration, improvement and removal of poles, support structures, transformers, buildings, switchgear, cables and conductors, associated equipment and other land use activities incidental thereto. No structures on the site currently extend beyond 10m in height. The historic infrastructure is located on $1012m^2$ of the site. This notice of requirement covers the balance of the property as well, and will enable further development of the site subject to the Outline Plan procedures as set out in Section 176A of the RMA.

The Notice of Requirement was notified on 24 August 2013. Notice was served on the following affected parties:

- Flat Hill Wind Farm, Private Bag 1203, Blenheim 7240
- The Occupier, 2* Nichol Road, RD 11, Invercargill 9877
- Blair S Allison, 6 Nichol Road, RD 11, Invercargill 9877
- Derek J Burton, 16 Nichol Road, RD 11, Invercargill 9877
- Thomas T T Moore, 18 Nichol Road, RD 11, Invercargill 9877
- Theodore M and Suzanne G White, 119 Bamborough Street, Invercargill 9810

No submissions were received.

5.11.5.1.1 Conditions to waive outline plan requirement

The Power Company Ltd has requested a condition be placed on its designations waiving the need for an outline plan in certain circumstances. I note that under section 176A of the RMA Council has the option to use its discretion to waive the need for an outline plan. This is one of the few matters relating to designations that the Council makes a decision on and consideration of these conditions involves a different process. It is my interpretation of the RMA that, should these conditions be included as part of the designations, the Council does not recommend this condition for the acceptance of the requiring authority, but it is required to make a decision on this.

While there are no criteria within section 176A(2)(c) for determining whether to waive the need for an outline plan, the matters that the Council should consider are:

- The level of effects that the proposed work or project may have;
- Whether the proposal or work would otherwise be a permitted activity and would meet any relevant performance standards of the underlying zone;
- Whether the effects of the works are addressed through a regional resource consent process;
- Whether the information has already be provided to the Council as part of the designation; and
- Whether meeting the conditions of the designation provides adequate control and certainty.

The Council has stipulated within Appendix IV of the Proposed District Plan the circumstances where an outline plan will not be required. In deciding whether the waiver of conditions suggested by the requiring authority should be accepted, these matters should also be part of the consideration.

By accepting condition 6, the Council would be exercising its discretion under 176A without seeing certain proposals and removes any right of the Council for a subsequent appeal.

I do not object to a waiver from an outline plan when the requiring authority is replacing existing transformers, poles, support structures, swtictch gear, cables or conductors where there is no increase in the height of the structure, so long as the condition is amended to "maintenance and replacement" as defined in the Proposed District Plan. I understand that "maintenance and replacement" could well be carried out on the subject site without an outline plan, where "maintenance and replacement"

does not result in an overall increase in height or change the scale or footprint of the structure. This is consistent with the definitions in the Proposed District Plan and given the history of the site is what can reasonably be expected

My concern lies with the first clause of the condition which states that no outline plan shall be required for any works that do not result in any increase in noise emissions. To me, this condition reads as saying that the only effect that the Council needs to consider in relation to developments on the designated sites is any increase of noise emissions. This clause could result in enabling the authority to increase the footprint of the development, change the envelope of effects of the site or increase the amount of hazardous substances stored on the site without the involvement of Council or any other potentially affected party. I believe that given the location of this site in relation to residential properties, changes to the established facilities and activities, including those that increase noise emissions, should be subject to the Outline Plan procedures as set out in Section 176A of the Resource Management Act 1991. The details within the Notice of Requirement states at 5.2 that the outline plan process is anticipated when any changes to the established facilities and activities are proposed and contradicts the suggested condition for which there is no discussion or justification given.

I recommend that given the list of circumstances where the Council already states outline plans are not required, and what can be carried out on the site as a permitted activitiy under the Proposed District Plan, condition 6 is acceptable, subject to amendment.

5.11.5.3.1 Assessment of Environmental Effects

The subject site is situated within the Rural 1 Zone of the Proposed District Plan. It is within the Coastal Environment. The site comprises of an existing substation. The remainder of the site is used for agricultural purposes. The properties adjoining the site range in size from $1090m^2$ and $3500m^2$ to approximately 59ha. The neighblouring sites are used for a mix of residential and agricultural purposes. The site is elevated and is visible from the State Highway.

The existing use of the site is not purely rural in character. The designation sought is for the continuation of the existing substation which has been operating on a corner of the site for over 50 years, but will result in the remaining 6273m² of the property being designated to enable similar activities to occur in the future. Without conditions, such a designation could have more than minor effects on the environment.

The electricity substation provisions in the infrastructure rule are subject to submissions. However, it is noted that the rule states that it is a permitted activity to erect electricity substations in the Rural 1 Zone. Pole mounted structures exceeding 0.6m³ are discretionary. Designation of this site would exempt the facility from this rule but further developments would be constrained by any conditions placed on the designation. In addition, the effects of any future changes to the facility and any mitigation measures would be addressed as necessary under any applicable Outline Plan procedures.

It is noted that this site has historically been used, in part, by the requiring authority for over 50 years. However, the site is significantly smaller than the 4ha minimum lot size set for the Rural 1 Zone in the Proposed District Plan. The scale of development at 50% site coverage will be a lot more intensive than would otherwise be generally anticipated in the Rural 1 Zone and would not be consistent with development in the immediate vicinity. A condition allowing up to 50% site coverage would enable

development on up to 3642.5m² of the site. To mitigate the effects of such development it is recommended that a number of conditions be considered. Such conditions should include a setback for new structures of at least 4m from all side and rear boundaries allowing for areas of open space to protect amenity values of the neighbouring properties and visual impacts for passing traffic.

I note that there is an existing hedge along the part of the southern boundary of the site, and that the dwelling on that southern site sits lower on the hill and has limited views of 8 Nichol Road. There is currently only a chain-link fence separating the dwelling to the north and the subject site, although planting of leylandi along part of the boundary is starting to establish. However, there is no guarantee that this screen will be retained. Whilst set back slightly, 8 Nichol Road is visible from the State Highway. Significant increases in infrastructure on the site will have a visual impact. It is noted that no screening or landscaping has been proposed for new development on the site. However, I believe some form of landscaping and screening could be used to mitigate the effects of any intensification of development on the site, particularly those effects on the adjoining residential properties and any view of the property from the State Highway. Whilst I understand that some planting and landscaping can result in operational constraints for the requiring authority, a carefully designed landscape plan could mitigate, if not avoid, adverse visual and amenity effects. I note that Section 176A(3)(e) of the RMA requires outline plans to show the landscaping proposed. However, I recommend that a condition be placed on the designation ensuring that all outline development plans for any new development on the site include a landscape plan prepared by a suitably qualified landscape designer that addresses visual screening from the adjoining residential properties and from the State Highway minimising the visual impact of the proposed new development within the coastal environment. Such landscape plan shall include details of the planting programme and ongoing maintenance of that landscaping. This condition would be triggered by any new development on the site and does not place an obligation on the requiring authority to screen existing infrastructure where no changes are proposed. A landscape plan will ensure that some consideration is given to long term screening and mitigation of any visual effects. Whilst landscaping proposals are required anyway, I believe that such a condition would ensure that the requiring authority pays particular attention to the sensitivities of the environment.

The maximum height for buildings and structures in the Rural 1 Zone is 10 metres in the Proposed District Plan. The Power Company Limited has proposed a condition which states that no structure shall be either no taller than the height of the tallest existing structure, or 11m, whichever is the tallest. Given that the Notice of Requirement states that no structure on the site exceeds 10m, it can be assumed that the maximum height of structures on the site will be 11m. The properties to the north and to the south are used for residential purposes. Whilst shading will not impose on the amenity values of the property to the north, should the site be developed in the future closer to the properties to the south, shading could become a reality. The 16 Nichol Road site sits lower on the hill than the subject site which would increase the effects of potential shading of any structure close to the boundary. It is considered that the adverse effects on the environment from structures of this height will be reduced should there be a setback requirement in the conditions. It is also considered reasonable to require compliance with Infogram 4 – Recession Planes where the site adjoins the residential properties to the north and south.

The requiring authority has suggested conditions related to noise. To ensure that the noise standards are consistent with the approach to noise in the Proposed District Plan it is recommended that the noise conditions be updated to refer to NZS 6801:2008: Measurement of Environmental Sound and NZS 6802:2008:

Acoustics Environmental Noise, and that the noise limits be expressed in terms compatible with those updated standards, rather than the 1991 standards. It is also recommended that the levels at the notional boundary be 50dB L_{Aeq} during the daytime hours and 40dB L_{Aeq} during the night time to be consistent with the requirements in the noise standards of the Proposed District Plan and to protect the amenity of those residential activities in the area.

The owners and occupiers of adjoining properties have not submitted to the designation.

I am satisfied that conditions on the designation addressing site coverage, height, landscaping and setback requirements for any additional structures, and on noise and radiofrequency emission limitations will address any future adverse effects. The Outline Plan process will ensure that these matters, amongst others, are considered at the time of any development.

5.11.5.3.2 National Policy Statement on Electricity Transmission 2008

Section 171(1) of the RMA states that when considering a requirement and any submission received, a territorial authority must, subject to Part 2 of the Act, consider the effects on the environment of allowing the requirement, having particular regard to any relevant provisions of a National Policy Statement, New Zealand Coastal Policy Statement.

The most relevant Policy Statement in regards to this designation is the National Policy Statement on Electricity Transmission 2008 which identifies the need to operate, maintain, develop and upgrade the electricity transmission network, as being a matter of national significance. Policy 13 recognises that the designation process can facilitate long term planning for the development, operation and maintenance of electricity transmission infrastructure.

The site is also in the Coastal Environment. Policy 6(1)(a) of the NZ Coastal Policy Statement recognises "that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities." Part of this site has been used as a substation for over 50 years. It is on the landward side of the State Highway and railway line and adjoins properties used for residential purposes. There is little natural character on the site to protect.

5.11.5.3.3 Policy Statements and Plans

The infrastructure objectives and policies of the Proposed Regional Policy Statement for Southland seek to recognise and provide for regional, national and critical infrastructure, whilst ensuring that the infrastructure is integrated with land use and the environment. I believe that the designation of this site will provide for the local and national infrastructure, but that conditions on this designation will be needed to ensure that any further effects of this infrastructure on the amenity values of the neighbourhood are considered.

The Coast section of the Proposed Regional Policy Statement includes objectives and policies that recognise that there may be a need for infrastructure in the coastal environment.

