

Porirua City Council Proposed District Plan

Hearing Stream 4

Speaking Notes: Tom Anderson – For Chorus, Spark and Vodafone

Introduction

- Of the Telco's submission points which are being considered under Hearing Stream 4, the officer s42A recommendation on 38 of the submission points were accepted, with the following matters contested through evidence:
 - Reverse sensitivity
 - Wording of INF-P4 regarding appropriate infrastructure;
 - Wording of INF-P8 (now INF-P10) regarding potentially acceptable infrastructure;
 - Applicability of INF-P23 (now INF-P24) Natural and Coastal Hazard overlays to telecommunication infrastructure;
 - Permitted size and diameter of antenna attached to building specified in INF-S7; and
 - Cabinet setbacks from front boundaries in INF-S13.
- Confirm that I have read Mr Smeaton's supplementary evidence. Acknowledge and thank Mr Smeaton for his continuation to work with submitters in coming to his position (not just in supplementary evidence but throughout this process). I agree with Mr Smeaton's position with regard to reverse sensitivity, accept his recommended alternative wording with regard to Natural and Coastal Hazard Overlays, and accept the revised wording to INF-P4. The other matters remain in contention.

Reverse Sensitivity

- I have reviewed the livestream of HS4 from Wednesday 9 February in regard to the Panel's questioning of Mr Smeaton regarding reverse sensitivity. Acknowledge that the definition in the PDP is the *vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitivity to adverse environmental effects that may be generated by such existing activity, thereby creating the potential for the operation of such existing activity to be constrained*, that this definition is a replica of what is included in the RPS, and that this definition was supported in the Telco's submission.

- My view on reverse sensitivity is wider, in that it is the vulnerability of an existing lawfully established activity to new activities which could constrain the operation of the existing activity. I.e. in terms of sensitivity it is both the sensitivity of the new activity and the sensitivity of the existing activity. That being said, there is no scope to change the definition of reverse sensitivity.
- While the evidence was focussed on the effects and sensitivity of the regionally significant infrastructure provider to new buildings which exceed the permitted height limit, the submission points raised in the original submission was:
The permitted height is supported, however infringing the height can create reverse sensitivity effects on telecommunications through changing the efficacy of any nearby antennas, and also can create potential health and safety effects on the occupants of the building proposed to extend through the permitted height through radiofrequency exposure. As such, a matter of discretion should be effects on regionally significant network utility operators.
- Note Mr Smeaton discussed the sensitivity of the new activity, being health and safety effects on occupants through radiofrequency exposure.
- Radiofrequency exposure levels are regulated in the National Environmental Standards for Telecommunications Facilities. Before a facility becomes operational, under the NESTF the operator must provide Council with a pre-commencement report that *predicts whether the radiofrequency field levels at places in the vicinity of the facility that are reasonably accessible to the general public will comply with NZS 2772.1* [New Zealand standard NZS 2772.1:1999 Radiofrequency fields – Maximum exposure levels – 3 kHz to 300 GHz]. If NSZ 2772.1 is met, then the radiofrequency level is permitted. However if it is not met, then resource consent is needed with non-complying status.
- I have never applied for a resource consent for a Telco when the NESTF NSZ 2772.1 levels have been exceeded. However I have been involved in a number of relocation resource consents where a telecommunication facility has been built, and while it has been operational, a building has been constructed in a location which and to a height which changes the places in the vicinity of the facility that are reasonably accessible to the general public, and as such change the facilities compliance with NZS2772.1. Typically in this situation the facility operator is forced to relocate, or seek a resource consent to increase the height of the mast. The reason

for this, is the sensitivity of the building occupiers to the adverse environmental effect (radiofrequency emissions) generated by the existing activity, which in my view is a clear reverse sensitivity effect.

- In Mr Smeaton's supplementary evidence in regard to the refined reverse sensitivity clause for exceedances of permitted heights (para 63), he notes that *there does not appear to be any detailed analysis or explanation of why 30 metres was selected as a distance in Mr Andersons evidence*. The reason that 30m was selected is that I understand from radiofrequency engineers that at that distance, there is a negligible likelihood that the occupiers of a new building near a facility would cause a change in the facilities compliance with NZS2772.1.
- Therefore I seek no changes to the relief requested at paragraph 45 of my evidence, and note Mr Smeaton's support for this relief.

