

MINUTES

TITLE: Environment and Planning Subcommittee
DATE: Monday, 20 June 2005
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond.

PRESENT: Cr T B King (Chair), Crs P K O'Shea and R G Currie

IN ATTENDANCE: Manager Consents (J S Hodson), Planning Consultant (G Rae),
Administration Officer (B D Moore).

1. NETWORK TASMAN LTD, BEACH ROAD, RICHMOND – APPLICATION No. RM041186

1.1 Proposal

The applicant sought consent to erect a new 33 KV electricity substation that will comprise two transformers and associated switching equipment. The switching equipment will be contained within a building. The applicant also sought consent to construct a vehicle access bridge from Beach Road, over the Beach Road drain, to the site located at 30 Beach Road. The subject site is bounded by Beach Road to the north-west and State Highway 6 (the Richmond Deviation) to the south. The site has an area of 2.833 square metres and is currently undeveloped. It is located within the Light Industrial Zone and was previously designated for Network Tasman utility operations but that designation has since lapsed.

1.2 Presentation of Application

The applicant was represented at the hearing by Mr M Hendrickson and resource management consultant, Mr F C Bacon, who tabled and read a statement of evidence. Mr Bacon said that although the application originally included an application to install three diesel generator units and a fuel storage facility, the applicant advised Council by letter dated 25 February 2005 that it wished to withdraw the diesel generation component from the application.

This application was amended because of the four submissions received opposing the application, predominantly to place diesel powered electricity generators on the site. Mr Bacon said that a full landscaping plan, as required to screen industrial sites, has been submitted with the application. He said that the outcome is that the facilities to be placed on this site will be unobtrusive and well screened. He said the transformer fans are designed for quiet running and compliance with noise emission standards. Fans will only operate if one of the transformers is out of action and a full load has to be provided from only one transformer, or if there is an extraordinary loading on the substation for any reason.

The proposed substation is located on a site which is best placed to enable the applicant to meet its supply obligations. Mr Bacon noted that the application to construct a bridge across the Beach Road drain has not been opposed and that this work will require compliance with a building consent.

Mr Bacon addressed the matters raised within the staff report and agreed with the assessment and conclusions and with all recommended conditions except Condition 9, which requires measurement of electromagnetic field flux density. He referred to evidence which had been produced at the Environment Court to point out that electromagnetic fields within a household, with a normal range of electrical appliances, would be likely to exceed those of the substation. He suggested wording for an amended Condition 9.

1.3 Presentation of Submissions

Ms K M Troy sought assurance that the proposed substation would not create extra noise that would affect her adjacent residential property.

Mr B N Stringer, a resident of 19 Doran Street, indicated he was less concerned with the proposal now that the diesel generators had been withdrawn from the application. He said he was hopeful that the substation would not be a lever for a future diesel generator to be installed on this site. Cr King asked Mr Bacon to clarify the potential for use of diesel generators. Mr Bacon said that Network Tasman Ltd had no definite plans at this stage for the provision of diesel generators on an alternative site but advised that this company has the ability to take what steps it considers necessary to restore electricity supply using emergency provisions in the Resource Management Act.

1.4 Staff Report

Resource management consultant, Mr G Rae, spoke to his staff report of 8 June 2005 contained within the agenda. Mr Rae spoke to his assessment of the application, including visual and amenity effects. He provided the Committee with copies of elevations of the proposed buildings and said that the maximum height would be 4.5 metres. He confirmed that extensive screening and landscaping around the site boundary was proposed. He explained the proposed low noise emissions, which would comply with the Light Industrial Zone noise levels. The report recommended that consent be granted, subject to the conditions listed within the staff report.

1.5 Right of Reply

Mr Bacon responded for the applicant. He noted that Mr Stringer suggested that the applicant locate a substation within its site at Hope but advised that this is in the middle of a Transit New Zealand bypass designated area. He said it would be too expensive to build a new substation in that location and risk having to relocate this at a future time.