Objective COAST.2 – Activities in the coastal environment

Infrastructure, port, energy projects, aquaculture, subdivision, use and development in the coastal environment are provided for and able to expand, where appropriate, while maintaining and enhancing public access and preserving natural character.

Policy COAST.4 – Infrastructure, port, aquaculture and energy projects

Recognise and provide for infrastructure, port, aquaculture and energy projects that must be located within the coastal environment.

It could be argued that there is a functional need for this location based on the historical use of the site. Part of this site has been used for infrastructural purposes for over 50 years. Whilst the designation would allow for the further development of the site, conditions on the designation would control the scale and nature of these activities and the Outline Plan process would be involved.

Section 171 of the RMA requires the Committee to have particular regard to a Plan or Proposed Plan. For the purposes of this process, the relevant Plan to consider is the Proposed District Plan. The provisions relating to infrastructure as well as the zone specific provisions are relevant to this designation.

The infrastructure objectives and polcies of the Proposed District Plan have a similar theme to the Proposed Regional Policy Statement and overall the proposal is in general accordance with the objectives and policies relating to infrastructure, so long as the infrastructure can be integrated with the environment. Conditions on the designation will be important to ensure that there is such integration.

The policies of the Rural 1 Zone seek to avoid adverse effects of non rural activities on the character and amenity of the Rural 1 Zone. The objectives and policies also promote large allotment sizes. Arguably the substation site does not meet the Objectives and Policies of the Proposed District Plan. The property is substantially smaller than the minimum lot size of 4ha. The infrastructure is only partially screened and integrated into the rural environment. There is no setback from neighbouring properties. Whilst part of the property has been used as a substation for over 50 years, to date the infrastructure has been contained to a 1012m² corner of the site. The designation over the entire property will enable a significantly larger scale substation.

5.11.5.3.4 Alternative sites, routes and methods

The Notice of Requirement has not identified any alternative sites, and gives the following reasons:

- (i) The Power Company Limited owns and manages the land for undertaking the work,
- (ii) There will be no significant adverse effects on the environment, as infrastructure already exists on the site, and was established since 1957.

I agree that no alternative sites need to be provided because the site is owned and operated by The Power Company Limited. Should conditions, as suggested above, be placed on the Notice of Requirement, the adverse effects will be less than minor.

5.11.5.3.5 Are the proposed works necessary?

The existing facilities on the site have been operating since 1957. The Notice of Requirement states that the continued operation, maintenance and improvement of The Power Company Limited's network is important, and that it is important that this apparatus is correctly designated under the RMA to ensure that the range of operations is appropriately provided for in the District Plan.

The provision of infrastructure is recognised by the District Plan as important to meet the economic, social, health and safety needs of individuals and the community. The designation of the site for the purposes identified will ensure the long term efficient use of the facility, which will benefit the community.

5.11.5.3.6 Recommendation

For the reasons set out above, it is recommended that:

(a) The Notice of Requirement for The Power Company Limited listed in the table below be **modified**.

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	Map No.	DESIG. No.
The Power	Electricity Zone	8 Nichol Road,	Lot 2 DP 3084	26	63
Company	Substation and Ancillary	Invercargill			
Limited	Purposes				

- (b) It is recommended that the conditions, as requested by the requiring authority, be amended. Recommended conditions are attached to this report as **Appendix 30.**
- (c) It is recommended that a condition to waive the need for an outline plan in certain circumstances as requested by the requiring authority be included subject to minor amendment.

5.12 Electricity Invercargill Limited

5.12.1 Roll Over of Existing Designations with modification

EIL has four designations in the Proposed District Plan which they have sought to roll over subject to minor wording modifications. These modifications were to the purpose, adding the word "Substation". These modifications were notified with the Proposed District Plan.

No submissions were received on these designations.

It is my opinion that the modifications to the wording will not change the overall purpose of the designation. As all 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 considered necessary as the infrastructure is already in existence and the designations are not changing in terms of its extent or boundaries. The designations are considered reasonably necessary to achieve the objectives of the requiring authority.

5.12.1.1Recommendation

For the reasons outlined above, it is recommended that:

(a) The Notices of Requirement roll over with modification for Electricity Invercargill Limited listed in the Table below be **confirmed**.

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	64
	Electricity Zone Substation and Ancillary Purposes	56 Leven Street	Lot 1 DP 13721	9	65
	Electricity Zone Substation and Ancillary Purposes	151 Lime Street	Lot 1 DP 11625	10	66
	Electricity Zone Substation and Ancillary Purposes	219 Spey Street	Section 2 Blk LV Town of Invercargill	9	68

5.12.2 New requirement for consideration – 273 Racecourse Road

A Notice of Requirement for a new designation was received from EIL, the purpose of which is the the reception, transformation from subtransmission voltage to distribution voltage and distribution of electrical power and energy and ancillary purposes and land uses. The designation notation they sought is *'Electricity Zone Substation and Ancillary Purposes''*.

The site to which the requirement applies is located at 273 Racecourse Road, Invercargill. It is approximately 1775 square metres and is legally described as Section 2 Survey Office Plan 8523 being the land comprised in (CT) SL11B/599. The land is owned and operated by EIL and is managed by PowerNet Limited under the Energy Companies Act 1992. The site is identified as being within the Rural Zone of

the Proposed Invercargill City District Plan. A City Map aerial image is attached to this report as **Appendix 31.**

The work is the continuance of the existing use of the site which originally commenced in 1993. The work includes the operation, erection, installation, maintenance, replacement, alteration, improvement and removal of poles, support structures, transformers, buildings, switchgear, cables and conductors, associated equipment and other land use activities incidental thereto. No structures on the site extend beyond 10m in height.

This Notice of Requirement is for a designation to continue the existing use of the site and any changes to the established facilities and activities will be subject to the Outline Plan procedures as set out in Section 176A of the Resource Management Act 1991 (the Act).

The Notice of Requirement was notified on 24 August 2013. Notice was served on the following affected parties:

- Robin J and Valerie Wardell, 279 Racecourse Road, Invercargill
- Invercargill Property Trust, 277 Racecourse Road, PO Box 637, Invercargill
- Leslie W and Elizabeth A Malcolm, 271 Racecourse Road, Invercargill
- Dean S and Melanie J Wilks, 269 Racecourse Road

No submissions were received.

5.11.5.1.1 Conditions to waive outline plan requirement

Electricity Invercargill Ltd has requested a condition be placed on its designations waiving the need for an outline plan in certain circumstances. I note that under Section 176A of the RMA Council has the option to use its discretion to waive the need for an outline plan. This is one of the few matters relating to designations that the Council makes a decision on and consideration of these conditions involves a different process. It is my interpretation of the RMA that, should these conditions be included as part of the designations, the Council does not recommend this condition for the acceptance of the requiring authority, but it is required to make a decision on this.

While there are no criteria within Section 176A(2)(c) for determining whether to waive the need for an outline plan, the matters that the Council should consider are:

- The level of effects that the proposed work or project may have;
- Whether the proposal or work would otherwise be a permitted activity and would meet any relevant performance standards of the underlying zone;
- Whether the effects of the works are addressed through a regional resource consent process;
- Whether the information has already be provided to the Council as part of the designation; and
- Whether meeting the conditions of the designation provides adequate control and certainty.

The Council has stipulated within Appendix IV of the Proposed District Plan the circumstances where an outline plan will not be required. In deciding whether the waiver of conditions suggested by the requiring authority should be accepted, these matters should also be part of the consideration.

By accepting condition 6, the Council would be exercising its discretion under 176A without seeing certain proposals and removes any right of the Council for a subsequent appeal.

I do not object to a waiver from an outline plan when the requiring authority is replacing existing transformers, poles, support structures, swtictch gear, cables or conductors where there is no increase in the height of the structure, so long as the condition is amended to "maintenance and replacement" as defined in the Proposed District Plan. I understand that "maintenance and replacement" could well be carried out on the subject site without an outline plan, where "maintenance and replacement" does not result in an overall increase in height or change the scale or footprint of the structure. This is consistent with the definitions in the Proposed District Plan and given the history of the site is what can reasonably be expected.

My concern lies with the first clause of the condition which states that no outline plan shall be required for any works that do not result in any increase in noise emissions. To me, this condition reads as saying that the only effect that the Council needs to consider in relation to developments on the designated sites is any increase of noise emissions. This clause could result in enabling the authority to increase the footprint of the development, change the envelope of effects of the site or increase the amount of hazardous substances stored on the site without the involvement of Council or any other potentially affected party. I believe that given the location of this site in relation to residential properties, changes to the established facilities and activities, including those that increase noise emissions, should be subject to the Outline Plan procedures as set out in Section 176A of the Resource Management Act 1991. The details within the Notice of Requirement states at 5.2 that the outline plan process is anticipated when any changes to the established facilities and activities are proposed and contradicts the suggested condition for which there is no discussion or justification given.

I recommend that given the list of circumstances where the Council already states outline plans are not required, and what can be carried out on the site as a permitted activitiy under the Proposed District Plan, condition 6 is acceptable, subject to amendment.

5.12.2.1 Assessment of Environmental Effects

The subject site is situated within the Rural 2 Zone of the Proposed District Plan. Whilst there are a couple of residential properties to the west of the site, the site comprises of an existing substation and to the north, east and south is land owned and operated by the Power Company Limited and PowerNet.

The existing use of the site fits with nature of the surrounding environment and I do not consider there to be any adverse effects on the amenity of the Rural Zone. The designation sought is for the continuation of the existing substation, and any changes to the established facilities and activities will be subject to the Outline Plan procedures as set out in Section 176A of the Resource Management Act 1991.

The electricity substation provisions in the Proposed District Plan's Infrastructure Rule are subject to submissions. However, the rule states that it is a permitted activity to

erect electricity substations in the Rural 2 Zone exceeding 6m² and/or 2m in height. Pole mounted structures exceeding 0.6m³ are discretionary. Designation of this site would exempt the facility from this rule but further developments would be constrained by any conditions. In addition, the effects of any future changes to the facility and any mitigation measures would be addressed as necessary under any applicable Outline Plan procedures.

The maximum height in the Rural 2 Zone is 10 metres in the Proposed District Plan. EIL has proposed a condition which states that no structure shall be either no taller than the height of the tallest existing structure, or 11m, whichever is the tallest. It is considered that structures of this height will have no more than a minor adverse effect on the environment.

