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**REPORT 3**  
*(1215/52/IM)*

## **DRAFT PLAN CHANGE FOR TELECOMMUNICATION FACILITIES AND EMERGING ELECTRIC VEHICLE TECHNOLOGY**

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### **1. Purpose of Report**

Part A of the report seeks the approval of the Committee to consult with the public and telecommunications companies on a draft plan change to the Utilities chapter of the District Plan, focusing on telecommunications facilities.

Part B of the report considers the effectiveness of District Plan provisions in managing the emerging technology for electric cars and under road technology for electric buses.

### **2. Executive Summary**

The review of the Utilities chapters responds to the introduction of the National Environmental Standard for Telecommunication Facilities (NES) in 2008 and community concerns about the siting of masts. The review highlights a number of possible changes to the rules, including:

- Clarifying those rules in the Plan that should override the NES provisions eg. ridgelines and hilltops area, heritage items and the land on the seaward side of the coastal marine area
- Making new masts a Discretionary Activity in the Residential Area and Open Space A area. Masts in other areas will still be permitted provided they meet certain conditions. Height threshold reduced to 15m for both zones.
- Removing the Controlled Activity rule for masts in all areas to gain better control over masts generally
- Increasing the setbacks for antennas from residential property boundaries.

It is proposed to prepare a draft plan change (rather than a proposed plan change ready for notification) to ensure that there is adequate time available to consult the telecommunications industry, interest groups, landowners and residents. Consulting on a draft plan change should reduce the number and scope of appeals later in the process.

Minor changes are recommended to the policies of the Plan to acknowledge and enable electric car charging facilities and under road technology for electric buses.

### **3. Recommendations**

Officers recommend that the Committee:

1. *Receive the information.*
2. *Agrees to publicly release a draft plan change of the Utilities Chapter of the District Plan for public consultation (attached as Appendix 3).*
3. *Notes that the feedback received will be reported back to Committee as part of a Proposed Plan Change in September 2009.*
4. *Notes that the policies of the Plan will be continually reviewed to ensure that new vehicle technologies (such as electric car charging facilities) are appropriately acknowledged as the technology emerges.*

### **4. Background**

#### **4.1 Introduction**

The Strategy and Policy Committee resolved at its meeting on the 20 November 2008, that officers should report back to the Committee in 2009 with proposed amendments to the utilities chapter of the District Plan to address consistency with the Telecommunications NES. The Committee also asked for provision of electric car charging facilities and under road technology for electric buses in the Plan.

#### **4.2 National Environmental Standard for Telecommunications Facilities**

The Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2008 came into force on 9 October 2008. The regulations provide for four things:

1. The planning and operation of a telecommunication facility (such as a mobile phone transmitter) that generates radiofrequency fields is a permitted activity provided it complies with the New Zealand Standard (NZS2772.1:1999).
2. The installation of telecommunications equipment cabinets in the road reserve is a permitted activity, subject to specified limitations on their size and location.
3. Noise emitting from telecommunications equipment cabinets located in the road reserve is a permitted activity, subject to specified noise limits.

4. The installation or replacement of masts and antennas on existing structures in the road reserve is a permitted activity, subject to specified limitations on height and size.

Whilst the NES radiofrequency emission requirements apply to all antennas, the mast and cabinet requirements only relate to those masts and cabinets situated on formed road reserve. District Plan rules are still required for those facilities on private land or unformed legal road.

The NES also only relates to facilities on existing pole like structures or the replacement of an existing pole with a new larger pole. New pole structures (known as masts in the WCC Plan) are not able to be constructed as of right under the NES as the Government considered the effects new masts have on the environment need to be managed by individual district plans. The District Plan currently provides for masts as permitted activities (provided certain conditions are met, such as mast height) so potentially new masts can be constructed without any approvals.

Appendix 1 illustrates the relationship between the NES and the District Plan in flowchart form. Appendix 2 illustrates some of the differences between the NES and the District Plan and also summarises the changes proposed in the draft plan change.

### **4.3 *Emerging Electric Vehicle Technologies***

There has been increasing interest in New Zealand and worldwide in electric vehicle technology. Proponents of such technology include Meridian Energy who has teamed up with Mitsubishi to carry out a trial of electric vehicles. The technology around inductive charging is also evolving and may be used in the future to charge buses as they pause at bus stops.

Officers were asked to report back to the Committee, after reviewing the District Plan provisions, to ensure that the District Plan did not create unnecessary barriers to the introduction of new vehicle technologies.

## **5. Discussion**

### **5.1 *Part A: Review of Utilities Chapter in relation to Telecommunication Facilities***

#### **5.1.1. Scope of the Review**

A complete review of the Plan's telecommunication facility provisions was undertaken to check whether any of the Plan's rules are significantly more lenient or stringent than the NES provisions. The review highlighted some inconsistencies.

