101 Guyton Street P O Box 637, Whanganui Phone: (06) 349 0001

Fax: (06) 349 0000

Email: wdc@whanganui.govt.nz Web: www.whanganui.govt.nz



Application No: CoC19/003

Property No: 12365

15 Apr 2019

Spark New Zealand Trading Limited c/- Aurecon Group PO Box 2292 Tauranga 3140

Dear Sir/Madam

## Certificate of Compliance Application: 59-65 Jones St WHANGANUI

I refer to the Certificate of Compliance application for the construction of a new telecommunication facility at 59-65 Moana Street at 59 Jones St WHANGANUI. I am pleased to inform you that Council has assessed your application and issues the attached Compliance Certificate.

Please feel free to contact me on (06) 349 – 0001, if you have any questions or concerns.

Yours faithfully

Cameron Neilson

**Resource Management Planner** 

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CoC19/003

## **Compliance Certificate**

## **Under the Resource Management Act 1991**

<u>THE WANGANUI DISTRICT COUNCIL HEREBY CERTIFIES</u> that the activity described below complies with the Wanganui District Plan in relation to the location described below. This certificate is issued in terms of Section 139 of the Resource Management Act 1991.

The activity to which this Certificate relates is for:

- Documents titled 'Telecommunication Facility at 59-65 Moana Street, Whanganui East, Whanganui' prepared by 'Aurecon Group Ltd' dated '29 March 2019'.
- 'Appendix A Site and Land Plan' prepared by 'Aurecon Group Ltd' dated '27 March 2019'.
- 'Appendix B Radiofrequency Report' prepared by 'Spark New Zealand Ltd' dated '26 March 2019'
- 'Appendix C Acoustic Analysis Report' prepared by 'Huawei Ltd', undated.
- 'Appendix D Spark Engagement Brochure' prepared by 'Spark New Zealand Ltd', undated.

### Advice Notes:

- 1. This Certificate is deemed a resource consent under the Resource Management Act 1991 (section 139(10) of the RMA) and is issued subject to any conditions specified in the plan. It is issued without alteration.
- 2. Section 125 of the RMA applies to this resource consent (see section 139(12) of the RMA). Accordingly, this consent will lapse 5 years after the date it is granted unless, before the consent lapses:
  - a. it is given effect to; or
  - b. an application is made to the Council to extend the period of the deemed consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(b) of the Resource Management Act 1991.
- 3. This decision only relates to the activities outlined in the application but does not restrict the use of the site to only these activities. There may be other activities which can also be undertaken on the site as a permitted activity in the District Plan.
- 4. This certificate is issued on the basis of the information provided within the application. If any aspect of this activity changes it may no longer constitute a permitted activity under this certificate.
- 5. Should the applicant come across an archaeological artefact at any time during the development or earthworks on site, the applicant would be required to cease operation immediately and notify Heritage New Zealand Pouhere Taonga in accordance with legal obligations imposed through the HNZPT Act 2014.

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The location to which this Certificate relates is:

59-65 Jones St WHANGANUI, legally described as LOT 1 DP 63634 0.2184 Ha

This certificate is in response to an application made by Spark New Zealand Trading Limited, on the 01 Apr 2019.