The site is significantly smaller than the 2ha minimum lot size set for the Rural 2 Zone in the Proposed District Plan. It is noted that this is a historic property that has been used by the requiring authority for over 20 years. Whilst the scale of development at 50% site coverage will be more intensive than would otherwise be permitted, it is recommended that the conditions be amended to include a setback for new structures of 4m from residential properties to protect the amenity values of the neighbouring properties and at least to ensure access to daylight for neighbouring properties.

The requiring authority has also suggested conditions related to noise. To ensure that the noise standards are consistent with the approach to noise in the Proposed District Plan it is recommended that the noise conditions be updated to refer to NZS 6801:2008: Measurement of Environmental Sound and NZS 6802:2008: Acoustics Environmental Noise, and that the noise limits be expressed in terms compatible with those updated standards, rather than the 1991 standards. It is also recommended that the levels at the notional boundary be 50dB $L_{\rm Aeq}$ during the daytime hours and 40dB $L_{\rm Aeq}$ during the night time to be consistent with the requirements in the noise standards of the Proposed District Plan and to protect the amenity of those residential properties in the area.

5.12.2.2 National Policy Statement on Electricity Transmission 2008

Section 171(1) of the RMA states that when considering a requirement and any submission received, a territorial authority must, subject to Part 2 of the Act, consider the effects on the environment of allowing the requirement, having particular regard to any relevant provisions of a National Policy Statement, New Zealand Coastal Policy Statement. The most relevant Policy Statement in regards to this designation is the The National Policy Statement on Electricity Transmission which identifies the need to operate, maintain, develop and upgrade the electricity transmission network, as being a matter of national significance. Policy 13 recognises that the designation process can facilitatate long term planning for the development, operation and maintenance of electricity transmission infrastructure.

5.12.2.3 Policy Statements and Plans

The infrastructure objectives and policies of the Proposed Regional Policy Statement for Southland seek to recognise and provide for regional, national and critical infrastructure, whilst ensuring that the infrastructure is integrated with land use and the environment. I believe that the designation of this site will provide for the local and national infrastructure, and that conditions on this designation will ensure that the effects of this infrastructure on the amenity values of the neighbourhood are considered.

Section 171 of the RMA requires the Committee to have particular regard to a Plan or Proposed Plan. For the purposes of this process, the relevant Plan to consider is the Proposed District Plan.

The provisions relating to infrastructure and the zone specific provisions are relevant to this designation.

The Objectives and policies of the Proposed District Plan have a similar theme to the Proposed Regional Policy Statement and overall the proposal is in general accordance with the objectives and policies relating to infrastructure.

The policies of the Rural 2 Zone state that the Rural 2 Zone is to create a transition between the rural and urban environments. Urban development is discouraged in this zone and the scale of development sought for the Rural 2 Zone is for structures of moderate height placed with space around them on individual sections.

5.12.2.4 Alternative sites, routes and methods

The Notice of Requirement has not identified any alternative sites, and gives the following reasons:

- (i) EIL owns and manages the land for undertaking the work,
- (ii) There will be no significant adverse effects on the environment, as the infrastructure already exists on the site, and was established prior to 1993.

I agree that no alternative sites need to be provided because the site is owned and operated by EIL, and the adverse effects are less than minor for the reasons given under the "Assessment of Environmental Effects".

5.12.2.5 Are the proposed works necessary?

The existing facilities on the site have been operating since 1993. The Notice of Requirement states that the continued operation, maintenance and improvement of EIL's network is important, and that it is crucial that this apparatus is correctly designated under the RMA to ensure that the range of operations is appropriately provided for in the District Plan.

The provision of infrastructure is recognised by the District Plan as important to meet the economic, social, health and safety needs of individuals and the community. The designation of the site for the purposes identified will ensure the long term efficient use of the facility, which will benefit the community.

5.12.2.6 Recommendation

For the reasons set out above, it is recommended that:

(a) The Notice of Requirement for Electricity Invercargill Ltd listed in the table below be **modified**.

REQUIRING AUTHORITY	Purpose	LOCALITY	LEGAL DESCRIPTION	Map No.	DESIG. No.
Electricity Invercargill Ltd	Electricity Zone Substation and Ancillary Purposes	273 Racecourse Road	Section 2 SO 8623	12	67

- (b) It is recommended that the conditions, as requested by the requiring authority, be amended. Recommended conditions are attached to this report as **Appendix 62.**
- (c) It is recommended that a condition to waive the need for an outline plan in certain circumstances as requested by the requiring authority be included subject to minor amendment.

5.13 Meteorological Service of New Zealand Limited

5.13.1 Roll Over of Existing Designations

The Meteorological Service of New Zealand Limited has two designations in the Proposed District Plan and they sought to retain the existing designations without modification. No submissions were received on these designations. As the designations are existing they have been given effect to.

32 Airport Avenue is located within the Rural 1 Zone and adjoins the Airport Operations Zone. The site is 42,210m². Whilst this type of activity does not fall within the scope of anticipated activities within this Zone, it is an existing activity that has been operating from the site historically.

The Meteorological Services designation at 69-106 Invercargill Airport is within the Airport Operations Zone. Again, this site is an existing activity that has been operating from the property historically. The area is also subject to Invercargill Airport Ltd's Invercargill Aerodrome designation and Airport Approach and Land Use designation. Although there is some uncertainty as to the priority of these overlaying designations once they have been rolled over into the Proposed District Plan, common sense would suggest that prior to any development on this site both requiring authorities should be in agreement. Therefore conditions on this designation would be unnecessary, given that the adverse effects of any development on this site would be mainly on the operation of the Invercargill Airport.

A consideration of alternative sites, routes or methods is not considered necessary as the meteorological activities are already in existence and the designations are not changing in terms of their extent or boundaries.

The designations are considered reasonably necessary to achieve the objectives of the requiring authority.

5.13.1.1 Recommendations

(a) It is recommended that the designations for the Meteorological Service of New Zealand Limited listed in the table below be **rolled over** into the Proposed District Plan without further formality.

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	69
	Meteorological Activities	69-106 Invercargill Airport	Lot 1, DP 13285	5	70

5.14 Invercargill Airport Limited

5.14.1 Roll Over of Existing Designations with modification

Invercargill Airport Limited has three designations in the Proposed District Plan that they have sought to roll over with modification. No submissions have been received on these designations.

Both Designations 71 and 72 were subject to alteration between July 2010 and September 2011. Changes were accepted and this report discusses further changes modifications sought.

5.14.1.1Designation 71 – Invercargill Aerodrome

Invercargill Airport Ltd sought a number of modifications to Designation 71 which they believe are required for accuracy, clarity and ease of use. No changes to the area of the aerodrome designation are proposed.

5.14.1.1.1 Assessment of Environmental Effects

Amendments to the legal descriptions and locality information detailed in the tables of Appendix IV and in Condition 2 of the designation ensure that the designation is clear and accurate and only includes those allotments located partially or wholly within the aerodrome designation.

The Requiring Authority also sought changes to Condition 3 - Nature of Requirement. Removal of reference to the Airport's Master Plan in the conditions to the Designation is considered good practice. The scope of the Master Plan varies from the scope of the designation and it is also a document that may change outside of the resource management process. This modification will not impact on the type of activities provided for under the designation.

The changes proposed for Condition 3 also provide greater detail of the types of activities covered by the designation. The activities proposed to be included are consistent with the activities permitted in the Airport Operations Zone and definitions within the Proposed District Plan. As such, the effects of this amendment are considered to be no more than minor.

Invercargill Airport Ltd has also sought the removal of specific references to the details of the future aerodrome development within the text of Condition 3. They have sought this change on the grounds that any alterations to the dimensions or location of the runways, taxiways or apron areas under the original wording would have required an alteration of the designation itself. They believe that these matters would best be dealt with through the Outline Plan process.

My concern is that should any runway be extended or orientation be altered, there may be off-site impacts such as effects on flight paths and the Obstacle Limitation Surface and noise boundaries. While the Master Plan referred to in the condition may be amended in the future, it did provide some degree of certainty as to the position and dimensions of the facilities on the site and any extension to them. However, I believe that the outline plan process will enable the Council to consider the effects of such work and to request changes where necessary. Should the development result in effects on other designations, these will also need to be considered as part of any development. Any necessary alterations to those other designations potentially affected would then need to be processed

The suggested modifications to Condition 5 remove limitations on the extension of development of landside facilities to just the west side of the Airport terminal building. The provisions in the Proposed District Plan do not include restrictions on where this type of development can occur within the Airport Operations Zone. I believe that the effects of the removal of restrictions on landside activities will be no more than minor.

The other key change sought by the requiring authority on this designation relates to the lapse period. There was a lapse period of 20 years on the designation. This effectively meant that the works subject to the designation must be given effect to within 20 years, or that substantial progress be made towards giving effect to them in that time. Given that the aerodrome exists, a lapse period is not relevant. A lapse period may have been relevant had the designation referred to specific future development on the site. However, these conditions have been removed from this designation and any future development on the site is covered by the designation. This condition is not considered necessary.

5.14.1.1.2 Policy Statements and Plans

There are Infrastructure and Transportation Objectives and Policies in both the Proposed Regional Policy Statement and the Proposed District Plan that are relevant to this designation. These provisions seek to enable transportation infrastructure and the provision for the safe and efficient operation of the transportation network. The provisions also seek to ensure that the effects of that infrastructure are integrated into the environment. This designation is consistent with these provisions.

The Proposed District Plan also includes provisions on the Airport Operations Zone, which is the area covered by this designation. For example, Policy 1 of the Proposed District Plan (as notified) states:

"To provide for activities at Invercargill Airport directly related to airport operations and aviation related services, air travel, the freighting of goods and those activities which are ancillary to the Airport Operations Zone."

The designation is consistent with these provisions and through the avoidance of incompatible activities will be consistent with the objective and policy framework of the Proposed District Plan.

The designated site is within an area identified in the Proposed District Plan as being subject to natural hazards. However, the notion of functional need is acknowledged in the policy documents and due to the history and investment on the site it is considered that there is a functional need for the airport to continue operating there, despite the potential risk.

5.14.1.1.3 Alternative sites, routes and methods

A consideration of alternative sites, routes or methods is not considered necessary as the airport is already in existence and the designation is not changing in terms of its extent or boundaries.

5.14.1.1.4 Are the proposed works necessary?

The designation is considered reasonably necessary to achieve the objectives of the requiring authority in providing for the safe and efficient operation of the airport, and for associated support services.

