



NOTICE OF MEETING

HEARINGS COMMITTEE

I hereby give notice that an Ordinary Meeting of the Hearings Committee will be held on:-

DATE: **Thursday, 11 September 2003** **TIME:** **9.30 am**

VENUE: **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

to consider the business as set out herein and to take any necessary action connected therewith.

3 September 2003

Owena Schuster
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8864

MEMBERSHIP:

Councillors	GE	Nash, JP (Chairperson)
	DA	Yates, JP (Deputy Chairperson)
	DQ	Battersby, JP
	BA	Brady, JP
	PA	Hulse
	VS	Neeson, JP

Ward Representative
Mr RE Taylor (Waitakere Community Board)

Alternate Representative
Ms DJ Goodley (Waitakere Community Board)

(Quorum 4 members)

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(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR AN ORDINARY MEETING OF THE HEARINGS COMMITTEE TO BE HELD
IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON THURSDAY, 11 SEPTEMBER 2003, COMMENCING AT 9.30 AM.**

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1 APOLOGIES



2 URGENT BUSINESS

Section 46A(7) and (7A) of the Local Government Official Information Act and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the item is a minor matter; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting; and
- (iii) the Committee resolves to deal with the item.

No resolution, decision, or recommendation may be made in respect of the item except to refer the item to a subsequent meeting for further discussion.

NOTE: Urgent Business need not be dealt with now and may be delayed until later in the meeting.



3 CONFIRMATION OF MINUTES

Ordinary - Thursday, 10 July 2003

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Hearings Committee held on Thursday, 10 July 2003, as circulated, be taken as read and now be confirmed.



4 **NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY VODAFONE NEW ZEALAND LIMITED TO ERECT A TELECOMMUNICATIONS FACILITY, INCLUDING A 23.7 METRE HIGH TOWER, AT 312 HENDERSON VALLEY ROAD, HENDERSON VALLEY**

WAITAKERE WARD

RMA 20030248

N.B. This report sets out the advice of Consent Services to the Hearings Committee on the environmental issues raised by the application for resource consent. It is not the decision of the Council. The decision will be made after consideration of the application by the Hearings Committee.

APPLICATION DETAILS

Planner:	Hamish Anderson
Site Address:	312 Henderson Valley Road Henderson Valley
Applicant:	Vodafone New Zealand Limited
Date Received:	12 February 2003
Building Consent No:	None applied for
Legal Description:	Lot 3 DP 140479
Address for Service:	Natalie Bedggood: Connell Wagner Limited PO Box 9762 Newmarket
Site Area:	5.05 hectares
Unit Site Area(s):	N/A
District Plan:	
Human Environment:	Foothills
Natural Area:	General
Landscape Elements:	3 Non Riparian Margins
Hazards:	Stability (not related to the subject area of the site)
Roading Hierarchy:	Local
Further Information Required:	Yes: Affected Party approval and photo montage
Date Requested:	27 February 2003
Date Received:	26 May 2003

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to erect a telecommunications facility 2m from the sites south boundary. The facility would include a tower which would measure 21.5m in height with a dish antenna attached as well as a lightning rod which would increase the height of the structure to 23.7m. The dish antenna would be located 1.2m from the southwest boundary at a height of 19m. The proposal would have maximum height, yard and infrastructure infringements and would be considered a non residential activity.

1.2 Resource Management Issues Raised

The Resource Management Act 1991 requires that, when considering an application for a resource consent, a consent authority shall have regard to the environmental effects of the proposed activity, together with any relevant objectives, policies and rules of the District Plan.

The significant resource management issues associated with this proposal are related to the visual impact on the surrounding area and exposure to radio frequency fields.

1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application for the establishment of a telecommunications facility on the property located at 312 Henderson Valley Road, Henderson Valley. It is considered that the environmental effects that may be generated by the activity would be minor or could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of the District Plan will be satisfied.

2.0 LOCATION PLAN



Legal Description: Lot 3 Deposited Plan 140479
District Plan: Human Environment: Foothills
Natural Area: General, Non Riparian Margin

3.0 PROPOSAL

The applicant wishes to improve their cellular network within the Henderson Valley area. For that reason the applicant seeks consent to establish a telecommunications facility including a pole structure and associated infrastructure on this site. The facility would be located approximately 200m from Henderson Valley Road and 1.2m from the site's southwest boundary.

The subject site is rural and is located in an area characterised by rural properties along with a nursery and pony club. The landscape consists largely of pasture and pine trees. Development in the area is low density and the majority of existing dwellings are screened from adjacent sites by existing landscaping. This is a rear site which has an undulating relief but predominantly slopes from southeast to northwest, measures 5.05ha in area and there is an existing dwelling located approximately 140m to the southeast of the proposed tower.