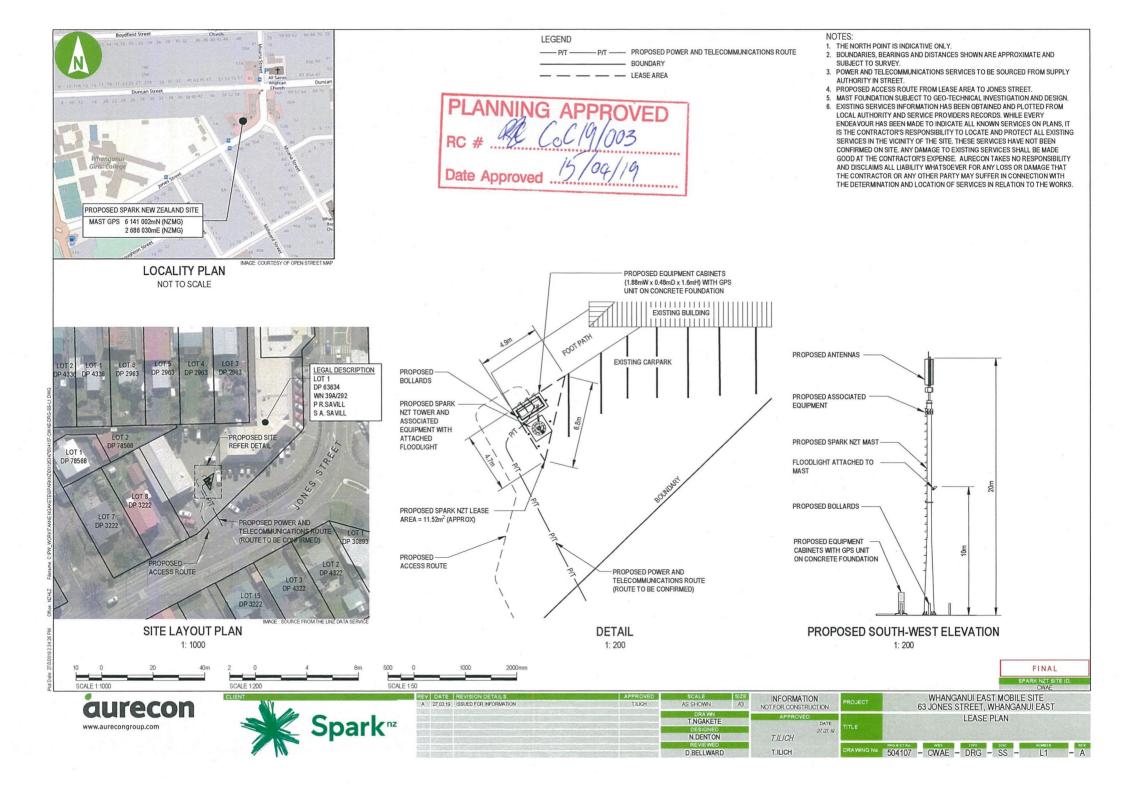
This Certificate supersedes any other certificates issued previously.

Dated at Wanganui, Monday the 15th day of April 2019

Signed

Cameron Neilson

Resource Management Planner



## WHANGANUI DISTRICT COUNCIL

### CERTIFICATE OF COMPLIANCE REPORT

Date: 09 April 2019

Subject: Application for a Certificate of Compliance: for the installation

of a new telecommunications facility

File number: COC19/003

Application Received: 1 April 2019

Applicant: Spark New Zealand Trading

Legal Description: Lot 1 DP 63634

Proposal: For the installation of a new telecommunications

facility.

Zoning: Neighbourhood Commercial zone.

Other: Jones Street is a Collector Route under the

Whanganui District Plan

Lot size: N/A

Recommendation: Approved

### 1.0 INTRODUCTION

An application for a Certificate of Compliance has been received under Section 139 of the Resource Management Act 1991 from Aurecon Group Ltd on behalf of Spark New Zealand Trading for the installation of a new telecommunications facility in the Neighbourhood Commercial Zone at 59-65 Moana Street, Whanganui.

## 1.1 Site description and proposal

The application site is located at 59-65 Moana Street, in the suburb of Whanganui East, Whanganui. The wider site contains the Whanganui East Shopping Centre, while Whanganui Girls College, and numerous residential dwellings are located within the immediate proximity of the subject site.

The telecommunications facility is proposed to be installed in a currently landscaped area of an existing carpark, between the liquor store and fish and chip shop, near the south west boundary of the property. The location was selected in order to maximize the tower frequency and efficiency. The proposed telecommunications facility will comprise of the following components:

- A pole approximately 20m in height. The pole will taper from 0.8m in diameter at the base of the pole, to approximately 0.4m in diameter 9m up the pole. The pole will be colored matte grey.