The NES outlines four circumstances where certain District Plan rules prevail over the NES (outlined below). The review showed that while the Plan does contain provisions that relate to the four matters outlined in the NES, some amendments are needed to better align the Plan with the wording of the NES to ensure protection of these values.

Other drivers for a review also include community concerns over the siting and size of telecommunication masts, particularly where they are located in the Residential and Open Space Areas and areas with special values such as the coastline.

The Utilities Chapter aims to manage a wide range of utilities, not just telecommunication facilities. However, this review is limited to addressing the issues identified above.

It is noted that the drafting style of the Utilities chapter is different to other chapters in the Plan. While it is desirable to rewrite the rules to make them more consistent with other chapters (ie. to improve user-friendliness), this is not in itself enough of a reason to amend all the provisions. Doing so would make all of the rules subject to challenge even though no real change is intended to the way the provisions operate.

### **5.1.2 Aligning the NES with the District Plan**

The RMA outlines the general relationship between NES and rules or consents, but does not state how or whether district plans must be amended to properly give effect to NES. The general status of national environmental standards is that they override the District Plan.

It is generally accepted that it is not best practice to include the text of NES provisions into the Plan (using the First Schedule process) as a way of reducing the number of documents that must be referred to. This is because the text of a NES can be amended requiring district plans to be further amended. Moreover, plan readers may not realise that the plan provisions are actually national standards and may seek changes to those provisions during a plan change process.

The Resource Management (Simplifying and Streamlining) Amendment Bill 2009 attempts to further clarify the relationship between NES and plans by proposing several new sections; the most relevant being s44A (Local Authority recognition of national environmental standards). If this provision is enacted in July as anticipated, it will require councils to amend their plans 'without further formality'<sup>1</sup> to remove any provisions that *duplicate* or *conflict* with the NES. The scope of the provision implies once again that it is not appropriate to simply copy text from a NES into plans.

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<sup>1</sup> Without further formality means that the Council would update the plan without going through the usual First Schedule plan change process involving public submissions.

In respect of the Telecommunications NES, the Ministry for the Environment is currently collecting feedback on its workability. Practitioners across the country have raised numerous issues with its workability and fit with district plans, hence the proposed RMA amendments. A review of the NES is currently being carried out.

#### *Radiofrequency fields*

The NES radiofrequency field requirements (Clause 4) applies to all antennas, regardless of where those antennas are sited. The NES requires all antennas to meet the *NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 – Maximum exposure levels – 3 kHz to 300 GHz*.

The NES radiofrequency field provisions are stronger than the District Plan in two respects. Firstly, if a facility fails to meet *NZS 2772* then the activity is processed as a non-complying activity. In the District Plan, any facility that fails to meet *NZS 2772* is processed as a Discretionary Unrestricted Activity.

The NES also requires consideration of the cumulative effects of radiofrequency fields in the vicinity of the proposed facility. That is, in reporting on the proposed facility the applicant has to take account of exposures arising from other facilities in the vicinity and whether the radiofrequency fields in the vicinity of the facility will comply with *NZS 2772*. This is not required by the District Plan.

No changes are necessary as the NES overrides the District Plan provisions for radiofrequency fields. This change could be made now as part of the draft but the RM Amendment Bill 2009 complicates matters as it proposes to remove the non-complying consent category. Officers will make the most appropriate changes to the Plan once more certainty around the content of the Bill occurs; expected in July.

#### *Rule 23.3.2 – Antennas being added to existing masts*

This rule has a clear 'double up' with the NES. As such, it is proposed to address this by amending the rule so that it only relates to antennas being added to masts that are not located on legal road.

#### *Mast Dimensions*

District Plan rules are still required for masts, in addition to the NES provisions, because the NES does not cover the construction of new masts. However, the NES takes a different approach to regulating mast dimensions compared with most district plans. Whilst the District Plan contains absolute mast height limits for each of the zones (eg. 8m in the Outer Residential Area), the NES deals with mast height in relative terms. That is, the NES mast provisions state that the diameter of the replacement mast may be 50% larger than the existing pole diameter, and may be the lesser of 3m or 30% higher than the existing pole.

It is difficult to compare the District Plan and NES because of these different approaches, unless assumptions are made regarding the height and diameter of existing poles. Appendix 2 attempts to make these comparisons based on an

assumed existing pole height. The table shows that some District Plan provisions are slightly more lenient and some are slightly more restrictive than the NES.

The height differences between the two regulations for the Residential Areas were minimal, with the District Plan being slightly more restrictive for mast height in the Outer Residential Area. The main inconsistency found was that the slim line mast rule in the Open Space A area allow masts to be up to 15m as a permitted activity. Under the NES, a similar activity on legal road in this area can only be approximately 10.4m<sup>2</sup>.

