

AUCKLAND UNITARY PLAN  
INDEPENDENT HEARINGS PANEL

*Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau*

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Report to Auckland Council  
Hearing topic 074 Designations

Telecom New Zealand Ltd  
(Spark)

Minor matters and errors

May 2016

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**Report first prepared by Harry Bhana in accordance with the Auckland Unitary Plan Independent Hearing Panel procedure and in accordance with section 142 of the Local Government (Auckland Transitional Provisions) Act 2010, 30 August 2015 updated and amended on 8 October 2015.**

**Adopted as Auckland Unitary Plan Independent Hearings Panel recommendations in accordance with the Auckland Unitary Plan Independent Hearing Panel procedure and in accordance with section 144 of the Local Government (Auckland Transitional Provisions) Act 2010 on date of signature.**

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## 1. Introduction

The purpose of this report is to provide an assessment and recommendation in relation to modifications to and submissions on designations classified by the Independent Hearings Panel as minor matters and errors. This classification applies where there is a:

- i. modification to a designation and no submissions;
- ii. rollover of a designation with no modification and submissions lodged by the requiring authority or others (submissions to correct errors or address minor matters);
- iii. modification to a designation and submissions lodged by the requiring authority or others (modifications address minor matters and submissions to correct errors or address minor matters);
- iv. where the modification involves changes to the boundary to incorporate additional land, and the requiring authority has an interest in the land sufficient for undertaking the proposed work.

## 2. Assessment

Errors do not require an assessment. The assessment applies the following criteria. Does the modification/submission:

- i. involve no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned? or
- ii. involve only minor changes or adjustments to the boundaries of the designation?

See section 6 of this report for the application of these criteria to the individual designations.

On the basis of the assessment, this report concludes that the modifications and designations in section 6 meet the above criteria.

## 3. Recommendation to Panel

That the Panel recommends to Auckland Council the modifications/designations be confirmed subject to the amendments in Attachment 1.

|                           |   |
|---------------------------|---|
| <b>Author</b>             | Harry Bhana   |
| <b>Author's Signature</b> |  |
| <b>Date</b>               | 30-August 2015 updated and amended on 10 October 2015                               |

#### 4. Panel recommendations to Auckland Council

The Auckland Unitary Plan Independent Hearings Panel recommends that Auckland Council recommends to the requiring authority that it confirms the notice of requirement for the modifications to the designations included in the Proposed Auckland Unitary Plan subject to the further modifications shown in Attachment 1.

This recommendation applies to the designations listed in section 6 below.

#### 5. Panel reasons

The reasons for the Panel's recommendation are set out in section 6 below.

|                          |   |
|--------------------------|---|
| <b>Panel Chair</b>       | David Kirkpatrick   |
| <b>Chair's Signature</b> |  |
| <b>Date</b>              | 18 May 2016   |

## 6. Assessment of modifications and designations

|   |  |
|---|--|
| Requiring authority   | Telecom NZ Ltd   |
| Designation number (s)  | 7500, 7502, 7503, 7504, 7505, 7506, 7507, 7508, 7509, 7510, 7513, 7514, 7515, 7516, 7517, 7518, 7519, 7520, 7521, 7522, 7523, 7528, 7529, 7531, 7532, 7533, 7534, 7535, 7543, 7544, 7545, 7546, 7547, 7548, 7549, 7550, 7551.  |
| Designation purpose   | 7500 - Satellite earth station and telecommunication and radiocommunication and ancillary purposes.<br><br>The rest of the designations are for telecommunication and radiocommunication and ancillary purposes.   |
| Location  | Various  |
| Designation given effect to   | Yes  |
| Lapse date in operative plan if not marked as 'given effect to' in the Proposed Auckland Unitary Plan | None   |
| Land owned by the requiring authority   | Yes: 7500, 7502, 7503, 7504, 7505, 7506, 7507, 7508, 7509, 7510, 7513, 7546, 7548.<br><br>No: 7547<br><br>No – owned by Chorus: 7514, 7515, 7516, 7517, 7518, 7519, 7520, 7521, 7522, 7523, 7528, 7529, 7531, 7532, 7533, 7534, 7535, 7543, 7544, 7545 7549, 7550, 7551.   |
| Description of the modification in the rollover   | As discussed in the section below on assessment of rollover and modification and reasons.  |
| Assessment of rollover modifications and reasons  | <b>Auckland Council District Plan - Operative Rodney Section 2011, Designations 7500 and 7502</b><br><br>i. I am satisfied that the modifications to adjust the conditions will have no more than minor adverse effects. The rollover changes include the addition of a condition, which is standard to all of the designations, that specifies that an outline plan is not required where changes are made to the interior of the building or where mechanical plant, masts etc., are replaced by new equipment provided that the new equipment is of a similar size and any noise generated meets the noise standards in the conditions.<br><br>ii. The modifications to the noise conditions for 7500 and 7502 pursuant to submissions by the requiring authority simply apply the noise limits applying under the Proposed Auckland Unitary Plan. Obviously the relief sought will not have more than minor adverse effects since it will simply apply the standards of the underlying zoning. |

**Auckland Council District Plan - Operative Waitakere Section, Designations 7503 and 7504**

- i. I am satisfied that the deletion of the requirements in respect of outline plans should have been deleted as these requirements are now specifically set out in section 176A of the Resource Management Act 1991 and the provisions of the Unitary Plan cannot override the statutory requirements.
- ii. The definitions deleted are now effectively replaced by those contained in the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008.