The proposed works comprise the following:

- An approximately 20 metre high pole structure.
- Six panel antennas (measuring approximately 2.3 metres in length) attached to the tower increasing its height to 21.5m.
- One parabolic dish antenna (measuring approximately 0.3 metres in diameter) attached to pole structure at a height of approximately 19 metres.
- A lightning rod attached to the top of the mast taking the total height to 23.7m.
- The equipment necessary to operate the antennas will be located adjacent to the base of the pole and would be housed in a cabinet measuring approximately 8m² in area.
- The facility would be surrounded by both an existing and proposed wooden stock fence.

The written approval of the owners/occupiers of the properties at 310 and 316 Henderson Valley Road was given as part of the application.

4.0 REASONS FOR THE APPLICATION

Consent is required under the provisions of the District Plan for the following reasons:

- The proposed facility would be located 1.2m from the site's southwest boundary which infringes the 10m minimum setback requirement and the proposal is considered a discretionary activity under Rule 4.3 (Foothills Environment).
- With a lightning rod attached to the top of the tower the facility would have a maximum height of 23.7m which exceeds the 8m maximum and the proposal is considered a discretionary activity under Rule 5.2 (Foothills Environment).
- The proposal involves infrastructure of 23.7m in height which exceeds 10m but is not located on a sensitive ridge therefore the proposal is considered a discretionary activity under Rule 14.4 (Foothills Environment).

4.3 Overall, the application is considered to be a discretionary activity. The proposal complies with all other development controls under the District Plan.

4.4 No other consents are required in respect of this application.

- 4.5 The applicant considered the proposal would be a non residential activity in the Foothills Environment and as it would not be in an existing building it would be considered a non-complying activity under Rule 8.4. It is Council's contention that that is not the case and the proposal is considered to be infrastructure and therefore not a non residential activity. For these reasons it is considered the proposal need not be considered against Rule 8 of the Foothills Environment.

It is noted that an area of this site was subject to an application for resource consent (992565) and any subsequent development on that area of the site would require a geotechnical report. That area of the site requiring geotechnical assessment is a considerable distance from the proposed facility and as Rule 1.1 of the Natural Hazards section of the District Plan refers specifically to "*buildings on land which are known to Council to be or likely to be subject to erosion, slope instability*" as requiring assessment as a limited discretionary activity. It is considered the reference to *land* rather than *site* means that Rule 1.1 is not infringed by this development.

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The proposed facility is to be located at 312 Henderson Valley Road, Henderson Valley. The subject site is a rear property, located approximately 300 metres to the east of the Henderson Valley Road and Candia Road intersection.

The property has a long angular shape, measuring 5.05 hectares in area with a length of approximately 680m. While the site has an undulating relief it maintains a general slope from southeast to northwest down toward Henderson Valley Road. The site is rural in character and the existing dwelling's central location on the site is accessed via a long gravel driveway. Three watercourses (non riparian margin) run across the site at approximately 300m, 420m and 530m from the front boundary and there is a stream (10m riparian margin) along the sites east boundary.

The surrounding area is characterised by large lots and few residential dwellings. A Pony Club operates on a property located to north-east of the subject site and the "Muddy Thumbs" Garden Centre is located to the north west of the subject site.

The facility is to be located on a grassed embankment that runs along the western side of the access way (see Section 2: Location Plan). The embankment is covered in long grass, scrub and gorse and there are no trees in this area of the site. The facility is to be located approximately 200 metres back from the road boundary, adjacent to the western site boundary. An existing wooden fence located inside the western boundary will contain the facility on that side and the remaining three sides are to be enclosed by a new wooden stock fence. Approximately 10m to the northwest of the location of the proposed facility is an existing mast with a microwave dish attached to its top. That mast is also located on the grass embankment, measures approximately 13m in height and is associated with the main gas line that runs roughly along the western boundary of the site.

A resource consent (RMA 992565) was granted (12 September 2000) for approximately 2300 cubic metres of fill being deposited on this property. It was a recommendation of the geotechnical report, prepared for that consent, by Soil Engineering Limited dated 24 August 2000, titled 'Geotechnical Assessment of Clay Fill at 312-314 Henderson Valley Road, Henderson Valley' that any structure to be constructed in the area of deposited fill be subject to specific subsoil investigation and foundation design prior to construction taking place. The site of those earthworks is to the north of the existing dwelling and a considerable distance from this proposed facility.