Land zoned Open Space A typically includes parks for passive and recreational use. These parks are designed to meet the recreational needs of local communities and, as such, are predominantly surrounded by residentially zoned properties. On this basis, the mast requirements for the Residential Area and the Open Space A area should be the same.

Rather than just reducing the height of permitted Open Space A masts to match the Residential Area mast height, it is actually proposed to remove the permitted activity rule for masts in the Residential and Open Space A areas altogether. The NES permits these facilities in legal road in these areas, so if a new mast or antenna is to be proposed outside of the scope of the NES it is appropriate to assess it as a discretionary activity. This will also help respond to community concerns about new masts in the suburbs (see section 5.1.4).

#### *District Plan provisions that override the NES*

Whilst the NES usually overrides any relevant rules in a District Plan, there are four exceptions to this; being any rules in a plan that protect listed trees and vegetation, heritage values, visual amenity areas and land on the seaward side of road reserve adjacent to the coastal marine area.

The District Plan seeks to protect most of these values in slightly different ways and, because of this, it may not be clear that the provisions do prevail over the NES. It is desirable to improve how the District Plan protects these values to ensure the Plan prevails over the NES.

- *Listed Trees and Vegetation*

Listed trees are included in the Plan's Heritage List. There are no other vegetation areas suitably identified that would reasonably fall within this exception. No changes are proposed now, but any future work to better identify areas of protected vegetation will also need to consider the appropriateness of an exemption to the NES.

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<sup>2</sup> Assuming an original pole height of 8m above ground; under the NES an existing pole may be replaced by a new larger pole increased by no more than the lesser of 3m or 30% of the original pole height (ie. 10.4m).

- *Heritage values*

The Utilities chapter presently contains two permitted activities (and a discretionary rule) for works on or within a listed heritage item. These rules were necessary because, as with the heritage chapter, the utilities chapter stands apart and generally overrides the area-based chapters. The rules are needed to trigger consideration of heritage values where utilities are proposed to be sited on or within listed heritage items.

Plan Change 43 (Heritage Provisions) significantly reviewed the heritage provisions in line with the approach adopted by Council in its Built Heritage Policy 2005. That plan change generally increased the level of protection towards listed heritage items. Given this it is timely to reconsider the appropriateness of the utilities/heritage permitted activity rules.

In addition, Council's heritage advisors and resource consent planners have expressed concern with the scope of work able to be carried out under the two permitted activity rules and the potential loss of heritage value. The draft plan change proposes to delete those two permitted activity rules.

The draft plan change suggests three main changes to ensure heritage values are appropriately managed in the utilities chapter:

- Amend the permitted activity mast rule (23.1.8) to include legal road in heritage areas (ie. masts in legal road in heritage areas are not permitted and they default to a discretionary restricted consent category)
- The permitted activity rule for utility structures is deleted and replaced with a Controlled Activity rule (23.2.1B). This also ensures that utility structures on legal road in heritage areas are considered.
- The permitted activity rule for antennas on listed heritage items is replaced by:
  - A new Controlled Activity rule for antennas on non-heritage buildings in heritage areas in the Central Area and Suburban Centres areas, and
  - Any antennas on any listed heritage building, object, tree or on a listed buildings in a heritage area will be processed as a discretionary restricted activity (rule 23.3.1).

- *Visual Amenity Areas*

The Plan's Ridgelines and Hilltops overlay is the only visual amenity area that would meet the intent of this provision. Plan Change 33 identifies the ridgelines and hilltops that were protected by rules in the Plan. The Utility rules require either a Discretionary Restricted (23.3.1) or Discretionary Unrestricted consent for masts and antennas in identified ridgelines and hilltops.

To ensure that this visual amenity area rule prevails over the NES, it is necessary to amend Rule 23.3.1 to include a direct reference to the ridgelines and hilltops area in the main part of the rule (specifically the matters over which

discretion are limited) rather than only referring to the ridgelines and hilltops in the assessment criteria.

- *Land on the seaward side of the road adjacent to the coastal marine area*  
The extensive, publicly accessible coastline is an important attribute for the City, contributing to its sense of place. Much of the coastline (particularly from Shelly Bay Road around to Owhiro Bay Road) remains in an unaltered state, with relatively few structures that impose on the natural character and visual experience of the coastline. The way this coastal land is managed is becoming increasingly important for the City.

The District Plan protects parts of the coastline from the proliferation of structures and utilities on the seaward side of the road through:

- A rule that prevents masts being located closer than 5m to Mean High Water Spring (note that in some locations around the coast a survey would be required in order to establish the exact location of MHWS).
- A rule that defaults a mast proposed on land zoned either Open Space B, Open Space C or Conservation Area to a Discretionary Unrestricted consent. A significant amount of coastal land has one of these three zonings.
- The Controlled Activity rule for cabinets (23.2.1) and the Discretionary Restricted rule for masts and antennas (23.3.1) both include assessment criteria that contain a list of roads from which the sea/harbour views shall be protected.

