

**TELECOMMUNICATION STAKEHOLDERS: AUCKLAND UNITARY PLAN (MARCH 2013 DRAFT)**

Draft UP document reference	Draft Provision	Action required / Recommendation	Comment / Analysis
<b>Part 2 Regional Policy Statement</b> [submission will now defer to AUOG submission for objectives and policies]			
2.3.2 Infrastructure and Energy  Policy 12	<i>Where significant infrastructure is proposed within one of the areas identified in Policy 11 above, it must consider the following matters when balancing the development against the protection of these places:</i>	Retain Policy 12 in Section 2.3.2  Include an equivalent provision as an objective in section 3.1.1.1 to provide for a similar balancing of competing needs between infrastructure and special environmental areas (i.e. at the regional and district plan level of the Unitary Plan).	This Policy is strongly supported as it is the key provision at the RPS level that acknowledges the need to balance the values of areas that have been identified as having particular significant environmental values against the locational and functional needs to infrastructure. It is also important that a similar provision be included in the regional and district objectives in Section 3.1.1.1.
2.4 Protecting our historic heritage, historic character and natural heritage.  -Historic Character – Policy 4 -High Natural Character – Policy 9 -Landscape and Natural Features Policies 6, 13, 14, 15	These provisions generally require avoidance of effects on the relevant overlays.	Amend the various policy sections in section 2.4 such that there is an appropriate balance recognised between providing for significant infrastructure, and protection of historic heritage, historic character and natural heritage.	It is unclear what the relationship is between these general avoidance provisions and Policy 2.3.2. Some policy provisions in Section 2.4 provide for some balance such as in 2.4.3.1, Policy 6 which states:  <i>Avoid subdivision, use and development in areas identified as having ONC value, other than:</i> <i>(a) ....</i> <i>(b) use and development where the national or regional benefit overrides the need to preserve the natural character values, and there is no reasonable alternative location that would have a lesser environmental effect</i> <i>(c) ....</i>  In other instances, such as those Policy provisions identified in the left hand cell of this table, there is no such approach, with the focus on avoidance of adverse effects.  Equivalent balancing statements in all historic heritage, historic character and natural heritage policy sections would assist in ensuring there is an appropriate balance recognised between providing for significant infrastructure, and protection of historic heritage, historic character and natural heritage.

<b>3.1.1.1 Network utilities, energy and transport</b> [submission will now defer to AUOG submission for objectives and policies].			
Objective 3	<i>The amenity of urban areas is maintained and enhanced by managing the adverse visual effects of above ground infrastructure and electricity generation facilities.</i>	Amend Objective 3 as follows (or wording of like effect):  <i>Adverse amenity effects on urban areas and overlays are minimised as far as practicable while recognising the technical and operational constraints of infrastructure and the benefits provided to the community.</i>	Use of <i>maintained and enhanced</i> in this objective is considered to be unrealistic. Above ground network utilities and electricity generation facilities have certain functional requirements that dictate form, and as such may not always <i>maintain</i> and generally will not <i>enhance</i> the amenity of urban area. The Objective needs to be amended to provide for more balance.
Policy 5	<i>Encourage new infrastructure to be located in roads and other identified corridors.</i>	Amend Policy 5 as follows (or wording of like effect):  <i>Encourage new infrastructure to be located in roads and other identified corridors <b>where practical.</b></i>	Use of roads and other corridors is often a suitable location for network utilities. However, it will not always be practical for networks to follow existing roads and other corridors. This will be dictated by a range of factors including the type of utility, the purpose or the work, environmental considerations and technical constraints. Accordingly, there also needs to be recognition around the practicality of deploying equipment in roads.
Policy 6	<i>Require new overhead electricity and telecommunications lines to be located underground in urban areas unless:</i> <i>a. there are technical or physical reasons which make undergrounding impractical</i> <i>b. there will be greater adverse effects on the environment through undergrounding the lines</i> <i>c. there are significant economic reasons.</i>	Add a new clause (d) to the policy as follows (or wording of like effect):  <i>d. the overhead lines are attached to existing poles supporting overhead lines networks, or are connections from overhead lines networks to adjacent customers.</i>	Existing rules in draft Unitary Plan provide for overhead lines attached to existing poles ( <i>Minor Upgrading</i> ), and overhead customer connections from existing overhead lines networks, as permitted activities in urban areas. This should be acknowledged in this policy.
Policy 8	<i>Provide flexibility for network utility operators</i>	Add a new clause (d) to the policy as follows (or wording of	This policy should be expanded to acknowledge that new technologies (such as ultra fast broadband or 4G mobile networks), support a competitive economy.

