

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

Report on
Hearing topic 074 Designations
**Telecom New Zealand Ltd
(Spark)**

Designations
7524, 7525, 7526 and 7527

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 26 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 the following modifications/requirements should be recommended for confirmation subject to the amendments shown in Attachment 1:

7524, 7525, 7526 and 7527.

3. Expert input

Not applicable.

4. Mediation required

Not applicable.

5. Hearing required

Not applicable.

6. Recommendation to Panel

That the Panel recommends that designations 7524, 7525, 7526 and 7527 as set out in the notified version of the Proposed Auckland Unitary Plan be recommended for confirmation subject to the amendments shown in Attachment 1:

Author	Harry Bhana
Author's Signature	
Date	26 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 7524, 7525, 7526 and 7527 included in the Proposed Auckland Unitary Plan subject to the further modifications shown in Attachment 1.

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
Designation number (s)	7524,7525,7526 & 7527
Designation purpose	Telecommunication and radiocommunication and ancillary purposes.
Location	7524 - 6 Clayburn Road, Glen Eden 7525 - 142-144 Don Buck Road, Massey 7526 - 504 South Titirangi Road, Titirangi 7527 - 10 McEntee Road, Waitakere
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 7524,7525,7526 & 7527</p> <ul style="list-style-type: none"> i. Rollover height proposed for masts and antennas of 15 m in place of operative plan height limit of 10m. ii. The operative plan provisions contained requirements in respect of outline plans and a series of definitions of various components of telecommunication equipment. These requirements and definitions were not included in the rollover. iii. The rollover provisions provided a new condition clarifying the extent of minor changes that would be permitted without the requirement for outline plans and also provided new conditions setting maximum height of buildings and masts, noise limits and control of radio frequency effects.
Assessment of rollover modifications and reasons	<ul style="list-style-type: none"> i. Modifications to height limit for masts. The requiring authority in the attachment to its memorandum of 17 July 2015 made this comment: <ul style="list-style-type: none"> The existing designation height limits for residential and rural residential zone typologies in the Waitakere section of the District Plan have very restrictive height limits based on the zone height limit, and a 2m allowance for antennas above the roof of an existing building. These conditions are considered to be unrealistic for strategic telecommunications sites. In many instances, there are already existing masts and antennas on these sites exceeding these height limits. Further, similar designated sites in other sections of the District Plan allow for additional height, including those separately notified and confirmed for the Auckland Isthmus and North Shore. A new height limit for masts and antennas up to 15m on these sites is now proposed. However, in recognition of the

	<p>higher sensitivity of these areas, additional conditions are also proposed for new masts and antennas covering the following matters:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Height in relation to boundary controls to apply from residential boundaries. <input type="checkbox"/> A limit of one mast per site for use by the requiring authority (where both Chorus and Spark are requiring authorities on the same site, only one mast in total for use by both requiring authorities will be enabled by the designation). <input type="checkbox"/> A 1m diameter limit for new masts and attached antennas above 8m in height <p>For antennas on buildings in the most sensitive zone types, an allowance for antennas 3m above the highest point of the existing building is proposed. The total height within this framework would still be subject to the overall height limit allowance for antennas of 15m and height in relation to boundary controls from sensitive boundaries. This allows for the height of the antenna to be benchmarked back to the height of the building as it exists. This method of benchmarking an antenna height back to the height of the building as existing is a method commonly used in District Plans and also in the NESTF in relation to modifying structures within roads.</p> <p>The requiring authority's proposal will result in a consistent approach to the height of masts and structures for designations for telecommunications facilities in residential zones. I note that it will bring the provisions of the former Waitakere area into line with other areas within the Auckland Council boundaries. I recommend that this modification is confirmed.</p> <ul style="list-style-type: none"> ii. The deletion of conditions relating to the content of outline plans is appropriate because these matters are addressed under section 176A of the Resource Management Act 1991. The definition of various items of telecommunication equipment is now appropriately addressed under the National Environmental Standards for Telecommunications Facilities 2008. I recommend that the deletion of these definitions is confirmed. iii. The introduction of standard conditions not previously applied to these designations under the operative plan is recommended for confirmation subject to these conditions being reworded to reflect the eventual provisions of the Unitary Plan.
Notice of requirement	NA
Assessment of new	NA

designation and reasons	
Submitters and summary of relief sought in submissions applied to these designations	<p>7524 - Submission 2191-25 by the requiring authority requested that the height in relation to boundary be deleted from the conditions.</p> <p>7525 - Submission 2191-26 by the requiring authority requested that the height in relation to boundary be amended to read '45° measured at 3m vertically from side and rear boundaries'.</p> <p>7526 - Submission 2191-27 by the requiring authority requested that noise condition 8 be amended as follows:</p> <p style="padding-left: 40px;">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).</p> <p>Submission 2198-28 by the requiring authority requested the deletion of the height in relation to boundary controls from any conditions.</p> <p>7527 - Submission 2191-29 requested that conditions referencing height in relation to boundary attachments be amended to read:</p> <p style="padding-left: 40px;">45° measured at 2.5m vertically from side and rear boundaries.</p>
Assessment of submissions and reasons	<p>The requiring authority has requested deletion of the height in relation to boundary references from designations 7524 and 7526. In the case of 7524 the site is located in the Terraced House and Apartment Building Zone and in the case of 7526 the site is zoned large lot residential. In both cases the height in relation to boundary controls do not apply in the zones. I recommend that the submissions requesting deletions of these provisions could be amended to reference the height in relation to boundary controls of the underlying zoning of the Unitary Plan. This ensures that provisions of the designated land will remain consistent if there is any change to the underlying zoning</p> <p>The requiring authority has requested amendment of the height in relation to boundary references in the conditions for designations 7525 and 7527. In the case of 7525 the site is located in the Mixed Housing Urban Zone and in the case of 7527 the site is zoned rural and coastal settlement. In both cases the height in relation to boundary controls requested are consistent with the provisions of the underlying zoning. I recommend that the height in relation to boundary conditions are amended to reference the height in relation to boundary controls of the underlying zoning of the Unitary Plan. This ensures that provisions of the designated land will remain consistent if there is any change to the underlying zoning.</p> <p>For designation 7526 the requiring authority has requested</p>

	an amendment to the noise condition. I am unable to detect any difference between the change requested and the provision set out in the notified version of the Proposed Auckland Unitary Plan. In this regard I do not recommend any change to the conditions of 7526.
Engagement by requiring authority with submitters.	Not necessary.
Recommendation to Panel	That designations 7524, 7525, 7526 & 7527 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.
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	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 height in relation to boundary conditions are related directly to the 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.
Panel Reasons	The Panel agrees with the report writer's reasons.

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

Designations 7524, 7525, 7526 and 7527:

Delete all attachments and insert: No attachments

Designation 7524:

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 and rural residential zoned boundaries and road boundaries~~

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 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 Appendix C to this Notice] from any adjoining residential and rural residential zoned boundaries and road boundaries.~~

Designation 7525:

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 and rural 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. 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 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 Appendix C to this Notice] from any adjoining residential and rural 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.

Designation 7526:

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 and rural residential zoned boundaries and road boundaries~~ 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 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 Appendix C to this Notice] from any adjoining residential and rural residential zoned boundaries and road.~~

Designation 7527:

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 and rural 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 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 Appendix C to this Notice] from any adjoining residential and rural 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.