5.14.1.1.5 Recommendation

For the reasons outlined above, it is recommended that:

(a) The Notice of Requirement roll over with modification for Invercargill Airport Limited listed in the table below be **confirmed**.

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	Map No.	DESIG. No.
Invercargill Airport Limited	Invercargill Aerodrome	60, 68, 69, 72, 73, 75, 76, 77, 82, 84, 86, 92, 94, 96, 99, 100, 106 Airport Avenue, 38, 80, 140 Longford Road, 47, 94 Co-Bakker Road and 148 Curran Road, Invercargill	Lot 1 DP 362692 Lot 1 DP 9671 Lot 2 DP 13069 Lot 2 DP 362692 Lot 3 DP 362692 Lot 4 DP 362692 Lot 5 DP 362692 Lot 6 DP 362692 Lot 7 DP 362692 Lot 8 DP 362692 Part Lot 9 DP 362692	5,8	71

(b) The conditions, as requested by the requiring authority are included in **Appendix 34.**

5.14.1.2 Designation 72 – Airport Approach and Land Use Controls

Designation 72 sets out the Obstacle Limitation Surface (OLS) required enabling aircraft to operate safely and efficiently, making full use of the runway length available. This designation directly affects the potential development rights of landowners below the OLS. The OLS is effectively an invisible surface which acts as a height control over buildings, structures or trees that may grow up to and through the OLS. The OLS extends well beyond the land designated or owned by the Requiring Authority. The requiring authority is seeking to amend this designation to provide for the relocation and extension of the grass runways and runway strips, which effectively alters the OLS.

The OLS sits across parts of the Otatara and Rural 1 Zone to the west of the runway. To the east, it sits over a band of land encompassing parts of the Industrial 1, Industrial 2, Business 3 and Residential 1 Zones.

5.14.1.2.1 Error on Planning Maps

In the process of assessing the suggested changes to this designation, inconsistencies between the Notice of Requirement and the Planning Maps were identified. The horizontal surface maps on Proposed Planning Map 34 states that they show the Transition Surface at 46m above mean sea level. However, in reality the contours for the grass runways shown on Proposed Planning Map 34 surface are showing the 80m Transition Surface. The obstacle limitation surfaces shown in the Notice of Requirement cover a significantly smaller area of land. It also appears that the detail on Planning Map 34 does not reflect accurately the obstacle limitation surfaces shown on Planning Map 35. Invercargill Airport Limited and the Council's GIS staff have since worked together to develop an amended Planning Map 34 to correct the inaccuracies. The Map in **Appendix 35** of this report shows the updated information, set against the information shown on the Proposed Planning Maps.

Clause 16(2) of the First Schedule to the RMA enables the Council to amend the Plan to alter information where such an alteration may correct any minor errors. The Council has discretion as to whether they consider the error to be minor. The general test for determining whether the effects in these circumstances are "minor" is whether the amendment affects the rights of some members of the public, or whether it is merely neutral. Only if it is neutral may such an amendment be made under clause 16(2). It is my opinion that changes to the Obstacle Limitation Surfaces shown on Map 34 will reduce the impacts of the Designation, with less properties and a smaller area being subjected to the height restrictions. Invercargill Airport Limited has consented to amending the Planning Map. As the rights for members of the public are not adversely affected, and in some instances improved, I consider the amendments meet the test and the inaccuracies can be corrected without further formalities.

5.14.1.2.2 Assessment of Environmental Effects

This assessment has been carried out using the information provided with the Notice of Requirement, rather than the information shown on Proposed Planning Map 34.

Suggested amendments to the information set out in the Designation Table in Appendix IV are considered beneficial to the plan user. By including reference to the Planning Maps, the plan user can identify what land is subject to the designation and the implications on the height of structures on their property.

Suggested changes to Condition 3 involve changes in the dimensions and orientation of the grass runways. The Notice of Requirement discusses the positive effects of the modifications. These include the improved safety and efficiency of the airport, and the ability to develop the terminal area at the airport. In terms of adverse effects, the Notice of Requirement states that the modifications will be more stringent on the land owned by the requiring authority. It also states that outside Invercargill Airport Ltd's land the height limits are "such that they are unlikely to generate adverse effects on landowners".

There are quite significant changes proposed to the dimensions of the runways and strips on the airport land. It is noted that the effect of this will allow for a more efficient use of the airport property. However, it will also affect the Obstacle Limitation Surfaces.

The Notice of Requirement does not include a plan showing the differences proposed to the Airport Approach and Land Use Controls. The Notice of Requirement merely shows the obstacle limitation surfaces for the grass runways as they would be as a result of the suggested changes. Map 35 appears to have relatively minor changes between OLS recommended in 2011, which was the last time they were updated, and those shown on the 2013 Proposed District Planning Maps. As far as I can determine, the grass runways were not altered through the modifications to the Notice of Requirement assessed in 2011. The changes to the OLS as a result of the modifications now proposed to the grass runway appear to me to be relatively minor with the largest impact being on land owned and operated by the Invercargill Airport Ltd.

The eastern extent of the OLS does extend over Industrial 2 land, as it had in the Operative District Plan. The Proposed District Plan regulates the height of structures within this Zone, with a maximum height for buildings being 25m. The Plan, however, does not regulate the height of trees, or vehicles, such as cranes. There were no submissions on this designation this time. However, whilst it will be extremely rare for

such obstacles to extend above the OLS, in the past processes Invercargill Airport Ltd has noted that they will work with affected parties to discuss the implications of this designation.

Changes to Condition 4 include a number of minor wording amendments to clarify the interpretation of the provisions. The Notice of Requirement does not discuss these amendments in detail, other than to state that the changes are "minor wording amendments for clarity, for the avoidance of potential confusion". I agree that the majority of the changes to condition 4 are relatively minor in impact and do make the condition easier to interpret. However, the amendments to the Table in Condition 4.2(a)(ii) relating to the take-off surface for the grass runways 12-30 have increased from 80m to 110m. I assume that this reflects the changes in the dimensions of the runways. However, this is unclear. I can only assume that this amendment does not have any impact on any land other than that owned by Invercargill Airport Ltd. It would be useful to have the reasons for this amendment clarified alongside the effects of the change.

The changes suggested for condition 7 are minor wording changes which merely enhance the explanation of the Approach and Land Use Controls. I do not consider that there are any adverse effects that arise from these changes.

The modifications also seek to remove the condition stipulating a lapse period. The requiring authority states that the designation will be deemed to be given immediate interim effects and once it is confirmed it should not lapse. I consider that a lapse period is not necessary, given that most of the work covered by this designation is in existence and as such it could be argued that the designation has been given effect to.

5.14.1.2.3 Policy Statements and Plans

The Transportation Objectives and Policies in both the Proposed Regional Policy Statement and the Proposed District Plan encourage the safe and efficient operation, improvement and protection of transportation infrastructure.

Policy 5 of the Proposed District Plan is particularly relevant in that it seeks to manage use and development adjacent to transportation infrastructure, such as the airport, in such a way as to avoid, remedy or mitigate potential effects.

The designation is consistent with the policies in ensuring that land use activities do not adversely affect the safe and efficient operation of the airport. The designation also allows for a degree of development and improvement of the transportation infrastructure.

5.14.1.2.4 Alternative sites, routes and methods

A consideration of alternative sites, routes or methods was not considered as part of the Notice of Requirement. The most realistic alternative would be to retain the status quo. The airport is in existence and could arguably continue to operate within the current conditions. While the modifications will change the extent of the designation, the benefits are such that it will enable the future development of the terminal facilities and will enable a more efficient use of the taxiway and other airport facilities.

5.14.1.2.5 Are the proposed works necessary?

The designation is considered reasonably necessary to achieve the objectives of the requiring authority in providing for the safe and efficient operation of the airport.

5.14.1.2.6 Recommendation

For the reasons outlined above, it is recommended that:

(a) The Notice of Requirement roll over with modification for Invercargill Airport Limited listed in the table below be **confirmed** subject to confirmation of the effects of the modification to condition 4.2(a)(2).

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
Invercargill Airport Limited	Airport Approach and Land Use Controls	Airspace surfaces for aircraft operations	Consult District Planning Maps 34 and 35 and Note B	Airport Approach and Land Use Controls- Overview: Map 34. Airport Approach and Land Use Controls – Detail: Map 35	72

(b) The conditions, as requested by the requiring authority, are included in **Appendix 36.**

5.14.1.3 Designation 73 – Airnoise Boundary

Designation 73 defines the area within which noise sensitive activities will be adversely affected by aircraft noise and stipulates the noise levels for aircraft operations at the Airport and seeks to avoid reverse sensitivity effects by restricting certain activities within that boundary. The Airnoise Boundary extends over land presently in airport or rural use where no residential or other noise sensitive activities currently exist. This designation sits over parts of the Airport Operation and Airport Protection Zones.

5.14.1.3.1 Assessment of Environmental Effects

Modifications sought for the information shown on the Table in Appendix IV merely update the legal descriptions and addresses for allotments located partially or wholly within the airnoise boundary. This modification is considered necessary to ensure accuracy of the information portrayed within the Proposed District Plan.

Modifications suggested for Conditions 1, 2 and 3 are minor and merely tidy up the wording.

The requiring authority has also sought to amend condition 4. The changes seek to provide certainty around the activity status of new activities and what the resource consent requirements would be.

Condition 4(a), as modified, states that farming operations that are not noise sensitive activities are permitted activities within the designation. While I understand that there

are parts of the designation that are currently used for agricultural activities, the designation also covers land zoned Airport Operations Zone. In the Proposed District Plan, in the Airport Operations Zone, agricultural activities are non-complying. At no stage through the District Plan Review process, other than through this designation process, has the airport sought to include agricultural activities as being permitted in the Airport Operations Zone. Including this condition within the designation would Rather than improving the clarity as to the activity status of have that effect. agricultural activities, it is my opinion that this condition would cause greater confusion. I believe that if it is necessary to include the list of permitted activities within this designation that list should be consistent with the Proposed District Plan, or at least good reason should be given as to why alternative activities, such as farming operations, should be permitted within the Airport Operations Zone. I also note that the term "farming operations" is not used in the Proposed District Plan. Should this condition be included in the designation, it is a term that should be defined. Perhaps through such a definition, the term could be narrowed down to ensure that the types of farming operations permitted are not contrary to the operations of the airport.

Condition 4(b), as modified, is clear in specifying the responsibilities of any applicants seeking resource consent in the airnoise boundary.