	<p>to use new technological advances that:</p> <p>a. improve access to, and efficient use of, services</p> <p>b. allow for the re-use of redundant services and/or structures where appropriate</p> <p>c. result in environmental benefits or enhancements.</p>	<p>like effect):</p> <p>(d) Support a competitive economy</p>	<p>Auckland's Vision as set out in the Auckland Plan is to be the World's most liveable city. The development strategy to support the achievement of this Vision includes Strategic Direction 12 <i>Plan, Deliver and Maintain Quality Infrastructure to make Auckland Liveable and Resilient</i>. Enabling the delivery of modern technologies within the Unitary Plan will assist with supporting economic growth and achieving the overall Vision for Auckland of being the World's most liveable City.</p>
<b>4.2.1.1 Rules: Network utilities and energy</b>			
Activity Table Explanatory Rules	Rule 2	Retain Rule	The rule clearly states that the rules in the activity table override the zone rules and rules for overlays (where identified in Rule 3).
Activity Table Explanatory Rules	Rule 3	List all overlays and Special Purpose Zones in Rule 3 (other than Coastal Zones which have their own activity tables for infrastructure) to make it clear that the network utilities table takes precedence.	Listing of overlays/special purpose zones to which the utilities rules override is supported. It is unclear if this it is intended that all overlays/special purpose be listed here. The preference is for all network utilities rules to be contained in a single section rather than embedding them in some overlays/Special Purpose Zones, and not others. If there are exceptions, these need to be specifically identified and further discussion as required to understand why these areas are dealt with differently, and how network utilities will be dealt with in those areas.
Activity Table Explanatory Rules	Rule 5	Retain rule	This rule confirms that permitted activities in roads (excluding unformed roads) are not subject to overlay rules. This is supported and recognises the practical need to deploy infrastructure in roads in all areas.
Activity Table Explanatory Rules	Rule 9	Retain rule	Cross referring to the Telecommunications NES permitted activity controls without restating or paraphrasing them in the Unitary Plan rules is supported as it avoids unnecessary replication of controls already provided by regulation.
Activity Table	Format – row numbering	Add numbers to each row of the activity table.	The rule rows in the activity table are not numbered, which will make reference to specific rules (such as in planning applications) difficult and confusing.
Activity Table (General)	Minor Upgrading	Retain minor upgrading as a permitted activity in all zones and overlays.	Support minor upgrading as permitted in all zone and overlays, subject to amendments to " <i>Minor Upgrading</i> " requested separately.
Activity Table (General)	Removal of Network Utilities	Amend rule such that if infrastructure is permitted to be installed in an overlay, then its	Removal of utilities otherwise permitted in overlays (e.g. overhead connections in a heritage precinct) should also be permitted when removed.

		removal is also permitted.	
Activity Table (General)	Telecommunication and radio-communication lines located on pole support structures for the purpose of monitoring and controlling network utilities and electricity generation facilities (excluding microwave and satellite dish aerials).	Amend rule as follows:  Telecommunication lines, radio-communication antennas and associated pole support structures and equipment for the purpose of monitoring and controlling network utilities and electricity generation facilities (excluding microwave and satellite dish aerials).	Presumably this rule is supposed to target <i>antennas</i> for monitoring networks.
Activity Table (Telecommunications)	Antennas attached to a replacement utilities structure that does not comply with Regulation 7 of the [telecommunications NES]	Amend rule as follows:  Antennas attached to a replacement utilities structure where the antennas do not comply with Regulation 7 of the [telecommunications NES]	This rule reflects the request of telecommunications stakeholders to have a controlled activity rule (subject to conditions) for antennas attached to replacement utility structures in roads that exceed the permitted conditions of the telecommunications NES.
Activity Table (Telecommunications)	Antennas attached to retaining walls, tunnels and bridges in the Road, Unformed Road and Strategic Transport Corridor.	Amend rule as follows:  <i>Antennas attached to retaining walls, tunnels, <del>and bridges</del> and <b>other structures (other than a replacement utility structure under the NESTF) in the Road, Unformed Road and Strategic Transport Corridor.</b></i>	Small antennas for WIFI networks may be attached to other sorts or structures (e.g. Telephone Kiosks in roads). Accordingly, it is preferred to extend this rule to cover all structures in these roads/corridors, other than those on utility poles covered by the NES.
Activity Table (Telecommunications)	Antennas attached to a building .....	Change activity status for antennas on buildings in the Retirement Village Zone to Permitted.	Antennas up to 1.2m <sup>2</sup> (largest face) or diameter 1.2m are permitted in all zones and overlays except for residential and retirement village zones where they are restricted discretionary. Antennas are commonly placed on retirement complexes as these are on large sites often with large multi story buildings, and provide very