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

The application was publicly notified on 18 June 2003, and the period for submissions closed on 17 July 2003 with two submissions received:

- 1 submission was received within the statutory time period and opposed the application.
- 1 submission was received outside the statutory time period and supported the application.

Pursuant to Section 37 of the Resource Management Act 1991 it is considered that Council should accept the late submission as:

- It has not delayed the timeframes involved with this application as it was received prior to completion of the reporting planners report.
- The nature of the late submission was such that no new information was brought to light.
- Neither the applicant nor the submitter in opposition would be negatively affected due to this submission being received late.

A54-A58

Attached at pages A55 to A58 are copies of the submissions that were received. A map showing the location of the submitters is attached at page A54.

6.1 Submissions

6.1.1 The submission opposing the application was made by the Kiwi Valley Limited business located at 308 Henderson Valley Road and can be summarised as follows:

- There would be a detrimental visual affect on their eco-business.
- Part of the business is childcare and there is concern for the health and well-being of children.

6.1.2 The submission supporting the application was made by Te Hao o Ngati Whatua. They did not disclose their reasons for supporting the application but merely that they had had an on-site meeting and discussion with the applicant. They did request that in the event of contractors uncovering archaeological evidence, for example midden, work is to cease and a representative of Te Hao is to be contacted to record and recover.

6.2 Pre Hearing Meeting

A pre hearing meeting has been agreed to by both the applicant and the submitter opposing the application but at the time of writing the report that meeting had not been held. The minutes from that meeting will be recorded and distributed to all parties prior to the hearing.

7.0 STATUTORY REQUIREMENTS

7.1 Discretionary Activities

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail in pages A... to A... attached to this report. This should be referred to as the legal framework within which the application should be addressed.

Section 104 of the Resource Management Act 1991 sets out those matters to be considered when assessing an application for resource consent. Amongst other things, these matters require consideration of any actual and potential effects on the environment arising from the proposal, together with an assessment as to whether the application is consistent with relevant objectives, policies and rules of the District Plan. All considerations are subject of the provisions of Part II of the Resource Management Act 1991, which sets out the purpose and principles that guide this legislation.

The District Plan has been prepared with an “effects based” emphasis, in keeping with the Resource Management Act 1991. As such, consideration of the application in relation to each of the assessment criteria relating to the various infringements would ensure that all the relevant matters contained in Section 104 of the Resource Management Act 1991 would have been addressed. In addition, a brief summary is presented below of the main effects on the environment generated by the application.

8.0 EVALUATION IN ACCORDANCE WITH SECTION 104 OF THE RESOURCE MANAGEMENT ACT 1991

8.1 Assessment of Environmental Effects (104(1)(a)): Actual and Potential Effects on the Environment

8.1.1 Native Vegetation, Vegetation and Fauna Habitat

Any adverse effects in relation to vegetation and fauna habitat as a result of the proposed activity would be de minimis. The site is already modified and it is considered that the amount of vegetation clearance proposed (27m² of long grass, scrub and gorse) would be very small and would not disrupt any existing ecological linkages on the site.

8.1.2 Land / Soil

The area of the site to be developed would be small (approximately 33m²) and is not currently in production therefore the proposal would not be decreasing the productive potential of the site.

In spite of the small area and volume of earthworks the site does have a sloping relief and any earthworks have the potential to cause erosion and sediment runoff especially along a compacted, sloping access. It is important to protect both the adjacent property to the north and the property to the west from such erosion and sediment deposition. For these reasons a condition of consent would require the consent holder to implement Auckland Regional Council's Technical Publication No. 90 “Erosion and Sediment Control Guidelines for Land” to the satisfaction of Council.

For these reasons it is considered there would be no adverse effects on land/soil attributable to this proposal.

8.1.3 Natural Character of Coast and Margins of Lakes, Rivers and Wetlands

The site is located inland not near the coast and while there are three watercourses located on the property they are all a considerable distance from the proposed facility. The nearest of the watercourses would be approximately 120m to the southeast and located well above the level of the proposed facility. In addition, all three are non riparian margins.

8.1.4 Amenity Values - Health and Safety, Landscapes, Local Areas and Neighbourhood Character

- **Health and Safety**

The applicants stated the following in relation to the health and safety aspects of their application:

“Vodafone antennas are operated in accordance with New Zealand Standard NZS 2772.1:1999 which sets the standard for recommended exposure to radio frequency energy.

The proposal will comply with Waitakere City Council’s Bylaw 25 Radio Frequency Radiation as the antennas will not have a transmitter power level greater than 1kw. The antennas will not adversely affect the health and safety of any member of the public.”