The hearing concluded at 10.25 am.

**Moved Crs King / Currie
EP05/06/49**

THAT the public be excluded from the following part of the proceedings of this meeting namely:

Network Tasman Ltd

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Subject	Reasons	Grounds
Network Tasman Ltd	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs O'Shea / Currie
EP05/06/50**

THAT for the purposes of discussing the application of Network Tasman Ltd as an "In Committee" item, the Manager Consents be authorised to be in attendance as advisor.

CARRIED

**Moved Crs Currie / King
EP05/06/51**

THAT the public meeting be resumed and that the business transacted during the time the public was excluded be adopted and that the following resolutions be confirmed in open meeting.

CARRIED

2. NETWORK TASMAN LTD, BEACH ROAD, RICHMOND – APPLICATION No. RM041186

DECISION - SUB-STATION (RM041186):

**Moved Crs King / O'Shea
EP05/06/52**

THAT pursuant to Sections 104B of the Resource Management Act 1991, Council GRANTS consent to Network Tasman Limited to:

- Erect a new 33 kV electricity substation that will comprise two transformers and associated switching equipment.**

The application is granted subject to the following conditions and for the following reasons:

CONDITONS - SUB-STATION (RM041186):

General

1. The electricity substation shall be constructed and operated in accordance with the documentation submitted with the application, including the site plan attached to the consent marked Plan A (dated 20 June 2005). Notwithstanding the above, if there is any conflict between the information submitted with the application or Plan A and any conditions of consent, then the conditions of consent shall prevail.

Advice Note:

Plan A shows diesel generators, however this part of the application has been withdrawn and is confirmed by Condition 2 below.

2. Electrical generation using diesel generators and associated diesel fuel storage is not authorised by this consent.

Screen Planting and Landscaping

3. The site shall be planted in accordance with the Planting Plan prepared by Rory Langbridge Landscape Architect, dated December 2004. A copy of this Planting Plan is attached to this consent.
4. The approved landscape plan, required to be prepared in accordance with Condition 3, shall be implemented to the satisfaction of the Council in the first planting season after completion of the sub-station.
5. The consent holder shall maintain the plants, required to be planted in accordance with the requirements of Condition 4, in a healthy condition for the duration of this consent. All plants which die or are removed within the first five years following the implementation of the landscape plan shall be replaced during the next planting season to the satisfaction of the Council.

Noise

6. Noise levels shall be measured at a minimum of one location located on each of the boundaries the site (i.e. a total of at least three measurements are to be taken). These measurements shall be undertaken in accordance with the provisions of NZS 6801:1991, *Measurement of Sound* and NZS 6802:1991, *Assessment of Environmental Sound*. The noise measurements shall be undertaken when the substation is operating at full capacity during the commissioning of the substation and no later than three months after it first becomes operational.
7. The results of the noise measurements shall be forwarded to the Council's Coordinator Compliance Monitoring within 10 working days of the measurements being undertaken.

Electromagnetic Field Power Flux Density

8. Magnetic flux density reference levels shall not exceed 100 microtelsa or 1000 miligauss.

Review

9. The Consent Authority may, for the duration of this resource consent and within the three month period following the 31 May each year, review the conditions of this resource consent pursuant to Section 128 of the Resource Management Act 1991 and/or for the following purposes:
- i) Dealing with any adverse effect on the environment which may arise from the exercise of this resource consent and which is appropriate to deal with at a later stage; and

Advice Notice:

- a) Monitoring of this resource consent is required under Section 35 of the Resource Management Act 1991. Costs incurred may be recovered under Section 36 of the Resource Management Act 1991. A deposit fee is payable at this time and should monitoring costs exceed this initial fee, the Consent Authority will recover the additional amount from the Consent Holder. Monitoring costs can be minimised by consistently complying with the resource consent conditions.
- b) Any matters not referred to in this application for resource consent or otherwise covered in the resource consent conditions (including, but not limited to, storage and use of hazardous substances, site earthworks, construction of vehicle crossings onto Beach Road, and the discharge of stormwater) must comply with the proposed Tasman Resource Management Plan and/or the Resource Management Act 1991.
- c) Noise – Consent to exceed the permitted noise levels for the Light Industrial Zone was not applied for. The consent holder is advised that the electricity substation must be operated in a manner that complies with the relevant permitted activity criteria of the Proposed Tasman Resource Management Plan or a resource consent obtained.