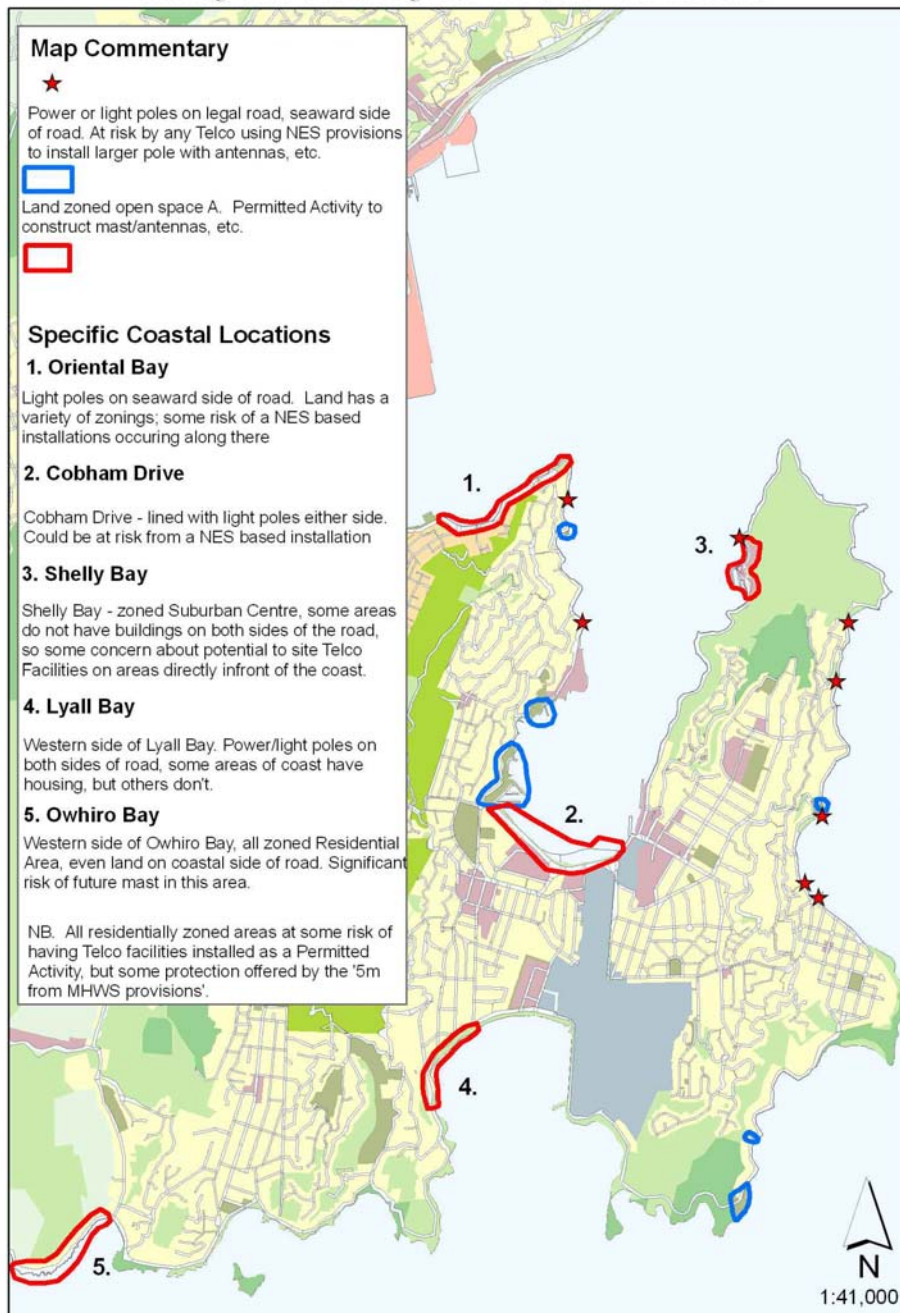
Despite these provisions, there are some coastal areas at risk. Figure 1 highlights the at-risk areas as being land zoned Residential, Open Space A or other zoned areas containing existing pole-like structures.

A stock take of pole-like structures on the seaward side of the road (carried out in January 2009) shows that while most power and light pole structures are located on the landward side of the coastal road, there are a handful of poles located on the seaward side of the road. This presents a risk as telecommunication companies can add to or replace those poles under the NES with no further reference to the District Plan. The only exception to this is if the Plan identifies such coastal areas as an area to be protected.