			good solutions for deploying antennas in a low impact manner in suburban environments.
Activity Table (Telecommunications)	Masts and Attached Antennas	Change activity status in residential and retirement village zones, and overlays, to Restricted Discretionary.	The proposed activity status is generally supported. However, where provided for as a discretionary activity in the residential/retirement village zones and in overlays, this should be changed to restricted discretionary so that consideration is limited to relevant matters such as amenity or the purpose of the overlay, and does not open up consideration of issues such as radiofrequency exposures where these meet the telecommunications NES (i.e. in the same manner as masts and attached antennas are dealt with in local and neighbourhood centres).
Activity Table (Telecommunications)	GPS antennas and metrocells less than 300mm high and 130mm in diameter.	<p>Insert as new rule as follows:</p> <p><b><u>Antennas that do not exceed the following dimensions:</u></b></p> <ul style="list-style-type: none"> <li>- <b><u>GPS Antennas: 300mm high, 130mm diameter</u></b></li> <li>- <b><u>Panel antennas: 350mm high, 140mm wide</u></b></li> <li>- <b><u>Omni-directional antennas: 650mm high, 60mm diameter</u></b></li> </ul>	<p>This provision (permitted in all zones and overlays) is generally supported and reflects what was requested in stakeholder engagement. However, the term “metrocell” is undefined, and is in practice a small antenna and ancillary radiofrequency unit. Similar, a GPS antenna is generically a small antenna. To avoid confusion the rule should be amended to reflect the generic purpose of this equipment as an antenna (of very small scale). The definition requested for <i>antenna</i> would clarify that the ancillary radiofrequency unit for the antenna(s) is not caught by the size restriction.</p> <p>Further, there are a number of options for metrocell antenna equipment including small omni-directional antennas or small panel antennas. A minor change in the antenna dimensions is requested to accommodate likely antenna models being considered for deployment.</p>
Activity Table (Telecommunications)	Telecommunications Cabinets not meeting the permitted standards of the [telecommunications NES]	Include a note in the cell for the Strategic Transport Corridor Zone excluding Rail Corridors from this rule.	Restricted discretionary activity status should not apply to rail corridors within the Strategic Transport Corridor, as the NES is not applicable to rail corridors (but would apply to motorways). The previous rule in the activity table has a note differentiating rail corridors, and makes telecommunication cabinets permitted in such without specific size constraints.
Activity Table (Telecommunications)	Underground Telecommunication Lines and Facilities	Amend the cell for overlays such that restricted discretionary activity status only applies to overlays where undergrounding of services may affect the values the overlay is designed to protect. Provisionally, these	This activity is permitted in all zones, but restricted discretionary in overlays (noting that the overlay rules do not apply to roads). However, it is noted that outside of roads, underground lines may be an appropriate solution that will not detract from the purpose of the overlay (e.g. the Heritage Character Precinct, volcanic cones view shafts etc which cover large suburban area and where underground connections outside of roads to customers may be required). It also affects a large number of settlements that are overlays due to there being specific subdivision and

		<p>should be limited to:</p> <ul style="list-style-type: none"> <li>• Sites of significant to mana whenua</li> <li>• ONF, ONL, OHNC overlays</li> <li>• Significant Ecological Areas - land</li> </ul>	<p>development outcomes sought. In these areas, undergrounding of lines would generally be the solution implemented. This rule needs to be amended such that restricted discretionary status only applies to overlays where earthworks associated with undergrounding would affect the values the overlay is seeking to protect (i.e. where it may affect ecology).</p>
Activity Table (Telecommunications)	Connections from buildings and structures and sites to telecommunication lines	<p>Amend rule as follows or to like effect:</p> <p>Connections from buildings, structures and sites to telecommunication lines <b><u>including from an overhead lines network</u></b></p> <p>Retain permitted status in all zones and overlays.</p>	<p>It is important that the rule enables overhead connections to buildings and sites from telecommunications lines networks that are already overhead. It is unclear from the rule as drafted if this is provided for, particularly given other rules that require consent for overhead lines in certain zones and overlays.</p>
Activity Table (Telecommunications)	Overhead Telecommunication Lines	<p>Amend 1<sup>st</sup> part of rule as follows:</p> <p>Overhead Telecommunication Lines <b><u>including those that do not meet the Minor Infrastructure Upgrading definition</u></b></p> <p>Change the activity status in the Future Urban Zone from RD to <b>P.</b></p>	<p>The Future Urban Zone areas will generally remain in rural land use, potentially for 20-30 years, before being rezoned to an urban purpose. Rural customers will still need telecommunications and other services such as electricity during this transitional period. Accordingly, the same activity status for overhead lines should apply as it does for the Rural Zone until such time that the land is rezoned for an urban purpose.</p> <p>Minor grade provision include alterations and additions provides for new lines. This rule applies when the criteria for a minor upgrade are exceeded.</p>
Activity Table (Telecommunications)	Overhead Telecommunication Lines where the existing network is underground	<p>Delete this rule/row from the activity table</p>	<p>This rule seems to be superfluous and confusing given the previous rule in the Activity Table that sets the activity status for overhead lines (varying status with zone sensitivity), the separate rule for connections (including the amendment sought) and the allowances for adding lines to existing poles in the <i>Minor Upgrading</i> rule. This rule should therefore be deleted to avoid confusion.</p>

