

30 June 2016

Aurora Energy Limited
C/- Delta Utility Services Limited
PO Box 1404
Dunedin 9054

RESOURCE CONSENT APPLICATION: LUC-2016-94
613A MAUNGATUA ROAD
OUTRAM

INTRODUCTION

- [1] Your application for the construction of an 18m high monopole, and ancillary equipment including a lightening arrester; 1 x 800mm dish antenna and ancillary facilities and works for the operation and maintenance of a transmission level microwave link, was processed on a notified basis in accordance with sections 95A to 95G of the Resource Management Act 1991 (the Act). No submitters wished to be heard in respect of the application and therefore, pursuant to Section 100 of the Resource Management Act 1991, the application was considered by the Resource Consents Manager, under delegated authority, on 30 June 2016.
- [2] I advise that the Council has **granted** consent to the application. The decision is outlined below, and the decision certificate is attached to this letter.
- [3] Please note that the notification of this application could not be completed within the 20 working day time limit prescribed under section 115 of the Resource Management Act 1991. The time limits for the processing of this consent have been extended pursuant to section 37A(4)(b)(ii) of the Resource Management Act 1991.

DESCRIPTION OF PROPOSAL

- [4] Resource consent is sought to construct, operate and maintain a transmission level microwave link at 613A Maungatua Road which will require the following structures:
- [5] One 18m high galvanised steel mast with a 1.0m high lightning arrester on top of the mast. The mast has a diameter of 570mm and the lightning rod has a diameter of between 20mm and 32mm. An 800mm diameter microwave dish antenna is attached to the mast at 17.5m in height by a 2.0m long support arm. The mast will be grey in colour. Access is via the existing vehicle access at 613 Maungatua Road. Power and fibre for the facility will be from the adjacent substation site. Ancillary electrical equipment for the mast will be located within the existing control room on the adjacent substation site. The monopole will be the only structure erected on the ground.

- [6] The existing access to the site will be utilised for construction of the tower and for ongoing maintenance. Power and fibre are to be sourced from the existing facilities on the site. Earthworks are limited to the foundation for the pole and the laying of underground cable less than 50m³.
- [7] The Applicant has provided information that demonstrates the facility complies with all regulations under the National Environmental Standards for Telecommunication Facilities (NES) Regulations 2008. The NES requires that the proposed facility is operated in accordance with NZS 2772: Part 1: 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3kHz to 300GHz.
- [8] The facility is designed to achieve line of sight from the proposed antenna back to equipment at Saddle Hill. The proposed facility has been designed and will be operated in accordance with NZS 2772.1:1999. Compliance with the standard minimises radiofrequency exposure to the general public. The Applicant notes that the dish antenna is mounted at least 17.5m above ground and any calculations have taken that into account.
- [9] The facility is part of developing a long term communication strategy called the SCCP3 project which involves Aurora building high speed communication networks between Dunedin and Central Otago. The upgrade of telecommunication link services for the Aurora network involves the deployment of 13 microwave radio links of 250Mbps capacity from Dunedin through to Frankton in Queenstown. The links will provide primary inter-control room and control room to substation services to the wider Aurora network.
- [10] Co-siting with existing structures owned by Chorus was discounted due to the need for a dedicated communication circuit. The Applicant has indicated that sharing traffic with other companies has an extremely high cost implication to Aurora. Utilising existing Aurora facilities was also discounted given the existing Aurora secondary equipment systems are at the end of their operating life and unable to meet long term network requirements.
- [11] A copy of the application, including plans of the proposed activity, is contained in Appendix 1 of this report.

DESCRIPTION OF SITE AND LOCATION

- [12] The site is located at 613A Maungatua Road, Outram. The site is located on rural land adjoining designated D234 Berwick Zone Substation which is a designated site for electricity purposes.
- [13] The site comprises flat grassed land with a high perimeter fence made of concrete poles and wire mesh fencing and barbed wire atop. Maungatua Road adjoins the north western boundary and the Berwick Electricity Substation adjoins the southern boundary. The substation includes a range of external switching gear, transformers and overhead lines and support structures. Pasture land adjoins the site to the North and North West.
- [14] The Maungatua road environment which runs past the subject site and all sites in the vicinity is dominated by high power lines and wires lining both sides of the road. Three power lines with poles of between 8-10m in height run parallel to the road spaced roughly at 50m intervals. At the time of a site visit the lines were also creating a low background noise.
- [15] A small farm workers accommodation building is located approximately 50m to the north east of the monopole site. The building was granted consent in March 2000 (RMA20000142); at that time, the electricity substation was operating at 613 Maungatua Road.

- [16] Several rural buildings are located approximately 150m south of the site. A residential dwelling with views towards the proposed facility is located approximately 250m south of the site. A dwelling is located at 599 Maungatua Road but is hidden behind dense vegetation. Several rural industrial style buildings (sheds, etc.) are also located on 599 Maungatua Road and are largely screened by shelterbelt planting.
- [17] To the north of the site on the opposite side of Maungatua Road (606 Maungatua Road) is a residential dwelling with several rural buildings to the rear of the dwelling. When viewed from the road, the property is densely enclosed by both shelterbelt planting and other mature trees and shrubs which limit any views outside the side or into the site. The access for that dwelling is located close to the entrance to 599 Maungatua Road. A separate access to the rural buildings on that site is located immediately opposite the application site.
- [18] The subject site is legally described as Section 58 Block I Maungatua Survey held in Certificate of Title OT410/35 and comprises 202m² in area. The legal description of the adjoining designated site D234 (which the monopole will be connected to) is Lot 1 DP 9194 (CFR OT409/83) comprising 1209m² in area.

