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**REPORT 1**  
*(1215/11/IM)*

## **APPROVAL OF PROPOSED DISTRICT PLAN CHANGE 74: TELECOMMUNICATION STRUCTURES**

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

To obtain Council approval for Proposed District Plan Change 74 to the Wellington City District Plan to be made operative (pursuant to Clause 17 of Schedule 1 of the Resource Management Act 1991).

### **2. Executive Summary**

The Hearings Committee have considered all written and oral submissions on Plan Change 74 and made its decisions accordingly. Some changes have been made to improve the workability of the rules in response to submitters concerns, but the fundamental approach adopted in the notified plan change remains intact.

### **3. Recommendations**

It is recommended that the Council:

- 1. Receive the information.*
- 2. Agree to confirm the recommendations of the District Plan Hearing Committee in respect of District Plan Change 74 Telecommunication Structures as set out in Appendices One and Two of this report.*
- 3. Note that an appeal may be lodged within 30 working days from the notification of this decision.*

### **4. Background**

Plan change 74 was notified by the Council in 2009 to address concerns with the Plan's rules for telecommunication structures (eg. masts, antennas, utility structures etc) and in response to the introduction of the National Environmental Standard for Telecommunication Facilities in 2008.

## 5. Discussion

### 5.1 Overview of decision

Plan Change 74 was notified in September 2009. A total of 47 submissions were received during both submission stages. The hearing of submitters was held on 23rd February 2010. The Committee met twice following the hearing to consider the written and oral submissions in order to make their decision.

A number of issues were keenly discussed at the hearing, including:

- Rules relating to utility structures (for example utility cabinets). The Committee have increased the height of utility structures from 1.7m to 1.8m. This represents a better alignment with the NES and fits with actual heights currently in use by some utility companies. It also added a maximum permitted footprint for multiple structures at one location of 1.8m<sup>2</sup>.
- The proposed mast provisions, including mast setback from boundaries and masts in the Open Space A area, and the health effects of masts. The Committee made no changes to the provisions as originally proposed.
- The proposed antenna provisions, including antenna setbacks, the health effects of antennas and the lack of consultation around the siting of antennas. The Committee accepted the evidence of one submitter that a 3m setback (instead of the 5m originally proposed) was sufficient.
- The need to amend the definitions of 'aerial' and 'antenna'. The Committee considered that these definitions were confusing and needed further work, and consequently deleted the aerial definition and incorporated relevant aspects of that into the antenna definition.
- The appropriateness of a new policy about utilities in Open Space B and C areas and Conservation Areas. There are no changes to this policy from what was originally proposed.
- The proposed new non-notification statement to help remove the main barrier towards achieving co-location. The Committee endorsed the approach outlined in the notified plan change.
- Developed a new rule to recognise the activities of amateur radio operators which had not been considered in drafting the Plan Change.
- Changes to the rules so as not to require consent for very small or thin antennas.

Some changes have been made to the notified plan change provisions in order to ensure they form an integrated package and to remove minor errors in response to submitters concerns. However, overall the Committee is satisfied that the plan change it recommends for approval reflects the original intent of Council in notifying this plan change last year.

Following approval, the decision will be notified and submitters have the right to appeal the decision to the Environment Court. If no appeals are made the Plan Change will become operative.

## **5.2 Consultation and Engagement**

The issues addressed in this plan change were initially raised with the community and telecommunication providers during the draft plan change phase and subsequently through the two submission periods required as part of the RMA First Schedule process.

## **5.3 Financial Considerations**

There are no specific OPEX or CAPEX proposals directly related to this paper.

It is noted that funding will be required in order to resolve any appeals that may be received following the release of the decision. A number of concerns held by the industry have been resolved through the initial consultation stage, but it is possible that appeals may still be made against some aspects of the decision.

## **5.4 Climate Change Impacts and Considerations**

The changes to the telecommunication rules are unlikely to create any discernable climate change impacts.

## **5.5 Long-Term Council Community Plan Considerations**

This plan change is consistent with the Urban Development Strategy.

## **6. Conclusion**

The Hearing Committee has considered all submissions on this Plan Change and, where appropriate, has modified the notified provisions of the plan change in response to some submissions. The Committee considers its decisions will allow the Plan's provisions to sit more comfortably alongside the National Environmental Standard for Telecommunication Facilities and addresses some of the community concerns around the siting of masts and antennas.

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## Supporting Information

**1) Strategic Fit / Strategic Outcome**

*The 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 Plan Change, the new policies and rules are carried out in response to the introduction of new national standards.*

**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 and the decisions made on submissions maintain the original intent of the notified provisions. 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**

*The notified plan change reflected the advice and feedback from the draft consultation stage. The decision report discusses the submissions received and decisions made on those submissions.*

**b) Consultation with Maori**

*The Wellington Tenth Trust and Te Runanga o Toa Rangatira were advised of the plan change, but held no particular concerns.*

**6) Legal Implications**

*A legal peer review was carried out on the draft plan change, with further follow up legal review done on specific issues. No further legal input was required as a result of the Committee decisions.*

**7) Consistency with existing policy**

*A legal peer review was carried out on the draft plan change, with further follow up legal review done on specific issues.*