At the commencement of this consent the permitted noise limits for the Light Industrial Zone of the proposed Tasman Resource Management Plan are:

- Rule 17.3.2 (j)** In the Light Industrial and Heavy Industrial zones, noise generated by the activity, measured at or within the boundary of any site within the Light Industrial Zone, other than the site from where the noise is generated, or at or within the boundary of any site within the Central Business, Commercial, or Rural Industrial zones, does not exceed:

	Day	Night
L ₁₀	65 dBA	55 dBA
L _{max}		85 dBA

- (k)** In the Light Industrial and Heavy Industrial zones, noise generated by the activity measured at or within the boundary of any site within a Residential or Tourist Services Zone, or at or within the notional boundary of any dwelling in the Rural, Rural Residential or Papakainga Zone, does not exceed:

	Day	Night
L ₁₀	55 dBA	40 dBA
L _{max}		70 dBA

- N.B.** Day = 7.00 am to 9.00 pm, Monday to Friday, inclusive of 7.00 am to 6.00 pm Saturday (but excluding public holidays).
Night = all other times, including public holidays.

Noise must be measured and assessed in accordance with the provisions of NZS 6801:1991, 'Measurement of Sound' and NZS 6802:1991, 'Assessment of Environmental Sound'.

- d) The applicant is required to meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
- e) Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.

DECISION - BRIDGE (RM050217):

THAT pursuant to Sections 104B of the Resource Management Act 1991, Council GRANTS consent to Network Tasman Limited to construct and maintain a vehicle access bridge over the Beach Road Drain.

The consent is granted for a period expiring on 30 June 2040.

The consent is granted subject to the following conditions and for the following reasons:

CONDITONS - BRIDGE (RM050217):

1. Application Details

Applicant: *Network Tasman Ltd*
Location: *30 Beach Road, Richmond*
Postal Address: *PO Box 3005, Richmond 7031*
Legal Description: *Lot 1 DP 9218*
Valuation Number: *1957028700*
Tributary: *Beach Road Drain*
Catchment: *Waimea Estuary*
Map Reference: *NZMS 260: N27:2551-8580*
Easting: *2525505*
Northing: *5985798*

- 2. The consent holder shall provide two working days notice to Council's Coordinator Compliance Monitoring of the commencement of construction works for the bridge.
- 3. The bridge and its approaches shall be constructed so that they do not restrict the flow of floodwaters in a manner that results in adverse effects, in particular the increased flooding of adjacent land.
- 4. The construction and ongoing presence of the bridge, its approaches, and any associated protection works shall not give rise to erosion or scouring of the stream channel or any land.

5. The presence of the bridge abutments or any scour protection works associated with the bridges shall not present a barrier to fish migration in the Beach Road Drain.
6. The consent holder shall take all practical measures during construction and maintenance works to minimise introducing sediment and other contaminants into the Beach Road Drain.
7. The consent holder shall ensure that all excess construction material is removed from the site and streambed and that the site is left in a neat and tidy condition following the completion of construction works.
8. The Consent holder shall forward detailed construction plans of the bridge to Council's Coordinator Compliance Monitoring prior to construction works commencing. The bridge design shown in these plans shall be in accordance with the conditions of this consent.

Advice Note:

For the purposes of Condition 8, copies of the construction plans required to be submitted to Tasman District Council as part of the building consent process are considered to be appropriate to fulfil the requirements of this condition.