**Figure 1**

**Risk Profile of Telecommunication Facilities being sited along the Wellington 'Urban' Coastline**



Given the risks, it is preferable to have one provision in the Plan that clearly indicates that the District Plan will prevail over the NES in this scenario. Requiring a resource consent for masts, antennas and cabinets on the coastal side of the road will allow for consideration of the effects of the activity and allow the Council to work with the applicant to avoid, remedy or mitigate the effects on the coastal character and visual effects.

Two coastal areas are excluded from the proposed protection area. The coastline alongside the Old Hutt Road is excluded because it is not generally publicly accessible. The rail corridor also detracts from the coastal character. The coastline from Owhiro Bay to the coastline at the Porirua/Wellington City Council boundary is rural land with few dwellings in need of telecommunications coverage. The risk is low in this area.

### **5.1.3 Residential and Open Space A Areas**

The Council continues to receive complaints from residential landowners close to telecommunication facilities. While there are significantly fewer resource consent applications and certificates of compliance for Residential Area telecommunication facilities compared with other land use zones; those that are installed generate more complaints to Council. This results in a significant level of officer and Councillor involvement to respond to these concerns.

To date, there has been little the Council could do to reach a satisfactory resolution for residents because the majority of contentious applications were either permitted or controlled activities. Three main changes to the provisions are suggested to increase protection and provide a basis for negotiation:

1. Removing permitted activity status for masts in the Residential and Open Space A areas, with the effect that new masts in these areas will require a Restricted Discretionary consent.
2. Increasing the setbacks required for both antennas and masts from a residential property to a minimum of 5m (rule 23.1.13.2) and 10m (rule 23.1.8.5) respectively. Not meeting these requirements will require a Restricted Discretionary consent.
3. Removing the Controlled Activity provision for masts in all areas (rule 23.2.5).

Removal of the permitted activity mast rule for Residential and Open Space A areas is suggested as a reasonable approach for managing new masts in these areas. If telecommunication companies wish to locate in either of these areas they can do so as of right under the NES in legal road, which is where it is preferable for them to do so, as they have a right to occupy the legal road. To construct a new mast or to build a mast higher than that approved under the NES suggests there will be some environmental effects that need closer attention. Therefore a restricted discretionary level of consent is considered the appropriate consent category to address the relevant effects and to impose relevant consent conditions.

Increased setbacks are suggested as a further measure to buffer residential properties from the visual effects of masts and antennas.

It is proposed to remove the Controlled Activity rule for Masts (rule 23.2.5). In the years since the Plan was first prepared, the case law on Controlled Activities has changed significantly. Councils can no longer impose conditions that would change the nature of the consent sought and has the effect of declining approval.

Table 1 below shows the height thresholds for a 'slimline' mast under the current District Plan rules and the proposed changes. It is considered that deleting the Controlled Activity rule would help to regain more control over the effects associated with masts of a certain height. In addition it is proposed that the Discretionary Restricted height threshold for the Open Space A area and the Residential Area be lowered to 15m.

**Table 1: Current and proposed height thresholds for a 'slimline' mast, Wellington City District Plan** (NB: deletions struck out and insertions bold/underlined)

| Plan Zone  | Permitted Activity                                 | Controlled Activity       | Disc. Restricted Activity | Disc. Unrestricted Activity   |
|--|--|---------------------------|---------------------------|-------------------------------|
| Residential Area   | <del>8-10m</del> (res. building height) <u>n/a</u> | 15m <u>n/a</u>            | <del>20m</del> <u>15m</u> |                               |
| Open Space A   | <del>15m</del> <u>n/a</u>                          | <del>25m</del> <u>n/a</u> | <del>30m</del> <u>15m</u> |                               |
| Suburban Centre  | 15m  | <del>20m</del> <u>n/a</u> | 30m                       |                               |
| Central Area, Institutional Precinct, Airport and Golf Course Precinct | 20m  | <del>25m</del> <u>n/a</u> | 30m                       |                               |
| Rural Area   | 20m  | <del>30m</del> <u>n/a</u> | 40m                       |                               |
| Open Space B and open Space C / Conservation Area                      | n/a  | n/a                       | n/a                       | no specific height identified |

The removal of the Controlled Activity rule follows the approach taken in other recent plan changes, particularly for activities that may have significant effects that need to be closely managed by the Council.

It is also necessary to remove the Controlled Activity mast rule to ensure that in the event a proposed mast does not comply with the NES that the Council is able to process it as a Discretionary Activity.

These three changes will go a long way to addressing the concerns held by some communities about the visual effects of telecommunication masts in Residential and Open Space A areas. The public consultation process will provide an opportunity for feedback on these changes.

#### **5.1.4 Consultation**

The decision to prepare a draft plan change (rather than a proposed plan change ready for notification) ensures that adequate time available to consult both the telecommunications industry and residents. District Plan rules relating to telecommunications facilities have long been contentious, and in light of the changes suggested, it is evident that a fuller consultation process with directly affected parties might help to reduce the number and scope of appeals later on.

