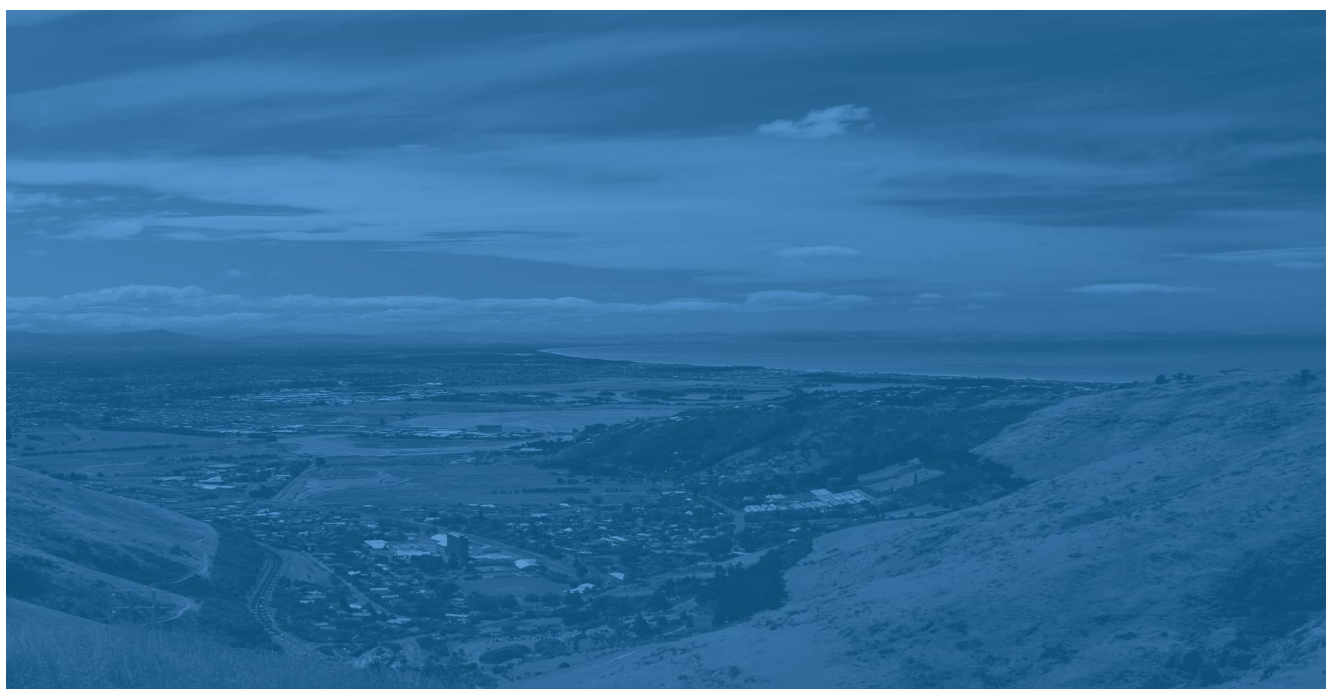


ORION NEW ZEALAND LTD

Notice of Requirement: Killinchy Zone Substation

Site Address: Corner of Heslerton Road and Frasers Road, Rakaia

Date: 8 April 2020



Document Control				
Report Title		Notice of Requirement		
Client		Orion New Zealand Ltd	Client Contact/Approver	Tessa Sutherland
Rev	Date	Status	RMG Author	RMG Reviewer
1		Draft	Melanie Foote	Darryl Millar
2		Final Draft	Melanie Foote	
3	8 April 2020	Final	Melanie Foote	
Current Rev		3		

Notice of Requirement: Killinchy Zone Substation

to

Selwyn District Council

Resource Management Group Limited
Level 4, 69 Cambridge Terrace
PO Box 908
Christchurch Box Lobby

Christchurch 8140
Phone (03) 943 4112

NOTICE OF REQUIREMENT

PURSUANT TO SECTION 168 OF THE RESOURCE MANAGEMENT ACT 1991

To: SELWYN DISTRICT COUNCIL

From: ORION NEW ZEALAND LIMITED

Orion New Zealand Limited is a Requiring Authority pursuant to Section 167 of the Resource Management Act 1991.

