

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

Report to Auckland Council
Hearing topic 074 Designations

Telecom New Zealand Ltd

Designations 7511, 7512, 7536-7542

May 2016

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, on 17 August 2015 updated and amended on 6 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 designations, modifications and new designations classified by the Independent Hearings Panel as moderately complex. This classification will generally apply where there is a:

- i. rollover of a designation with no modifications and a submission lodged by third party;
- ii. modification to a designation that will result in more than minor effects and with or without submissions;
- iii. notice of requirement for a new designation for existing works with or without submissions.

2. Assessment

The assessment will address:

- i. effects on the environment of allowing the modification or requirement;
- ii. mitigation measures proposed by requiring authority including any proposed conditions;
- iii. other section 171 matters or section 168A(3) (if the requiring authority is Auckland Council) matters where relevant;
- iv. whether land is owned by the requiring authority.

See section 9 of this report for the assessment of each modification and requirement.

On the basis of the assessment, the report concludes that:

That designations 7511, 7512, 7536, 7537, 7538, 7539, 7540, 7541 and 7542, as set out in the notified version of the Proposed Auckland Unitary Plan be recommended for confirmation subject to the amendments set out in Attachment 1.

3. Expert input

Not applicable.

4. Mediation required


Not applicable.

5. Hearing required

Not applicable.

6. Recommendation to Panel

That the Panel recommends to Auckland Council that designations 7511, 7512, 7536, 7537, 7538, 7539, 7540, 7541 and 7542, as set out in the notified version of the Proposed Auckland Unitary Plan be confirmed subject to the amendments set out in Attachment 1.

Author	Harry Bhana
Author's Signature	
Date	17 August 2015 updated and amended on 6 October 2015


7. 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 9 below.

8. Panel reasons

The reasons for the Panel's recommendation are set out in section 9 below.

Panel Chair	David Kirkpatrick
Chair's Signature	
Date	18 May 2016

9. Assessment of modifications and submissions

Requiring authority	Telecom Ltd (Spark)
Designation number (s)	7511, 7512, 7536, 7537, 7538, 7539, 7540, 7541 & 7542
Designation purpose	Telecommunication and radiocommunication and ancillary purposes.
Location	7511 – 15 Norfolk Place and 89 Rangitoto Road, Papatoetoe 7512 – 123 Ridge Road and 56 O'Halloran Road, Howick 7536 – 6 Grammar School Road, Pakuranga 7537 – 63 Ashgrove Road (corner Bader Drive), Mangere 7538 – 7 Whitford Wharf Road, Whitford 7539 – 176 Bairds Road, Otara 7540 – 20 Lakewood Court, Manukau City 7541 – 175 Great South Road, Manurewa 7542 - Whitford-Maraetai Road, Beachlands
Designations given effect to	All have been given effect to.
Lapse date in operative plan	NA
Land ownership	NA
Land owned by the requiring authority	NA
Rollover designation with no modifications	No
Description of the modification	<p>Modifications applying to Designations 7511, 7512, 7536, 7537, 7538, 7539, 7540, 7541 and 7542</p> <ul style="list-style-type: none"> i. The operative plan provisions include extensive conditions relating to parking, access and vehicle circulation and seem to be a direct application of all of the general transport and parking requirements included in the operative plan. These have not been carried forward into the Proposed Auckland Unitary Plan. ii. The noise standards contained in the operative plan reference L95 and L10 levels and the modified provisions use Leq levels. The various operative plan designations provide for the relevant noise levels to reflect the zoning of affected sites. This has not been carried through in the Proposed Auckland Unitary Plan version. In all of the former Manukau sites reference in the Proposed Auckland Unitary Plan is to residential interface only and has not differentiated treatment of daylight hours on Sundays. iii. New noise conditions that apply best practicable option rather than specific noise limits, apply to engine alternators, and allowances are made to install new air cooling plant where existing cumulative noise may already exceed the noise limits for the site (provided no increase in existing noise levels).