ACTIVITY STATUS

- [19] The subject site is zoned **Rural** in the Dunedin City District Plan. Several hazards are identified on Council records: **Hazard ID:10106: Land Stability – Land Movement; Hazard ID:10111 Seismic – Intensified Shaking; Hazard ID:11407 Seismic – Liquefaction; Hazard ID: 11582 Floor – Overland Flowpath.** It is also noted that the adjoining site at 613 Maungatua Road is identified as a HAIL site Hazard ID:11108 Contaminated Land Power stations/substations. Maungatua Road is a **District Road**. The site is located within the **Taieri Aerodrome Take-off and approach fans – Horizontal Surface**.
- [20] The adjoining site at 613 Maungatua Road is the Berwick Substation which is designated for 'The construction and operation of a ground mounted electricity substation and associated equipment including associated buildings and storage of electrical equipment'. The requiring authority is Aurora Energy Limited. As the proposed tower falls outside the designation, the conditions applying to the Berwick Substation site do not apply.

Dunedin City District Plan

- [21] The proposal is considered to fall within the definition of a Utility in the definitions section of the Plan. Under Rule 22.5, the Utility rules are not subject to the District Plan zone rules. However, they are subject to Sections 4, 5 and 13-21.
- [22] Resource consent is required as the proposal does not meet the following rules in the District Plan:
- [23] Under Rule 19.5.2 signs in the Rural zone must not exceed a total area of 1m². The proposal includes two signs of dimensions 300mm x 200mm and 240mm x 340mm which combined exceeds this area. Under Rule 19.5.11, the signs are a discretionary (restricted) activity as they do not comply with Rule 19.5.2. The Council's discretion is limited to the condition or conditions with which the activity fails to comply.
- [24] Rule 22.5.2(ix) provides for a 15m mast height and lightning rod. The proposed mast exceeds this by 3m (plus 1m additional height for the lightning rod).

- [25] The proposed dish antenna complies with the maximum diameter of dish antenna required under Rule 22.5.2(ix) which is 1.2 metres. The maximum width of the proposed dish antenna is 800mm diameter.
- [26] The proposed facility will comply with the 45m height limit applied to the horizontal surface area within the Dunedin Airport Designation D274.
- [27] Overall the application is considered to be a **restricted discretionary activity** pursuant to Rule 22.5.3(1) of the District Plan. Discretion is limited to the following:
- The conditions in Rule 22.5.2 with which the activity does not comply.
 - Design and external appearance.
 - Bulk, location and siting of buildings and structures.

Proposed Second Generation Dunedin City District Plan ("Proposed 2GP")

- [28] The subject site is zoned **Rural Taieri Plains**. The site is identified in a **Hazard 2 – Flood Overlay Zone**. The site is located in the **Dunedin Airport Flight Fan Designation – Horizontal**. The site is located adjacent to the designated site of **Berwick Zone Substation (D234) designated for 'Electricity Purposes'**.
- [29] The Proposed 2GP was notified on 26 September 2015, and some 2GP rules had immediate legal effect from this date. In this instance, the application was lodged on 14 March 2016 and none of the relevant rule provisions were in effect at that time.
- [30] At the time of the issuing of this decision, the relevant rule provisions of the Proposed Plan have not been given effect or made operative. The relevant provisions are subject to submissions and could change as a consequence of the submission process. Accordingly, the Council need not have regard to the rule provisions of the Proposed Plan as part of the assessment of this application.
- [31] Overall, application is considered as a **Discretionary (Restricted) activity** in accordance with the Operative Plan.

WRITTEN APPROVALS, NOTIFICATION AND SUBMISSIONS

- [32] No written approvals were submitted with the application.
- [33] It was therefore determined that the effects of the proposal would be restricted to a limited number of parties being the owners and occupiers of the properties at 599 and 619 Maungatua Road. 599 Maungatua Road was identified as adversely affected to a minor degree by the proximity of the proposed tower to a small cottage on that property. 619 Maungatua Road was determined to be adversely affected by the cumulative visual impact of the new tower in the background of existing views of the substation services on the application site. The dwelling at 619 Maungatua Road has unimpeded views of the new tower which would be 3m above the height of a mast that could be erected without consent. The written approval of these parties was not obtained and the application was, therefore, notified on a limited basis on 4 May 2016.
- [34] Copies of the application were sent to the following parties with submissions closing on 4 May 2016:

- C J Weaver, PO Box 502, Alexander 9340, as owner of 599 and Maungatua Road.
- A J and V M Kerr, 200 Huntly Road, RD1, Outram 9073, as owner of 599 and 619 Maungatua Road.

- [35] The application was publicly notified in the Otago Daily Times on 5 May 2016.
- [36] Copies of the application were sent to those parties the Council considered could be directly affected by the proposal. Submissions closed on 2 June 2016.
- [37] No submissions were received by the close of the submission period.

Requirement for hearing

- [38] As it is recommended in the assessment below that resource consent be granted to the activity, no submissions were received in respect of the application and the applicant does not wish to be heard, it is considered that there is no need for a hearing of the application (section 100 of the Act). Accordingly, the Manager Resource Consents, in consultation with the Chairperson of the Consents Hearings Committee, determined that a hearing is not necessary and that the decision can be made under delegated authority.

ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY

- [39] Section 104(1)(a) of the Act requires that the Council have regard to any actual and potential effects on the environment of allowing the activity. 'Effect' is defined in section 3 of the Act as including-
- a) *Any positive or adverse effect; and*
 - b) *Any temporary or permanent effect; and*
 - c) *Any past, present, or future effect; and*
 - d) *Any cumulative effect which arises over time or in combination with other effects—
regardless of the scale, intensity, duration or frequency of the effect, and also includes –*
 - e) *Any potential effect of high probability; and*
 - f) *Any potential effect of low probability which has a high potential impact.*

Baseline Considerations

- [40] An important consideration for the assessment of effects is the application of what is commonly referred to as the permitted baseline assessment. The purpose of the permitted baseline assessment is to identify the non-fanciful effects of permitted activities and those effects authorised by resource consent in order to quantify the degree of effect of the proposed activity. Effects within the permitted baseline can be disregarded in the effects assessment of the activity.
- [41] Under the Utilities section of the plan, a mast height of up to 15m (no more than 5m above the permitted height in the zone) with a head array diameter not exceeding 7m is permitted. Further, a head array is based on a circle concentric with the centreline of the mast. Therefore, the comparative permitted structure in this rural environment is a substantial monopole with incidental equipment that extends out from the monopole by up to 7metres. Further a mast width of up to 4m² in cross-sectional area up to a height of 5metres is permitted so long as the remainder of any mast is reduced to no greater than 2.5m² in cross-sectional area. Notwithstanding this, it can also

be erected at any location on the property since the setback requirements of the Rural Zone do not apply to Utilities.

- [42] It is also possible that a permitted farm building (not housing animals) of up to 10m in height and of any size (m²) could be erected so long as a 20m setback is maintained off Maungatua road and a 6m side yard setback.
- [43] The existing substation forms part of the existing environment, however, conditions limit the height of structures to 10m within that area of land and the designation limits the erection of structures for electricity purposes to the confinement of the designated area.
- [44] With regard to signage, signs in the rural environment are permitted so long as they relate to the site they are located on and that they not exceed a total area of 1m².
- [45] Under section 104C of the Act, the Council, when considering an application for resource consent for a restricted discretionary activity must consider only those matters over which its discretion is restricted, and if granting consent, can only impose conditions only for those matters over which discretion is restricted. In this case the Council's discretion is restricted to:
- Design and external appearance.
 - Bulk, location and siting of buildings and structures.
 - Matters of Signage
- [46] The assessment of effects is guided by the assessment matters in Sections 19.6.1 (Signs) and Section 22.6 (Utilities) of the Dunedin City District Plan considered relevant to the proposed activity. Accordingly, assessment is made of the following effects of the proposal:
- Design and external appearance
 - Bulk, Location, Design, Appearance and Amenity Values;
 - Signage

Dunedin City District Plan

Bulk, Location and Siting

- [47] The Applicant has indicated that the 18m height is dictated by technical and operational requirements, as line of sight is necessary from the proposed antenna of the subject site back to the proposed equipment at Saddle Hill. Given the distance between the two locations and the presence of intervening vegetation (as demonstrated by photographs taken in a cherry picker), the Applicant has elected the proposed height to ensure an effective network.
- [48] While alternative sites may have supported a lower structure in height, for technical reasons outlined in their application, the Applicant has elected not to take on the costs of co-siting with Chorus structures, or to co-locate on existing Aurora structures.
- [49] In my opinion, the Applicant has sufficiently demonstrated that the proposed installation is the minimum possible size and that the output is commensurate with effective service provision. While no consultation has been undertaken with the community, the adjoining properties at 599 and 619 were notified and have not submitted in opposition.
- [50] While the site is outside of any specific landscape protection zone, comment from the Council's Landscape Architect Barry Knox was requested to assess the effects of the proposal on the amenity of the environment surrounding. Mr

Knox considers the mast would change local visual amenity values considerably given the existing substation presents a reasonably typical array of wooden poles, power lines and a small structure. Whereas, he describes the proposed mast as a larger scale structure made of more contemporary materials that would be a 'slightly incongruous element' in what he considers being a typical rural installation. Mr Knox considers that in the wider context, the new pole will have an adverse effect on rural and visual amenity values that will be no more than minor. Mr Knox considers that in views along Maungatua Road, the tower will be partly screened by adjacent semi mature vegetation and by surrounding substation structures. In light of the permitted height of such a mast (15m), Mr Knox concludes that an extra 3m would make the tower more noticeable but not significantly so.

- [51] I concur with Mr Knox's assessment but consider that the greatest impact on the amenity of the surrounding area is the existing three power lines running through this area alongside the road. It is the high number of vertical elements and volume of wires running parallel to the road which are very imposing in views close to the road. The proposed mast will be setback 8m from the road. On the same note, the high volume of vertical elements in the vicinity means that in most close views, the tower will not be as obtrusive as it would be in a pristine rural environment. The existing power lines combined with the existing substation result in a highly modified rural environment.
- [52] While the mast will be very dominant in close views from the cottage on 599 Maungatua Road in particular, the background views are that of the existing substation and the permitted baseline is that of a reduced height mast however, a reduced mast height (15m) could potentially still have a greater level of permitted visual clutter across the top portion would potentially be as visually imposing as that of the proposed mast. One positive aspect of the siting of the mast, is that there is an opportunity to locate it in the same view shaft as the existing substation (when viewed from the cottage) which removes the possibility of imposing on other rural views enjoyed by the cottage. The cottage is not orientated to the mast view but the mast will be viewed within verandah areas on the north western side of the dwelling.
- [53] Views of the mast are precluded by the vast vegetation growing along the road boundary of 606 Maungatua Road. Views from 619 Maungatua are more separated and the orientation of the dwelling on that property is more to the north and other aspects rather than in the direction of the existing substation. In that view, there is no intervening vegetation, however, the tower will be seen in the background of the existing substation. The separation provided mitigates any adverse visual effect from 619 Maungatua Road to be no more than minor.
- [54] In more distant views, the mast (including from Miller Road – District Road) will be seen in isolation since the existing substation equipment is at a much lower height. The mast will protrude above the height of existing shelterbelts by several metres at least. However, the width of the tower at that height will not result in a change to the skyline that has more than a minor adverse visual effect. The 800mm wide dish will be a distinguishable element and result in a change to the wider rural environment. However, these masts are no longer considered to be foreign elements in a rural environment and have a high potential in this location to become an accepted change.
- [55] The Applicant has demonstrated the siting, design and height of the mast are all well within the standards required for this type of facility under NES for Telecommunication facilities. The radio frequency fields must be in accordance with NZS2772: Part 1:1999 Radiofrequency Fields – Maximum Exposure Levels – 3kHz to 300 GHz which takes account of other telecommunication facilities in the immediate vicinity and predicts whether the

radiofrequency field levels at places in the vicinity of the facility that are reasonably accessible to the general public will comply. The antenna will have a focused narrow beam of 2.1 degrees width well above the ground which the TESLA report has determined will produce EMR exposure which is less than the allowable limits under the NZS standard referred to before.

- [56] Given the height of the structure and the location of the mast within the horizontal surface of the Dunedin Airport Flight Fan designation, a precautionary condition is considered necessary to ensure that the appropriate parties are notified again at the time that the mast is erected. While the Applicant has supplied the written approvals of those affected parties, it is considered prudent for the Consent Holder to re-notify those parties at the time the mast is erected.

Design and External Appearance

- [57] As outlined in the permitted baseline discussion above, it is the effect of the additional 3 metres in height (plus a 1m high lightning rod) that must be assessed, rather than the bulk of the entire structure. The proposed mast is relatively slim when compared with the width of a complying width mast.
- [58] Particularly in more distant views, I consider that a slimmer tower of greater height (18m) will potentially have a lesser impact than a much wider structure of reduced height (15m), particularly one of a 2.5m² circumference at 15m in height which has attached to it, a 7m diameter head array.
- [59] There is the potential for adverse cumulative effects given the existing level of infrastructure adjoining the site and in the immediate adjoining road environment, however, given the level of development that could be undertaken without consent, an extra 3 metres is not considered to have more than minor cumulative adverse effects.
- [60] The proposed signage is necessary to alert member of the public to the potential dangers on the site and for the Applicant to comply with the relevant health and safety regulations.

Effects Assessment Conclusion

- [61] After considering the likely effects of this proposal above, overall, I consider the effects of the proposal can be appropriately mitigated by conditions of consent so as to be acceptable.

OBJECTIVES AND POLICIES ASSESSMENT

Assessment of Objectives and Policies of the Dunedin City District Plan (section 104(1)(b)(vi))

- [62] Section 104(1)(b)(vi) of the Act requires the Council to have regard to any relevant provisions of the Dunedin City District Plan and the proposed 2GP.
- [63] The following objectives and policies of the Dunedin City District Plan were considered to be relevant to this application:

Sustainability Section

Objective / Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 4.2.1 Enhance the amenity values of Dunedin.	The Applicant has been co-located in the immediate vicinity of the substation which is a key consideration in terms maintaining the existing rural character
Policy 4.3.1 Maintain and enhance amenity values.	

	and amenity values as much as possible. They have also proposed a low reflective colour for the monopole and any ancillary equipment. Having consideration for the permitted baseline, the effects of the additional 3 metres in height (plus 1m lightning arrester). Given the foreground views and background views will be a substation compound that is well established on the site, it is considered that the proposed development will not be contrary to these objectives and policies.
Objective 4.2.3 Sustainably manage infrastructure	
Objective 4.2.5 Provide a comprehensive planning framework to manage the effects of use and development of resources.	
Policy 4.3.5 Require the provision of infrastructure services at an appropriate standard.	
Policy 4.3.7 Use zoning to provide for uses and developments which are compatible within identified areas.	
Policy 4.3.8 Avoid the indiscriminate mixing of incompatible uses and developments.	
Policy 4.3.10 Adopt an holistic approach in assessing the effects of the use and development of natural and physical resources.	In addition, information received from the applicant indicates there was good justification for the additional height being required. Opportunities to site share were discounted and the low lying nature of the site means that opportunities for site sharing once the mast has been built have been discounted.

Utilities Section

Objective / Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 22.2.1 Provide for the safe and efficient use and development of utilities within the City.	I concur with the Applicants assessment of the objectives and policies of the Utilities section in that the Plan recognises that utilities are a physical resource that plays an integral role in ensuring the successful function of the City and in enabling people to provide for their wellbeing, health and safety. The applicant has sufficiently demonstrated that the proposed installation is the minimum possible size and that the output is commensurate with effective service provision and within the lowest level limits of the NZ Standards (NZ52772.1.1999) and can maintain minimum safe distances (MSD). Signage on the site will ensure the public cannot access within exclusion zones. Therefore the proposal is considered to be consistent with these objectives and policies and the proposed development will not be contrary to this objective and associated policies.
Policy 22.3.1 Allow the construction, operation and upgrading of those utilities which have no more than minor adverse effects.	
Objective 22.2.2 Ensure that any adverse environmental effects of the construction, operation and upgrading of utilities in the City are avoided, remedied or mitigated.	
Policy 22.3.2 Require consideration on a case by case basis of the construction, operation and upgrading of utilities with more than minor adverse effects on the environment.	
Objective 22.3.2 Recognise that some community support activities contribute to the maintenance and enhancement of residential character and amenity.	
Policy 22.3.3 Encourage the grouping of utilities.	
Policy 22.3.4 Encourage location of utilities in corridors.	

Signs Section

Objective / Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 19.2.1 Avoid, remedy, or mitigate the adverse effects of signs on amenity values.	The proposed signs exceed the required 1m ² area by a small degree. The messages ensure the safety of the public. Therefore the proposed signage is considered to be consistent with the objectives and policies outlined for signage in a rural environment.
Objective 19.2.2 Ensure that signs do not adversely affect the safe and efficient functioning of the road network.	
Objective 19.2.4 Promote the efficient use of signs by managing the adverse effects of visual clutter.	
Policy 19.3.1 Ensure that signs do not detract from the amenity values of the area in which they are located and the amenity values of areas from where they are visible.	
Policy 19.3.2 Control the design, location, size and number of signs erected at any given location to avoid, remedy or mitigate any adverse effects.	
Policy 19.3.4 Promote simplicity and clarity in the form of the sign and the message the sign conveys	

Environmental Issues Section

Objective / Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 21.2.2 Ensure that noise associated with the development of resources and the carrying out of activities does not affected public health and amenity values.	The proposed development has been designed such that it does not emit noise and a recessive colour scheme can achieve a slightly more recessive structure. The proposal is considered to be consistent with these objectives and policies.
Policy 21.3.3 Protect people and communities from noise and glare which could impact upon health, safety and amenity.	

Proposed 2GP

- [64] The objectives and policies of the 2GP must be considered alongside the objectives and policies of the current district plan. The proposal is considered to be consistent with the following 2GP objectives and policies:
- [65] **Objective 5.2.1 and Policies 5.2.1.5, 5.2.1.7, 5.2.1.11 (City Wide Activities – Network Utilities)** seeks to prove efficient and effective network utilities that minimise any adverse effects on the visual amenity and character of the zone. Any risk to health and safety must be no more than minor.
- [66] While the siting of the facility is in closer proximity to what appears to be a worker's cottage at 599 Maungatua Road, the proposed monopole will be viewed in the immediate foreground of existing substation. Having given consideration to the permitted baseline, when viewed from this distance, the impact of the proposal while visually dominant will not be incongruous element in this setting, and therefore, is only inconsistent with these objectives and

policies. The applicant has addressed all concerns regarding potential for risk to health and safety and is therefore consistent with objective 5.2.1.7.

- [67] **Objective 16.2.1 and Policy 16.2.1.2 (Rural Zones Section)** which seek to ensure that rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of rural communities where these activities are most appropriately located in a rural rather than an urban environment. Policy 16.2.1.2 seeks to provide for other rural activities if effects can be adequately managed. While the categories of 'other rural activities' do not include utilities, there is an acknowledgement there that the rural community needs also need to be met by support infrastructure.

The proposal does not utilise a large area of land and as the proposed monopole is co-located with other utilities, it is considered to be consistent with the objectives and policies above. The site is not identified as a High Class Soils Area. The pole provides a secondary support system in the event of faults on the link which ensures that the safe control of the power lines entering and leaving Berwick Station continues to be promoted.

- [68] **Objective 16.2.3 and Policies 16.2.3.1 and 16.2.3.8 (Rural Zones Section)** which seek to ensure that the rural character values and amenity of the rural zones are maintained or enhanced. Policy 16.2.3.1 requires network utilities to be set back from boundaries and of a height that maintains rural character values and visual amenity. The proposal is consistent with this objective and policies because the siting is an attempt to locate alongside existing utilities thereby mitigating the impact on the wider rural amenity of the area.

- [69] **Objective 16.2.2 and Policy 16.2.2.3 (Rural Zones Section)** recognises the potential for conflict between activities within the rural zones and requires all new buildings to be located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites.

- [70] **Objective 11.2.1 and Policies 11.2.1.3, 11.2.1.5, 11.2.1.6 11.2.1.8 (Natural Hazards)** seek to restrict the establishment of sensitive activities and limit the establishment of potentially sensitive activities so that only where there is a critical operational need to locate in the hazard 2 zone and locating outside the zone is not practicable. Policy 11.2.1.8 requires buildings for sensitive activities to have a certain floor level.

- [71] As the Proposed 2GP is not far through the submission and decision-making process, the objectives and policies of the Dunedin City District Plan have been given more consideration than those of the Proposed 2GP.

- [72] Having regard at the relevant objectives and policies individually, and considering these in an overall way, the above assessment indicates that the application is **consistent** with those provisions.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

- [73] In accordance with Section 104(1)(b) of the Resource Management Act 1991, the provisions of the National Environmental Standard were taken into account when assessing the application. The proposal is considered to be consistent with the policy objective of the National Environmental Standard.

Resource Management (National Environmental Standards For Telecommunication Facilities) Regulations 2008 (NES).

- [74] Regulation 4 of the NES governs the emission of radio frequency fields by telecommunication facilities, whether on privately-owned land or within road reserve. The documents provided with the application include a radio frequency report that has been prepared in accordance with New Zealand Standard NZS 6609.2:1990, which takes account of other facilities in the immediate vicinity. Further, this report confirms compliance in respect of radio frequency levels, with New Zealand Standard NZS 2772:Part1:1999, in areas reasonably accessible to the public.

Assessment of Regional Policy Statements (section 104(1)(b)(v))

- [75] Section 104(1)(b)(v) of the Act requires that the Council take into account any relevant regional policy statements. The Regional Policy Statement for Otago was made operative in October 1998 and the Proposed Regional Policy Statement (notified 23 May 2015) is in the deliberations phase. Given their regional focus, the regional policy statements do not have a great bearing on the current application. However, Chapter 5: Land, is relevant in that it seeks to promote sustainable management of Otago's land resources and Chapter 9: Built Environment is relevant in that it seeks to promote the sustainable management of infrastructure to meet the present and reasonably foreseeable needs of Otago's communities. The equivalent sections under the Proposed Plan are Part B:Chapter 3 which seeks to have a resilient, safe and healthy community and promotes good quality infrastructure and services to meet community needs. Part B: Chapter 4 which seeks to make the most of the natural and built resources available for use and for the adverse effects of using the environment to be minimised. The proposed regional statement remains under review and decisions on the plan will not be notified until September 2016.
- [76] As such, the proposal is considered to be consistent with the relevant objectives and policies of both statements.