Condition 4(c), as modified, excludes airport related activities from the prohibited activity status. This exclusion will enable airport related noise sensitive activities to occur within the airnoise boundary. The definition of Noise Sensitive Activities in the Proposed District Plan is:

"Noise Sensitive Activities: Means buildings or parts of buildings used for, or able to be used for the following purposes:

- (A) Residential activity;
- (B) Visitor accommodation;
- (C) Residential care activity;
- (D) Education activity, except training related to airport and aircraft operations;
- (E) Hospital activity;
- (F) Healthcare activity;
- (G) Child Daycare activity; and
- (H) Marae activity."

It is unclear what airport related activity may fall under this definition, particularly where the definition excludes airport related education activities. The activity status for the Airport Operations and Airport Protection Zones will however cover the status of airport related activities anyway. The effects of this modification are relatively minor.

The requiring authority has also sought to remove the condition which stipulated a lapsing period for the designation. It is my understanding that there is no need for a lapsing condition when the designation has already been given effect to. This is an existing designation that is being rolled over. The conditions apply immediately and are ongoing.

5.14.1.3.2 Policy Statements and Plans

The Transportation Objectives and Policies in both the Proposed Regional Policy Statement and the Proposed District Plan encourage the safe and efficient operation, improvement and protection of transportation infrastructure.

Policy 5 of the Proposed District Plan is particularly relevant in that it seeks to manage use and development adjacent to transportation infrastructure, such as the airport, in such a way as to avoid, remedy or mitigate potential effects.

The designation is consistent with the policies in ensuring that land use activities do not adversely affect the safe and efficient operation of the airport

5.14.1.3.3 Alternative sites, routes and methods

Alternatives were not considered in the Notice of Requirement. This is an existing designation that is being rolled over subject to modifications.

5.14.1.3.4 Are the proposed works necessary?

The designation is considered necessary to control land use at and around the aerodrome to protect it from adverse effects on the safe and efficient operation of the airport facilities, and in particular, to protect the airport from reverse sensitivity effects.

5.14.1.3.5 Recommendation

For the reasons outlined above, it is recommended that:

(a) The Notice of Requirement roll over with modification for Invercargill Airport Limited listed in the table below be **modified**.

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	Map No.	DESIG. No.
Invercargill Airport Limited	Airnoise Boundary	60,68,69,72,73,75,76,7 7,82,84,86,92,94,96, 99,100, 106 Airport Avenue ,47,94 Co- Bakker Road and 148 Curran Road, Invercargill	Lot 1 DP 13285 Lot 1 DP 9671 Lot 2 DP 13069 Lot 5 DP 362693 Lot 6 DP 362693 Lot 7 DP 362693 Lot 8 DP 362693 Lot 9 DP 362693	5, 8	73

(b) The recommended amendments to the conditions are included in **Appendix 37.**

5.15 Southland District Council

5.15.1 Roll Over of Existing Designation - 30 Hunt Street, Invercargill

Southland District Council has one designation in the Proposed District Plan that they have sought to roll over without modification. No submissions were received on this designation. As the designation is existing it has been given effect to.

30 Hunt Street is located in the Rural 1 Zone. It is 9807m². The property has a range of small sheds and outdoor storage areas. There is screening in the form of hedges around the majority site. The site has legal frontage on both North Road and Hunt Street, with the main access from Hunt Street. The property adjoins the Residential 1 Zone to the south and partially to the east. There is an area of Industrial 1 Zone to the west of the property on the other side of Hunt Street.

Contractors' yards would not otherwise be permitted within the Rural 1 Zone under the Proposed District Plan. Whilst the activity has been carried out on the site for a number of years, should the scale of the activity be significantly increased the effects on the environment could be relatively significant without some general conditions setting a bottom line. Alongside the general height and recession plane requirements, a 4m setback from the side and rear boundaries would ensure that the effect on the adjoining rural and residential neighbours is mitigated. This is consistent with how non-residential structures are dealt with throughout the Rural Zones in the Proposed District Plan. Any lighting and screening on the site should be designed to ensure that any lightspill on to adjoining properties is consistent with the Proposed District Plan requirements.

It should be noted that the requirements for outline plans includes matters such as proposed landscaping. This would be important on this site to ensure that the site continues to be screened from the adjoining properties to avoid adverse effects on amenity values. This can be dealt with through the outline plan process, but no conditions on this matter are necessary.

A consideration of alternative sites, routes or methods is not considered necessary as the yard is already in existence and the designation is not changing in terms of their extent or boundaries.

The designation is considered reasonably necessary to achieve the objectives of the requiring authority.

5.15.1.2 Recommendations

(a) It is recommended that the designation for the "Southland District Council Waikiwi Yard" at 117-119 Don Street be **rolled over** into the Proposed District Plan without further formality.

REQUIRING AUTHORITY	Purpose	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
Southland District Council	Southland District Council Waikiwi Yard	30 Hunt Street Waikiwi, Invercargill	Lot 1 DP 14888	6	76

(b) The recommended conditions for Designation 76, Southland District Council Waikiwi Yard are included in **Appendix 38.**

5.15.2 Roll Over of Existing Designations with modification

Southland District Council has two other designations which they sought to roll over with modifications.

5.15.2.1 Greenhills Quarry

The requested amendment for the Greenhills Quarry site was to correct a typographical error of the legal description of the site from "Lot 1 DP 2163" to "Lot 1 DP 2136". It is my opinion that the modifications to the legal description will not change the overall purpose of the designation. As the designation is 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 considered necessary as the quarry is already in existence and the designation is not changing in terms of its extent or boundaries. No submissions were received on this designation.

5.15.2.2 Southland District Council Offices

The requiring authority sought to adjust the boundaries of the designation to encompass the area of land currently utilised for car parking at 1 Forth Street. This land, whilst not adjacent to the land designated in the Operative District Plan, is used in conjunction with it and is owned by the requiring authority. The Southland District Council has historically used the site to complement their office activities, and the site provides for car parking that would be required for an office building under the provisions of the Proposed District Plan.

No submissions were received in response to the proposed modification of this designation.

Modifying the designation has the potential to enable the requiring authority to erect Council offices on the property. The property is 761m2. It is zoned Industrial 2 in the Proposed District Plan. Office activities would be a discretionary activity in this Zone under the Proposed District Plan as notified. The designation would, therefore, remove the ability to utilise the property for industrial type activities and would enable an activity that would not otherwise be permitted. Should this land be developed for offices, the car parks providing for the existing offices could be reduced in number and such development could further increase the demand for car parks. There are no conditions for the existing designation at 15 Forth Street. No conditions have been suggested by the requiring authority for the extended site.

It is my opinion that the designation of 1 Forth Street for Southland District Council Offices has the potential for effects extending beyond the boundary of the site. Without conditions, there is potential for the requiring authority to develop the site to a level not otherwise anticipated for the area and the property. I recommend a condition be placed on this designation stating that 1 Forth Street be used for car parking associated with the Southland District Council offices only.

As an alternative, 1 Forth Street could be designated separately for "Car Parking associated with the Southland District Council Offices". However, this would essentially be the creation of a new designation which would require a Notice of Requirement from the Southland District Council.

A consideration of alternative sites, routes or methods is not considered necessary as the car parks are already in existence and serving the Southland District Council Offices. The designation is considered reasonably necessary to achieve the objectives of the requiring authority in providing for regional council offices.

5.15.3 Recommendations

For the reasons outlined above, it is recommended that:

(a) The Notices of Requirement for the roll over with modification for the Southland District Council listed in the Table below be **modified:**

REQUIRING AUTHORITY	Purpose	LOCALITY	LEGAL DESCRIPTION	Map No.	DESIG. No.
Southland District Council	Greenhills Quarry	67 Omaui Road Greenhills	Lot 1, DP 1409 and Lot 1 DP 2163 2136 Block IV Campbelltown Hundred	21	75
	Southland District Council Offices	1 and 15 Forth Street Invercargill	Lot 3 DP 13412 and Lot 1 DP 9588	9	78

(b) The recommended conditions for Designation 78, Southland District Council Offices are included in **Appendix 39.**

5.16 Southland Regional Council

5.16.1 Roll Over of Existing Designation with modification

The Southland Regional Council has one designation in the Proposed District Plan and they have sought to retain their designation subject to modification of the legal description of the properties the designation encompasses. The requiring authority states that the legal description did not include Lot 30 DP 4214, which is located at the property known as 22 Price Street and which contains office space and ancillary buildings. This lot, whilst having a separate property identifier, is held within the same title as 220 North Road and is owned by the Southland Regional Council.

The Operative Invercargill City District Planning Map 6 shows the designation at 220 North Road to also encompass 22 Price Street, Lot 30 DP 4214. The modification sought is to amend the legal description and locality information in Appendix IV to accurately reflect the ownership and use of the property which is shown on the Planning Map.

It is my opinion that the modifications to the legal description will not change the overall purpose of the designation.

Whilst the activity covered by the designation is already in existence and therefore already given effect to, should the site be further developed there is the potential for adverse effects on the environment.

The property is located within the Residential 1 Zone. In this Zone, under the Proposed District Plan this type of activity would require a resource consent as a non-complying activity. The Objectives and Policies within the Proposed District Plan seek to encourage offices to locate within one of the range of Business Zones and to discourage businesses locating in isolation outside of these areas. Within the Residential 1 Zone provisions, there are various Objectives, Policies and Methods that seek to ensure the maintenance and enhancement of amenity values. The Proposed Regional Policy Statement for Southland promotes high quality urban design and seeks to avoid, remedy or mitigate adverse effects of urban development on the environment.

There is a range of office buildings existing on the site with supporting areas of parking space. Whilst Nichols Greenworld is located to the south of Price Street, the properties adjoining the site are residential in nature, with dwellings located directly to the north and west of the site. The types of effects that could potentially affect the residential neighbourhood include the bulk and location of any structure on the property. Lack of sufficient on-site car parking leads to an increase in use of on-street car parks, spreading the effects of the activity beyond the site. I recommend that conditions be imposed on the designation to ensure that any additional buildings, or extensions to existing buildings, be in keeping with the residential area in terms of height and setback from boundaries. I am also recommending that minimum numbers of car parks are provided for any additional buildings.

A consideration of alternative sites, routes or methods is not considered necessary as the offices are already in existence and the designation is not changing in terms of its physical extent.

The designation is considered reasonably necessary to achieve the objectives of the requiring authority in providing for regional council offices.

No submissions were received on this designation.

5.16.2 Recommendation

For the reasons outlined above, it is recommended that:

(a) The Notice of Requirement roll over with modification for the Southland Regional Council listed in the Table below be **confirmed**.