Activity Table (Default Rules)	NA, no provision identified	<p>Include default rules as follows:</p> <p>Activities not otherwise list in the table: Discretionary</p> <p>Permitted and Controlled Activities that do not meet the relevant conditions: Restricted Discretionary</p>	No rules have been identified in the network utilities section that clarify the activity status for activities not otherwise included in the Table, and or permitted and controlled activities that do not meet the relevant conditions. These should be provided for as discretionary and restricted discretionary respectively.
3.1.1 Construction Phase	1(a) Outside of road, unformed road and Strategic Transport Corridor Zone, the utility operator responsible for work must reinstate the ground to at least the condition existing prior to work starting.	Delete rule.	This provision is unrealistic, as the area where the utility has been constructed, and the surrounding area that may have for example been concreted in for maintenance, cannot be reinstated to pre-development conditions.
3.1.2 Operation, maintenance and ongoing development of network utilities in roads.	<p>3.1.2(3)(a) Height</p> <p>Maximum building height for structures (2.3m).</p>	<p>Amend the height limit from 2.3m to 2.5m for structures in roads.</p> <p>Make the same amendment to the equivalent rule (3.1.3(3)(a)) applying to zones (outside of roads).</p>	The 2.3m height rule will affect telecommunication kiosks. Some current designs are approximately 2.4m. An increase to 2.5m is requested to accommodate all current kiosk designs. An equivalent amendment to the same control in zones (Rule 3.1.3(3)(a)) is also requested.
3.1.3 Operation, maintenance and ongoing development of network utilities in zones.	<p>3.1.3(2)(a) Building area</p> <p>Maximum building area for structures, excluding electricity and telecommunication support structures; in the residential zone is 20m<sup>2</sup> and 30m<sup>2</sup> in all</p>	<p>Amend the exclusions to the building area rule as follows:</p> <p><i>Excludes;</i></p> <ul style="list-style-type: none"> <li>• <i>Buildings in industrial zones</i></li> <li>• <i>Substations <u>and telephone exchanges</u> incorporated within a building complying with</i></li> </ul>	The proposed building area restrictions for utility buildings such as telephone exchanges, particularly in business zones, are considered to be unreasonable where the general zone bulk and location controls are met. While exchanges are generally designated, some are not including those incorporated into other buildings. A similar exclusion from building area controls as applies to substations is requested.

	other zones.	<i>the <b><u>building envelope</u></b> rules for the relevant zone.</i>	
3.1.3 Operation, maintenance and ongoing development of network utilities in zones.	3.1.3(3)(a)  The maximum height for structures, excluding electricity and telecommunication support structures; telecommunication devices, earth peaks, lightning rods and GPS antennas is 2.3m	Amend rule as follows:  <i>The maximum height for structures, excluding electricity and telecommunication support structures; telecommunication devices, earth peaks, lightning rods and GPS antennas is <b><u>2.35m</u></b></i>  <b><u>Excludes: Substations and telephone exchanges incorporated within a building complying with the building envelope rules for the relevant zone.</u></b>	The 2.3m height rule will affect telecommunication kiosks. Some current designs are approximately 2.4m. An increase to 2.5m is requested to accommodate all current kiosk designs.  The proposed height is also unrealistic for network utility buildings such as telephone exchanges, particularly in business zones, and is considered to be unreasonable where the general zone bulk and location controls are met. While exchanges are generally designated, some are not including those incorporated into other buildings.
3.1.4 Specific Activities	1. Minor Infrastructure Upgrading	Amend Minor infrastructure Upgrading 1 b I to iv as follows: b. all alterations and additions to (any) overhead lines, including the placement of new lines and equipment on any existing poles, that: i. do not increase the number of conductors or wires by more than 100 per cent, or ii. comprise new conductors or wires that do not have a diameter greater than 20 per cent of the combined diameter of the existing wires or conductors being replaced, or iii. include cross arms with a length that do not exceed the existing length by more than 100 per cent, or iv. additional	1(b) – Making an allowance to add additional conductors or wires to existing pole networks is supported. However, it is considered that clauses (i) and (ii) as drafted are complex and may cause difficulties in monitoring and compliance, particularly as no timeframe to assess when the percentage increase applies from is specified. It would be desirable (at least for telecommunication lines) to simply include a permitted diameter control for adding additional conductors/lines to existing poles. In regard to replacing poles, Clauses d(v) and (vi) are too specific, and the practical pole position will be influenced by the location of existing footpaths, utilities etc. These matters are best addressed through the CAR process.  Existing wireless communications antennas are regularly upgraded to accommodate new technologies or changes in available antenna models. Accordingly, some ability to replace antennas with new slightly larger antennas is requested for inclusion as minor upgrading based on a maximum 20% increase in largest dimension or diameter that either doesn't increase the height of the existing facility or if it does, this is the result of the larger antenna only. . This will have very minor additional effects but potentially substantial social and economic benefits through access to the most up to date wireless services and data speeds.