	<p>Modifications applying to Designations 7540 and 7541</p> <p>i. In respect of these designations the mast height permitted under Condition 1 has been increased from 15m to 20m.</p>
<p>Assessment of rollover modifications and reasons</p>	<p>i. Modifications to conditions relating to parking, access and vehicle circulation. The requiring authority in the attachment to its memorandum of 17 July 2015 made this comment:</p> <p>The existing Manukau designations are the only ones in the Auckland Council area that include conditions on parking and access. The designation condition effectively applies the access and parking controls of the transportation section of the Manukau section of the District Plan to all of the designations, including such fine detail as the gradient and geometry of access, parking stall dimensions etc. 30. Existing access and car parking arrangements are utilised by contractors visiting the sites. No substantive changes to access and parking are envisaged on these sites for any future works given that the sites are all fundamentally developed. Should any significant change in site layout ever be proposed, relevant access and car parking issues can be considered through the outline plan process. Therefore, no specific designation conditions regarding access and parking are proposed or considered necessary. No conditions of this nature were considered to be necessary by the Council as part of the separately notified processes to re-designate existing Spark and Chorus sites in the Auckland Isthmus and North Shore.</p> <p>These telecommunications facilities are principally automatic facilities which require periodic visits by service technicians and occasionally short periods of more intensive activity when equipment is replaced. I agree that the deleted conditions relating to parking access and other transport matters are unnecessary.</p> <p>ii. The determination of appropriate noise levels at residential interfaces has been dealt with by the Panel under topic 040. The noise conditions applicable to activities on these designations sites at the interface with other zones should be consistent with the Panel's recommendation in regard to interface limits in respect of the rules addressed under topic 040.</p> <p>iii. Additional noise conditions covering situations where existing equipment which exceeds the noise limits normally applying at the interface is replaced by new equipment. In such cases the noise generated by the new equipment is not permitted to result in any</p>

	<p>increase in existing noise levels received at any other property boundary. These additional conditions include a best practicable option requirement, and are adopted as a standard set of conditions across all Telecom designated sites in the Proposed Auckland Unitary Plan. I am aware that these standard conditions were assessed and accepted on a review of all Telecom and Chorus designations under the Auckland City District Plan. Subject to the amendment recommended in paragraph 2(a) above I recommend that noise conditions proposed in the rollover of designations listed above be recommended for confirmation.</p> <p>iv. In respect of Designations 7540 and 7541 the requiring authority advises that the increase in mast height in respect of these designations simply reflects the location of the sites within business zones. I agree that the location of the sites within business zones and well separated from potentially affected residential zone properties will mean that there would be no more than minor potential for adverse effects arising from this increase in height.</p>
Notice of requirement	NA
Assessment of new designation and reasons	NA
Submitters and summary of relief sought in submissions	<p>7511 - Submission 2191-10 by the requiring authority requested that the height in relation to boundary be updated to reflect the Proposed Auckland Unitary Plan provision for land adjoining the Mixed Housing Urban Zone boundary.</p> <p>7512 - Submission 2191-11 by the requiring authority requested that the height to in relation to boundary be updated to reflect the Proposed Auckland Unitary Plan provision of 2.5m+45.</p> <p>7536 - Submission 2191-47 by the requiring authority requested that the height in relation to boundary be updated to reflect the Proposed Auckland Unitary Plan provision of 3m+45. Submission 5716-2760 by the Council requested correction of an error in condition references.</p> <p>7537 - Submission 2191-48 by the requiring authority requested that the height in relation to boundary be updated to reflect the Proposed Auckland Unitary Plan provision of 2.5m+45. Submission 5716-2761 by the Council requested correction of an error in condition references.</p> <p>7538 - Submission 2191-49 by the requiring authority requested correction of a typographical error in condition 5(c). Submission 2191-50 by the requiring authority requested amendment to the noise conditions to better reflect Proposed Auckland Unitary Plan provisions. Submission 2191-51 by the</p>