The main risk associated with this consultation is that the telecommunications companies will use the delayed notification time to hurriedly prepare certificates of compliance or even controlled activity applications. It is hoped, however, that with the NES in place the need for resource consent applications under the Plan is reduced.

Our information is that Vodafone has largely completed the upgrade to their network, although the Council still receives occasional applications. Telecom Mobile is currently in the process of upgrading their network to include new technology. A large number of applications for this rollout are expected in the near future. New Zealand Communications Ltd is the newest company to set up a telecommunications network. They are currently in the process of gaining the necessary resource consents and constructing their network, which is not yet operational. NZ Communications have applied for 87 applications in the past 18 months, and a further 40 applications are expected.

It is proposed to consult on the draft plan change prior to notification of a formal plan change. Consultation will start in late May and run until the end of June 2009. The following documents will be available for public consultation:

- Summary guide
- Draft District Plan changes.

The summary guide will be sent out to all residents associations, community boards and other stakeholders known to have a particular interest in this issue. Meetings and briefings will be held with the three main telecommunication companies, community boards and other groups as appropriate.

Consultation feedback will be reported back to Committee in September 2009 with an amended plan change for notification.

## **5.2 *Part B: District Plan provisions to manage emerging electric vehicle technology***

### **5.2.1 Electric car charging facilities**

Electric car charging technology is still relatively new, but significant advances are being made and most car manufacturing companies are involved in the emerging market. There are several companies active in the car charging

infrastructure market (Better Place, Charge Point and Elektro Motors). In New Zealand, Meridian Energy has been interested in the emerging electric car market and, in February 2009, teamed up with Mitsubishi to conduct a trial of the i-Miev car.

Work is currently being conducted between the primary electric vehicle players to agree on international standards for the charging plug technology. This should help ensure that most cars can interface with whichever standardised charging technology becomes available.

The i-Miev car works on the basis that the car is plugged straight into a home wall socket. The only cost to the homeowner is to engage an electrician to convert one power socket in the house from the standard 10 amps to 15 amps, which is what is required to charge the car battery. Given the varying topography of Wellington's suburbs many potential car owners will not be able to charge their cars at home at all, let alone overnight. It is expected that parking buildings will adapt to provide the services required to charge vehicles during the day.

Another option for short-term car charging is for the Council to provide kerbside charging spots. Kerbside car charging points would be of a similar size to the old-style parking meters. At the moment this type of structure would not be deemed a 'network utility' in the Plan, meaning the Plan's area based rules would apply. In this situation, the structures would not need a resource consent for the Central Area and Suburban Centre zones (where they are most likely to be rolled out) but would need a resource consent if rolled out in Residential Areas and Open Space areas (less likely).

Another approach is to amend the definitions in our Plan to deem these structures as 'network utilities'. Doing this would mean the Utilities rules apply rather than the Area based rules and in that situation the car charge units would be permitted in most areas of the city.

Increased clutter of the pedestrian environment is a concern should kerbside charging points be rolled out. But it will be necessary to weigh this effect up alongside the environmental benefit that comes as a result of reduced fossil fuel consumption.

The expected life of the i-Miev battery is 10 years, or 150,000km. After this the battery will retain 80% of its original capacity, but is no longer suitable for an electric vehicle because it will lack power to drive the electric motor. However, it will still have a life in smaller power applications, for example, home energy storage (ie. for solar generation) or other machinery eg. forklifts.

There are environmental effects to consider with the storage and disposal of electric car batteries. The existing hazardous substances provisions of the Plan will manage the storage and disposal of batteries by petrol stations or battery recyclers.

### **5.2.2 Under road bus technology**

Under road bus charging technology involves inductive charging (as distinct from plug-in charging). The technology is still being refined so little detailed information is available about how it would apply to buses. Even so, the District Plan would not prevent the installation of such plates in the road. What is unclear at this point is whether utility boxes would be required on the kerbside to support the inductive charging plates.

### **5.2.3 Proposed Approach**

With the exact specification of the future electric car charging and inductive charging technology still unknown, the best approach is to future proof the policies of the Plan to enable new technology, rather than amending the rules based on a guess of what the technology will look like. It is proposed that these policy changes can be made as chapters are revised in the rolling review or as part of future plan changes. As a start, it is proposed to include a new policy in the upcoming Residential Area and Suburban Centre proposed plan changes. Amending the policies will send a clear message that this infrastructure is appropriate in our City.

## **6 LTCCP Implications**

There are no specific OPEX or CAPEX proposals directly related to the drafting of the proposed Plan Changes.

It is noted that funding will be required in order to resolve any appeals that may be received following the notification, submission and hearing process. However, it is hoped that by having a consultation stage on a draft plan change that this will reduce the number and breadth of appeals.