		<p>telecommunications lines do not exceed 30mm in diameter.</p> <p>Delete Clauses 1(d)(v) and (vi).</p> <p>Add a new clause that provides for:</p> <p><i>Replacement of any antenna with a new antenna provided the new antenna does not exceed the maximum dimension of the existing antenna, or diameter where it is a dish antenna, by more than 20%, and the overall height of the facility to which the antenna is attached either:</i></p> <ul style="list-style-type: none"> <li>- Does not increase <b>or</b></li> <li>- <b>Any height increase is the result of the antenna size increase only.</b></li> </ul>	
3.1.4 Specific Activities	7. Antennas attached to buildings – Height Limits (Table 1)	Retain permitted height limits in Table 1.	The height limits proposed reflect those requested by Telecommunications stakeholders, and exclude lightning rods, GPS antennas etc.
3.1.4 Specific Activities	8. Antennas attached to buildings – number of antennas (Table 2) <u>and</u> 9 all other zones	<p>Amend permitted antenna numbers in Rules 8 (Table 2) and 9 to <u>exclude</u> antennas mounted on the fascia of the building below the roofline of the part of the building to which they are attached, and GPS antennas.</p> <p>Increase minimum permitted number of antennas on a roof up to 100m<sup>2</sup> in Local Centre and</p>	<p>It is unclear what behaviour the Council is trying to drive with these rules. Where it becomes difficult to utilise roof mounted solutions, telecommunications operators will be likely pursue mast or light pole solutions in the alternative.</p> <p>The draft rules limit the number of antennas to between 4 and 12 depending on roof size area in the Local and Neighbourhood Centre Zones, and 12 antennas in other zones. These rules should be amended to exclude antennas mounted on the fascia of a building below the roofline (as they have less than minor effects where within the profile of the building), and should also exclude GPS antennas due to their negligible size and bulk.</p> <p>The smallest number of antennas permitted should be increased to 6, as this is</p>

		<p>Neighbourhood Centre Zones to 6. Change threshold for 8 antennas to roof areas greater than 100m<sup>2</sup> and less than 500m<sup>2</sup>. Change threshold for 12 antennas to 500m<sup>2</sup>-1000m<sup>2</sup>.</p> <p>Amend the rules such that the restriction on antenna number applies to separate antennas, or a cluster of antennas not exceeding 600mm in diameter.</p> <p>Amend the rules such that it specifically notes that ancillary radio frequency units (included in definition of <i>Antenna</i>) are not included in the antenna number restrictions.</p> <p>Following Rule 9, include “The above controls do not apply to antennas on roofs in Industrial zones and The General Business zones, Centres (excluding local and neighbourhood centres) and Mixed Use zones and the Bus. Park zone”</p>	<p>usually the minimum practical number for a three sector mobile site on a rooftop. Otherwise, the rules will be effectively excluding all roofs in these centres, and will therefore not encourage the use of buildings to mount antennas (compared to masts). Further, the limit should apply to either antennas, or clusters of antennas not exceeding 600mm in diameter. This will make it more practical for more than one operator to establish on the same roof. Without this flexibility, it is more likely a second operator will have to locate on a mast or light pole, rather than co-locate on a roof with an existing operator.</p> <p>The roof area threshold of 300m<sup>2</sup> is considered to be too high for buildings in Local and Neighbourhood Centres. 100m<sup>2</sup> is considered a more realistic threshold for these zone types before a larger number of antennas is allowed.</p>
3.1.4 Specific Activities	11. Height of masts and attached antennas (Table 3)	<p>Retain permitted height limits in Table 3.</p> <p>Add the following Zones to Table 3:</p> <ul style="list-style-type: none"> <li>• 25m: Mixed Use, Business Park, General</li> </ul>	<p>The height limits proposed reflect those requested by Telecommunications stakeholders, and exclude lightning rods, GPS antennas etc. which is supported.</p> <p>However, a number of zones where this activity is permitted have not been included in the table. These need to be added for the Mixed Use. Business Park, General Business and Marinas/Port Zone.</p>

		<p>Business, Port Zones.</p> <ul style="list-style-type: none"> <li>• 17m: Marinas Zone.</li> </ul>	
3.1.4 Specific Activities	New Rule, Equipment inside existing Exchanges.	<p>Add a new rule in the activity table providing for the following activity as permitted in all zones and overlays:</p> <p><i>The installation and operation of equipment inside existing exchanges.</i></p>	Designated exchanges do not specifically provide for third party equipment as part of the designation, while other exchanges are not designated and operate under existing use rights and would not be permitted due to their existing floor area or building envelope. For the avoidance of doubt, a new rule is requested to explicitly allow for equipment inside existing exchanges as a permitted activity in all zones and overlays.
3.2 Controlled Activities (conditions)	Antennas attached to replacement utility structures that do not comply with Regulation 7 of the [Telecommunications NES] in roads ....	Retain Controlled Activity Conditions 1-3.	The controlled activity conditions for antennas attached to replacement utility structures in roads not meeting the telecommunications NES reflect the conditions requested by Telecommunications stakeholders, and are supported.
4.1 Controlled Activities (Matters of Control)	<p>3. Antennas attached to replacement utility structures that do not comply with Regulation 7 of the [Telecommunications NES] in roads ....</p> <p>(b) Height, size and scale</p>	Delete Matter of control 3(b).	As the controlled activity conditions set a specific allowable envelope (see 3.2), it is not appropriate to include height, size and scale as a matter of control, as these aspects are specifically provided for. The matter of control should be deleted. Mitigation such as use of colour can be addressed through matter 3(a) <i>Visual Amenity</i> .
4.2 Restricted Discretionary Activities	<p>4.2.2 Assessment Criteria</p> <p>5. Health and Safety</p>	<p>Amend assessment criteria 5 as follows, or words of like effect:</p> <p>a. <i>The extent to which the proposed infrastructure, <b><u>excluding any effects permitted by any</u></b></i></p>	The health and Safety criteria should exclude effects permitted by National Environmental Standards to take matters such as radio frequency exposures out of the equation where these comply with national regulation.

