

In the matter of: Resource Management Act 1991

AND

In the matter of: A notice of requirement for the designation of land legally described as Lot 1 DP 14909 for the purposes of the installation and operation of a 33 kV substation.

Hearing Date: Wednesday 13 May 2009

Hearing Panel: Commissioner G Collingwood (Chairperson) and Commissioners M Holmes and D Shaw

Hearing Venue: Nelson City Council Chamber, Civic House, Trafalgar Street, Nelson.

Appearances: For the applicant: Nigel McFadden (Counsel), Murray Hendrickson (Network Tasman), Paul Denton (Geologic Ltd, Geological and Geotechnical Specialists).and Gary Rae (Consultant, Resource Management Planner).

For Nelson City Council: Suzanne Bernsdorf (Planner) and Dr Mike Johnston (Geologist).

Submitter: Alan David Little

1. The requirement

Network Tasman being a requiring authority for the purposes of the Resource Management Act 1991 gave notice of a Requirement to designate a site for the installation and operation of a 33 kV electricity substation which it considered necessary in order to met its obligations under the Electricity Act in anticipation of additional growth in loading on its electricity distribution network in the next 15 years.

The land to which the Requirement relates is all that land in CT NL10C/397, being legally described as Lot 1 DP 14909, and having an area of 7610 m² and situated at 769 Hira Road SH 6 Hira.

The building within which the substation equipment would be located was proposed to have the appearance of a dwelling house with a site coverage of 250 square metres and a maximum height of 8.5 metres necessary to provide roof clearance for the transformers. All the equipment will be contained entirely within the proposed building and all cabling for ingoing and outgoing electricity will be underground.

The Requirement is proposed to lapse after 15 years from the date that the designation is confirmed.

2. Decision

That in accordance with Section 171 of the Resource Management Act 1991 it be recommended to Network Tasman that it confirm the Requirement to designate the land in lot 1 DP 14909 for the installation and operation of a 33kV electricity substation subject to the following conditions:

1. That all the equipment associated with the substation be located within a building that has the appearance of a residential dwelling and that the “dwelling” be oriented so that the front faces the access road to the picnic area, with the rooms housing the transformers at the northern side of the building; and
2. That any vehicle parking or manoeuvring areas be located on the northern side of the building; and
3. That the property be landscaped and planted so as to screen the building from SH6 and from the picnic area to the east.
4. That the designated site be fenced with a rural type boundary fence as a minimum and the fence provided be maintained.
5. That the building be designed and constructed so as to ensure that the noise emissions at the boundary of the designated site comply with the noise levels contained within the Nelson Resource Management Plan relating to the zoning of the adjacent properties at the time construction is commenced.
6. The proposed substation and associated cabling be located fully outside the recommended building exclusion zone as shown on Plan A dated 1 May 2009.
7. That the development of the site be carried out under the supervision of a chartered professional engineer practising in civil engineering and experienced in foundation design.
8. All excavations for building foundations and trenching for buried utilities be inspected by a qualified engineering geologist or geotechnical engineer recognised as such by the Nelson City Council. The engineering geologist or geotechnical engineer shall forward to Council’s Manager of Resource Consents a report summarising the ground conditions exposed and confirming that the ground conditions are as anticipated in the report provided by Geologic Ltd dated Feb 2009
9. The inferred position of the Waimea fault outlined in Geologic Ltd’s report dated Feb 2009 be re-examined in the 6 months prior to applying for a building consent to incorporate any more definite location information of the position of the Waimea fault. A report

summarising the results of this re-examination shall be included with the building consent application.

10. The designation shall lapse at the expiry of 15 years from the date that the requirement is confirmed unless given affect before that date.

Reasons:

- (i) The Council notes the evidence provided by Mr Hendrickson regarding the purpose of the designation being to ensure that Network Tasman is able to provide the appropriate infrastructural facilities needed to cater for the possible growth in the Hira area. It also notes that Network Tasman has considered a number of potential sites in and around Hira and has concluded that the site which is the subject of the Requirement is the most suitable as it will be close to the load centre, at the point where 3 distribution lines meet and will take load off the Founders substation. The Council accepted Mr Hendrickson's opinion that the combination of these factors will lead to efficient distribution and enable anticipated development including residential and rural residential development to the north of Nelson to be catered for.