## **7 Conclusion**

The review of the Utilities chapter responds to the Introduction of the National Environmental Standard for Telecommunication Facilities in 2008 and community concerns about the siting of masts in particular. The review is not a wholesale review of the chapter, but focused on those issues that have been identified to date. Consultation on the draft plan change will be carried out to test the efficacy of the provisions with the three main telecommunication providers, interest groups, and individuals.

The main changes proposed to the current rules include:

- Clarifying which the rules in the Plan should override the NES provisions:
  - Amending ridgelines and hilltops rule to ensure the rule overrides the NES

- Creating a new coastal road rule that prevents permitted utility structures, masts and antennas from being sited on the seaward side of coastal roads.
- Heritage values: Removing the two permitted activity heritage rules (dealing with utility structures and antennas on listed heritage items), and replacing with two Controlled Activity rules.
- No permitted new masts in the Residential Area and Open Space A area. These will be assessed as a Discretionary (Restricted) Activity. Masts in other areas will still be permitted (provided they meet certain conditions).
- Removing the Controlled Activity rule for masts in all areas to gain better control over masts generally
- Increasing the setbacks for antennas from residential property boundaries.

Minor changes are also recommended to the policies of the Plan, as those chapters are progressively reviewed, to acknowledge and enable electric car charging facilities and under road technology for electric buses.

Contact Officer: *Liz Moncrieff, Policy Advisor*

## **Supporting Information**

### **1) Strategic Fit / Strategic Outcome**

*The draft District Plan changes support goals and outcomes desired by the Urban Development Strategy.*

### **2) LTCCP/Annual Plan reference and long term financial impact**

*While there are no OPEX or CAPEX proposals directly related to the draft Plan Change, the new policies and rules are carried out in response to the introduction of new national standards and are being done as part of the rolling review of the District Plan.*

### **3) Treaty of Waitangi considerations**

*All District Plan work is required to take into account the principles of the Treaty of Waitangi (refer to section 8 of the Resource Management Act 1991).*

### **4) Decision-Making**

*The proposals to change the District Plan are in accordance with Council's wider strategic framework. Elements of the draft plan change seek to enhance protection for elements of the city that contribute to the city's sense of place (ie. heritage values and coastal roads).*

### **5) Consultation**

#### **a) General Consultation**

*It is proposed to undertake city-wide consultation for an extended period through May and June 2009 on the draft Plan Change. Meetings are likely to be held with key telecommunication companies and other interested groups on request.*

#### **b) Consultation with Maori**

*The Wellington Tenth Trust and Te Runanga o Toa Rangatira will be consulted with on the proposed changes once approval has been given to release details of the draft Plan Changes.*

### **6) Legal Implications**

*A legal peer review has been carried out on the draft plan change. A further review will be done if considered necessary following the consultation period.*

