

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

Chorus New Zealand Ltd

Designations 2644-2654

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, on 26 August 2015 updated and amended 04 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 designations 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653 and 2654, 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 designations 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653 and 2654, 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.

<b>Author</b>	Harry Bhana
<b>Author's Signature</b>	
<b>Date</b>	26 August 2015 updated and amended 10 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.

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

## 9. Assessment of modifications and submissions

Requiring authority	Chorus Ltd
Designation number (s)	2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653 and 2654
Designation purpose	Telecommunication and radiocommunication and ancillary purposes
Location	2644 - 1 Clevedon Kawakawa Road, Clevedon 2645 - 6 Grammar School Road, Pakuranga Heights 2646 - 477C Redoubt Road, Manukau Central 2647 - 2 Bertram Road, Kawakawa Bay 2648 - 135 Harris Road, East Tamaki 2649 - 63 Ashgrove Road, Mangere 2650 - 7 Whitford Wharf Road, Whitford 2651 - 176 Bairds Road, Otara 2652 - 20 Lakewood Court, Manukau City 2653 - 175 Great South Road, Manurewa 2654 - Whitford-Maraetai Road (Section 2 SO 433361 and Section 4 SO 433361), 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><b>Modifications applying to Designations 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653 and 2654.</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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 which references the residential interface only and has not differentiated treatment of daylight hours on Sundays.</li> <li>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).</li> </ul> <p><b>Modifications applying to Designations 2652 and 2653</b></p> <ul style="list-style-type: none"> <li>i. In respect of these designations the mast height</li> </ul>

	permitted under Condition 1, has been increased from 15m to 20m.
Assessment of rollover modifications and reasons	<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.</p> <p>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 increase in existing noise levels received at any other property boundary. These additional conditions include a best practicable option requirement, and</p>

	<p>are adopted as a standard set of conditions across all Telecom’s 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 2652 and 2653 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-zoned 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><b>2644</b> Submission 8628-65 by the requiring authority requested as follows: Amend the noise condition [condition 6] 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 residential zoned property: 7am-10pm on any day: Leq 50 dB(A) 10pm-7am on any day: Leq 40 dB(A) b. At the boundary of any adjacent Neighbourhood Centre zoned property: 7am-10pm on any day: Leq 60 dB(A) 10pm-7am on any day: Leq 50 dB(A).”</p> <p>Submission 8628-66 by the requiring authority requested that the height in relation to boundary be amended to reflect the Proposed Auckland Unitary Plan provision of 2.5m +45° over adjacent residential-zoned properties.</p> <p><b>2645</b> Submission 8628-67 by the requiring authority requested that the height in relation to boundary be amended to reflect the Proposed Auckland Unitary Plan provision of 2.5m +45° over adjacent residential-zoned properties.</p> <p><b>2646</b> Submission 8628-68 by the requiring authority requested as follows: Amend the noise condition [condition 4] 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:</p>

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).”

**2647**

Submission 8628-69 by the requiring authority requested correction of a typographical error in condition 6(c).

Submission 8628-70 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° over adjacent residential-zoned properties.

Submission 9268-4 Submission by Kawakawa Bay Community Association requested confirmation that a tower will not be allowed on this site.

**2648**

Submission 8628-68 by the requiring authority requested as follows:

Amend the noise condition [condition 4] 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 Heavy Industry zoned property: 7am-10pm on any day: Leq 70 dB(A) 10pm-7am on any day: Leq 70 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).”

**2649**

Submission 8628-72 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° over adjacent residential-zoned properties.

**2650**

Submission 8628-73 by the requiring authority requested correction of a typographical error in condition 5(c).

Submission 8628-74 by the requiring authority requested that the noise condition be amended as follows:

Amend the noise condition [condition 6] 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 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).”

Submission 8628-75 by the requiring authority requested that the height in relation to boundary be deleted.