The Council accepts that the designation of land for a substation in advance of any further growth will provide certainty for both the designating authority and the public and it considers that this is an appropriate step to take in planning for the future.

- (ii) The Council notes the evidence provided by Mr Denton of Geologic Ltd and Dr Mike Johnston regarding the status of the Waimea fault, its position relative to the proposed substation and the possible effects which movement on this fault might have in respect of the proposed substation. The Council is satisfied, notwithstanding that additional onsite investigations has revealed that the fault may be further east than previously had been inferred, that the likelihood of any activity occurring on this fault is low. It is also satisfied that if the fault does move ground shaking would be the same in respect of a building regardless of its distance from the fault. It is therefore satisfied that the building exclusion zone as shown on Plan A accompanying the Requirement is appropriate, and that the location of the proposed substation outside this zone will ensure that it is in no more danger from earthquakes than any other building within the locality.

- (iii) The Council also acknowledges that although a portion of the site concerned is located within the flood hazard overlay the local characteristics of the stream and the general height of the land above the stream will ensure that the likelihood of flooding is very low. Notwithstanding this the Council is satisfied that as the building houses a lifeline utility it will be appropriately designed and constructed so as to ensure that the effects on it of any flood or earthquake will be no more than minor.
- (iv) The Council notes the concerns expressed by the submitters regarding the effects which they consider that the construction of a substation in this location will have on the amenities and character of the rural environment, and on the ambiance, visible appearance, and usage of the adjacent picnic area. The Council accepts that substations are a necessary facility which needs to be located in proximity to the area which they serve, and therefore they can be expected in any zone. The Council notes that Network Tasman proposes to house its transformer within a building which will resemble a residential dwelling and that appropriate landscaping and design features will be applied and it is satisfied that the resulting development will have no more impact on the character or amenities of the surrounding area than would a building which could be erected on the site as right.

It is therefore satisfied that the development will not be contrary to the policies of the Nelson Resource Management Plan relating to the rural character or the amenities of the area.

- (v) The Council acknowledges the concerns regarding electromagnetic radiation from the substation and the possible hazards to the health of the persons using the adjacent picnic area. The Council notes the evidence provided by Mr Stronach in which he explains that the electric fields created by the proposed Hira substation 5 metres away from the building will be considerably less than the levels contained in the Ministry of Health guidelines as safe exposure levels for the general public, and similar to the levels of electric fields generally experienced in the home and at work. Council is therefore satisfied that there will be no health risks for any member of the public visiting the picnic area and any other facility within the vicinity of the substation. It also notes that the building itself will be secured against

accidental entry and provided with appropriate security devices to ensure that no member of the public can approach closer to the transformers than the exterior of the building.

- (vi) The Committee notes from the evidence provided by Mr Hendrickson that the building will be designed in such a way as to ensure that any cooling oil that might leak from the transformers would be fully contained on site and is therefore satisfied that any potential for pollution of land or water has been considered and will be avoided or will be mitigated.
- (vii) The Council notes the opinions expressed by the submitters regarding the location of the potential, future residential development in Hira and their concerns that this site could occupy a central locality which would be inappropriate within a residential zone.
The Council is satisfied that the design and appearance of the building, and the noise and electrical radiation emanating from the building will be no more than would be expected from any residential building and therefore the substation would not be out of keeping in the midst of a residential area. Notwithstanding this it considers that it is more likely that future residential development will take place on the western side of SH6 or further to the north off Cable Bay Road. It is therefore satisfied that the establishment of the substation in this location will have no adverse effects on future residential development of the area.
- (viii) Having regard to the evidence provided by the Requiring Authority and the comments of the reporting officer the Council is satisfied that the site is appropriate for the development proposed and that the construction of the substation in accordance with the conditions imposed will give rise to no affects on the environment or the character of the area that will be more than minor.

Commissioner G Collingwood
Nelson
18 May 2009