Orion New Zealand Limited gives notice to the Selwyn District Council of a Requirement to designate land within the District as an Electricity Substation.

1. The site to which the requirement applies is as follows:

Name: Killinchy Zone Substation
Address: Corner Heslerton and Frasers Road, Rakaia
Legal Description: Lot 1 DP 327087 (Certificate of Title contained in **Appendix One**)
Site Area: 1.0150Ha

The location of the site and the extent of the proposed designation are shown on the Plan contained in **Appendix Two**.

- 2. The nature of the proposed work and the nature of any proposed conditions:** Refer to the attached Notice.
- 3. The effect that the proposal will have on the environment and the ways in which any adverse effects will be mitigated:** Refer to the attached Notice.
- 4. Alternative sites, routes and methods considered:** Refer to the attached Notice.
- 5. The public work and designation are reasonably necessary for achieving the objectives of Orion because:** Refer to the attached Notice.
- 6. Consultation with parties likely to be affected:** Refer to the attached Notice.

Signed by the person authorised to sign on behalf of the person giving notice



Melanie Foote
Senior Consultant Planner
Resource Management Group Ltd
On behalf of **Orion New Zealand Limited**
8 April 2020

Address for Service:

Orion New Zealand Limited
C/- Resource Management Group Limited
PO Box 908
Christchurch Box Lobby
CHRISTCHURCH 8140

Attention: Melanie Foote

Phone: (03) 962 1738

Email: melanie@rmgroup.co.nz

Address for Client:

Orion New Zealand Limited
PO Box
CHRISTCHURCH 8141

Attention: Tessa Sutherland

Tessa.sutherland@oriongroup.co.nz

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Orion New Zealand Limited

Notice of Requirement: Killinchy Zone Substation

Background and Reasons

1. Orion New Zealand Limited (Orion) owns and operates the electricity distribution network between the Waimakariri and Rakaia Rivers, and supplies lines services to over 200,000 customers within the Selwyn District and Christchurch City. Orion's core purpose is to consistently deliver a safe, secure and cost-effective supply of electricity. Orion plays a central role in the electricity industry, providing both essential support and lifeline services.
2. Pursuant to Section 168 of the Resource Management Act 1991 (the Act), Orion gives notice of its requirement for the site described above to be designated within the Proposed Selwyn District Plan as part of the Selwyn District Plan Review process. The site is not currently designated in the operative District Plan. The designation will be for 'Electricity Substation' purposes (the notation). The designation notation for this site is aligned with Orion's existing designations in the operative Christchurch District Plan and as is sought to be rolled into the proposed Selwyn District Plan by Orion in its recently supplied clause 4 designation notice. The details of the designation sought is as follows:

Purpose	Site Name	Location	Legal Description	Planning Map	Operative District Plan Underlying Zone
Electricity Substation	Killinchy Zone Substation	Corner Heslerton and Frasers Road, Rakaia	Lot 1 DP 327087	X	Rural Plains Outer

3. The substation currently exists on site and it is noted that no works are proposed as part of this Notice. Future works will be managed under outline plan process pursuant to section 176A of the Act. Orion considers that designating this site will provide more certainty with regard to long term planning and will allow for a consistent planning approach across its operational geographic area within Christchurch City and Selwyn District.
4. A site plan showing the existing substation and the spatial extent of the designation sought is contained in **Appendix Two**.

5. The following resource consents relate to the site:

- R306222 – Subdivision to create a utility lot
- R304825 – Resource consent to carry out earthworks for the construction of the substation
- CRC011603 – ECan consent to discharge stormwater from the transformer bunded area.
- CRC980935.3 – ECan consent to take water for irrigation

The Site and Surrounding Environment

6. The site is located on the corner of Heslerton and Frasers Road, Rakaia. Located on site are the following:

- Substation building with associated equipment, outdoor switchyard (with a chip sealed surface), associated equipment and bunded transformer.
- Existing boundary fence and inner restricted security fence to prohibit unauthorised access.
- Existing chip sealed access and parking on site.
- Existing landscaping.

7. The substation is located on a corner site with Frasers Road forming the eastern boundary and Heslerton Road the southern boundary. With regard to the surrounding area a dwelling is located to the east of the site of the site approximately 300m away across Frasers Road. A second dwelling is located over 400m to the south across Heslerton Road. Farmland predominates elsewhere around the site.

Description of Proposed Activity

8. The proposed designation is to formalise an existing substation. Refer to the site plan contained in **Appendix Two** for a plan showing the extent of the site.

9. No new works are currently proposed as part of this Notice. Should this Notice be confirmed, and future works be proposed, these will be addressed via the Outline Plan procedures contained in s176A of the Act. This is discussed further below.

10. The substation forms an integral part of the electricity supply network, distributing 11kV to the surrounding area.

11. The following componentry is located on the site:

- Substation building with associated equipment;
- Outdoor switchyard (with a chip sealed surface), associated equipment and bunded transformers;
- Security fence;
- Existing landscaping.
- Lighting

- Substation identification signage and other safety related signage

Access and Parking

12. Vehicle access comprises an existing formed and sealed access to Frasers Road, located on the east side of the site. This provides access to an on-site vehicle parking area which ensures Orion staff and contractor vehicles are not required to park on the road.

Landscaping and Fencing

13. There is existing landscaping around the perimeter of the site. Existing fencing comprises: an existing boundary fence along with an inner restricted area security fence.

Staffing

14. The site is not permanently staffed. It is generally visited every 2-3 months for scheduled inspection and maintenance purposes by Orion staff and contractors. These visits generally occur during the hours of 8am-5pm. The site will also be visited by Orion staff and contractors on a demand basis where required including in the event of an emergency.

Ongoing works

15. The designation regime of the Act recognises that sites and activities subject to a confirmed Notice of Requirement may continue to change and develop in response to demand and/or changed circumstances. Although no further development of this site is proposed in the near future, any such works will be considered by the Council via the Outline Plan process of the Act. Section 176A of the Act places a statutory duty on Requiring Authorities to submit Outline Plan to territorial authorities for projects or works proposed on designated sites and such plans must show:
 - The height, shape and bulk of the public work, project, or work;
 - The location on the site of the public work, project or work; and
 - The likely finished contour of the site; and
 - The vehicular access, circulation, and the provision for parking; and
 - The landscaping proposed; and
 - Any other matters to avoid, remedy, or mitigate any adverse effects on the environment.
16. After considering an Outline Plan, the Territorial Authority is able to request changes. A right of appeal to the Environment Court exists should the Requiring Authority decline to make the changes sought.
17. The Outline Plan process enables a Territorial Authority to better ascertain the nature of the future development, which may not be known at the time a Requirement (such as this) is sought. More importantly, it prescribes a process to ensure that any adverse effects are addressed. The Outline Plan procedure provides a process and a level of assessment and control which ensures the effects of the development are considered on a case by case basis, rather than within the context of a set of broad-brush plan rules which may not be appropriate to the particular land use and setting.

Assessment of Effects on the Environment

18. This section considers the relevant effects that may result from the proposed designation and this includes the

following:

- Noise;
- Parking and access;
- Landscape and visual effects;
- Electromagnetic fields (EMF);
- Effects on Socio-Economic and Cultural Wellbeing.

Noise

19. There are no effects associated with construction noise as the substation is already located on the site. In terms of operational noise, there will be no change from existing levels resulting from the proposal to designate the site. Most equipment is located within the existing building on site. Should any development be proposed in the future then issue relating to noise generated from such proposals can be addressed as part of the Outline Plan process.

Parking and Access

20. No changes are proposed to the parking and access arrangement on site. Access to the site is existing and from Frasers Road. A chip sealed accessway and parking area exist.

Landscape and Visual Impacts

21. The visual effects of the substation already exist on site. Should any further development be proposed in the future, any additional visual effects resulting from this will be addressed as part of the Outline Plan process. It is noted there is existing landscaping around the perimeter of the site that provides good screening of the site.
22. Sections 9 to 23 of the RMA set out the duties and restrictions relating to activities in terms of consenting authorities. These sections provide the basis for which consent in this application is sought. Of relevance to this proposal is Section 9 (restrictions on use of land).

Electromagnetic Fields (EMF)

23. As the substation is existing and no works are proposed in association with this notice, there will be no change to the EMF levels generated from the substation.

Socio-Economic and Cultural Wellbeing

24. Utilities form an essential part of community infrastructure. The Killinchy zone substation provides for electricity distribution for the area which supports the general socio-economic and cultural wellbeing of the community. The designation of the substation will provide for greater certainty in this respect,

Effects Conclusion

25. The designation of the site will secure the ongoing operation of the Killinchy Zone substation and wider electricity distribution network. This will result in positive effects associated with socio-economic and cultural wellbeing of the community. The nature and scale of building and activity on the site are well established, and no new works are proposed in association with this Notice. Any future works at the site will be considered through an Outline Plan process.

26. The site was developed in accordance with a resource consent .. Given this, it is therefore considered that any adverse effects arising from the facility are acceptable. Within this context, it can be concluded that no adverse effects will result from the proposal that require mitigation by way of additional conditions or controls attached to the designation.

Statutory Considerations

Introduction

27. Section 171(1) of the Act sets out that when considering a notice, a Territorial Authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to:

- Policy Statements and Plans;
- Alternate sites, routes or methods;
- Whether the work and designation are reasonably necessary;
- Other matters.

28. The balance of this Notice considers the matters requiring consideration under section 171 of the Act.

Policy Statements and Plans

29. Section 171(1)(a) requires consideration of the relevant provisions of national policy statements, NZ coastal policy statement, regional policy statement, plan or proposed plan.
30. There are no national policy statements relevant to this proposal. Similarly, given the location of this site, the NZ Coastal Policy Statement has no application. This leaves consideration of the Canterbury Regional Policy Statement, Canterbury Regional Council Regional Plans and the Selwyn District Plan.

Canterbury Regional Policy Statement (CRPS)

31. The CRPS provides for a strong emphasis to be placed on regionally significant infrastructure, which includes the electricity distribution network. Chapter 5 – Land Use and Infrastructure is applicable. The following policies are relevant from Chapter 5:

5.2.2

Integration of land-use and regionally significant infrastructure (Wider Region)

In relation to the integration of land use and regionally significant infrastructure:

1. *To recognise the benefits of enabling people and communities to provide for their social, economic and cultural well-being and health and safety and to provide for infrastructure that is regionally significant to the extent that it promotes sustainable management in accordance with the RMA.*
2. *To achieve patterns and sequencing of land-use with regionally significant infrastructure in the wider region so that:*
 - a. *development does not result in adverse effects on the operation, use and development of regionally significant*

- b. *adverse effects resulting from the development or operation of regionally significant infrastructure are avoided, remedied or mitigated as fully as practicable.*
- c. *there is increased sustainability, efficiency and liveability.*

5.3.9

Regionally significant infrastructure (Wider Region)

In relation to regionally significant infrastructure (including transport hubs):

1. *avoid development which constrains the ability of this infrastructure to be developed and used without time or other operational constraints that may arise from adverse effects relating to reverse sensitivity or safety;*
2. *provide for the continuation of existing infrastructure, including its maintenance and operation, without prejudice to any future decision that may be required for the ongoing operation or expansion of that infrastructure; and*
3. *provide for the expansion of existing infrastructure and development of new infrastructure, while:*
 - a. *recognising the logistical, technical or operational constraints of this infrastructure and any need to locate activities where a natural or physical resource base exists;*
 - b. *avoiding any adverse effects on significant natural and physical resources and cultural values and where this is not practicable, remedying or mitigating them, and appropriately controlling other adverse effects on the environment; and*
 - c. *when determining any proposal within a sensitive environment (including any environment the subject of section 6 of the RMA), requiring that alternative sites, routes, methods and design of all components and associated structures are considered so that the proposal satisfies sections 5(2)(a) – (c) as fully as is practicable.*

32. The Notice is considered to be consistent with the CRPS, as it contributes towards providing for a reliable and resilient electricity distribution network.

Regional Plans

33. The Canterbury Land and Water Regional Plan (LWRP) do not contains any specific provisions relating to infrastructure, or any other provisions applicable to this Notice.

Selwyn District Plan

34. The site is located within the Rural Outer Plain zone of the Selwyn District Plan. The relevant planning map is contained in **Appendix Three**.

Part 5 of the Selwyn District Plan is specific to utilities in rural zones. Utilities are defined as follows:

Utility:

includes the use of any structure, building or land for any of the following purposes:

- (a) *The generation, transformation and/or transmission of energy;*
- (b) *Any telecommunication facility or telecommunication line;*
- (c) *Any radio communication facility;*
- (d) *The conveyance, storage, treatment or distribution of water for supply, including (but not limited to) irrigation and stockwater;*
- (e) *The drainage, reticulation or treatment of stormwater, waste water or sewage;*
- (f) *Transportation infrastructure, including (but not limited to) roads, accessways, railways, airports and navigational aids;*
- (g) *Work to mitigate potential natural hazards, including (but not limited to) stopbanks, groynes and gabions; or*
- (h) *Meteorological facilities for the observation, recording and communication of weather information.*

35. Part 5 of the District plan also includes rules specific to utilities. It is noted that the establishment of the substation and construction of the transformers on site was in accordance with a resource consent so was not a permitted activity.
36. The Selwyn District Plan contains objectives and policies relating to utilities. Those relevant to this Notice and the Killinchy Zone Substation are as follows:

Objective B2.2.1

Utilities are recognised as essential tools for people's economic and social well-being, and to mitigate effects of other activities, on the environment.

Objective B2.2.2

The provision of utilities where any adverse effects on the environment and on people's health, safety and wellbeing is managed having regard to the scale, appearance, location and operational requirements of utilities.

Policy B2.2.2

Ensure provision is made for the ongoing maintenance and repair of utilities which are not vested in the Council, and that the users of these utilities are informed of any responsibility they have for ongoing maintenance or repair.

Policy B2.2.3

Avoid potential reverse sensitivity effects of activities on the efficient operation development, use and maintenance of established utilities.

Policy B2.2.5(a)

Avoid siting utility structures or buildings on hilltops in the margins of lakes or rivers or in areas identified as outstanding natural features and landscapes, sites with special cultural values (Silent File Areas, Wāhi Taonga Sites and Management Areas or Mahinga Kai Sites) or Heritage Sites in the Plan, unless operational necessity makes this impractical.

Policy B2.2.5(b)

Where not practical mitigate any adverse effects of the utility, and of any access road or ancillary features, on the landscape values of the area.

Policy B2.2.6

Require utility structures to be made of low reflective materials.

Policy B2.2.7

Encourage the co-siting of utilities, where practical.

Policy B2.2.9

Encourage utilities located in road reserves to be installed, maintained and replaced with minimal adverse effects on traffic safety or flow.

Policy B2.2.10

Enable the provision of utility networks that serve extensive areas to be located in rural areas commensurate with operational requirements.

37. The general premise of the above objectives and policies recognise the essential nature of the utilities and the 'public good' which results from their provision. This is balanced, however, with the recognition of the need to ensure the resulting environmental effects are acceptable. Preceding assessments have determined that this will be the case, given, the substation existing already on the site and no new works are proposed.

38. Overall it is concluded that this Notice is not inconsistent with the objectives and policies of the Selwyn District Plan.

Alternate Sites, Routes or Methods

39. Section 171(1)(b) reads:

‘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 land sufficient for undertaking the work; or*
- (ii) it is likely that the work will have a significant adverse effect on the environment.’*

40. The Killinchy Zone Substation is an existing substation, on land owned by Orion. The preceding effects assessment has concluded that the nature of any actual or potential effects are existing, and certainly any adverse effects could not be categorised as “significant”. Within this context, it is not necessary to consider alternative sites, routes or methods.

Reasonably Necessary

41. Section 171(1)(c) reads:

‘whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.’

42. In this case the work (establishment of a substation) has already occurred, and this Notice seeks to designate an existing site.

43. It is considered that the designation, as a planning tool, is reasonably necessary to assist Orion in achieving their core purpose to consistently deliver safe a, secure and cost-effective supply of electricity.

44. The alternatives to a designation are:

- a. Reliance on the District Plan rules
- b. Resource consent

45. The District Plan rules and the consent process do not provide a long-term planning tool to effectively and efficiently address the ongoing operation and any potential future development of the site.

46. There are also process and efficiency issues associated with the alternatives to a designation. As noted earlier, Orion’s network is located across two districts, with differing plan provisions. The designation and Outline Plan process provide for a uniform planning regime across the Districts, notwithstanding the differences between the District Plans.

Other Matters

47. Section 171(1)(d) reads:

‘any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.’

48. There are no other matters considered reasonably necessary to make a decision on this Notice.

Consultation

49. Orion has undertaken preliminary consultation regarding the Notice with Selwyn District Council. No other consultation has been undertaken on the basis that the activity already exists on the site and there is, therefore, no change in effects from those which currently exist.

Conclusion

50. Orion gives notice of its requirement to designate land containing the Killinchy Zone Substation. The designation is for 'Electricity Substation' purposes and will provide for ongoing administration of the site and its relationship with the wider electricity distribution network. No works are proposed in association with this Notice.
51. The preceding assessment of effects concludes that the effects associated with this designation exist at the site, and no additional adverse effects are anticipated. It is considered that the Notice and designation are not inconsistent with relevant statutory provisions.
52. The use of the designation as a planning tool is considered reasonably necessary to achieve Orion's core purpose and, given Orion owns the land and as the designation is existing, it is not necessary to consider alternative sites, routes or methods.
53. Given this, it is considered that the designation and the Notice are consistent with the purpose and principles of the Act and should proceed.

Appendix One: Certificate of Title



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier 110029
Land Registration District Canterbury
Date Issued 17 December 2003

Prior References

CB45A/409

Estate	Fee Simple
Area	1.0150 hectares more or less
Legal Description	Lot 1 Deposited Plan 327087

Registered Owners

Orion New Zealand Limited

Interests

Appurtenant hereto is a right to convey electric power specified in Easement Certificate A336733.3 - 30.1.1998 at 9:15 am

The easements specified in Easement Certificate A336733.3 are subject to Section 243 (a) Resource Management Act 1991

5050654.2 Variation of Land Covenant A336733.5 - 19.6.2001 at 9:46 am

Land Covenant in Transfer A336733.5 - 30.1.1998 at 9:15 am

Appurtenant hereto is a right to convey water and electric power created by Easement Instrument 5842769.4 - 17.12.2003 at 9:00 am

The easements created by Easement Instrument 5842769.4 are subject to Section 243 (a) Resource Management Act 1991

LT 327087 (Title Plan)
 Date: 01/01/2003
 Drawn: 11/01/2003

Diagram ZA
 Not to scale

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Appendix Two: Designation Site Plan

**Proposed Orion NZ Limited Designation - Killinchy Zone
Substation**

Information has been derived from various organisations, including Environment Canterbury and the Canterbury Maps partners. Boundary information is derived under licence from LINZ Digital Cadastral Database (Crown Copyright Reserved). Environment Canterbury and the Canterbury Maps partners do not give and expressly disclaim any warranty as to the accuracy or completeness of the information or its fitness for any purpose.

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Scale: 1:1,200 @A4

Map Created by Canterbury Maps on 8/10/2019 at 12:03 PM



Appendix Three: Designation Table for Insertion

ORION-XX Killinchy Zone Substation

Greendale Zone Substation	
Designation unique identifier	ORION-XX
Designation purpose	Electricity Zone Substation
Site identifier	Corner of Heslerton and Frasers Road, Rakaia Lot 1 DP 327087
Lapse date	
Designation hierarchy under section 177 of the Resource Management Act	Primary
Conditions	Nil
Additional Information	