**Auckland Council District Plan - Operative Auckland City Central Area Section, Designations 7505, 7506, 7507 and 7508**

- i. The only modification in the rollover provisions was to update the New Zealand Standard for control of potential adverse effects of electric and magnetic fields from NZs6609:1990 to NZS2772.1:1999. I do not consider that this would have any adverse effects on the environment that are more than minor.

**Auckland Council District Plan - Operative Papakura Section, Designation 7513**

- i. The addition of provisions and conditions that did not previously exist in respect of outline plans and noise will add clarity and provide additional protection to adjoining properties from potential adverse effects of the designated activity.

**Auckland Council District Plan - Operative Franklin Section, Designation 7514, 7545**

- i. The addition of conditions which did not previously exist under the Auckland Council District Plan – Operative Franklin Section will add clarity and provide additional protection to adjoining properties from potential adverse effects of the designated activity.

**Auckland Council District Plan - Operative Rodney Section, Designations 7515, 7516, 7517, 7518, 7519 and 7520**

- i. I am satisfied that the modifications to adjust the conditions will have no more than minor adverse effects. The rollover changes include the addition of a condition, which is standard to all of the designations, that specifies that an outline plan is not required where

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|  | <p>changes are made to the interior of the building or where mechanical plant, masts etcetera, are replaced by new equipment provided that the new equipment is of a similar size and any noise generated meets the noise standards in the conditions.</p> <p>ii. The modifications to the noise conditions for 7500 and 7502 pursuant to submissions by the requiring authority simply apply the noise limits applying under the Proposed Auckland Unitary Plan. Obviously the relief sought will not have more than minor adverse effects since it will simply apply the standards of the underlying zoning.</p> <p><b>Auckland Council District Plan - Operative North Shore Section, Designations 7521, 7522 and 7523</b></p> <p>i. The only one of these existing designations for which conditions were recorded is 7521. As noted in the spreadsheet I do not consider that the deletion of conditions relating to compliance with bylaws or a requirement for the provision of an outline plan results in effects that are no more than minor as these matters are controlled by section 176A of the Resource Management Act 1991.</p> <p>ii. The addition of conditions which did not previously exist under the Auckland Council District Plan – Operative North Shore Section will add clarity and provide additional protection to adjoining properties from potential adverse effects of the designated activity.</p> <p><b>Auckland Council District Plan - Operative Franklin Section, Designations 7543, 7544 and 7545</b></p> <p>i. The addition of conditions which did not previously exist under the Auckland Council District Plan – Operative Franklin Section will add clarity and provide additional protection to adjoining properties from potential adverse effects of the designated activity.</p> <p><b>Auckland Council District Plan - Operative North Shore Section, Designations 7546, 7547, 7548, 7549, 7550 and 7551</b></p> <p>i. This series of designations arose from requirements made to the Auckland Council District Plan – Operative North Shore Section prior to notification of the Proposed Auckland Unitary Plan but not confirmed until after it was notified. The decision to recommend and confirm was that the new requirements would be carried forward into the Proposed Auckland Unitary Plan without modification.</p> |
| Submitters and summary of relief sought in submissions | Telecom (Submitter 2191) has submitted on a number of its designations seeking amended noise controls, amended   |

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|  | <p>height to boundary limits, and the removal of construction conditions deemed redundant now that the designation has been given effect to.</p> <p>Telecom has submitted on almost all of their rollover designations with a request that the noise conditions be varied to specific limits which reflect Proposed Auckland Unitary Plan provisions including provision is applicable at various zone interfaces.</p>   |
| <p>Assessment of submissions and reasons</p> | <p><b>7500 and 7502</b></p> <p>The requiring authority submission seeking to apply the noise limits applying under the Proposed Auckland Unitary Plan will have no more than minor effects. However they rely on the Proposed Auckland Unitary Plan zoning which applied to the adjacent sites when the rollover was requested and this zoning may change. Accordingly I have recommended an amended condition which requires that the noise limits applying under the relevant condition are those of the underlying zoning.</p> <p><b>7505, 7506, 7507 and 7508</b></p> <p>No submissions were recorded against these designations.</p> <p><b>7513</b></p> <p>The requiring authority submission seeking to apply the noise limits applying under the Proposed Auckland Unitary Plan will have no more than minor effects. However they rely on the Proposed Auckland Unitary Plan zoning which applied to the adjacent sites when the rollover was requested and this zoning may change. Accordingly I have recommended an amended condition which requires that the noise limits applying under the relevant condition are those of the underlying zoning.</p> <p><b>7514</b></p> <p>The requiring authority submission seeking amendment to the height to boundary control reflects the Proposed Auckland Unitary Plan requirement for the underlying zoning as does the requiring authority submission seeking proposed modification to the noise condition. Again the effects of these modifications would not be more than minor but the relief sought in the submissions seeks to apply provisions that rely on the zoning of adjacent land in the Proposed Auckland Unitary Plan and that may change.</p> <p><b>7521, 7522 and 7523</b></p> <p>The requiring authority submission seeking amendment to the height to boundary control in respect of Designations 7522 and 7523 reflects the Proposed Auckland Unitary Plan requirement for the underlying zoning as does the requiring authority submission seeking proposed modification to the</p> |