		<b><i>National Environmental Standard</i></b> , will affect the health and safety of people and communities.	
<b>4.2.3.6 Rules: Flooding</b>			
Activity Table 1: Infrastructure within the 100-year ARI flood plain	Other infrastructure involving structures in the 100-year ARI floodplain: D	Amend Activity Table 1 with respect to Infrastructure within the 100-year ARI Floodplain such that the following is a permitted activity:  <i>Electricity and Telecommunications support structures and masts, (including any equipment installed on these structures) in all zones and overlays, and cabinets within all roads and the Strategic Transport Zone.</i>	Other than underground infrastructure provided for as a permitted activity, all other telecommunications infrastructure in a 100-year ARI flood plain is a discretionary activity. These rules should be amended for cabinets in roads, as for practical reasons these will need to be deployed in roads, even where subject to flooding, and will have minimal impact on flood flows. The telecommunications NES also does not require otherwise complying cabinets in roads to comply with any flood protection provisions in district plans. Further, electricity and telecommunications support structures and masts and any attached equipment should be permitted in all locations (with respect to flood issues) as they have minimal footprints in relation to disrupting flood flow paths, and at their base do not contain equipment susceptible to flood damage.
<b>4.2.3.9 Rules: Land Disturbance Activities</b>			
Network Utility services and roads  1.1 Zones	Land disturbance activities associated with the operation, repair and maintenance of existing network utilities	Retain Rule	This activity is permitted in all zones and roads. This provision is supported.
Network Utility services and roads  1.1 Zones	Land disturbance activities greater than 2500m <sup>2</sup> or 2500m <sup>3</sup> associated with the installation and maintenance of utility services and road network activities	Amend note to rule as follows:  <i>Within the Strategic Transport Corridor <b><u>this is road network activities are a RD activity.</u></b></i>	This activity is permitted in roads, but is a restricted discretionary activity in the Strategic Transport Corridor. Arguably the mitigation of effects in a large STC is easier than in a more confined road corridor. There is a concern that this provision may capture linear roll out projects that have minor local effects that can be easily mitigated. Permitted status for the installation and maintenance of network utility services in the STC is considered appropriate. RD status can still be applied to road network activities if necessary.

<p>Network Utility services</p> <p>1.2 Overlays</p>	<p>Land disturbance associated with the operation, repair and maintenance of existing network utilities.</p>	<p>Insert a new Rule providing for the following as a permitted activity in all overlays:</p> <p><i>Land disturbance associated with the installation, operation, repair and maintenance of network utilities in all roads and Strategic Transport Corridors.</i></p> <p>Consequential changes may be required to other rules relating to land disturbance associated with network utilities.</p>	<p>This activity is permitted in all overlays except for ONC's and sites of significance to Mana Whenua. An exclusion for network utility services within roads and Strategic Transport Corridors should be included to allow routine maintenance of areas already previously excavated and developed as roads/transport corridors. Similarly, land disturbance for installing new network utilities in roads/Strategic Transport Corridors should be provided for as a permitted activity in all Overlays (in the current draft rules, the status is RD, D or NC depending on the volume of earthworks and the particular overlay affected).</p>
<p>2 Controls</p> <p>2.1 Permitted activities - General</p>	<p>Permitted Activity Condition Examples:</p> <ul style="list-style-type: none"> <li>- Works must not occur within 1m of the site boundary</li> <li>- report required by a suitably qualified engineer where subject to coastal erosion, inundation and land instability.</li> <li>- Must be located 50m from registered archaeological sites and historic places, waahi tapu, and sites or areas identified in the Mana Whenua overlay or Maori Cultural Heritage Layer.</li> </ul>	<p>Amend the permitted activity standards such that land disturbance associated with utility service trenches and installation of telecommunication support structures and masts are exempt from these controls.</p>	<p>Many of the permitted standards are not considered to be appropriate or reasonable for utility service trenches and minor land disturbance for telecommunication support structures and masts due to the minor and localised nature of foundation works for these structures. These provisions would be particularly problematic for works undertaken within roads and Strategic Transport Corridors. Any need to obtain other approvals such as authorisations under the Historic Places Act (or replacement legislation) will continue to apply under other applicable legislation.</p>
<p><b>4.2.5.2 Rules: Noise and Vibration</b></p>			
<p>1.3 Construction Noise</p>	<p>3. Construction noise: essential work within</p>	<p>Retain these Rules.</p>	<p>These rules are supported as they provide reasonable and practical provisions for works in roads, particularly where WAP's require night work.</p>