DECISION MAKING FRAMEWORK

Part 2 Matters

- [77] When considering an application for resource consent, an assessment of the proposal is to be made subject to the matters outlined in Part 2 of the Act. This includes the ability of the proposal to meet the purpose of the Act, which is to promote the sustainable management of natural and physical resources. Furthermore, the matters of national importance in section 6 must be recognised and provided for, and particular regard must be had to the matters listed in section 7.
- [78] Of particular relevance to this application are sections 5(2)(c) "avoiding, remedying or mitigating any adverse effects of activities on the environment", 6(f) "the protection of historic heritage from inappropriate subdivision, use and development", 7(c) "the maintenance and enhancement of amenity values" and 7(f) "the maintenance and enhancement of the quality of the environment".
- [79] As discussed in the assessment of effects above, the proposed development is not considered to create adverse effects on the environment that are more than minor when considered in the context of the receiving environment and the provisions of the Dunedin City District Plan and the Proposed 2GP.

- [80] I therefore consider that the proposal will avoid, remedy or mitigate adverse effects to a degree that satisfies the provisions of the Dunedin City District Plan and the Proposed 2GP. When considering the proposal overall, and in considering the positive effects that would result for the long term network requirements and the resulting security in the reliability and performance for its consumers, the proposed development would be consistent with the purpose of the Act outlined in section 5 of that legislation.
- [81] Having regard to section 6 of the Act, there are no matters of national importance which can be considered to be affected by the development of this site. I concur with the Applicant that the proposed development will not offend any Section 6 matters.
- [82] Having regard to Section 7(b) and the need to have regard to the efficient use and development of natural and physical resources, I concur with the Applicant that the new mast and associated equipment will be co-located with other utilities, thereby demonstrating efficiency with respect to the introduction of non-rural uses on rural land. While the subject site has not been modified, the adjoining site of 631 Maungatua has already been modified.
- [83] Having regard to Section 7(c) and the need to have particular regard to the maintenance and enhancement of amenity values, I consider that the additional 3m in height above what can be constructed on the site as a permitted activity, will not result in a degradation of the existing amenity values. The existing amenity values are considered to be relatively low given the existing substation and the multiple power lines running through this section of Maungatua Road and while the proposal will not enhance amenity values, the proposal is able to maintain amenity.
- [84] For the reasons outlined above, I concur with the Applicant assessment that the proposed development provides for the relevant matters of Section 7 of the Act.
- [85] Section 8 requires the Council to take into account the principles of the Treaty of Waitangi. I concur with the Applicant that no issues have been raised by the proposal which would impinge upon upholding those principles.
- [86] Overall, I consider the proposal is consistent with those matters outlined in Part 2 of the Act.

Section 104

- [87] Section 104(1)(a) states that the Council shall have regard to any actual and potential effects on the environment of allowing the activity. This report assessed the environmental effects of the proposal and concluded that the likely adverse effects of the proposed development overall will be minor and can be adequately avoided remedied or mitigated provided recommended conditions of consent were adhered to.
- [88] Section 104(1)(b)(vi) requires the Council to have regard to any relevant objectives and policies of a plan or proposed plan. This report concluded that the application would be consistent with the key objectives and policies relating to the Utilities, Signs and Environmental Issues Sections of the Dunedin City District Plan and the key objectives and policies of the City Wide – Network Utilities, Rural and Natural Hazards Sections of the Proposed 2GP.
- [89] Section 104(1)(b)(v) requires the Council to have regard to any relevant regional policy statement. In this report it was concluded that the application

is consistent with the relevant objectives and policies of the Regional Policy Statements (Operative and Proposed) for Otago.

- [90] Section 104(1)(c) requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application.

CONCLUSION

- [91] Having regard to the above assessment, I recommend that the application be **granted** subject to appropriate conditions.

DECISION

*That, pursuant to Sections 34A(1), 104 and 104C of the Resource Management Act 1991, and the provisions of the Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **restricted discretionary** activity for the construction of an 18m high monopole and 1m lightning rod atop and ancillary facilities and equipment for the operation and maintenance of a transmission level microwave link and ancillary signage on the site at 613A Maungatua Road, Dunedin, being that land legally described as Section 58 Block I Maungatua Survey (CT OT 410/35) subject to the conditions imposed under Section 108 of the Act, as shown on the attached certificate.*

That, having taken into account:

- *the interests of any person who may be adversely affected by the time extension;*
- *the interests of the community in achieving an adequate assessment of effects of a proposal, policy statement or plan, and*
- *its duty under Section 21 to avoid reasonable delay*

The Council has, pursuant to section 37A(2)(a) and 37A(4)(b)(i) of the Resource Management Act 1991, extended the requirement outlined in section 115 regarding the time in which notification of a decision must be given after the date the application was first lodged with the Council.

REASONS FOR DECISION

- [92] Provided that the recommended conditions of consent are implemented, I consider that the likely adverse effects of the proposed activity can be adequately mitigated and will be minor.
- [93] The applicant has sought to minimise the environmental intrusion of telecommunications development and has sufficiently demonstrated that the installation is the minimum possible size and that the output is commensurate with effective service provision and New Zealand Standards.
- [94] The proposal is considered to be consistent with the key relevant objectives and policies of the Dunedin City District Plan and the Proposed 2GP.
- [95] The proposal is considered to be consistent with the objectives and policies of the Regional Policy Statements for Otago.
- [96] Overall, the proposed development has been assessed as not being likely to give rise to adverse effects on those elements of the Rural zone that the Dunedin City District Plan and the Proposed 2GP seeks to protect.

COMMENCEMENT OF CONSENT

- [97] As stated in section 116 of the Resource Management Act 1991, this consent shall only commence once the time for lodging appeals against the grant of

the consent expires and no appeals have been lodged, or the Environment Court determines the appeals or all appellants withdraw their appeals, unless a determination of the Environment Court states otherwise.

RIGHT OF APPEAL

[98] In accordance with section 120 of the Resource Management Act 1991, the applicant and/or any submitter may appeal to the Environment Court against the whole or any part of this decision within 15 working days of the notice of this decision being received. The address of the Environment Court is:

The Registrar
Environment Court
PO Box 2069
CHRISTCHURCH 8140

[99] Any appeal must be served on the following persons and organisations:

- The Dunedin City Council.
- The applicants.
- Every person who made a submission on the application.

[100] Failure to follow the procedures prescribed in sections 120 and 121 of the Resource Management Act 1991 may invalidate any appeal.

[101] Please direct any enquiries you may have regarding this decision to Melissa Shipman whose address for service is City Planning, Dunedin City Council, P O Box 5045, Dunedin 9058.

Prepared by:

Approved by:

Melissa Shipman
Planner

Alan Worthington
Resource Consents Manager

30 June 2016

30 June 2016

Consent Type: Land Use Consent

Consent Number: LUC-2016-94

*That, pursuant to sections 34A and 104C and after having regard to Part 2 matters and section 104 of the Resource Management Act 1991, and the provisions of the Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **restricted discretionary** activity for the construction of an 18m high monopole and 1m lightning rod atop and ancillary facilities and equipment for the operation and maintenance of a transmission level microwave link and ancillary signage on the site at 613A Maungatua Road, Dunedin, being that land legally described held in Certificate of Title, subject to the conditions imposed under section 108 of the Act as shown below:*

Location of Activity: 613A Maungatua Road, adjacent to the Berwick Zone Substation at 613 Maungatua Road (D234).

Legal Description: Section 58 Block I Maungatua Survey (CT OT 410/35)

Lapse Date: 30 June 2021

Conditions

- 1 The activity shall be carried out generally in accordance with the plans entitled and the information in the application dated 14 March 2016, except where modified by the further information dated 29 April 2016 and the 13 June 2016 and the amendment received by the Council on 3 May 2016 (lightning arrestor height reduction), and except where modified by the following conditions of consent.*
- 2 The applicant shall notify the Dunedin International Airport (DIAL) and the Civil Aviation Authority (CAA) of the proposed works and provide copies of such correspondence to the Planning Manager at least one month prior to the commencement of works to establish the monopole on the site to ensure that these bodies are aware of a new structure greater than the maximum height permitted in the rural zone.*
- 3 The approved signage shall be erected on the site prior to commencement of the construction of the proposed facility to notify people of the purpose of the equipment and for the maintenance of safe distances from the equipment.*
- 4 In the event that the site is decommissioned, all equipment shall be removed from the site within one month of the site being decommissioned.*
- 5 The tower and any ancillary equipment attached to the monopole (antenna, brackets etc.) shall be painted in a recessive grey colour.*

Advice Notes:

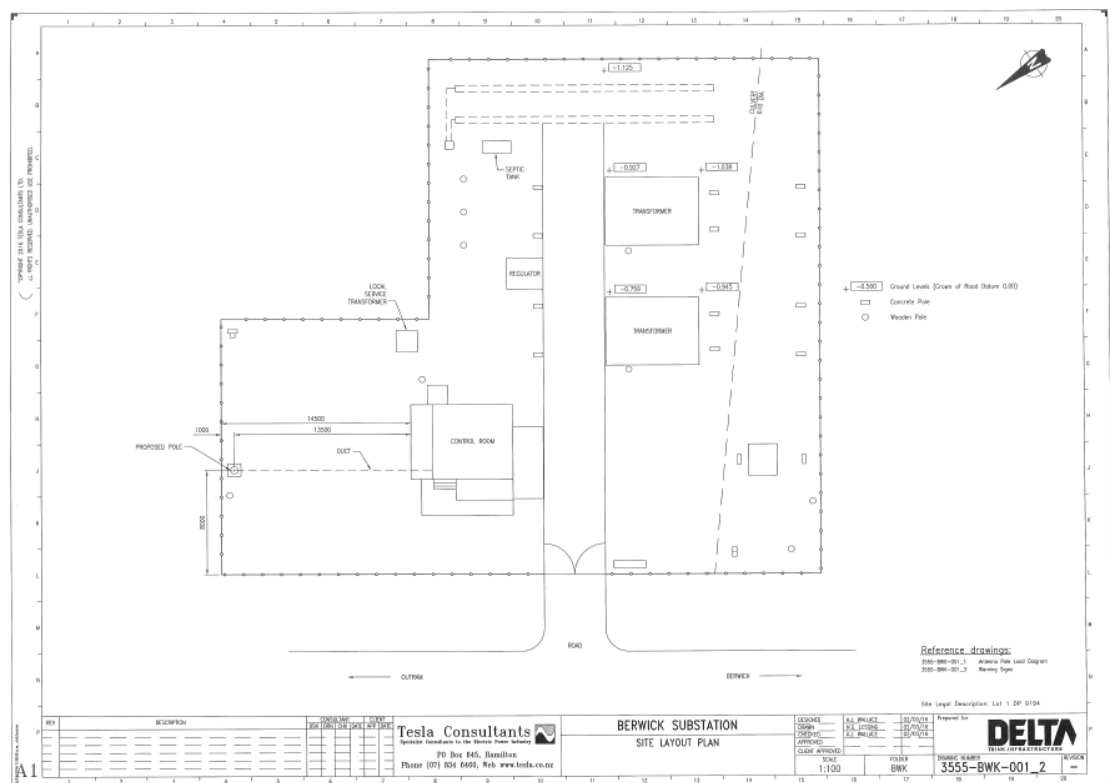
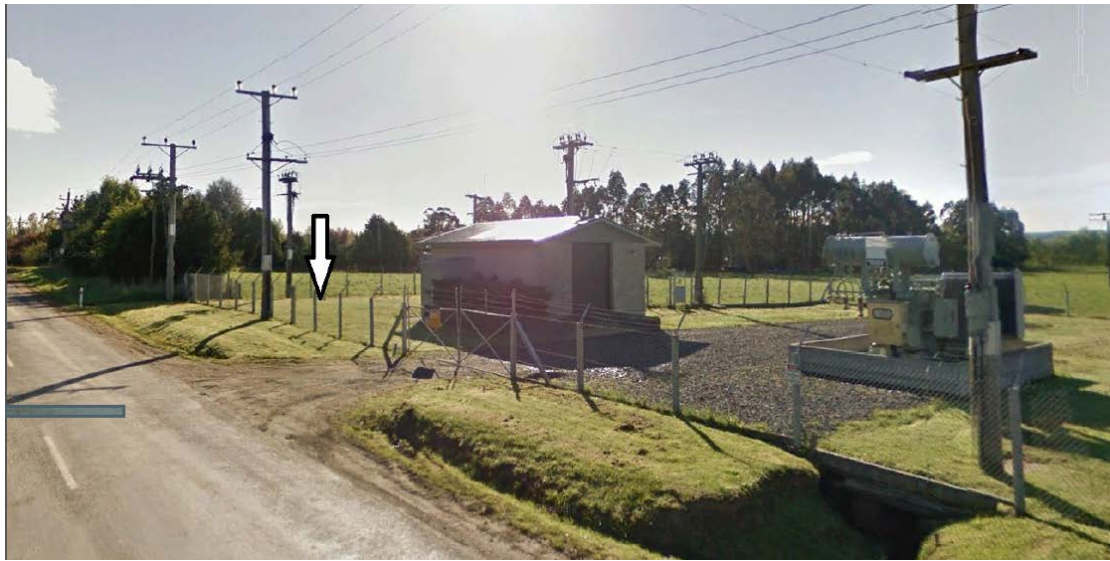
- 1 Please check with the Council's Building Control Office, Development Services, to determine the building consent requirements for the work.
- 2 In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
- 3 Resource consents are not personal property. This consent attaches to the land to which it relates, and consequently the ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.