|                                |  |
|--------------------------------|--|
|                                | <p>noise condition for designation 7521. Again the effects of these modifications would not be more than minor but would be improved by the amendment I have recommended.</p> <p>The deletion of the condition on the Designation 7521 relating to land disturbance is no longer relevant as the activity has been established. Any new works would require an outline plan.</p> <p><b>7528, 7529, 7531, 7532, 7533, 7534 and 7535</b></p> <p>The requiring authority submission seeking amendments to noise conditions reflects the Proposed Auckland Unitary Plan requirement for the underlying zoning as do the amendments proposed to the height to in relation to boundary controls but would be improved by the amendment I have recommended.</p> <p><b>7543, 7544 and 7545</b></p> <p>The requiring authority submission seeking amendment to the applicable limitations on noise levels reflects the Proposed Auckland Unitary Plan requirement for the underlying zoning as does the requiring authority submission seeking proposed modification to the noise condition. Again the effects of these modifications would not be more than minor but would be improved by the amended I have recommended.</p> <p><b>7546, 7547, 7548, 7549, 7550 and 7551</b></p> <p>The requiring authority submissions sought amendment to height in relation to boundary and to noise conditions to reflect Proposed Auckland Unitary Plan provisions. These amendments sought will have no more than minor adverse effects on the environment and will simply provide consistency with the underlying zoning in the Proposed Auckland Unitary Plan but would be improved by the amendment I have recommended.</p> |
| <p>Recommendation to Panel</p> | <p>That the Panel recommend to Council that the designations set out are confirmed with all modifications and changes sought through submissions subject to the following amendments:</p> <ul style="list-style-type: none"> <li>i. the standard noise condition be reworded as follows: <ul style="list-style-type: none"> <li>Any new noise generating equipment (excluding any engine alternator required for emergency backup power generation) shall not exceed the noise limits applicable in the underlying zoning.</li> </ul> </li> <li>ii. that all conditions which are subject to submissions seeking amendment to references for height to</li> </ul>  |

|   |  |
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|   | boundary controls be recommended subject to such references being amended to refer to the height to boundary controls applicable in the underlying zoning.   |
| Response from requiring authority       | <p>Agrees with the above recommendations to the Panel that the designations be confirmed.</p> <p>Disagrees with the above recommendations to the Panel that the noise and height in relation to boundary conditions be referenced to the underlying zoning. Concerns relate to certainty and ease and efficiency of determining relevant provisions in respect of any particular designated site. Disagrees with insertion of advice notes regarding archaeology in Designations 7528, 7529 and 7535.</p> <p>Wishes to be heard on the following matters:<br/>Not required.</p> <p>Mediation requested on the following matters:<br/>Not required.</p> |
| Report writer's further recommendations | I accept the requiring authority's position regarding potential uncertainty, future change and potential difficulty in ascertaining relevant requirements during day-to-day operations of their facilities. Accordingly I have recommended the noise and height in relation to boundary conditions are related directly to the noise limits and height in relation to boundary provisions applicable under the Proposed Auckland Unitary Plan for the underlying zoning at the time the Proposed Auckland Unitary Plan was notified. Recommendations have been amended accordingly.  |
| Recommendation from Panel               | The Panel agrees with the report writer's recommendations.   |
| Reasons                                 | The Panel agrees with the report writer's reasons.   |

## 7. Attachment 1 changes to text of Proposed Auckland Unitary Plan

**Designations 7509, 7510, 7522, 7523, 7528, 7529, 7531, 7533, 7535, 7546, 7547, 7548, 7549, 7550 and 7551:**

Delete all attachments and insert: No attachments

### **Designation 7500:**

Delete Condition 3 and replace with the following:

3. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:  
At the notional boundary 20m from the facade of any dwelling in a rural zone, or at the site boundary, whichever is closest to the

dwelling: 7am-10pm on any day: Leq 55 dB(A) 10pm-7am on any day: Leq 45dB(A).