In spite of the above it is recognised that there is a perception that there are adverse health effects associated with cell towers and associated facilities and that was one of the reasons for the submission opposing the facility. For health and safety reasons any cell tower application is forwarded to the National Radiation Laboratory for a peer review.

The following is a brief summation of the findings of that peer review (see Appendix for the complete report by the National Radiation Laboratory):

*“The maximum exposure to RF fields to someone standing on the ground near the site would be 2.4 μ W/cm². This is 0.5% of the exposure limit recommended for the public in New Zealand Standard 2772.1: 1999 **Radiofrequency Fields Part 1: - Maximum exposure levels 3 kHz - 300 GHz**. On this basis, no adverse health effects are anticipated for people who live, work or pass by near the site.”*

For this reason it is considered there would be no adverse effects on the health or safety of persons on and near to this site.

- **Visual Amenity and Neighbourhood Character**

AI-A53

The purpose of cell towers is related to cellular coverage so by their very nature they are required to be visible. The applicant made the following comments regarding the reasons this site was chosen. Those points are fully described in the application as attached at pages A1 to A53, but briefly paraphrased as follows:

“Antennas are required to be located so that they are able to communicate with all of the cellular telephones operating within the “cell” they serve and at the same time not cause or receive interference from telephones operating within an adjacent cell.

If antennas are sited too high transmissions will “spill outside” the site’s desirable coverage area and result in interference with the operation of adjacent cell sites. On the other hand BTS antennas must be high enough to prevent interference from objects such as buildings and trees in the immediate vicinity. The BTS antennas must also be sited so that coverage “shadows” are not created by nearby topography.

A computer model of the cellular network, using radio propagation software and digitised terrain maps, first identifies a site search area. Several site options, which have the necessary technical and physical characteristics, are then identified within the search area. Those site options are evaluated in terms of the following criteria:

- i. local topography and the occurrence of radio frequency “shadows”;*
- ii. availability of suitable sites for lease;*
- iii. relevant provisions of the District Plan;*
- iv. potential visual impact of any mast required;*
- v. potential impact on sites of heritage or cultural significance;*
- vi. other local environmental constraints.*

The proposed site will enable Vodafone New Zealand to meet the radio frequency coverage requirements for this area without any interference and at the same time avoid, remedy and mitigate any potential adverse effects on the surrounding environment.”

While this site is not identified in the District Plan as being an “outstanding natural feature” or “outstanding landscape” within the City Maps section of the District Plan (Maps 3.5D & E or 3.6B) it is located in a rural area where built form is not as prevalent as in the residential and commercial areas of the City. For this reason careful consideration needs to be given to the appropriateness of a cell tower especially given its height (23.7m) in relation to other built form in the area.

While the tower would be visible, to people travelling in vehicles, from various viewing points along Henderson Valley Road it would not remain in the line of sight for a long period of time given the existing screening both along Henderson Valley Road and on the properties between the road and the proposed facility location. In addition, cell towers are becoming a more common structure in the landscape.

While the site is rural in appearance it should be noted that that appearance is not pristine but is modified from its original form. In addition, there is an existing tower (see Figure 1 below), albeit lower in height (approximately 13m), located in close proximity to the chosen location for the tower. Although the existing area is characterised by rural sites with pasture and pine trees as predominant landscaping, the occupiers of immediately adjacent sites are a **garden centre**, a **pony club** and a site dominated by glasshouses along with the pastured site to the west. It is considered, possibly with the exception of the pastured property at 318 Henderson Valley Road, that built form dominates the adjacent sites. As such the proposal would not be setting a precedent for built structures or non rural uses in this area.

For the aforementioned reasons it is considered any adverse effect on the visual amenity or neighbourhood character of this area would be no more than minor.



Figure 1: Existing Tower

- **Bulk, Shading and Visual Dominance**

It is considered that all adjacent sites have been developed to an extent that there could be no additional dwellings erected closer to the tower without resource consent. Each property is not sufficiently large to enable the 4 hectare site required for additional dwellings under the District Plan.

While the tower would be 23.7m in height and would cast a shadow over the property located at 318 Henderson Valley Road it is considered there would be no adverse effect as the facility would be approximately 160m from the dwelling on that site. Furthermore, the tower would be partially screened by existing landscaping.