	road carriageways at night 4. Construction noise: essential work within the road during the day 5. Construction noise: conditions of essential work within the road carriageway during the day or night		
<b>4.3.6 Coastal Zones</b>			
4.3.6.1 General Coastal Marine Zone  Activity Tables 1.2 Depositing and disposal of material	CMA depositing of material .... - Maximum of 1000m3 per calendar year - Between 1000m3 and 10,000m3 per calendar year - Greater than 10,000m3	Amend the rules in 1.2 (depositing and disposal of material) such that work associated with installing, upgrading, repairing and maintaining infrastructure is exempt from these provisions (and incidental deposition is dealt with in the rules for infrastructure in 1.9), or include specific rules for disposition ancillary to infrastructure in 1.2 that does not exceed a worst case status of Discretionary Activity in any overlay or for any volume.	These rules collectively provide for deposition of material in the same coastal cell as P, RD, D or NC depending on volume and coastal overlay. The rules in 1.9 (structures and occupation) for infrastructure and cables have a worst case activity status of D (where located in some overlays). It therefore seems inconsistent that deposition of seabed material as part of the construction process could potentially be a non complying activity. Infrastructure projects in the CMA/CMCA are generally for regional or national benefit (e.g. marine cables that are essential for the economy), so any such project should in the worst case be able to be considered as a discretionary activity. The plan needs to be amended to remove this inconsistency.  The actual rules for structures and occupation (for infrastructure) in Activity Table 1.9 are considered to be acceptable.
4.3.6.1 General Coastal Marine Zone  Activity Tables 1.4 Disturbance and extraction	Disturbance of the foreshore and seabed .... - Maximum of 1000m3 per calendar year - Between 1000m3 and 10,000m3 per calendar year - Greater than 10,000m3	Amend the rules in 1.4 (disturbance and extraction) such that work associated with installing, upgrading, repairing and maintaining infrastructure is exempt from these provisions (and incidental disturbance is dealt with in the rules for infrastructure in 1.9), or include specific rules for disturbance	These rules collectively provide for the disturbance of the foreshore and seabed in the same coastal cell and P, RD, D or NC depending on volume and coastal overlay. The rules in 1.9 (structures and occupation) for infrastructure and cables have a worst case activity status of D (where located in some overlays). It therefore seems inconsistent that foreshore and seabed disturbance as part of the construction process could potentially be a non complying activity. Infrastructure projects in the CMA/CMCA are generally for regional or national benefit (e.g. marine cables are essential for the economy), so any such project should in the worst case be able to be considered as a discretionary activity. The plan needs to be amended to remove this inconsistency.

		ancillary to infrastructure in 1.4 that does not exceed a worst case status of Discretionary Activity in any overlay or for any volume.	The actual rules for structures and occupation (for infrastructure) in Activity Table 1.9 are considered to be acceptable.
4.3.6.1 General Coastal Marine Zone  2. Land and Water Use Controls	2.1 Noise 2. Underwater Noise a. Underwater activity must not exceed a noise level of 200 dB re 1µPa measured at 1m from the noise source. 3. Exceptions a. The noise limits do not apply to: i. the operational requirements of commercial vessels ... ii. use of sonar iii. temporary activities	Include the following additional exemption to the underwater noise standard:  iv. Construction noise	While it is reasonable to include operational noise limits for fixed plant in the coastal zone, this should exclude construction noise, particularly where measured 1m from the noise source, as these effects are temporary and unavoidable.
<b>4.4.6.4 Rules – Tree Protection This section is still being worked on as it still subject to further discussions with Council</b>			
<b>Part 5 Definitions</b>			
Antenna	Current Unitary Plan definition of <b>Antenna</b> :  <i>Any telecommunications, radio communications or broadcasting equipment that receives or transmits signals.</i>  <i>Includes:</i> • Panel antennas • Radiofrequency units or similar devices	Amend definition of <b>Antenna</b> as follows:  <i>Any telecommunications, radio communications or broadcasting equipment that receives or transmits signals.</i>  <i>Includes <u>the following ancillary components which are not subject to antenna size limits in the infrastructure rules:</u></i> • <del>Panel antennas</del> • Radiofrequency units or similar	The draft definition needs some further fine tuning. Specific reference to panel antennas at the exclusion of other antenna types that may not be panel shaped (e.g. microwave dishes or omni-directional ‘whip’ type antennas) may cause confusion, while height limit exclusions for lightning rods and GPS antennas are already included within the infrastructure rules. GPS antennas should not be included in the exclusions, as they are antennas, although they only receive and do not transmit.  As some rules limit either the number or size of antennas, it is important that ancillary component such as ancillary radio frequency units, shrouds or tilt motors etc are clearly excluded from the antenna numbers or area calculations.