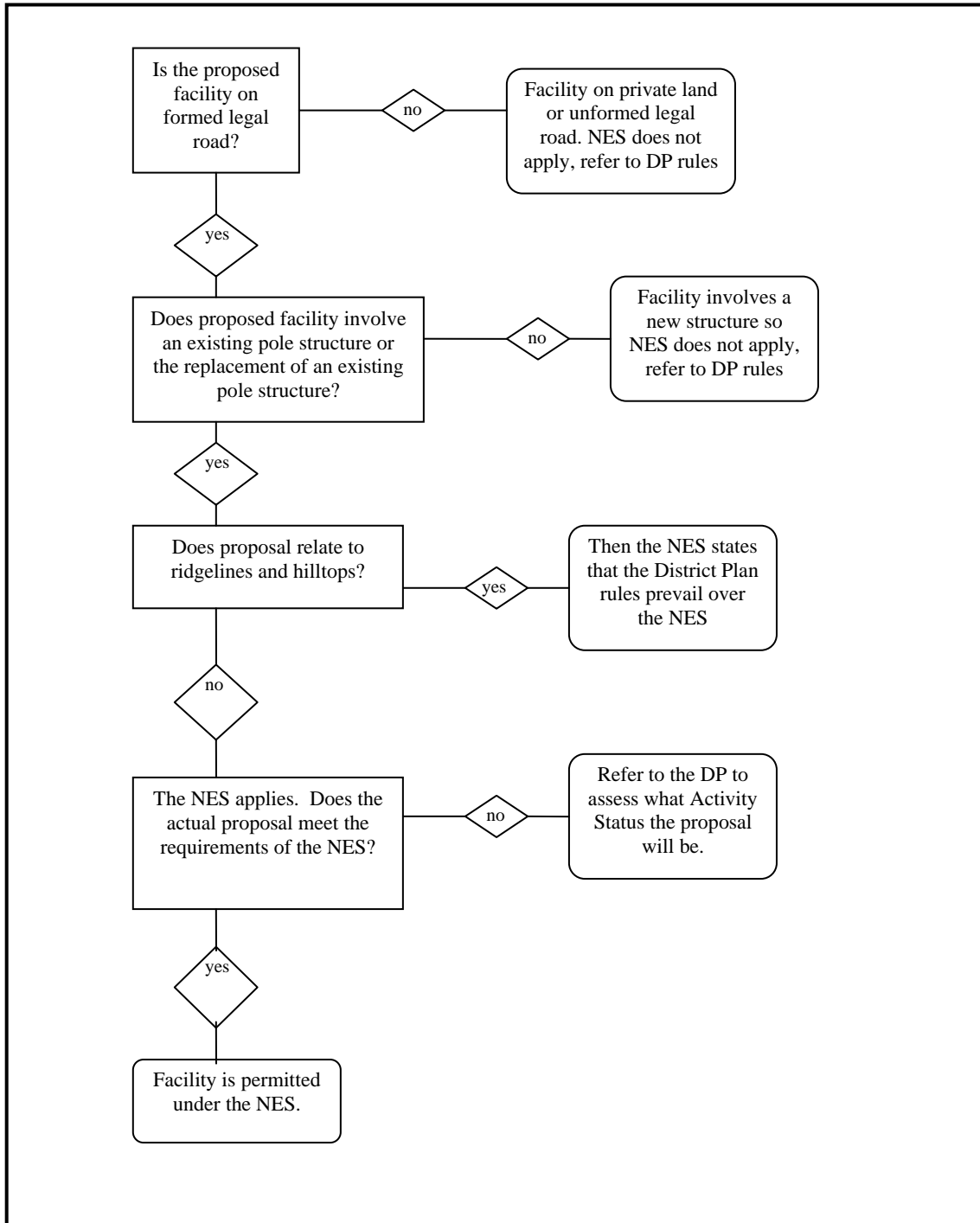
### **7) Consistency with existing policy**

*The draft Plan Change is consistent with the Council's vision for the city, Sense of Place values, the Urban Development Strategy, and the Heritage Policy.*



# Appendix 1

## Relationship between the NES and the District Plan rules Checklist for determining whether the NES or DP applies



Appendix 2: Summary of NES, current District Plan Provisions and proposed changes for the Residential and Open Space A zones

|  | NES provisions   | Current Permitted District Plan Provisions   |  | Draft Proposed District Plan Provisions   |   |
|--|--|--|--|---|---|
|  |  | Res. Area  | Open Space A   | Residential Area  | Open Space A  |
| Height of <i>replacement mast</i> in legal road                | Pole height no more than the lesser of 3m or 30% of height of original pole. ie. approx. no more than 10.4m.   | Outer Res: 8m<br>Inner Res: 9 or 10m   | 15m  | No Change proposed.<br><br>Outer Res: 8m<br>Inner Res: 9 or 10m                                   | 10m   |
| Height of replacement mast on private land/unformed legal road | n/a  | As above   | As above   | No change proposed  | No change proposed  |
| Height of new mast in any location                             | n/a  | As above   | As above   | No permitted or controlled height.<br>Requires discretionary resource consent.<br>Max height 15m. | No permitted or controlled height.<br>Requires discretionary resource consent.<br>Max height 20m. |
| Antenna dimensions   | Antenna dimensions fit within cylindrical shape of 2m high and 0.5m in diameter.   | Antenna no closer than 1m from a boundary<br><br>Shall not exceed 0.6m <sup>2</sup> in area or 800mm in diameter       | Antenna no closer than 1m from a boundary<br><br>Shall not exceed 0.6m <sup>2</sup> in area or 800mm in diameter | Antenna no closer than 5m from a boundary<br><br>No change in dimensions proposed                 | Antenna no closer than 5m from a boundary<br><br>No change in dimensions proposed                 |
| Antenna Radiofrequency emissions                               | Must comply with NZ Standard for Radiofrequency Fields, or is a non-complying activity   | Must comply with NZ Std Standard for Radiofrequency Fields, or is a Discretionary Unrestricted Activity                | No change proposed.<br><br>Failure to comply with NZ Std makes the antenna a Discretionary Unrestricted Activity |   |   |
| Roadside cabinet installed to support nearby mast/antenna      | Located near residential activities: footprint no greater than 1.4m <sup>2</sup> and height no greater than 2m + concrete foundation.<br><br>Located in any other area: Footprint no greater than 2m <sup>2</sup> and height 2m = concrete foundation. | Same cabinet provisions across each zone: footprint no greater than 1.5m <sup>2</sup> and height no greater than 1.7m. |  | No change proposed.   |   |

## **Appendix 3**

### **Draft District Plan Change - Chapters 22 and 23**