INF-P8/INF-P10 – Potentially Acceptable Infrastructure

- I have continued to liaise with Mr Horne regarding wording for INF-P8/INF-P10. After reviewing Mr Smeaton's Supplementary Evidence, the concerns raised in my evidence remain. The following alternative wording is requested (which is a slightly amended version of the relief requested at paragraph 56 of my evidence). Note Mr Smeaton's changes as per his supplementary evidence are shown in red, and my requested changes are shown in blue:

~~INF-P8 P10 Provide for Regionally Significant Infrastructure and other Infrastructure outside of Overlays~~ **Potentially acceptable infrastructure**

*Provide for Regionally Significant Infrastructure and other infrastructure, **other than the National Grid**, where, **having regard to INF-P11**, it can be demonstrated that the following matters can be achieved:*

1. **Any adverse effects on ~~Compatibility with~~ the site, existing built form and landform are minimised;**
2. **Any adverse effects on ~~Compatibility with~~ the anticipated character and amenity values of the zone it is located in are minimised;**
3. Any adverse effects on amenity values are minimised, taking into account:
 - a. The bulk, height, size, colour, reflectivity of the infrastructure;
 - b. Any proposed associated earthworks;
 - c. The time, duration or frequency of any adverse effects; and

- d. Any proposed mitigation measures;*
- 4. Any adverse effects on the health, wellbeing and safety of people, communities and the environment, including nuisance from noise, dust, odour emissions, light spill and sedimentation are avoided, remedied or mitigated;*
 - 5. Any adverse effects on the natural character and amenity of water bodies, the coast and riparian margins and coastal margins are minimised;*
 - 6. Public access to and along the coastal marine area and water bodies is maintained or enhanced;*
 - 7. Any adverse effects on any values and qualities of any adjacent **specified** Overlays are minimised;*
 - 8. The safe and efficient operation of any other infrastructure, including the transport network, is not compromised; ~~and~~*
 - 9. Any adverse cumulative effects are minimised; and*
 - 10. Consistency with any relevant provisions of INF-P18 to INF-P24 where the infrastructure is located within a specified overlay.*

- The use of the term “Compatibility” is inappropriate, as telecommunications infrastructure is viewed by some as being “incompatible” with existing built form and landform, or anticipated character and amenity values. In my view it is more appropriate for a resource consent to determine whether adverse effects have been minimised rather than determine compatibility.

INF-S7

- In his supplementary evidence, Mr Smeaton does not agree with the relief requested at paragraph 83 of my evidence, in regard to increased panel antenna size for where they are attached to buildings in the Residential, Neighbourhood Centre, Open Space and Recreation Zones . For the reasons given in my evidence (paragraphs 78 to 82), I continue to seek the relief requested at paragraph 83 of my evidence.

INF-S13

- In his supplementary evidence, Mr Smeaton offers alternative relief to what I sought at paragraph 92 of my evidence regarding INF-S13 (cabinet setbacks).
- I agree with Mr Smeaton’s alternative relief for residential zones.

- However I disagree with his alternative relief for rural, open space, recreation, special purpose, future urban and hospital zones. Having a cabinet setback 2m from a road boundary on these properties creates an unusual, and potentially unusable, space in front of the cabinet, and could also impact on the usability of the site for its zoned purpose. As stated in my evidence (paragraph 86) there are instances where, due to the width of legal road, cabinets cannot fit within legal road and space within the neighbouring private site is leased. Typically this is immediately adjacent to the road boundary, and the cabinet essentially appears to be located within the legal road. I consider this to be a preferable outcome, particularly from a visual perspective, than the unnecessary creation of a 2m setback.
- My amended relief requested for INF-S13 is as follows (note Mr Smeatons supplementary evidence changes are shown in red, with my subsequent changes shown in ~~double strikethrough~~):

INF-S13 Setbacks – Cabinets...

All zones

1. It must not be located within a 2m setback from any ~~site-side or rear boundary.~~

Residential zones

2. It must not be located within a 1.5m setback from any road boundary.

*~~Rural Zones, Open Space and Recreation Zones, SPZ Special Purpose Zone (BRANZ),
FUZ Future Urban Zone, HOSZ Hospital Zone~~*

~~3. It must not be located within a 2m setback from any road boundary.~~