It is recognised that the tower would be visible from the property located at 302 Henderson Valley Road and one of the reasons the owners/occupiers of that property made a submission against the proposal was on visual amenity grounds. The applicants have endeavoured to address those concerns through a painting scheme for the tower. It is proposed that the base and lower levels of the tower would be green in colour to blend with the pine tree backdrop when viewed from the property at 302 Henderson Valley Road or further a field. The parts of the tower protruding above the trees would be grey in colour therefore more likely to blend with the sky.

Any dwellings on the properties at 310, 316 and 320 Henderson Valley Road are all oriented away from the proposed facility location and there is existing screening on all three sites which would effectively screen the tower. It should be noted that all three of those properties were considered potentially affected and were directly notified of the application but none submitted either for or against the proposal. The written approval of the owners/occupiers of the properties at 310 and 316 Henderson Valley Road was given as part of the application.

- **Noise**

It is recognised that the development and construction of the site would have the potential to create adverse noise effects on the immediately surrounding area. While the area is rural in nature it includes residential dwellings and it is crucial that noise generated during development be kept to a minimum. For these reasons conditions of consent would be imposed to restrict the hours that vehicles can enter and exit the site and the hours that work can take place on the site and would ensure there would be no adverse noise effect. The noise generated from development on the site would be temporary in nature and duration and it is considered that noise emanating from the site could be controlled to an extent that it does not adversely affect the amenity of the immediately surrounding area.

8.1.5 Summary

It is the report writer's opinion, that the potential adverse effects of the proposed activity are *no more than minor* and can be adequately mitigated through appropriate conditions of consent. Further, having regard to the meaning of the word 'effect', the potential adverse effects are such that this activity can meet the requirements of Section 104(1)(a).

8.2 District Plan Considerations (104(1)(d)): Relevant Objectives, Policies, Rules and Other Provisions of a Plan or Proposed Plan

8.2.1 District Plan

8.2.1.1 Objectives, Policies, Rules and Assessment Criteria

The applicants propose to erect a telecommunications facility including a 23.7m high mast on an area of the property located at 312-314 Henderson Valley Road.

A77-A80

The District Plan provides a range of objectives, policies, rules and assessment criteria to be considered in relation to development in the Foothills Human Environment and these have been used as a guide in considering the proposal and are discussed below under the headings of Health and Safety, Visual Amenity, Bulk and Visual Dominance and Noise. The full assessment criteria and relevant objectives and policies are attached at pages A77 to A80. If a specific Objective or Policy is considered particularly relevant it has been included, in its entirety, prior to the discussion.

Health and Safety

Objective 10

To maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers, including maintaining:

- an acceptable level of quiet and freedom from nuisance created by noise, odour, dust and vibration;
- a safe environment;
- healthy air quality.

Policy 10.1

Non-residential activities should be managed in a way that emissions of odour, dust, electro-magnetic radiation, radio frequency radiation and other discharges to air do not cause a nuisance, or otherwise have an adverse effect on the health of occupants of surrounding residential properties. Where a resource consent is required and specific reference is made in the rules or assessment criteria to health and safety matters, an assessment of adverse effects will be required. This will include, where relevant, reference to any appropriate standards or scientific opinion. Where activities cannot be managed in a way that avoids the creation of a nuisance on adjacent sites:

- they must be located at a sufficient distance from those sites, or within an appropriate Working Environment;
- or appropriate performance measures to minimise emissions should be imposed so that the adverse effects of any emissions are avoided.

Policy 10.9

Any settlement should be provided with adequate appropriate and safe infrastructure sufficient to ensure the health (including safety from fire) of residents and the wider community. Reticulated networks for the disposal of sewage and stormwater, for water supply, electricity supply and for telephones are available through much of the city. These networks may provide the most environmentally appropriate means of servicing developments, and developments should be provided with connections to these networks where that is possible and appropriate. Where a network is not available, adequate provision should be made through other means. Any such provision should be consistent with other objectives relating to the protection of natural and physical resources, compatible with existing disposal and supply systems, and appropriately designed to ensure a safe service and minimisation of maintenance costs.

Discussion

The proposal has been assessed by the National Radiation Laboratory who concluded that *“exposures in publicly accessible areas in and around this site would be low compared with the exposure limits prescribed in NZS 2772.1:1999. Furthermore, NRL went on to say that the “limits in the exposure Standard are set well below the levels at which adverse health effects may occur, so as to provide a safe and healthy working and living environment. On this basis, the proposed mobile phone site would not pose a health hazard to people who live, work or pass by close to it.”*

The area selected for the facility would be on an area of the site to the west of the existing access. It is currently an unused area of the site that would not impede that existing access. The antennas would be 21.5m above the ground and would extend approximately 2m from the tower. Even at that height they would not overhang the access.