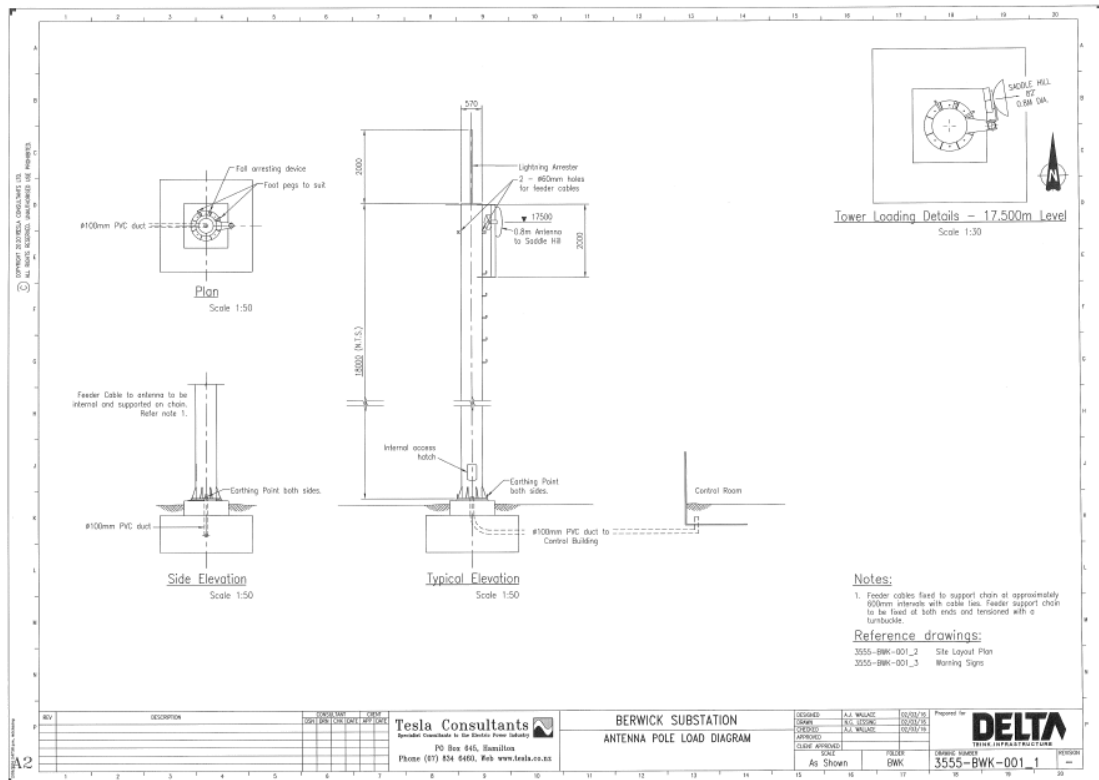
- 4 It is the consent holder's responsibility to comply with any conditions imposed on their resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
- 5 This consent shall lapse after a period of five years from the date of granting of this consent. This period may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.

Issued at Dunedin this 30 day of June 2016.

Alan Worthington
Resource Consent Manager

Appendix 1: Copy of Approved Plans for LUC-2016-94:
(Scanned image, not to scale)





APPENDIX 1: THE APPLICATION

APPENDIX 2: SUBMISSIONS RECEIVED

APPENDIX 3:

COUNCIL OFFICER EVIDENCE