### **Designation 7502:**

Delete Condition 3 and replace with the following:

3. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:  
At the boundary of any adjacent residential zoned property: 7am-10pm on any day: Leq 50 dB(A) 10pm-7am on any day: Leq 40 dB(A).

### **Designation 7503:**

Delete Condition 3 and replace with the following:

3. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:
  - a. At the boundary of any adjacent property zoned Metropolitan Centre: 7am-10pm on any day: Leq 65 dB(A) 10pm-7am on any day: Leq 55 dB(A)
  - b. At the boundary of any adjacent residential zoned property: 7am-10pm on any day: Leq 55 dB(A) 10pm-7am on any day: Leq 45 dB(A).

### **Designation 7504:**

Delete Condition 4 and replace with the following:

4. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:  
At the notional boundary 20m from the facade of any dwelling in a rural zone, or at the site boundary, whichever is closest to the dwelling: 7am-10pm on any day: Leq 55 dB(A) 10pm-7am on any day: Leq 45dB(A).

### **Designation 7509:**

Amend Condition 3 to read as follows:

3. ~~Any new masts and associated antennas shall comply with the height in relation to boundary controls from any adjoining residential zone boundaries and the road boundary as included in the Auckland Council District Plan – Isthmus Section as at 4 January 2009~~ must not project beyond a 45 degree recession plane measured from a point 3m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. Any mast and associated antennas

shall not exceed a diameter of 1m for those parts of the equipment exceeding 8m in height above ground level.

Amend Condition 4 to read as follows:

4. Antennas mounted on the roof of buildings shall not extend more than 3m above the maximum height of the roof, provided that they comply with Condition 1 and ~~shall comply with the height in relation to boundary controls from any adjoining residential zone boundaries and the road boundary as included in the Auckland Council District Plan – Isthmus Section as at 1 January 2009~~ must not project beyond a 45 degree recession plane measured from a point 3m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. This control applies where antennas are mounted above the roof line (will not apply to antennas mounted against the building fascia 6 and not extending above the roof line).

Amend Condition 8(c) as follows:

c. Height in relation to boundary - ~~Buildings must not project beyond a 45 degree recession plane measured from a point 3m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. shall comply with the relevant height in relation to boundary controls from adjoining residential zone boundaries and the road boundary as included in the Auckland Council District Plan – Isthmus Section as at 1 January 2009; and...~~

Delete Condition 10 and replace with the following:

10. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:

At the boundary of any adjacent residential zoned property: 7am-10pm on any day: Leq 50 dB(A) 10pm-7am on any day: Leq 40 dB(A).

### **Designation 7510:**

Amend Condition 2 as follows:

2. Notwithstanding Condition 1 above, antennas exceeding a height of 9 m above ground level can be mounted on the exchange building to a maximum height of 13.2 m (using average ground level method and excluding any lightning rod) ~~where they shall also comply with the relevant height in relation to boundary controls from adjoining residential zone boundaries and the road as included in the Auckland Council District Plan (Isthmus Section) 1999 as at 1 January 2009~~ and must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. This control applies where antennas are mounted above the roof line (will not apply to antennas mounted against the building fascia 6 and not extending above the roof line).

Amend Condition 4 as follows:

4. Any new masts and associated antennas ~~shall comply with the height in relation to boundary controls from any adjoining residential zone boundaries and the road boundary as included in the Auckland Council District Plan (Isthmus Section) 1999 as at 1 January 2009~~ must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. Any mast and associated antennas shall not exceed a diameter of 1m for those parts of the equipment exceeding 8m in height above ground level.

Amend Condition 9(c) as follows:

c. Height in relation to boundary - buildings must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. ~~shall comply with the relevant height in relation to boundary controls from adjoining residential zone boundaries and the road boundary as included in the Auckland Council District Plan – Isthmus Section as at 1 January 2009; and...~~

Delete Condition 11 and replace with the following:

11. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:  
At the boundary of any adjacent residential zoned property: 7am-10pm on any day: Leq 50 dB(A) 10pm-7am on any day: Leq 40 dB(A).

### **Designation 7513:**

Delete Condition 3 and replace with the following:

3. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:  
a. At the boundary of any adjacent property zoned Metropolitan Centre: 7am-10pm on any day: Leq 65 dB(A) 10pm-7am on any day: Leq 55 dB(A)  
b. At the boundary of any adjacent residential zoned property: 7am-10pm on any day: Leq 55 dB(A) 10pm-7am on any day: Leq 45 dB(A).

### **Designations 7514:**

Amend Condition 2 to read as follows:

2. Any new mast and associated antennas ~~shall comply with the height in relation to boundary controls from any adjoining residential zoned boundaries and road boundaries~~ must not project beyond a 45 degree recession plane measured from a

point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning.