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

(b) The recommended conditions for Designation 78, Southland District Council Offices are included in **Appendix 40.**

5.17 Invercargill City Council

5.17.1 Roll over of Existing Designations

Invercargill City Council has 11 designations in the Proposed District Plan that they have sought to roll over without modification. The Civic Administration Office and Town Hall designation is discussed in more detail below. The other 10 are discussed below.

No submissions were received on these designations.

No conditions are considered necessary for these designations due to the nature of controls and other legislative regulations, such as the Reserves Management Act.

A consideration of alternative sites, routes or methods is not considered necessary as the designations are already in existence and they are not changing in terms of physical extent.

The designations are considered reasonably necessary to achieve the objectives of the requiring authority in providing for infrastructural services.

As there are no recommended changes to these designations, no further recommendations are necessary and these designations can roll over subject to no further formalities.

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
Invercargill City Council	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
		175 Grant Road Otatara	Section 1, SO 11266, Block XX, Invercargill Hundred and 300m Restricted Building Area	16	84
	Waste Water Treatment Plant	196 Mokomoko Road, Omaui	Section 1 SO 11790, Block V Campbelltown Hundred and 150m Restricted Building Area	21	85
	Treatment Plant Bluff Water Supply Purposes (3/107	53 McGorlick Street, Bluff	Lot 1 DP 15211	28, 30	86
		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	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	94
	Service Lane	Yarrow, Jed, Spey, Deveron Street block	Part of Lot 1 DP 4007	9	95

5.17.2 Rollover of Existing Designation – 101 Esk Street, Invercargill

The Invercargill City Council has sought to roll over the designation for 101 Esk Street, with no modifications. No submissions have been received on this designation. The designation has been given effect to.

The designation at 101 Esk Street covers 6072m² and comprises of the Civic Administration Building and the Civic Theatre. The Civic Theatre has a Category 1 registration by Heritage New Zealand. The site is within the Business 1 Zone of the Proposed District Plan.

The structures on the site exceed the proposed maximum height limits. Whilst there are a few associated car parks provided on the site, most are provided off site. The activities carried out on the sites are appropriate for the Business 1 Zone.

If any conditions were considered necessary for the site, I would suggest that these be limited to height restrictions, given the proposed reduction in maximum height of structures within the Business 1 Zone from that permitted in the Operative District Plan. Should any development involve a change to the overall height of the buildings on these sites this would be considered through the outline plan process.

A consideration of alternative sites, routes or methods is not considered necessary as the designations are already in existence and they are not changing in terms of physical extent.

The designations are considered reasonably necessary to achieve the objectives of the requiring authority in providing for infrastructural services.

5.17.2.1 Recommendation

(a) The Notice of Requirement roll over for the Invercargill City Council listed in the Table below be **modified**.

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

(b) The recommended conditions for Designation 80, Civic Administration Office and Town Hall are included in **Appendix 41.**

5.17.3 Request for Removal of Designations

The Invercargill City Council has requested that the following designations in the Operative District Plan be withdrawn.

For previously designated land on Bond Street, Ref. No. 77 in the Operative District Plan, the road widening work at has been completed and there is no longer a need for the designation.

There is no longer a need to designate the land at 14 Marine Parade, Ref. No. 80 in the Operative District Plan, as this land is now in ownership of the Council's Parks Department.

5.17.3.1 Recommendation

For the reasons set out above, it is recommended that the following designations be withdrawn.

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

5.17.4 Roll Over of Existing Designations with modification

The Invercargill City Council has four designations in the Proposed District Plan that they have sought to retain subject to modification.

The proposed Designation, Ref. No. 83 in the Proposed District Plan, is an amalgamation of a number of previous designations at Lake Street and Station Road, being designations 88, 91 and 96 of the Operative District Plan. These are proposed to be all joined under the one designation.

Proposed Designations 87 and 88 in the Proposed District Plan are an update of the legal references reflecting a subdivision which changed the boundaries of the sites. This modification will not result in effects on the environment that are more than minor and reflect the current activities being carried out on the sites.

Proposed designation 89 in the Proposed District Plan is a modification reflecting a tightening of boundaries for the Solid Waste Management Centre in Bluff reflecting the current use of the property.

It is my opinion that 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 considered 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.

No submissions were received on these designations.

5.17.4.1 Recommendation

For the reasons outlined above, it is recommended that:

(a) The Notice of Requirement roll over with modification for the Invercargill City Council listed in the Table below be **confirmed**.

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

5.17.5 Administrative error

The table of designations includes a designation for land on Part of 7 to 9 Victoria Avenue. This was included in error. The land referred to in this designation is that on the corner of Bond Street that was referred to as Designation 80 in the Operative District Plan, designated for road widening purposes. As stated above this designation is no longer required and the Council has sought its removal.

5.17.5.1 Recommendation

For the reasons outlined above, it is recommended that:

(a) The Notice of Requirement roll over with modification for the Southland Regional Council listed in the Table below be **withdrawn**.

REQUIRING AUTHORITY	Purpose	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.
Invercargill City Council	Road widening	Part of 7 to 9 Victoria Avenue	Part of Lot 13 DP 5221		92

5.18 Minister of Defence

The Minister of Defence had one designation in the Operative District Plan for "Defence Purposes" at 10 Victoria Avenue. That site is no longer owned by the New Zealand Defence Force and they have relocated and are operating under the Enterprise Sub-Area which they believe adequately provides for their activities. They have sought for their designation at 10 Victoria Avenue to lapse at the time of the notification of the Proposed District Plan. The designation has not been included in the Proposed District Plan.

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APPENDIX 1 - Recommendations in response to submissions

Submitter	Submission	Recommendation
78.28	Designation 7 Bluff Community School	Modify the requirement
Ministry of Education	Support subject to amendment correcting legal description	RECOMMENDATION:
	RELIEF SOUGHT: Amend legal description as follows: "Lots 1-12 Block VII DP 225 Campbelltown Hundred"	Amend legal description for Designation 7 Bluff Community School as follows: "Lots 1-12 Block VII DP 225 Campbelltown Hundred"
78.28 Ministry of	Designation 17 James Hargest College – Senior Campus	Modify the requirement
Education	Support subject to amendment of typo	RECOMMENDATION:
	RELIEF SOUGHT:	Amend purpose for Designation 17 James Hargest College Senior Campus as follows: "James Hargest College – Senior Campus"
78.29	Designation 18 New River Primary School	Modify the requirement
Ministry of Education	Support subject to amendment of address and legal description	RECOMMENDATION:
	RELIEF SOUGHT: Amend address to read:	Amend locality for Designation 18 New River Primary School to read: "117 Elizabeth Street and 407 Ness Street, Invercargill"
	"117 Elizabeth Street and 407 Ness Street, Invercargill"	AND
	AND	Amend legal description for Designation 18 New River Primary School to read:
	Amend legal description to read: " Part Lots 1 and Let 3 DP2205, Lot 8 DP9827"	" Part Lots 1 and Lot 3 DP2205, Lot 8 DP9827"

Submitter	Submission	Recommendation
78.30 Ministry of	Designation 29 Southland Girls' High School	Modify the requirement
Education	Support subject to amendment of address	RECOMMENDATION:
	RELIEF SOUGHT:	Amend address for Designation 29 Southland Girls' High School to read: "328 and 350 Tweed Street, Invercargill"
	Amend address to read: "328 and 350 Tweed Street, Invercargill"	
79.1 KiwiRail	Designation 54	Modify the requirement
Holdings Ltd	Support in part. The submitter notes that the requiring authority is now KiwiRail Holdings Ltd, not New Zealand Railways Corporation. RELIEF SOUGHT: Amend designation 54 by inserting KiwiRail Holdings Ltd as the requiring authority.	RECOMMENDATION: Amend designation 54 by replacing "New Zealand Railways Corporation" with "KiwiRail Holdings Limited" as the requiring authority.
16.1 Roger Leader	Oppose Designation 62 The submitter is concerned the Notice of Requirement documentation appears to include contradictory references to the maximum height of structures on the site (the description of the nature of the work refers to a maximum height of 10m while the proposed conditions in Appendix D refer to a maximum height of 11m). The submitter is also concerned that the noise levels could be greater than they are now, and questions whether any provisions will be made for noise control.	authority that the maximum height of structures on the designated site will be 11m. Although this is a metre taller than otherwise allowed in the

Submitter	Submission	Recommendation
27.1 Denis Harvey	Oppose Designation 62 – Notice of Requirement – Appendix D Item 1. The submitter is concerned at the conflicting information provided in the Notice of Requirement documentation that refers to two different maximum height standards for structure, and considers this anomaly needs to be clarified, as does the question of the type of structure that would be extending to the maximum height. The submitter strongly objects to the inclusion in the designation of the right to erect tall structures without notification to potentially affected parties i.e. neighbours.	Noted See response to submission 16.1 and discussion in section 5.11.6 of this report in relation to the submitter's concerns about height of structures. The outline plan process enables the council to consider the effects of any increase in height. However, this process does not include any right for public submission, including involvement of neighbouring parties. Should the height of structures extend beyond the conditions of the designation, then a resource consent would be required and the neighbours would have a right to be involved.
27.2 Denis Harvey	Oppose Designation 62 Notice of Requirement – Appendix D Item 3. The submitter does not consider their property to be "publicly accessible" and that this affords them no protection from electric and magnetic fields. RELIEF SOUGHT: That the clause "within publicly accessible areas" should be changed to "beyond the substation boundary" or "at the boundary of neighbouring properties".	Reject As discussed in section 5.11.6 of this report, "within publicly accessible areas" is a term that provides protection to private property owners. The term is consistent with other regulations under the RMA.
27.3 Denis Harvey	Oppose Designation 62 Notice of Requirement – Appendix D Item 4. The submitter notes that this clause does not make any reference to low frequency noise emissions from the site. The submitter explains that the transformer currently on the site emits a low frequency humming noise and that as a result of testing following a complaint it was agreed that a noise attenuating barrier be erected to alleviate the problem, which took place soon after the substation was commissioned. RELIEF SOUGHT: That the designation should incorporate a "requirement" that noise barriers be erected around any equipment emitting low frequency noise.	Reject As discussed in section 5.11.6 of this report, it is considered impractical to impose a condition requiring noise barriers around any equipment emitting low frequency noise. Low frequency noise can be emitted from a wide range of different activities, including residential activities, and often this noise is not considered unreasonable. Such a condition would also need to stipulate the characteristics of the noise barrier and the expected outcome of such a barrier. Low frequency noise is inherently difficult to place limits on. Where the low frequency noise is "excessive", or unreasonable the Council has the ability to take enforcement action and require actions, such as possible noise barriers and/or site maintenance.