For the aforementioned reasons it is considered the proposal meets **Assessment Criteria 14i, 14h, 14i, 14r and 14s** (Foothills Environment) and is consistent with **Objective 10** and **Policies 10.1** and **10.9**.

Visual Amenity and Neighbourhood Character

Objective 2

To protect the City's native vegetation and fauna habitat, including protecting:

- the quality and resilience of the resource;
- the variety and range of species and their contribution to the biodiversity of the City;
- their ecological integrity;
- their healthiness as a potential source of harvest for cultural purposes.

Policy 2.12

Infrastructure should be designed and located so that clearance of outstanding native vegetation is avoided, and clearance of significant native vegetation and significant and outstanding fauna habitat is minimised.

Discussion

It is considered that the amount of vegetation clearance proposed would be very small (approximately 27m² and would be only a combination of long grass, scrub and gorse rather than significant native vegetation) and removal would not disrupt any existing ecological linkages on the site.

Objective 9

To protect the quality and significance of the City's outstanding landscapes, including maintaining:

- the form and significance of those landscape elements that define each landscape;
- the landscape character that is associated with each landscape and contributes to its uniqueness and value for residents.

Policy 9.5

Structures should be of a height, scale and form that is compatible with the scale of buildings located within the City's outstanding landscapes.

Objective 11

To achieve a quality of settlement and associated activities within each of the City's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area, including maintaining and enhancing:

- the quality and character of different patterns of settlement within the City's intensively settled residential areas;
- the pedestrian-oriented amenity values of the town centres and the character of those areas as retail centres;
- the utilitarian nature and character of the industrial areas;
- the natural and physical features that give each rural and coastal village its particular and unique character;
- the pastoral/rural character of the northern parts of the City;
- the complex, mixed landscape of the foothills.

Policy 11.3

Buildings and structures should be located so that they maintain the neighbourhood character, visual amenity of the surrounding area and the characteristic streetscape of the area, including providing for:

- the overlooking of streets by buildings;
- maintaining characteristic links between private and public space arising from the orientation of houses and the way they face the street;
- the setback of buildings from the road boundary;
- planting of section frontages;

in a way that gives particular regard to variations in amenity values, and neighbourhood character.

Policy 11.7

Infrastructure should be designed and managed in a way that:

- will maintain, and not adversely affect the amenity values and neighbourhood character of the surrounding area, including streetscape character;
- placement on sensitive ridgelines in a way that visual intrusion above that ridgeline when viewed from a public place is avoided, or where unavoidable, remedied or mitigated;
- does not detract from the significance to tangata whenua of any ridgeline;
- minimises disturbance of natural and physical features;
- does not physically dominate adjoining sites.

Policy 11.8

Structures should be of a form, height and scale which avoids physical domination of surrounding sites and buildings, which does not adversely affect the landscape character and other amenity values of these areas, and which minimises encroachment on views.

Discussion

This site is not identified in the District Plan as contributing to an Outstanding Landscape and it is argued that the existing environment is not pristine being that it is a mixture of pasture with sporadic dwellings, structures and pine trees. The site selected for the facility is not on a sensitive ridge but it is in a rural environment where built form continues to be subsidiary to open space and a low level of development.

It is noted that telecommunications facilities are not common in the immediate area but they are becoming a more recognised feature in rural areas given the location requirements of the providers. In addition, although the tower would be visible from some surrounding sites and from points along Henderson Valley Road it is considered it would not be intrusive when viewed from those sites given the separation distance and backdrop of vegetation. In addition, given the winding nature of this area of Henderson Valley Road coupled with the vegetation along many properties along that road any view of the tower would be fleeting rather than continuous. Furthermore, this area of Henderson Valley Road has a meandering path which does not lend it to being a thoroughfare to Scenic Drive and it is defined in the District Plan as being a Local Road not carrying a high volume of traffic.

For the aforementioned reasons it is considered the proposal meets **Assessment Criteria 4a, 4b, 5a, 5d 14a 14e 14g, 14j**(Foothills Environment) and is consistent with **Objectives 2, 9, 10 and 11** and **Policies 2.12, 9.5, 10.5, 10.6, 11.3, 11.7** and **11.8**.

Bulk and Visual Dominance

Objective 10

To maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers, including maintaining:

- an acceptable level of quiet and freedom from nuisance created by noise, odour, dust and vibration;
- adequate levels of daylight and sunlight in dwellings;
- adequate levels of darkness for sleep;
- a safe environment;
- an accessible environment, which includes enhancing public access to and along the coast and waterways and between areas of public land;
- adequate levels of on-site privacy;
- healthy air quality.

Policy 10.5

Structures should be placed to ensure that adequate levels of daylight reach any habitable rooms on-site, and allow adequate levels of sunlight and daylight to reach adjacent properties throughout the year.

Policy 10.6

Buildings, storage and parking areas should be designed and placed on-site, or screened in a way that maintains the privacy and onsite amenity of adjacent residential properties, including the privacy of outdoor space. Particular regard should be had for the protection of privacy within the more intensively settled Living and Rural Villages Environments.

Policy 11.8

Structures should be of a form, height and scale which avoids physical domination of surrounding sites and buildings, which does not adversely affect the landscape character and other amenity values of these areas, and which minimises encroachment on views.

Discussion

The site selected for the facility would be a considerable distance from any dwellings on adjacent sites. With the exception of the dwelling on this site, which would be located approximately 150m away adjoining dwellings are located at least 100m from the proposed facility site. The majority of those dwellings would be screened from the facility by either buildings on those sites, vegetation or the relief of the land. In addition, the structure although tall would not be wide and again given the relief of the site it would be unlikely that there would be any noticeable shading onto adjacent sites.

As mentioned previously, cell towers are becoming more common and an accepted part of the environment.

For the aforementioned reasons it is considered the proposal meets **Assessment Criteria 4b, 5a-5d, 14b-14e and 14g (Foothills Environment) and Objectives 10 and 11 and Policies 10.5, 10.6 and 11.8.**

8.3 Auckland Regional Policy Statement (104(1)(c))

The Auckland Regional Policy Statement sets out the broad resource management issues, objectives and policies for the Auckland Region to achieve the integrated management of its natural and physical resources. The Policy Statement functions as an umbrella policy document for environmental planning and policy development within the Region, under which the Waitakere City District Plan has been prepared.

It is considered that the proposal is not contrary to the Strategic Objectives and Policies given that the telecommunications facility would not visually dominate the area, would not pose a health risk and would not inhibit other *Rural* activities in this area. Further, the application is consistent with the principles of sustainable management and any off-site effects would be reduced through a condition of consent requiring sympathetic colouring of the tower.

8.4 Any Other Matters the Consent Authority Considers Relevant (104(1)(i)).

8.4.1 Addressing Concerns of Submitters Opposing the Application

Submitter	Concerns	Planning Assessment
<p>Kathy Park: Kiwi Valley Limited: 302 Henderson Valley Road</p>	<p>Oppose the entire application.</p> <p>Detrimental to their eco based business and would cause a negative visual impact.</p> <p>They have a childcare centre on-site and are concerned with health and wellbeing of the children.</p> <p>Suggest that another site be considered.</p>	<p>It is recognised that the tower would be visible from the property located at 302-308 Henderson Valley Road. However the structure would be setback approximately 140m from the nearest building on that site.</p> <p>The applicants have proposed that the top of the tower would be a <i>recessive grey colour</i> but given the backdrop of pines trees the lower half of the tower would be coloured green.</p> <p>The proposal has been assessed by the National Radiation Laboratory who concluded that “<i>exposures in publicly accessible areas in and around this site would be low compared with the exposure limits prescribed in NZS 2772.1:1999.</i> Furthermore, NRL went on to say that the <i>limits in the exposure Standard are set well below the levels at which adverse health effects may occur, so as to provide a safe and healthy working and living environment. On this basis, the proposed mobile phone site would not pose a health hazard to people who live, work or pass by close to it.</i>”</p> <p>The applicants have outlined in their application (Page 3 Site Selection) the reasons for choosing the application site. In summary the proposed location is considered desirable because the tower would be in a location where it is able to communicate with all cellular telephones operating within the “cell”. The applicants have stated that the correct height is critical for location of antennas as is the topography of the site. This site was selected after computer analysis of its characteristics and those of other sites.</p>

Location of Submitter in Opposition



8.4.2 Addressing the Submitter in Support of the Application

Te Hao o Ngati Whatua were the submitter in support of the application. They did not disclose their reasons for not opposing the application but merely that they had had an on-site meeting and discussion with the applicant. They did request that in the event of contractors uncovering archaeological evidence, for example midden, work is to cease and a representative of Te Hao is to be contacted to record and recover. It is considered that request is appropriate and can be included as a condition of consent.

8.4.3 Monitoring

The performance of the activities under this consent will be subject to Council's standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis. In particular, attention is likely to be directed toward the implementation of conditions relating to the colouring of the cell tower and antenna components of the facility.