Amend Condition 4 to read as follows:

4. Antennas mounted on the roof of buildings shall not extend more than 3m above the maximum height of the highest part of the roof, provided that they comply with Condition 1, ~~and shall comply with the height in relation to from any adjoining residential zoned boundaries and road boundaries~~ and must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning.

Delete Condition 7 and replace with the following:

7. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:  
At the boundary of any adjacent residential zoned property: 7am-10pm on any day: Leq **50** dB(A) 10pm-7am on any day: Leq **40** dB(A).

### **Designations 7515:**

Delete Condition 3 and replace with the following:

3. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:
- i, At the boundary of any adjacent residential zoned property; or,
  - ii. At the notional boundary 20m from the facade of any dwelling in a rural zone, or at the site boundary, whichever is closest to the dwelling:
- 7am-10pm on any day: Leq **55** dB(A) 10pm-7am on any day: Leq **45** dB(A).

### **Designation 7516:**

Delete Condition 3 and replace with the following:

3. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:  
At the notional boundary 20m from the facade of any dwelling in a rural zone, or at the site boundary, whichever is closest to the dwelling: 7am-10pm on any day: Leq **55** dB(A) 10pm-7am on any day: Leq **45** dB(A).

### **Designation 7517, 7518 and 7519:**

Delete Condition 3 and replace with the following:

3. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:

At the boundary of any adjacent residential zoned property: 7am-10pm on any day: Leq 50 dB(A) 10pm-7am on any day: Leq 40 dB(A).

### **Designation 7520:**

Delete Condition 3 and replace with the following:

3. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:

- a. At the boundary of any adjacent property Mixed Use: 7am-10pm on any day: Leq 65 dB(A) 10pm-7am on any day: Leq 55 dB(A)

- b. At the boundary of any adjacent residential zoned property: 7am-10pm on any day: Leq 55 dB(A) 10pm-7am on any day: Leq 45 dB(A) .

### **Designations 7521:**

Delete Condition 4 and replace with the following:

4. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:

- a. At the boundary of any adjacent property zoned Town Centre: 7am-10pm on any day: Leq 65 dB(A) 10pm-7am on any day: Leq 55 dB(A)

- b. At the boundary of any adjacent residential zoned property: 7am-10pm on any day: Leq 55 dB(A) 10pm-7am on any day: Leq 45 dB(A).

Delete Condition 9.

### **Designations 7522 and 7523:**

Amend Condition 2 to read as follows:

2. Any new mast and associated antennas shall comply with the height in relation to boundary controls [included in Appendix C to this Notice] from any adjoining residential zoned boundaries and road boundaries must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning.

Amend Condition 4 to read as follows:

4. Antennas mounted on the roof of buildings shall not extend more than 3m above the maximum height of the highest part of the roof, provided that they comply with Condition 1, and ~~shall comply with the height in relation to boundary [included in Attachment 1 to this Notice] from any adjoining residential zoned boundaries and road boundaries~~ boundaries must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. This control applies where antennas are mounted above the roof line (will not apply to antennas mounted against the building fascia and not extending above the roof line)

### **Designation 7528:**

Amend Condition 2 to read as follows:

2. Any new masts and associated antennas ~~shall comply with the height in relation to boundary controls from any adjoining residential zone boundaries and the road boundary as included in the Auckland Council District Plan – Isthmus Section as at 1 January 2009~~ must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. Any mast and associated antennas shall not exceed a diameter of 1m for those parts of the equipment exceeding 8m in height above ground level.

Amend Condition 3 to read as follows:

3. Antennas mounted on the roof of buildings shall not extend more than 3m above the maximum height of the roof, provided that they comply with Condition 1 and ~~shall comply with the height in relation to boundary controls from any adjoining residential zone boundaries and the road boundary as included in the Auckland Council District Plan – Isthmus Section as at 1 January 2009~~ must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. This control applies where antennas are mounted above the roof line (will not apply to antennas mounted against the building fascia and not extending above the roof line).

Amend Condition 7(c) as follows:

c. Height in relation to boundary - buildings must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. ~~shall comply with the relevant height in relation to boundary controls from adjoining residential zone boundaries and the road boundary as included in the Auckland Council District Plan – Isthmus Section 1999 as at 1 January 2009;~~ and...

Amend condition 8(c) to read as follows

*c. The replacement of any antennas with antennas of similar size provided that there is no increase in the overall height of the facility; or*

Delete Condition 9 and replace with the following:

9. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:
  - a. At the boundary of any adjacent property zoned Town Centre: 7am-10pm on any day: Leq 65 dB(A) 10pm-7am on any day: Leq 55 dB(A)
  - b. At the boundary of any adjacent residential zoned property: 7am-10pm on any day: Leq 50 dB(A) 10pm-7am on any day: Leq 40 dB(A).

Add the following advice notes immediately preceding any attachments.

