

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

Chorus New Zealand Ltd

Designations 2600, 2603 and 2606

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 4 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:

2600, 2603 & 2606

3. Expert input

Not applicable.

4. Mediation required

Not applicable.

5. Hearing required

Not applicable.

6. Recommendation to Panel

That the Panel recommends that the following modifications/requirements should be recommended for confirmation subject to the amendments shown in Attachment 1:

2600, 2603 & 2606

Author	Harry Bhana
Author's Signature	
Date	26 August 2015 updated and amended on 4 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 designations 2600, 2603 and 2606 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	Chorus Ltd
Designation number (s)	2600,2603 and 2606
Designation purpose	Telecommunication and radiocommunication and ancillary purposes
Location	2600 - 102 Rodney Street (State Highway 1), Wellsford 2603 - Leigh Road (Pt Lot 1 DP 55418), Matakana 2606 - 2 Morpeth Street and 27 Neville Street, Warkworth
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	Minor modifications
Description of the modification	<p>Modifications applying to designations 2600, 2603 & 2606</p> <ul style="list-style-type: none"> i. Only minor modifications were made to change references from operative plan provisions to Proposed Auckland Unitary Plan provisions. The operative plan had a table of heights permissible in various zones. In the rollover provisions the 15m height applying for residential or rural residential underlying zones was adopted. ii. The only other modification was the inclusion of a condition which provided detail on the extent of replacement of equipment that was allowed without the need for submission of an outline plan.
Assessment of rollover modifications and reasons	<ul style="list-style-type: none"> i. These minor changes need no assessment. ii. The inclusion of a condition specifying that replacement of equipment of a similar size which did not generate external noise without the need for an outline plan provides clarification for administrative purposes and I recommend that modification is confirmed.
Notice of requirement	NA
Assessment of new designation and reasons	NA
Submitters and summary of relief sought in submissions applied to these designations	<p>2600</p> <p>Submission 8628-1 by the requiring authority requests as follows: “Amend the height limit from 15m to 25m [in relation to masts and antennas in Condition 1]”.</p> <p>Submission 5716-2677 by the Auckland Council requests as follows:</p> <p style="padding-left: 40px;">Amend condition 1 to read: “1. The height of any new mast and any antennas (mounted on a mast or building) shall not exceed the greater of 45m 25m or the height of any mast and attached antennas existing as at 1 June 2012 (excluding any lightning rod).”</p>

	<p>2603 Submission 8628-6 by the requiring authority requests as follows: “Amend the height limit from 15m to 35m [in relation to masts and antennas in Condition 1]”.</p> <p>Submission 5716-2678 by the Auckland Council requests as follows: Amend condition 1 to read: “1. The height of any new mast and any antennas (mounted on a mast or building) shall not exceed the greater of 15m 25m or the height of any mast and attached antennas existing as at 1 June 2012 (excluding any lightning rod).”</p> <p>However in the reasons for lodging that submission the Council records that the height of 35m would most appropriately reflect the operative plan provisions.</p> <p>2606 Submission 8628-10 by the requiring authority requests as follows: “Amend the height limit from 15m to 25m [in relation to masts and antennas in Condition 1]”.</p> <p>Submission 5716-2679 by the Auckland Council requests as follows: Amend condition 1 to read: “1. The height of any new mast and any antennas (mounted on a mast or building) shall not exceed the greater of 15m 25m or the height of any mast and attached antennas existing as at 1 June 2012 (excluding any lightning rod).”</p> <p>Submission 8628-11 by the requiring authority seeks amendment of the noise condition as follows: Amend the noise condition [condition 3] to read: “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).”</p>
Assessment of submissions and reasons	<p>The requiring authority has requested amendments of the height limits applying in respect of Designations 2600, 2603 and 2606. The authority is supported by submissions from the Council. I have reviewed the provisions of the operative plan and agree that the amendments of the height limits in the Proposed Auckland Unitary Plan are consistent with the height limits applying under the operative plan. I recommend that these modifications be confirmed.</p> <p>The requiring authority seeks amendment of the noise</p>

	<p>condition (Condition 3) for 2606 and I agree that the condition should be amended to be consistent with the Unitary Plan provisions. I have noted in reports on requests by requiring authorities in respect of other designations seeking a similar consistency with the Unitary Plan that the recommendation 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. For that reason I recommend wording of the condition to accommodate any changes that might occur as a result of the Panel's recommendation in regard to topic 040.</p>
Engagement by requiring authority with submitters.	Not necessary.
Recommendation to Panel	That Designations 2600,2603 and 2606 as set out in the notified version of the Proposed Auckland Unitary Plan be recommended for confirmation subject to the amendments to 2606 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 condition for 2606 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 amended 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 conditions be related directly to the noise limits 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.

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

That Designations 2600, 2603 and 2606, as set out in the notified version of the Proposed Auckland Unitary Plan be recommended for confirmation subject to the following amendments:

Designation 2600

Amend Condition 1 as follows:

1. The height of any new mast and any antennas (mounted on a mast or building) shall not exceed the greater of ~~45m~~ 25m or the height of any mast and attached antennas existing as at 1 June 2012 (excluding any lightning rod).

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 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).

Designations 2603

Amend Condition 1 as follows:

1. The height of any new mast and any antennas (mounted on a mast or building) shall not exceed the greater of ~~45m~~ 35m or the height of any mast and attached antennas existing as at 1 June 2012 (excluding any lightning rod).

Designation 2603

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 2606

Amend Condition 1 as follows:

1. The height of any new mast and any antennas (mounted on a mast or building) shall not exceed the greater of ~~45m~~ 25m or the height of any mast and attached antennas existing as at 1 June 2012 (excluding any lightning rod).

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 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).