9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

It is considered that the proposal would be consistent with Sections 5, 6, 7 and 8 of the Resource Management Act 1991.

The purpose and principles of the Resource Management Act 1991 have primacy over all other considerations that are set out in section 104 of the legislation. In summary, sections 5, 6 and 7 require that resources must be sustainably managed in such a way that any adverse effects on the environment can be avoided, remedied or mitigated. Furthermore, the Resource Management Act 1991 requires that amenity values and the quality of the environment are to be maintained and enhanced.

It is considered that the granting of this application would not be contrary to the purpose of the Act. The proposal will enable people and communities to provide for their economic, social and cultural well-being and their health and safety without significantly compromising the needs of future generations or the life supporting capacity of natural resources such as air, water and soils. Through the imposition of appropriate conditions of consent, it is considered that the proposed activity can sufficiently avoid, remedy or mitigate any adverse effects on the environment.

10.0 CONCLUSION

The applicant seeks consent to erect a telecommunications facility on the property at 312 Henderson Valley Road, Henderson Valley. The site is zoned Foothills Environment under the District Plan. The site would cover an area of approximately 33m² and the tower on that area would have a maximum height of 23.7m.

It is considered that the proposal **meets** the criteria for granting consent as the potential adverse environmental effects are **no more than minor** and **can** be mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of this telecommunications facility **will not** lead to a decline in the amenity values of the area in which it seeks to locate.

The proposal is considered to be consistent with the Objectives and Policies of the District Plan which seek to protect the environment from any adverse effects of proposed activities in Waitakere City which do not meet the rules of the District Plan.

It is considered that the issues raised by the submitters **can** be adequately addressed through the imposition of appropriate conditions.

Subject to any additional and/or contrary evidence being presented at the hearing, it is concluded that the application **merits consent** in accordance with Sections 104 and 105 of the Resource Management Act 1991.

RECOMMENDATIONS

That pursuant to Sections 104, 105, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, **consent be granted** to the application by Vodafone New Zealand Limited to erect a telecommunications facility at 312 Henderson Valley Road, Henderson Valley, being Lot 3 DP 140479 for the following reasons:

- (i) The telecommunications facility would be located well away from public view points and would be screened from most areas by landscaping along Henderson Valley Road.
- (ii) The landscaping on Henderson Valley Road coupled with the meandering nature of that road would mean car drivers along that road would have only fleeting glimpses of the structure over a separation distance of at least 200m.
- (iii) The section of Henderson Valley Road where the facility would be located is defined as a Local Road in the District Plan with only a moderate level of through traffic.
- (iv) Dwellings on adjacent properties are located a considerable distance from the location chosen for the facility and it is considered the orientation of dwellings on those sites, existing screening on those sites and the topography of the area would mean the tower would not be visually dominant in this setting.
- (v) The applicants propose a paint scheme for the tower which would soften its appearance from the area where it is visible.

- (vi) The application was assessed by the National Radiation Laboratory and it was their contention that there would be no adverse effect on persons located near to it.
- (vii) The proposal is consistent with the Assessment Criteria and Objectives and Policies of the District Plan.

Consent shall be subject to the following conditions:

- (1) The development shall proceed in accordance with the Plans titled "Vodafone New Zealand Limited Henderson Valley BTS Site 312 Henderson Valley Road Henderson: drawings P01 and P02" prepared by Connell Wagner, dated 30 March 2003 and all referenced by Council as RMA 20030248 and the information, including further information submitted with the application.
- (2) All development works on the site including earthworks and the use of associated heavy machinery shall be undertaken between the following hours only:

Monday to Friday:	7.30 am to 7.00 pm
Saturday	8.00 am to 5.30 pm
Sunday and Public Holidays:	No work
- (3) In the event of contractors uncovering archaeological evidence, for example midden, work shall cease and a representative of Te Hao is to be contacted to record and recover.
- (4) The consent holder shall certify, to the satisfaction of the Manager of Resource Consents, that the antenna are working at the levels proposed once constructed.
- (5) The consent holder shall colour the appropriately to blend with the backdrop when viewed from surrounding properties.
- (6) **Before commencement of any works and until completion of exposed earth site works**, adequate sediment and erosion control measures shall be constructed and maintained by the consent holder. The control measures must be maintained until the site has been adequately stabilised against erosion. The construction and maintenance shall be in accordance with Appendix 3, Erosion and Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City Council Proposed District Plan (attached as Appendix A to this consent).

Please advise Council's Environmental Monitoring Officer when the controls are in place and await the approval of the monitoring officer before commencing work.

Report prepared by: Hamish Anderson, Resource Planner.