Advice Notes

Hazardous substances

1. Any new development, maintenance, upgrading or replacement works shall comply with the necessary requirements of the Hazardous Substances and New Organisms Act 1996.

**Designation 7529:**

Amend Condition 2 to read as follows:

~~2. Any new masts and associated antennas shall comply with the relevant height in relation to boundary controls from adjoining residential zone boundaries and the road boundary as included in the Auckland Council District Plan – Isthmus Section 1999 as at 1 January 2009. must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. Any new mast and associated antennas shall not exceed a diameter of 1m for those parts of the equipment exceeding 8m in height above ground level.~~

Amend Condition 3 to read as follows:

3. Antennas mounted on the roof of buildings shall not extend more than 3m above the maximum height of the roof, provided that they comply with Condition 1 and ~~shall comply with the height in relation to boundary controls from adjoining residential zone boundaries and the road boundary as included in the Auckland Council District Plan (Isthmus Section) as at 1 January 2009~~ must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. This control applies where antennas are mounted above the roof line (will not apply to antennas mounted against the building fascia and not extending above the roof line).

Amend Condition 7(c) as follows:

- c. Height in relation to boundary - buildings must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning shall comply with the relevant height in relation to boundary controls from adjoining residential zone boundaries and the road boundary as included in the Auckland Council District Plan – Isthmus Section as at 1 January 2009; and...

Amend condition 8(c) to read as follows

- c. The replacement of any antennas with antennas of similar size provided that there is no increase in the overall height of the facility; or

Delete Condition 9 and replace with the following:

9. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:  
At the boundary of any adjacent residential zoned property: 7am-10pm on any day: Leq **55** dB(A) 10pm-7am on any day: Leq **45** dB(A).

Add the following advice notes immediately preceding any attachments.

Advice Notes

Hazardous substances

1. Any new development, maintenance, upgrading or replacement works shall comply with the necessary requirements of the Hazardous Substances and New Organisms Act 1996.

**Designation 7531:**

Amend Condition 3 to read as follows:

3. Any building, excluding masts, exhaust flues, antennas and air conditioning equipment shall be contained within the following building envelope:
  - a. Height: 12.5m; and
  - b. Height in relation to boundary: ~~shall comply with the relevant height in relation to boundary controls from any adjacent residential zone boundaries as included in the Auckland Council District Plan – Isthmus Section as at 1 January 2009 (road boundary height in relation to boundary doesn't apply in this case as it is zoned business)~~ buildings must not project beyond a 60 degree recession plane measured from a point 8m vertically above ground level along any side and rear boundary where the adjoining sites have a Mixed Use zoning.

Except the above shall not restrict the maintenance, upgrading and replacement of any existing building where it already infringes this condition provided there is

no additional exceedence of the standards within this condition. For the avoidance of doubt, building height may be measured by either a rolling height method, or average height of the periphery of the building, whichever is the greater.

Delete Condition 5 and replace with the following:

5. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:
  - a. At the boundary of any adjacent property zoned Town Centre:  
7am-10pm on any day: Leq 65 dB(A) 10pm-7am on any day:  
Leq 55 dB(A)
  - b. At the boundary of any adjacent residential zoned property:  
7am-10pm on any day: Leq 55 dB(A) 10pm-7am on any day:  
Leq 45 dB(A).

### **Designation 7532:**

Delete Condition 5 and replace with the following:

5. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:
  - a. At the boundary of any adjacent property zoned Local Centre:  
7am-10pm on any day: Leq 60 dB(A) 10pm-7am on any day:  
Leq 50 dB(A)
  - b. At the boundary of any adjacent residential zoned property:  
7am-10pm on any day: Leq 55 dB(A) 10pm-7am on any day:  
Leq 45 dB(A).

### **Designation 7533:**

Amend Condition 3 to read as follows:

3. ~~Any new masts and associated antennas shall comply with the height in relation to boundary controls from any adjoining residential zone boundaries and the road boundary as included in the Auckland Council District Plan – Isthmus Section as at 1 January 2009~~ must not project beyond a 45 degree recession plane measured from a point 3m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. Any mast and associated antennas shall not exceed a diameter of 1m for those parts of the equipment exceeding 8m in height above ground level.

Amend Condition 4 to read as follows:

4. Antennas mounted on the roof of buildings shall not extend more than 3m above the maximum height of the roof, provided that they comply with Condition 1 and ~~shall comply with the height in relation to boundary controls from any adjoining residential zone boundaries and the road boundary as included in the Auckland Council District Plan – Isthmus Section as at January 2009~~ must not project beyond

a 45 degree recession plane measured from a point 3m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. This control applies where antennas are mounted above the roof line (will not apply to antennas mounted against the building fascia and not extending above the roof line).

Delete Condition 8 and replace with the following:

8. Any building, excluding masts, exhaust flues, antennas and air conditioning equipment shall be contained within the following building envelope:
  - a. Height - 8 m;
  - b. Front yard - 2.5 m;
  - c. Height in relation to boundary – buildings must not project beyond a 45 degree recession plane measured from a point 3m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning; and
  - d. Maximum building coverage: 40%. This condition shall exclude above ground diesel tanks and air conditioning plant including any associated fencing or screen enclosures.

Except the above shall not restrict the maintenance, upgrading and replacement of any existing building where it already infringes this condition provided there is no additional exceedence of the standards within this condition. For the avoidance of doubt, building height may be measured by either a rolling height method, or average height of the periphery of the building, whichever is the greater.

Delete Condition 9 and replace with the following:

9. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:

At the boundary of any adjacent residential zoned property: 7am-10pm on any day: Leq 50 dB(A) 10pm-7am on any day: Leq 40 dB(A).

### **Designation 7534:**

Amend Condition 3 as follows:

- ~~3. Any new masts and associated antennas shall comply with the relevant height in relation to boundary controls from adjoining residential zone boundaries and the road boundary as included in the Auckland Council District Plan Isthmus Section as at 1 January 2009.~~ must not project beyond a 45 degree recession plane measured from a point 8.5m vertically above ground level along any side and rear boundary where the adjoining sites have a public open space zoning. Any new mast and associated antennas shall not exceed a

diameter of 1 m for those parts of the equipment exceeding 8 m in height above ground level.

Delete Condition 7 and replace with the following:

7. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:
- a. At the boundary of any adjacent property zoned Town Centre:  
7am-10pm on any day: Leq 65 dB(A) 10pm-7am on any day:  
Leq 55 dB(A)
  - b. At the boundary of any adjacent residential zoned property:  
7am-10pm on any day: Leq 55 dB(A) 10pm-7am on any day:  
Leq 45 dB(A).

### **Designation 7535:**

Delete Condition 3 and replace with the following:

3. Any new mast and associated antennas shall not exceed a diameter of 1 m for those parts of the equipment exceeding 8 m in height above ground level.

Delete Condition 4 and replace with the following:

4. Antennas mounted on the roof of buildings shall not extend more than 3m above the maximum height of the roof provided they comply with Condition 1 (will not apply to antennas mounted against the building fascia and not extending above the roofline).

Delete Condition 8 and replace with the following:

8. Any building, excluding masts, exhaust flues, antennas and air conditioning equipment shall be contained within the following building envelope:
- a. Height - 8 m;
  - b. Front yard - 2.5 m;
  - c. Maximum building coverage: 40%. This condition shall exclude above ground diesel tanks and air conditioning plant including any associated fencing or screen enclosures.

Except the above shall not restrict the maintenance, upgrading and replacement of any existing building where it already infringes this condition provided there is no additional exceedence of the standards within this condition. For the avoidance of doubt, building height may be measured by either a rolling height method, or average height of the periphery of the building, whichever is the greater.

Delete Condition 10 and replace with the following:

- 10 Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:

- a. At the boundary of any adjacent property zoned Town Centre:  
7am-10pm on any day: Leq 65 dB(A) 10pm-7am on any day:  
Leq 55 dB(A)
- b. At the boundary of any adjacent residential zoned property:  
7am-10pm on any day: Leq 50 dB(A) 10pm-7am on any day:  
Leq 40 dB(A).

Add the following advice notes immediately preceding any attachments.

Advice Notes

Hazardous substances

1. Any new development, maintenance, upgrading or replacement works shall comply with the necessary requirements of the Hazardous Substances and New Organisms Act 1996.

**Designation 7543:**

Delete Condition 3 and replace with the following:

- 3. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:
  - i, At the boundary of any adjacent residential zoned property; or,
  - ii. At the notional boundary 20m from the facade of any dwelling in a rural zone, or at the site boundary, whichever is closest to the dwelling:

7am-10pm on any day: Leq 55 dB(A) 10pm-7am on any day: Leq 45 dB(A).

**Designation 7544:**

Delete Condition 4 and replace with the following:

- 4. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:
  - a. At the boundary of any adjacent property zoned Town Centre:  
7am-10pm on any day: Leq 65 dB(A) 10pm-7am on any day:  
Leq 55 dB(A)
  - b. At the boundary of any adjacent residential zoned property:  
7am-10pm on any day: Leq 55 dB(A) 10pm-7am on any day:  
Leq 45 dB(A).

**Designation 7545:**

Delete Condition 2 and replace with the following:

- 2. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:

At the notional boundary 20m from the facade of any dwelling in a rural zone, or at the site boundary, whichever is closest to the dwelling:

7am-10pm on any day: Leq 55 dB(A) 10pm-7am on any day: Leq 45 dB(A).

### **Designations 7546:**

Amend Condition 2 to read as follows:

2. Any new mast and associated antennas ~~shall comply with the height in relation to boundary controls included in Attachment 1 to these conditions from any adjoining residential zoned boundaries and road boundaries~~ must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. Any new mast and associated antennas shall not exceed a diameter of 1m for those parts of the equipment exceeding 8m in height above ground level

Amend Condition 3 to read as follows:

3. Antennas mounted on the roof of buildings shall not extend more than 3m above the point of attachment, provided that they comply with Condition 1, and ~~shall comply with the height in relation to boundary controls included in Attachment 1 to these conditions from any adjoining residential zoned boundaries and road boundaries~~ must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. This control applies where antennas are mounted above the roof line (will not apply to antennas mounted against the building fascia and not extending above the roof line)

Amend condition 7(c) as follows:

c. Height in relation to boundary - buildings must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. Maximum height in relation to boundary – shall comply with the height in relation to boundary controls included in Attachment 1 to these conditions, from any adjoining residential zoned boundaries and road boundaries

### **Designations 7547:**

Delete Condition 7 and replace with the following:

Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:

a. At the boundary of any adjacent property zoned General Business: 7am-10pm on any day: Leq 65 dB(A) 10pm-7am on any day: Leq 65 dB(A)

- b. At the boundary of any adjacent residential zoned property: 7am-10pm on any day: Leq 55 dB(A) 10pm-7am on any day: Leq 45 dB(A).

**Designation 7548:**

Amend Condition 2 to read as follows:

2. Any new mast and associated antennas ~~shall comply with the height in relation to boundary controls included in Attachment 1 to these conditions, from any adjoining residentially zoned boundaries and road boundaries.~~ must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. Any new mast and associated antennas shall not exceed a diameter of 1m for those parts of the equipment exceeding 8m in height above ground level.

Amend Condition 3 to read as follows:

3. Antennas mounted on the roof of buildings shall not extend more than 3m above the point of attachment, provided that they comply with Condition 1, and ~~shall comply with the height in relation to boundary controls included in Attachment 1 to these conditions, from any adjoining residential boundaries and the road boundaries.~~ must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning.

Amend condition 7(c) as follows:

- c. Height in relation to boundary - Buildings must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning.

**Designation 7549:**

Amend Condition 4 to read as follows:

4. Antennas mounted on the roof of buildings shall not extend more than 3m above the maximum height of the roof at the point of attachment, and ~~shall comply with the height in relation to boundary controls included in Attachment 1 to these conditions from any adjoining residential zoned boundaries and road boundaries~~ must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. This control applies where antennas are mounted above the roof line (will not apply to antennas mounted against the building fascia and not extending above the roof line)

Amend condition 6(c) as follows:

- c. Height in relation to boundary - buildings must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. Maximum height in relation to boundary - shall comply with the height in relation to boundary controls included in Attachment 1 to these conditions, from any adjoining residential zoned boundaries and road boundaries.

### **Designations 7550:**

Amend Condition 2 as follows:

2. Any new mast and associated antennas ~~shall comply with the height in relation to boundary controls included in Attachment 1 to these conditions, from any adjoining residential zoned boundaries and road boundaries~~ must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. Any new mast and associated antennas shall not exceed a diameter of 1m for those parts of the equipment exceeding 8m in height above ground level.

Amend Condition 4 to read as follows:

4. Antennas mounted on the roof of buildings shall not extend more than 3m above the point of attachment, provided that they comply with Condition 1, and ~~shall comply with the height in relation to boundary controls included in Attachment 1 to these conditions, from any adjoining residential zoned boundaries and road boundaries~~ must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning.

Amend condition 8(c) as follows:

- c. Height in relation to boundary - buildings must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning. Maximum height in relation to boundary - shall comply with the height in relation to boundary controls included in Attachment 1 to these conditions, from any adjoining residential zoned boundaries and road boundaries.

Delete condition 10 and replace with the following:

- 10 Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:
  - a. At the boundary of any adjacent business zoned property: 7am-10pm on any day: Leq 55 dB(A) 10pm-7am on any day: Leq 45 dB(A)

- b. At the boundary of any adjacent residential zoned property: 7am-10pm on any day: Leq 50 dB(A) 10pm-7am on any day: Leq 40 dB(A).

**Designation 7551:**

Amend condition 4(b) as follows:

- b) ~~Maximum height in relation to boundary – shall comply with the height in relation to boundary controls included in Attachment 1 to this notice, from the site's eastern boundary.~~ Height in relation to boundary - buildings must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary where the adjoining sites have a residential zoning.

Delete Condition 7 and replace with the following

7. Any new noise generating equipment (excluding any engine alternator required for emergency back-up power generation) shall not exceed the following noise limits:
- a. At the boundary of any adjacent property zoned Light Industry: 7am-10pm on any day: Leq 65 dB(A) 10pm-7am on any day: Leq 65 dB(A)
- b. At the boundary of any adjacent residential zoned property: 7am-10pm on any day: Leq 55 dB(A) 10pm-7am on any day: Leq 45 dB(A).