Submitter	Submission	Recommendation
102.23 Chorus NZ Ltd	Chorus's designations The submitter considers that the conditions on their designations should be included in the District Plan	Reject in part A number of designations within the Invercargill City District are subject to conditions. It is important the conditions are accessible for those
	RELIEF SOUGHT: Include the conditions as proposed by Chorus in the District Plan.	parties wishing to undertake activities in designated areas. In the most part the designated sites are owned and operated by the designating authority and it will be that authority that is carrying out any development or activity affected by the conditions. Where the designation directly affects other properties then there is good reason to include the conditions within the District Plan document.
		A solution would be to include an additional column in the table in Appendix IV indicating which designations have conditions. This would highlight to the Plan User that there are conditions to look out for. These conditions would be readily available to the public on request.
		RECOMMENDATION:
		Include an additional column in the Table in Appendix IV indicating which designations are subject to conditions.
104.21 Spark New	Telecom's designations	Reject in part
Zealand Ltd (previously Telecom NZ Ltd)	The submitter considers that the conditions on their designations should be included in the District Plan.	For the same reasons as set out in response to submission 102.23 above.
15.555 112 214)	RELIEF SOUGHT: Include the conditions as proposed by Telecom in the District Plan as they apply to Telecom's designations.	

Submitter	Submission	Recommendation
104.22	Telecom's designations	Accept
Spark New		
Zealand Ltd (previously	The submitter has identified a number of errors, in particular:	It is considered reasonable and appropriate to amend the Appendix to accurately reflect the roles of the designating authorities.
Telecom NZ Ltd)	Designation 46 - Telecom NZ Ltd is the primary and sole requiring	
	authority, not the secondary requiring authority.	RECOMMENDATION:
		Amend the Schedule of requirements and Designations in Appendix IV
	Designation 43 and 45 - Telecom NZ has sought secondary	of the Proposed Plan. Chorus should be the primary requiring authority
	designations for these sites and would like this recorded.	for Designations 37, 38, 40, 41, 42, 43, 44 and 45. Telecom is the
		primary and sole requiring authority for 10 The Crescent, shown as 39
	RELIEF SOUGHT:	and 46 in the Proposed District Plan. Telecom should have secondary
	Amend the Schedule of Requirements and Designations to accurately reflect the submitter's status.	designation for designations 43 and 4 (See section 5.6.1.1 of this report).

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Section 42A Report Designations

APPENDIX 2 - Recommended Changes to the Proposed District Plan

(Underline indicates recommended additions to wording notified in the Proposed District Plan, strikethrough indicates recommended deletions.)

Note: Circumstances when an outline plan is not required - (page 5-39) - No change

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	Map No.	DESIG.	CONDIT IONS
Minister of Corrections	Invercargill Prison	42 Liffey Street Invercargill	Lot 1 DP 13235 (CFR SL10C/658)	8, 9	1	<u>No</u>
Minister of Police	Bluff Police Station	76 80 Barrow Street Bluff	Sections 2B, 6A and Part 2A, Block XII Town of Campbelltown	29, 30	2	<u>Yes</u>
	Invercargill Police Station	117-119 Don Street Invercargill	Lot 1, DP 13986 and Lot 1 DP 12753	9	3	<u>No</u>
	North Invercargill Community Policing Centre	72 Windsor Street Invercargill	Lot 2 DP 13621	10	4	<u>Yes</u>
	South Invercargill Community Policing Centre	141 Janet Street Invercargill	Lot 4 Block IV DP 1714	17	5	Yes
Minister Ministry of Justice	Courthouse	35 Don Street Invercargill	Lot 1 DP 12894	9	6	<u>No</u>
Minister of Education	Educational Purposes - Bluff Community School	39 Bradshaw Street, Bluff	Lots 1-12 Block VIII DP 22 Campbelltown Hundred	29, 30	7	<u>Yes</u>
	Educational Purposes - Te Wharekura O Arowhenua	734 Tweed Street Invercargill	Parts Lot 1, Parts Lot 2, DP 3941, Lot 7 DP 5102, Part Lot 3 DP 5914, Part Lot 4 DP 3698 and Part Section 12 Block I Invercargill Hundred (Approved Lot 2 LT 46357 on 15 May 2013) Lot 2 DP 463547	11	8	Yes
	Educational Purposes - Clarendon Kindergarten	30 Waiau Place Invercargill	Lots 16-17 DP 9367	17	9	<u>Yes</u>
	Educational Purposes - Coldstream Hostel	11 Lees Street Invercargill	Lots 1-3, 6-16 and Part Lots 4-5, Block IV DP 108	10	10	<u>Yes</u>
	Educational Purposes - Donovan Primary School	200 Drury Lane Invercargill	Lot 1 DP 8089	6	11	Yes
	Educational Purposes - Enwood Hostel	15 Enwood Lane Invercargill	Part Lots 28 and Lot 32 DP 1043	10	12	Yes
	Educational Purposes - Glengarry Kindergarten	116 Derwent Crescent Invercargill	Lot 115, DP 6141	11	13	<u>Yes</u>
	Educational Purposes - Invercargill Middle Primary School	31 Jed Street Invercargill	Sections 1-6 and 19-22 Block LIV Town of Invercargill	9	14	<u>Yes</u>
	Educational Purposes - Windsor North Primary School	91 Chelmsford Street Invercargill	Lot 1 DP 9730	10, 7	15	<u>Yes</u>
	Educational Purposes - James Hargest College – junior campus	6 Layard Street Invercargill	Part Lot 1, DP 4390	7	16	<u>Yes</u>
	Educational Purposes- James Hargest College – Senior Camus	320 Layard Street Invercargill	Part Lot 6, Lot 7, Lot 16 and Part Lot 17 DP 2104	7	17	<u>Yes</u>
	Educational Purposes - New River Primary School	117 Elizabeth Street and 407 Ness Street Invercargill	Lots 30 and 31, Blk IV, DP 59, Part Lot 18 Deeds 3, Part Lots 1 and Let 3,DP2205, Lot 8 DP 9827	17	18	<u>Yes</u>

¹ Note the designation numbers will change to reflect amendments made to this table Section 42A Report Designations

REQUIRING AUTHORITY	Purpose	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.1	CONDIT IONS
	Educational Purposes – Aurora College	234 Regent Street Invercargill	Lot 7 DP 7842, Lot 8 DP 7842, Lot 14 DP 7842, Lot 65 DP 11499, Lot 64 DP 11258, Pt Lot 1 DP 7273, Pt Sec 34 BLK XIX Invercargill Hundred, Pt Lot 1 DP 3810, Lot 4 DP 7842	17, 18	19	Yes
	Educational Purposes - Ascot Community School	580 Tay Street Invercargill	Part Lots 5-6, DP 270, Part Lots 1-3, DP 5060 and Lot 596, DP 5761	10, 11	20	Yes
	Educational Purposes - Makarewa Primary School	56 Flora Road East Makarewa	Section 1, Block III Town of Makarewa	2	21	Yes
	Educational Purposes - Myross Bush Primary School	288 Mill Road North Invercargill	Lot 1, DP 3269	12	22	<u>Yes</u>
	Educational Purposes - Newfield Park Primary School	82 Wilfrid Street Invercargill	Part Section 18, Block I, Invercargill Hundred	10	23	<u>Yes</u>
	Educational Purposes - Otatara Primary School	146 Dunns Road Invercargill	Section 1 , Section 11 and Part Section 29, Block XXI, Invercargill Hundred	15	24	<u>Yes</u>
	Educational Purposes - Ranui Kindergarten	288 Nelson Street Invercargill	Lot 119, DP 58	17	25	<u>Yes</u>
	Educational Purposes - Ruru Special School	19 Ruru Street Invercargill	Lots 8 and 9, DP 2790 and Section 1 SO 7933 and Section 180, Block XV, Invercargill Hundred	6	26	Yes
	Educational Purposes - Salford Primary School	110 Lamond Street Invercargill	Part Lot 1, DP 2104	7	27	<u>Yes</u>
	Educational Purposes - Southland Boys' High Secondary School	181 Herbert Street Invercargill	Sections 45-46 and 118, Block I Invercargill Hundred, Part Lot 2 of 19, Lots 5-12, Lot 3 of 19, Lot 4 of 19, Lot 5 of 19, Part Lot 14, Part Lot 15, Part Lot 16, Part Lot 17, Part Lot 18 DP 696, Lots 1-2 DP 2537 and Lot 1 DP 7208	10	28	<u>Yes</u>
	Educational Purposes - Southland Girls' High Secondary School	328 and 350 Tweed Street Invercargill	Parts Lot 2, DP 3106,Part Lots 17-18 DP 147, Part Lots 3 DP 3076 and Part Lot 1 DP 3373	10	29	<u>Yes</u>
	Educational Purposes - Fernworth Primary School	288 Pomona Street Invercargill	Part Lot 1 DP 9719	17	30	<u>Yes</u>
	Educational Purposes - Murihiku Young Parents Learning Centre	55 Isabella Street Invercargill	Parts Lot 2 DP 2285 and Lot 2 DP 5294	10	31	Yes
	Educational Purposes - Tisbury Primary School	3 Boundary Road Invercargill	Parts Lot 1 DP 561, Part Section 15 Block XXII Invercargill Hundred, Part Lot 1, DP 2856 and Part Section 74, Block II, Town of Seaward Bush	18	32	Yes
	Educational Purposes - Waihopai Primary School	121 Herbert Street Invercargill	Lot 1 of 19, Part Lot 2 of 19 and Lots 2 and 3, DP 696 and Lots 1-2, DP 7932	10	33	Yes
	Educational Purposes - Waikiwi Kindergarten	21 Durham Street Invercargill	Lots 7-8, Part Lots 5, 6, 26, 27 and 28 DP 194	6	34	<u>Yes</u>
	Educational Purposes - Waverley Park	55 Eden Crescent Invercargill	Lot 294 DP 4689	10, 11	35	<u>Yes</u>
The Radio Network Limited	Primary School Telecommunication and radio-communication and ancillary purposes and land uses	51 Deveron Street Invercargill	Section 22, Block LXII, Town of Invercargill	9	36	Yes
Chorus	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	<u>Yes</u>