9. Council may, for the duration of this consent and within the three month period following the 31 May each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for the purposes of dealing with any adverse effect on the environment which may arise from the exercise of the consent and which is appropriate to deal with at a later stage or to complying with the requirements of a relevant operative rule in the Tasman Resource Management Plan or its successor.
10. This resource consent shall expire on 30 June 2040.

Advice Notes:

- a) Monitoring of this resource consent is required under Section 35 of the Resource Management Act 1991. Costs incurred may be recovered under Section 36 of the Resource Management Act 1991. A deposit fee is payable at this time and should monitoring costs exceed this initial fee, the Consent Authority will recover the additional amount from the Consent Holder. Monitoring costs can be minimised by consistently complying with the resource consent conditions.
- b) Any matters not referred to in this application for resource consent or otherwise covered in the resource consent conditions (including but not limited to site earthworks, construction of vehicle crossings onto Beach Road, and the discharge of sediment and/or stormwater) must comply with the proposed Tasman Resource Management Plan and/or the Resource Management Act 1991.
- c) The applicant shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
- d) Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.

REASONS FOR THE DECISION - SUB-STATION AND BRIDGE:

1. The land is zoned Light Industrial in the Proposed Tasman Resource Management Plan.
2. The proposed sub-station is a discretionary activity under the Proposed Plan as it is located on a site facing a residential zone. Due to the progress of the Proposed Plan through the statutory process the provisions of the Transitional Plan are not considered relevant as there are no relevant references to the relevant rules of the Proposed Plan. The application for the bridge across the Beach Road Drain is a discretionary activity pursuant to Section 2.4.2 of the water and Soil Bylaw 1990 (now the Transitional Plan). The applications have been considered pursuant to Part 2 and Sections 104B of the Resource Management Act 1991.
3. The Committee noted that there were six submissions received, four in opposition, one in opposition to part of the proposal and one in support. The following issues of concern were raised by those in opposition, some of which relate to the diesel generators which have now been withdrawn from the application:
 - Noise and odour and other pollutants from generators causing a loss of residential amenity, particularly adverse effects of noise at night-time,
 - Adverse visual effects of the proposal,
 - Potential hazard associated with fuel storage and also possible contamination through leakage,
 - Potential for the facility to be enlarged.
4. The Committee noted the withdrawal from the application of the three diesel generators intended for the purpose of electricity generation and the associated fuel storage and the other attempts made by the applicant to meet with the submitters and address their concerns.
5. The Committee considered the concerns of submitters and the mitigation measures proposed by the applicant, particularly in relation to visual effects and noise. The landscaping offered by the applicant was of a scale greater than would normally be required but it was considered that the site was quite a visible one and the landscaping would be a beneficial effect. It was noted that the site was separated from the residentially zoned sites by wide road reserves and the drain on one frontage, and essentially, the proposed sub-station was something that would not be unexpected to be located within the Light Industrial Zone. It was also noted that previously this site had been the subject of a designation but this no longer existed.
6. The Committee considered that the removal of the generation and fuel storage aspects of the application dealt with a substantial amount of the issues raised by the submitters. In terms of visual effects, the Committee noted that the proposed sub-station building was within the permitted height of buildings within the zone. It was considered that the issue of noise was mitigated by the building design itself and that the condition to require monitoring of noise levels initially to ensure compliance with the permitted noise standard for this zone would satisfy the concerns of submitters.

7. In terms of the potential effect of electromagnetic radiation, the Committee was satisfied that the sub-station should meet international safety guidelines relating to public health and therefore there was no need for on-going monitoring of this.
8. The Committee was satisfied that with the conditions imposed the bridge across the drain would have no adverse effects on the environment which are more than minor.
9. In summary, the Committee was satisfied that the proposed sub-station and was consistent with the policies and objectives of the Proposed Plan and the purpose and principles of the Resource Management Act 1991 and with the conditions volunteered and imposed would have no more than a minor effect on the environment.

CARRIED

Confirmed:

Chair: