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Via Email

Dear Rachel

Proposed Auckland Unitary Plan - Provisions

Introduction

The New Zealand Telecommunications Forum (TCF) would like to thank you for the opportunity to provide feedback on the draft Proposed Unitary Plan Provisions.

The TCF seeks to efficiently resolve regulatory, technical and policy issues within the New Zealand telecommunications industry for the benefit of the industry and its customers. It's members include Chorus, Telecom, TelstraClear, Vodafone, 2degrees, CallPlus, Kordia, Compass Communications, Enable Networks, Farmside, FX Networks, Snap, Vector, Woosh, UltraFast Fibre, Now and NorthPower.

This document has been referred to our Local Government working party for review. This working party was set up in 2008 to provide a forum for TCF members to discuss local government issues and to co-ordinate any activity that is of common interest. The working party provides a mechanism for the telecommunications industry to engage with local government and vice-versa.

The outcomes of TCF working parties are consensus based and represent an industry perspective. In addition, individual Forum members may provide you with specific comments relevant to those organisations. We would like to highlight several areas of the Proposed Auckland Unitary Plan - Provisions where the TCF members are seeking clarification or change.

Background

The Local Government working party has met on several occasions to discuss this document.

In addition to the following comments the TCF invites further discussion on the points raised.

Proposed Auckland Unitary Plan - Provisions

Cross Region Rules:

50.0 Network Utilities

General Comment: The TCF believes that there would be value in providing absolute clarity on how this chapter relates to other rules in the Plan i.e. where and when it overrides other rules or is overridden.

50.1 – Activity Status Table

The TCF notes that it would be very useful to receive information on the different zones outlined in the table. It has been very difficult to provide accurate comments or suggestions as in some cases as we do not know what is provided for in a particular zone, for example what maximum height is allowed for.

50.1 – Residential / Future Urban

The TCF would like to clarify whether or not this term includes settlement zones.

50.1 – Coastal and Rural Settlements

Again the TCF would like clarification on this term. Is this the same as the term “settlement zones” referred to in the assessment criteria?

50.1 - Industrial

The TCF would suggest that this appears to miss a category for example a business park such as the Apollo Drive area. Perhaps the Auckland Council intends to classify such areas as light industry. The TCF requests the Council clarifies the position of such categories.

50.1 - Centres

The TCF has presumed that the CBD is its own category. The TCF would like clarification on this point. We would also note that in general we believe that the rules are quite restrictive for centres. We would suggest that these could be split out into centre plan areas and high density centres that are less visually sensitive.

50.1 B

Unformed or Paper Roads:

Can the Council please clarify what is an unformed road if it is not in a zone and what rules would therefore apply? We would also note that there are conflicts between Acts concerning the definition of “road” (see Telecommunications Act).

50.1 C

The TCF are concerned over the potential conflict between Corridor Access Request (CAR) and RMA processes in roads. The TCF believe that the CAR process remains separate to an RMA based document.

The TCF would like to suggest the follow wording to define the term “minor upgrading” as this is currently loosely defined in the current Unitary Plan:

1. *Meaning of minor upgrading*

Minor upgrading means, in respect of network utilities, any one of the below:

- (a) all changes to underground network utilities, unless otherwise specified in Table 1.*
- (b) minor realignments that include a realignment, reconfiguration or relocation of an existing electricity, gas distribution or telecommunication line, pipe, pole, conductors, cross arms or cabinets that is within 2 metres of the existing alignment or location.;alterations to electricity or telecommunication lines (including the placement of telecommunications equipment on any existing poles) that do not increase the number of conductors or wires by more than [100%]; or comprise new conductors or wires that have a diameter greater than [20%] of the combined diameter of the existing wires or conductors being replaced; or include cross arms with a length exceeding the existing length by more than [20%];:*
- (c) the addition of earthwires (either overhead or underground, and underground earthgrids, which may contain telecommunications lines) and earthpeaks, or the provision of additional above-ground conductors on the existing poles;*
- (d) any pole which replaces an existing pole provided that:*
 - (i) if in the road, it must not have a diameter that is more than the existing pole's diameter at its largest point plus 50%;*
 - (ii) if in the road, it must not have a height greater than 14 metres except that in roads adjoining rural zones it must not have a height greater than 25 metres,*
 - (iii) if in the road, it must be located not more than 2 metres from the existing pole,*
 - (iv) If an antenna is added onto an existing or replacement pole, the combined height must not exceed the height limit specified for the zone by more than 6 metres.*
- (v) in urban environments it shall be in a position as close to the boundary with adjacent sites as possible, provided that the boundary edge of the structure shall be not more than 0.4m from the boundary line between two sites, at a perpendicular angle to that boundary line; or*
- (vi) in urban environments if in the berm between the footpath and the road, the pole is no more than 0.6m from the formed road, or closer than 0.4m to the existing pole, provided that the replacement pole is at least 0.6m from the formed road.*
- (e) Replacement of existing antenna. New antenna shall be no greater than 10% larger in area, height, width and depth*
- (f) Modification of existing pole only where the mechanical loading requirements make this necessary in order to undertake reconductoring or the reconfiguration of equipment (such as staywires, anchor blocks) on existing overhead electricity and telecommunication lines; or when modifications to structures are required to meet mechanical loading requirements provided that the height and profile of any modified support structures remains the same or similar as existed prior to the improvements.*
- (g) an increase in the power carrying or operating capacity, efficiency or security of electricity lines, gas distribution lines and telecommunications lines, where this utilises the existing network utility and meets the requirements of clause (c)-(f) above;*

(h) *the installation of new mid-span electricity poles in existing networks;*

Provided that all minor upgrading:

(a) *will comply with the relevant NRL Guidelines; and NES*

Activity Status Table

The TCF has the following general recommendations in regards to the Activity Status Table. As well as receiving these comments, the Council can expect to receive separate feedback from individual TCF member organisations on more specific aspects of the Table.

General Comments:

1. The TCF requests that where practicable all utility structures/activities that have similar effects are treated consistently and are given the same status. We request that consistency is applied in an enabling rather than a restrictive manner.
2. Policies are generally more enabling than legacy plans, but rules in many cases are more restrictive.
3. Term Coastal/Marine Areas: This may be an over-simplification to try to incorporate regional rules in this section, as CMA works have other considerations such as occupation of the seabed etc.
4. Suggest general default rules be included here, e.g. activities not otherwise in table = D, P and C activities not meeting standards = RD. Also enabling rules for works within tree drip lines and tree trimming – incomplete standards are included later in this section.
5. Previous definition of minor upgrading reviewed is too electricity focused (see instead suggested definition above).

50.2 Controls

50.2.1 Permitted activity – standards

The TCF suggests that the Council could clearly state here that standards in this section over ride zone standards (aside from where specific standards are referenced from this section).

General

The TCF would like to note that we agree with the exclusion *“but does not to apply to lineal utilities, e.g. poles and towers”*

Earthworks

The TCF believes that utility earthworks should be exempt from the earthworks requirements in all zones. At this stage the TCF is not clear on what the earthworks standards will be. Service trenches, pits and bore holes for network utilities should be exempt unless within SNA's/Conservation areas or similar. Similarly, minor foundation works for equipment such as cabinets and poles should be exempt. We would also note that earthworks are controlled via the National Code for Corridor Access i.e. CAR & WAP processes so believe that there is no reason to duplicate these requirements.

The Document references an Auckland Council document GD01. The TCF would request that you please provide a copy of this document so we can determine the possible impact.

Maximum Structure Height

The TCF would like the Council to please confirm that lightning rods, GPS aerials are exempt from height limits under this section.

Noise and Vibration

The TCF notes that it may assist to include a note that telecommunications cabinets in roads are subject to Regulation 9 of Telco NES. An update is also required on the work Council/Marshall Day are doing on construction noise standards in Auckland, and if an alternative standard to the current New Zealand standard is going to be used in this Unitary Plan. The TCF also has a preference for 7 day per week construction to be provided for.

Tree Protection Rules

Although these rules are not yet finalised we note that we will have a strong interest in reviewing these.

Pruning, alteration, removal and activities within the dripline of other trees

The TCF would suggest that trimming for operational requirements should be permitted, provided that all works are undertaken in conformance to the Council tree management plan.

Reinstatement

The TCF would like to raise a concern that this standard may overlap with National Code of Practice for Utility Operators Access to Transport Corridors & the CAR process in roads. Our preference would be to remove this section.

Screening and setback of buildings/structures

The TCF notes that screening provisions are problematic for masts and antennas. We therefore recommend that these are exempt from such a requirement as it is not practical. These provisions are more in line for requirements of an actual building. By their nature, this equipment will need to be higher than any screening to achieve line of site for antennas.

The TCF also notes that this section covers yard issues which we believe should be dealt with in the "Yard" section, below.

Building/structure dimensions

The TCF would note that the limit of 30m² seems very restrictive in less sensitive zones such as industrial and business areas where larger building envelopes are permitted (e.g. warehousing). Building area and coverage should be as per the zone the structure is situated. We see no justification for restricting the area of buildings.

The TCF would also recommend that the CAR process be used to address matters of road and pedestrian safety, rather than consent assessment criteria as outlined later in this section. As we have also noted earlier in this submission, there is duplication with other regulations and we would prefer not to see any duplication in the Unitary Plan rules.

Temporary Works

The TCF believes that the rules need to clearly establish whether or not any other controls (e.g. noise, height etc) apply, or if these are the only requirements to be met for temporary utilities.

We would also suggest that the Council revises this Section to address the intention, which presumably is once the facility is no longer operation or required. In this regard we would suggest using the term 'disestablishment.'

Vegetation Clearance

As noted earlier the TCF has a strong interest in this area. We would ask that you please provide a copy of these rules as trees are of significant concern and we will need to review these. We support that the development of a tree best practice for working under trees in the road reserve and scheduled trees that sets the permitted standard.

Yards

The TCF would like to see the words "and antennas" inserted as shown below:
All buildings (excluding electricity and telecommunication support structures and antennas) greater than 2m in height and 6m² in area shall comply with the yard requirements for the relevant zone in which they are located.

Other Development Controls Applying

Again, the TCF notes that the Council refers to an Auckland Transport Code; a copy of which was not provided. The TCF would like to the opportunity to examine this document. We believe that engineering standards for works in roads should be left solely to the CAR process to avoid duplication, so any reference to such should be a note only and not a performance standard.

Number of overhead electricity and telecommunication lines

The TCF is of the opinion that the best approach is to set a maximum line diameter rather than a number of lines that can be added. It will be difficult to monitor or confirm when the last line was added. The TCF will confirm the preferred diameter.

Radio Frequency Fields

The TCF believes that this duplicates the requirements in the NES and is therefore unnecessary and may become obsolete. We would suggest excluding telecommunications facilities to remove those facilities that are already covered by the NES.

Antennas Attached to Buildings

The TCF would urge the Council to delete the restrictions on antenna numbers on building or rooflines. We strongly believe that this section is unrealistic. The TCF does not support the existing centre plan provisions in the District Plan (Isthmus). It is reasonable to control antennas above rooflines visible from the street etc in high amenity/heritage centres (e.g. centre plans), but the controls are too stringent for fascia mounted antennas and these should be allowed without the degree of restriction provided. The TCF believes that the Council should be promoting co-siting and co-location to reduce the visual impact on neighbourhoods.

TCF members would like to work with the Council to rewrite this entire section on Antennas Attached to Buildings. We look forward to discussing this with the Council at the workshop on the 25th October and at subsequent meetings.

Height of masts and attached antennas (excludes the National Environmental Standards for Telecommunications Facilities 2008)

General

The TCF suggests that the Council consider changing the table wording to: “Rural and the adjoining road”

Zone comment:

There may need to be more differentiation of business zones (for example, business zones that are not centres or industrial zones such as business parks), to allow for permitted masts in those zones – 20m height limit.

Height comment:

The TCF would urge the Council to consider providing for a height bonus for co-siting / co-location of networks on the same structure.

Also on this issue, the Strategic Transport Corridors should be placed at 25m (controlled activity status sought in activity table, which is equivalent status to current Isthmus Plan).

50.2.2

The TCF would like to suggest a provision for roadside facilities where roads are surrounded/within certain distance of certain zones. The TCF believes that flexibility is required to ensure that operators have certainty for as many options as possible, leading to efficient networks and reduction of proliferation of sites in the long term, and so that NES sites are not the only options where others may be more suitable.

50.6

Cumulative visual effects

The TCF suggests that the Council give due consideration to the benefits of co-siting and co-location.

Design, external appearance and visual effects

The TCF would like to point out that many issues in this section cut against enabling policies that are already in the plan for network utilities. By their nature, they are different in appearance and scale to activities in general. For example, a mast and antennas may be higher than buildings to achieve line of site. The term subservient alludes to the equipment being invisible or lesser in scale than other buildings – this is not practical for this type of equipment.

These are small scale structures, so the TCF would question why they need to be screened. This is written as a mandatory requirement even if not required in a particular context, for example the neighboring site may be industrial.

Lastly, the TCF would like to reiterate that this requirement is not always practical. We would like to see that the mandatory statement be rewritten into how the work will affect the particular streetscape.

Height and Proportion

The TCF would note that by definition, a mast is a building. Exclusion may be appropriate here.

Heritage

The TCF suggests adding the following to the Heritage wording:

“Recognition of mitigation of the adverse impacts of the proposal will be considered this includes any other positive outcomes or advantages that are delivered for the heritage structure, area or aspect of the site of the proposal”

Radio Frequency Fields

The TCF recommends deleting this section. Radio Frequency exposures meeting the standard are part of the permitted baseline. Accordingly, it is not necessary or appropriate to have to consider by how much the standard is met. The TCF believes that this creates unrealistic expectations in the community for many applications.

Social and economic benefits of infrastructure

The TCF suggests rewording as follows:

“Recognition of the significance of the benefits and contribution that investment in infrastructure including upgrades of existing assets have to the social and economic development, wellbeing of business, people and communities. That where the investment is recognised as being significant to the national or Auckland economy then the benefits of this shall be given weight against the adverse impacts established via the other criteria.”

The TCF suggest including a new Section on *Co-siting and Co-location*. Wording is suggested as follows:

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“The extent to which the proposal supports the co-siting and co-location of utility infrastructure. Recognition the benefits of concentrating utility structures on a lesser number of sites.”

Technical and operational considerations

The TCF suggests rewording this section as follows:

“The extent to which there is potential for co-siting and/or co-location of utility equipment, subject to technical limitations, to minimise the number of structures. Recognition of the technical reasons and requirements for location/establishment on infrastructure”

Section 22

The TCF suggests changing the section heading to allow for the antenna diameter to be 1.2m.

The TCF would also suggest that the current language leaves much to interpretation especially regarding visibility from streetscapes. We believe that if left as is the Council will be fielding a high number of ‘no man’s land’ applications. If the Council follows the TCF’s advice for the redrafting of antennas standards, changes will be required in this section also.

Section 23

The TCF suggest clarifying the heading to Telecommunication kiosks/payphones.

50.8.1

The TCF would suggest that it would be sensible to make provision here for roadside facilities where roads are surrounded/within certain distance of certain zones. Flexibility is required to ensure that operators have certainty for as many options as possible, leading to efficient networks and the reduction of proliferation of sites in the long term, particularly so that NES sites are not the only options where others may be more suitable.

This submission is made on behalf of TCF members.

Yours sincerely



David Stone
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