	<ul style="list-style-type: none"> <li>• lightning rods, shrouds and ancillary equipment, such as amplifiers, controller boxes and tilt motors. These are not subject to any size requirements or height limits.</li> </ul> <p>Excludes:</p> <ul style="list-style-type: none"> <li>• aerials</li> <li>• Global Positioning System (GPS) antennas smaller than 130mm in diameter and 300mm in height.</li> <li>• supporting masts and other structures.</li> </ul>	<p>devices</p> <ul style="list-style-type: none"> <li>• lightning rods, shrouds and ancillary equipment, such as amplifiers, controller boxes and tilt motors. <del>These are not subject to any size requirements or height limits.</del></li> <li>• <b><u>Global Positioning System (GPS) antennas</u></b></li> </ul> <p>Excludes:</p> <ul style="list-style-type: none"> <li>• aerials</li> <li>• <del>Global Positioning System (GPS) antennas smaller than 130mm in diameter and 300mm in height.</del></li> <li>• supporting masts and other structures.</li> </ul>	
Significant Infrastructure	<p>Current draft Unitary Plan definition of <b>Significant Infrastructure</b>:</p> <p><i>Basic facilities, services and installations which:</i></p> <ul style="list-style-type: none"> <li>• Are an immediate societal requirement and critical to enabling development</li> <li>• If destroyed, degraded or rendered unavailable for more than one day, would have serious consequences for the health, safety and</li> </ul>	<p>Insert a new definition of Significant Infrastructure as follows:</p> <p><b><u>Significant Infrastructure for Auckland means existing or proposed infrastructure, or a component of infrastructure, which:</u></b></p> <p><b><u>(a) due to its location, function, development or operation, is of strategic importance to the form, function and/or growth of the Auckland Region, or otherwise has national significance; or</u></b></p> <p><b><u>(b) provides key benefits to</u></b></p>	<p>The term <i>Significant Infrastructure</i> is used in the objectives and policies, and is important, particularly in relation to provisions that enable balancing of the needs/constraints of significant infrastructure with environmental effects, particularly in overlay areas. The current definition is not considered to adequately describe significant infrastructure, which may not only include single large components, but also component infrastructure that contributes to an overall significant network.</p> <p>The definition proposed has previously been requested by the AUOG stakeholder group prior to release of the draft Unitary Plan.</p>

	<p>social and economic well-being of Auckland</p> <ul style="list-style-type: none"> <li>• Are critical to the long-term well-being of society and contributes to Auckland's liveability (e.g. matters relating to cultural and social infrastructure such as the open space and library networks).</li> </ul>	<p><b><u>the people of Auckland or a community within Auckland, which could include benefits beyond the immediate location of the infrastructure;</u></b>  <b><u>or</u></b>  <b><u>(c) if unavailable, would have a serious adverse effect on [or would not enable] the social or economic wellbeing of Auckland or a community within Auckland.</u></b></p>	
<b>Planning Maps</b>			
Mapping of Overlays	Mapping of sites of significance to Mana Whenua	Map all sites of significance to Mana Whenua, or remove all rules that apply.	The draft plan includes rules in relation to the Sites of Significant to Mana Whenua Overlay, but these areas are not mapped. There is either a triangle symbol indicating presence of such a site somewhere in the area (but no indication of the size of the area), or it is a silent file area that as not mapped and there is no prompt on the planning maps that something may be present. Accordingly, plan users will often have no idea they are on or within the vicinity of a site in the Mana Whenua overlay. This affects the activity status of infrastructure activities where located within these areas, as well as all land disturbance within 50 of such areas. Accordingly, it is unreasonable not to have these areas mapped to provide certainty as to when the rules are triggered. It is not practical to have to consult iwi groups over every project of every scale to determine when the rules in relation to Mana Whenua are triggered.
Chorus designation 2644 (Clevedon Telecommunications Site), 1 Clevedon-Kawakawa Road Legacy Plan Ref (103)	Site is rezoned from Business 1 to Residential (Single House), and is now partially affected by Historic Heritage Place Overlay 1332 – Clevedon Post office.	Zone Chorus site subject to designation 2644 (Clevedon Telecommunications Site) as Local Centre, and remove Historic Heritage Place Overlay 1332	<p>The site is an existing exchange and immediately adjoins the commercial part of Clevedon. Given it is a network utility and is not used for residential purposes, it is more appropriate to retain a commercial zoning to better reflect its use. Zone as Local Centre.</p> <p>The site is shown as part affected by a Historic heritage Place overlay for the former Clevedon Post office. The post office is on the adjacent site, so this overlay should be uplifted from the Chorus site.</p>