	<p>requiring authority sought the deletion of the height in relation to boundary provisions.</p> <p>7539 - Submission 2191-52 by the requiring authority requested amendment to the noise conditions to better reflect Proposed Auckland Unitary Plan provisions.</p> <p>7540 - Submission 2191-53 by the requiring authority requested amendment to the noise conditions to better reflect Proposed Auckland Unitary Plan provisions.</p> <p>7541 - Submission 2191-54 by the requiring authority requested amendment to the noise conditions to better reflect Proposed Auckland Unitary Plan provisions.</p> <p>7542 - Submission 2191-55 by the requiring authority sought amendment of a typographical error in condition 5. Submission 2191-56 by the requiring authority requested amendment to the noise conditions to better reflect Proposed Auckland Unitary Plan provisions.</p>
<p>Assessment of submissions and reasons</p>	<p>The requests by the requiring authority to amend the height in relation to boundary provisions in respect of designations 7511, 7512, 7536 and 7537 should be recommended for confirmation subject to amending the relief to reference the height in relation to boundary provision to the underlying zoning, rather than the specific provision requested as both it and the interface zones may change.</p> <p>The request by the requiring authority to delete the height in relation to boundary provision in respect of designation 7538 is likely appropriate on the basis of the zoning and interfaces in the Proposed Auckland Unitary Plan. Again referencing the provision to the underlying zoning would ensure that any potential change would not produce an inconsistent result in terms of height to in relation to boundary application.</p> <p>The submissions by the requiring authority seeking amendment of the noise conditions to better reflect Proposed Auckland Unitary Plan provisions is recommended but subject to directly referencing the noise control to the provisions applying in the underlying zoning.</p> <p>The submissions by the Council and the requiring authority requesting corrections of various typographical errors do not require assessment and are recommended.</p>
<p>Engagement by requiring authority with submitters.</p>	<p>Not necessary.</p>
<p>Recommendation to Panel</p>	<p>That Designations 7511, 7512, 7536, 7537, 7538, 7539, 7540, 7541 and 7542, as set out in the notified version of the Proposed Auckland Unitary Plan be recommended for confirmation subject to the amendments set out in Attachment</p>

	1.
Response from requiring authority	<p>Agrees with the above recommendations to 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.</p> <p>Wishes to be heard on the following matters: Not Required.</p> <p>Mediation requested on the following matters: Not required.</p>
Report writer's further recommendations	<p>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.</p>
Recommendation from Panel	The Panel agrees with the report writer's recommendations.
Reasons	The Panel agrees with the report writer's reasons.

10. Attachment 1 changes to text of Proposed Auckland Unitary Plan

Designations 7511, 7512, 7537 and 7538:

Delete all attachments and insert: No attachments

Designation 7511:

Amend Condition 2 to read as follows:

2. Any new mast and associated antennas ~~shall comply with the height in relation to boundary controls in Attachment 1 from any adjoining residential zoned boundaries and road boundaries~~ 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.

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 controls in~~

Attachment 1 from any adjoining residential zoned boundaries and 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.

Designation 7536:

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 3m 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 controls in Attachment 1 from any adjoining residential zoned boundaries and 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.

Designation 7512:

Amend Condition 2 to read as follows:

2. Any new mast and associated antennas shall comply with the height in relation to boundary controls in Attachment 1 from any adjoining residential zoned boundaries and road boundaries 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.

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 control in Attachment 1 from any adjoining residential zoned 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.

Designation 7537:

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 3m 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 control in Attachment 1 from any adjoining residential zoned 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.

Designation 7538:

Delete Condition 2

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 controls from any adjoining residential zoned boundaries.~~

Delete Condition 6 and insert a new condition 6 to read as follows:

6. 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 Neighbourhood 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 7539:

Delete Condition 4 and insert a new Condition 4 to read as follows:

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 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).

Designation 7540:

Delete Condition 4 and insert a new Condition 4 to read as follows:

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 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).

Designation 7541:

Delete Condition 4 and insert a new Condition 4 to read as follows:

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 7542:

Delete Condition 4 and insert a new Condition 4 to read as follows:

4. 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 notional boundary 20m from the facade of any dwelling in the Rural Production 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).
 - ii. At the notional boundary 20m from the facade of any dwelling in the Countryside Living zone, or at the site boundary, whichever is closest to the dwelling: 7am-10pm on any day: Leq **50** dB(A) 10pm-7am on any day: Leq **40** dB(A).