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.1	CONDIT IONS
	Telecommunication and Radio-communication and Ancillary Purposes	24 Clifton Street Invercargill	Lot 16 Block XIV DP 84	10	38	Yes
	Telecommunication and Radio-communication and Ancillary Purposes	10 The Crescent Invercargill	Lot 1 DP 13928	9	39	
	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	40	<u>Yes</u>
	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	41	<u>Yes</u>
	Telecommunication and Radio-communication and Ancillary Purposes	32 Oreti Road Otatara	Lots 6 and 7 DP 5523	15	42	<u>Yes</u>
	Telecommunication and Radio-communication and Ancillary Purposes	113 John Street Invercargill	Lot 1 DP 13091	10	43	<u>Yes</u>
	Telecommunication and Radio-communication and Ancillary Purposes	273 North Road Invercargill	Lot 4 DP 6336	6	44	<u>Yes</u>
	Telecommunication and Radio-communication and Ancillary Purposes	Part 180, Flagstaff Road, Bluff	Part of Section 25 Block I Campbelltown Hundred	29,30	45	<u>Yes</u>
Telecom Spark New Zealand Ltd Secondary Requiring Authority	Telecommunication and Radio-communication and Ancillary Purposes	10 The Crescent Invercargill	Lot 1 DP 13928	9	46	Yes
Spark New Zealand Ltd Secondary	Telecommunication and Radio-communication and Ancillary Purposes	113 John Street Invercargill	Lot 1 DP 13091	<u>10</u>	New number to be assigned	<u>Yes</u>
Requiring Authority	Telecommunication and Radio-communication and Ancillary Purposes	Part 180, Flagstaff Road, Bluff	Part of Section 25 Block I Campbelltown Hundred	29,30	New number to be assigned	<u>Yes</u>
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	47	<u>No</u>
	State Highway Purposes	State Highway 6	Winton-Lorneville Highway, North Road, Dee Street	2, 6, 8, 9	48	<u>No</u>
	State Highway Purposes	State Highway 99	Lorneville-Wallacetown Highway	2	49	<u>No</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 Lot 3, DP 13440 (2360 Ocean Beach Road) - both sides	11, 12, 13, 16, 17, 18, 21, 22, 26	50	<u>No</u>
	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	51	<u>No</u>

REQUIRING AUTHORITY	PURPOSE	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.1	CONDIT IONS	
	State Highway Purposes-Limited Access Roads	State Highway 99	Lorneville-Wallacetown Highway between State Highway 6 and the City Boundary	2	52	<u>No</u>	
	State Highway 98 Purposes and Limited Access Road	State Highway 98	Lorne-Dacre Road	2	53	<u>No</u>	
New Zealand Railways Corporation KiwiRail Holdings Ltd	Railway purposes	Throughout the District entering from the north and south and terminating at Bluff	Consult District Plan planning maps	2, 6, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 22, 26, 27 28, 29, 30	54	<u>No</u>	
Transpower New Zealand Limited	Electricity Substation and Ancillary Structures and Activities, including telecommunications	25 Tuai Street	Lot 1 DP 12414	12	55	<u>Yes</u>	
	Electricity Substation and Ancillary Structures and Activities, including telecommunications	1411 Tiwai Road	Lot 2 DP 13987	31	56	<u>Yes</u>	
The Power Company Ltd	Electricity Zone Substation and Ancillary Purposes	23 Clapham Road	Section 88 Blk II Invercargill Hundred	12,13	57	<u>No</u>	
	Electricity Zone Substation and Ancillary Purposes	25 Tuai Street	Lot 1 DP 12414	11,12	58	No	
	Regional Network Utility Depot and Ancillary Purposes	247 – 251 Racecourse Road , 16 and 22 Findlay Road	Sec 1 SO 5664, Lot 4 DP 4356 and Sec 1 SO 11993	11,12	59	<u>Yes</u>	
	Designation No. 60 withdrawn						
	Electricity Zone Substation and Ancillary Purposes	281 Chesney Street	PT Lot 6 Blk VII Invercargill Hundred DP 111	17	61	<u>Yes</u>	
	Electricity Zone Substation and Ancillary Purposes	189 Taiepa Road	Pt Section 85 Blk XX Invercargill Hundred	15	62	Yes	
	Electricity Zone Substation and Ancillary Purposes	8 Nichol Road	Lot 2 DP 3084	26	63	Yes	
Electricity Invercargill Ltd	Electricity Zone Substation and Ancillary Purposes	101 Doon Street	Lot 8 DP 308322	9	64	<u>Yes</u>	
	Electricity Zone Substation and Ancillary Purposes	56 Leven Street	Lot 1 DP 13721	9	65	<u>Yes</u>	
	Electricity Zone Substation and Ancillary Purposes	151 Lime Street	Lot 1 DP 11625	10	66	<u>Yes</u>	
	Electricity Zone Substation and Ancillary Purposes	273 Racecourse Road	Section 2 SO 8623	12	67	<u>Yes</u>	
	Electricity Zone Substation and Ancillary Purposes	219 Spey Street	Section 2 Blk LV Town of Invercargill	9	68	<u>Yes</u>	
Meteorological Service of New Zealand Limited	Meteorological and Administrative Activities	32 Airport Avenue Invercargill	Lot 1 DP 12318	8	69	<u>No</u>	
	Meteorological Activities	69-106 Invercargill Airport	Lot 1, DP 13285	5	70	<u>No</u>	

REQUIRING AUTHORITY	Purpose	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.1	CONDIT IONS
Invercargill Airport Limited	Invercargill Aerodrome	60, 68, 69, 72, 73, 75, 76, 77, 82, 84, 86, 92, 94, 96, 99, 100, 106 Airport Avenue 38, 80, 140 Longford Road, 47, 94 Co-Bakker Road and 148 Curran Road, Invercargill	Lot 1 DP 362692 Lot 1 DP 9671 Lot 2 DP 13069 Lot 2 DP 362692 Lot 3 DP 362692 Lot 4 DP 362692 Lot 5 DP 362692 Lot 6 DP 362692 Lot 7 DP 362692 Lot 8 DP 362692 Part Lot 9 DP 362692	5,8	71	Yes
	Airport Approach and Land Use Controls	Airspace surfaces for aircraft operations	Consult District Planning Maps 34 and 35 and Note B	Airport Approach and Land Use Controls- Overview: Map 34. Airport Approach and Land Use Controls – Detail: Map 35	72	Yes
	Airnoise Boundary	60, 68, 69, 72, 73, 75, 76, 77, 82, 84, 86, 92, 94, 96, 99, 100, 106 Airport Avenue 47, 94 Co-Bakker Road and 148 Curran Road, Invercargill	Lot 1 DP 13285 Lot 1 DP 9671 Lot 2 DP 13069 Lot 5 DP 362693 Lot 6 DP 362693 Lot 7 DP 362693 Lot 8 DP 362693 Lot 9 DP 362693	5, 8	73	Yes
Southland District Council	Greenhills Quarry	67 Omaui Road Greenhills	Lot 1, DP 1409 and Lot 1 DP 2163 2136 Block IV Campbelltown Hundred	21	75	<u>No</u>
	Southland District Council Waikiwi Yard	30 Hunt Street Waikiwi, Invercargill	Lot 1 DP 14888	6	76	<u>Yes</u>
	Southland District Council Offices	1 and 15 Forth Street Invercargill	Lot 3 DP 13412 and Lot 1 DP 9588	9	78	<u>No</u>
	Car parking associated with the Southland District Council Offices	1 Forth Street, Invercargill	Lot 3 DP 13412	9	No. yet to be assigne d	<u>No</u>
Southland Regional Council	Southland Regional Council Offices and ancillary uses	220 North Road, and 22 Price Street, Invercargill	Lot 2 DP 10277 and Lot 30 DP 4214	6	- 79	Yes
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	<u>No</u>
	Eastern Cemetery	30 and 62 East Road, Invercargill	Lot 1 DP 8051, Part Lot 1 Deeds 121	11	81	<u>No</u>
	Reserve	6 Ward Parade Bluff	Part Lot 1 LT 513 Town of Campbelltown	29,30	82	<u>No</u>

REQUIRING AUTHORITY	Purpose	LOCALITY	LEGAL DESCRIPTION	MAP No.	DESIG. No.1	CONDIT IONS
	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	17	83	<u>No</u>
	Waste Water Treatment Plant	175 Grant Road Otatara	Section 1, SO 11266, Block XX, Invercargill Hundred and 300m Restricted Building Area	16	84	<u>No</u>
	Waste Water Treatment Plant	196 Mokomoko Road, Omaui	Section 1 SO 11790, Block V Campbelltown Hundred and 150m Restricted Building Area	21	85	<u>No</u>
	Waste Water Treatment Plant	53 McGorlick Street, Bluff	Lot 1 DP 15211	28, 30	86	<u>No</u>
	Solid Waste Management Centre	303 Bond Street Invercargill	Lot 3 DP 421886	8	87	<u>No</u>
	Composting Facility	351 Bond Street Invercargill	Lot 4 DP 421886	8	88	<u>No</u>
	Solid Waste Management Centre, Bluff	75 Suir Street Bluff	Pt Section 15 Blk I Campbell town Hundred	28, 30	89	<u>No</u>
	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	<u>Yes</u>
	Road widening	8 Dunns Road Otatara	Lot 48 District Plan 1652	15	91	<u>No</u>
	Road widening	Part of 7 to 9 Victoria Avenue	Part of Lot 13 DP 5221		92	
	Service Lane	Spey, Jed, Don, Deveron Street block	Part of Section 5, 18, 19, Block LXII Town of Invercargill	9	93	<u>No</u>
	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	94	<u>No</u>
	Service Lane	Yarrow, Jed, Spey, Deveron Street block	Part of Lot 1 DP 4007	9	95	<u>No</u>

A Invercargill Aerodrome Designation - (page 5-45) – No change

B Airspace Approach and Land Use Controls Designation- (page 5-46) – No change

C Airnoise Boundary Designation

- **1.** (page 5.51) No change
- **2.** (page 5.51) No change
- **3.** (page 5.51) No change

4. Proposed Restrictions

- (a) Farming operations that are not noise sensitive activities are permitted activities within the designation.
- (b) Resource consent for any new activity inside the Air Noise Boundary shall not be granted without the prior approval of Invercargill Airport Limited.
- (c) New or relocated residential, school, hospital and other noise sensitive activities, other than airport related activities, are prohibited inside the Airnoise Boundary.

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