**2651**

Submission 8628-76 by the requiring authority requested that the noise condition be amended as follows:

Amend the noise condition [condition 4] to read: “Any new noise generating equipment (excluding any electricity alternator required for emergency back- up power generation) shall not exceed the following noise limits: a. At the boundary of any adjacent Light Industry zoned property: 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).”

**2652**

Submission 8628-77 by the requiring authority requested that the noise condition be amended as follows:

Amend the noise condition [condition 4] 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 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).”

**2653**

Submission 8628-74 by the requiring authority requested that the noise condition be amended as follows:

Amend the noise condition [condition 4] 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).”

**2654**

Submission 8628-79 by the requiring authority requested correction of a typographical error in condition 5.

Submission 8628-80 by the requiring authority requested that the noise condition be amended as follows:

Amend the noise condition [condition 4], to read: “Any new noise generating equipment (excluding any engine

	<p>alternator required for emergency back-up power generation) shall not exceed the following noise limits:</p> <p>a. 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 in the Rural Production zone: 7am-10pm on any day: Leq 55 dB(A) 10pm-7am on any day: Leq 45 dB(A) b. 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 in the Countryside Living zone: 7am-10pm on any day: Leq 50 dB(A) 10pm-7am on any day: Leq 40 dB(A).”</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 2644, 2645, 2647 and 2649 are 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 2650 is likely appropriate on the basis of the zoning and interfaces in the Proposed Auckland Unitary Plan and is recommended.</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>Chorus has advised that discussion has taken place with Kawakawa Bay Community Association regarding submission 9268-4 and it is hopeful that these matters can be resolved.</p>
<p>Recommendation to Panel</p>	<p>That Designations 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653 and 2654, 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.</p>
<p>Response from requiring authority</p>	<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>Disagrees with lack of reference to Kawakawa Bay Community Association submission.</p> <p>Wishes to be heard on the following matters: Not required.</p> <p>Mediation requested on the following matters: Not required.</p>
Report writers response	<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 writers recommendations.
Reasons	The Panel agrees with the report writers reasons.

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

That Designations 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653 and 2654 as set out in the notified version of the Proposed Auckland Unitary Plan be recommended for confirmation subject to the following amendments.

### Designations 2644, 2645, 2647, 2649 and 2650

Delete all attachments and insert: No attachments

#### Designation 2644

Amend Condition 2 to read as follows:

- 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:

- 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.~~ 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 6 and replace with the following:

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 **50** dB(A) 10pm-7am on any day: Leq **40** dB(A).

#### **Designation 2645**

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 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 2646**

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 **45** dB(A).

#### **Designation 2647**

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 boundary controls 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 2648

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 Heavy Industry zoned property:  
7am-10pm on any day: Leq 70 dB(A) 10pm-7am on any day:  
Leq 70 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 2649

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 boundary controls 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 2650

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 in Attachment 1 from any adjoining residential zoned boundaries.~~

Amend condition 5(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~~

#### **Designation 2651**

Delete Condition 4 and replace with the following:

4. Any new noise generating equipment (excluding any electricity alternator required for emergency back-up power generation) shall not exceed the following noise limits:
  - a. At the boundary of any adjacent Light Industry zoned property:  
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 2652**

Delete Condition 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 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 2653**

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 2654**

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 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 in the Rural Production zone: 7am-10pm on any day: Leq **55** dB(A) 10pm-7am on any day: Leq **45** dB(A)
  - b. 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 in the Countryside Living zone: 7am-10pm on any day: Leq **50** dB(A) 10pm-7am on any day: Leq **40** dB(A).

Amend Condition 5 as follows:

5. Any new noise generating equipment (excluding any engine alternator required for emergency backup power generation) shall cumulatively in combination with any other noise generating equipment on the site not result in any increase in existing noise levels received at any other property boundary where the noise levels in Condition 4 are exceeded. A noise assessment may need to be submitted as part of any outline plan (depending on circumstances such as the nature of the noise generating equipment, remoteness of the ~~sit~~ site, and proximity to sensitive boundaries) to confirm the existing noise levels and predicted new noise levels to confirm compliance with this condition.