- Three panel antenna fixed to the top of the pole, measuring 2.7m in length, 0.7m in diameter and 0.2m deep, attached towards the top of the tower (in a way that the antenna match the maximum 20m height of the tower).
- A single lightning rod, measuring 0.5m in height, will be attached to the top of the pole.
- Ancillary equipment such as remote radio units, tower mounted amplifiers and/or splitters/combiners will be installed as required. The pole will also accommodate a floodlight to illuminate the adjacent carpark.
- Three cabinets with a maximum footprint of 1m<sup>2</sup> (being 2m long and 0.5m wide) and height of 1.6m above the ground.

The relevant power and telecommunications infrastructure will be supplied to the proposed telecommunication facility through an underground supply via Jones Street.



Figure 1: proposed site of works and surrounding environmen.



Figure 2: Site plan, location plan and layout plan for poposed development

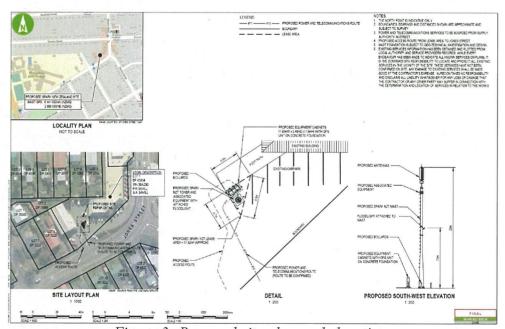


Figure 3: Proposal site plan and elevations

## 2.0 Planning Framework

# 2.1 National Environmental Standards for Telecommunications Facilities 2016 (NESTF)

The following are permitted activities under the NESTF:

NESTF Regulation	Compliance Requirement	Evidence of compliance	Status
Regulation 11: Activity complying with standard is a permitted activity.	(1) A regulated activity is a permitted activity if it is carried out in accordance with the standard.	As set out in the boxes below, the activity is a regulated activity and complies with all relevant standards and therefore is a permitted activity. (Regulations 12 – 18 do not apply)	Complies
NESTF in relation	to cabinets:		
Regulation 19: Regulated activity and standard	(1) The installation and operation of a cabinet by a facility operator is a regulated activity.	The proposed cabinets are a regulated activity under this standard	Complies
	(a) regulation 20 or 21, as applicable, must be complied with; and (b) if the cabinet is in a road reserve,— - (i) regulation 22 must be complied with (subject to regulation 23); and - (ii) regulation 24 must be complied with; and (c) if the cabinet is not in a road reserve, regulation 25 must be complied with; and (d) each regulation in subpart 5, if it applies, must be complied with; and (e) if the activity includes earthworks, regulation 54 must be complied with; and (f) if the cabinet is an RFG facility, regulation 55 must be	Regulations 20 and 25 are the only applicable regulations in relation to this proposal. Both regulations will be complied with (as outlined in the boxes below)	

	complied with.		
Regulation 20: Cabinets not servicing antenna on building	(1) This regulation applies to any cabinet other than one to which regulation 21 applies.	Regulation 21 is not applicable in this instance. Therefore regulation 20 applies.	Complies
	<ul> <li>(2) This regulation is complied with if—</li> <li>(A) the height, footprint and grouping rules in sub clause</li> <li>(3) are complied with; and</li> <li>(B) One of the following applies:</li> <li>(i) The cabinet's equipment does not require power:</li> <li>(ii) Power for the cabinet's equipment is provided by a self-contained power unit:</li> <li>(iii) the power supply for the cabinet's equipment is connected under the ground or inside the cabinet.</li> </ul>	<ul><li>(a) The cabinets comply with the height, footprint and grouping rules outlined below in sub clause 3.</li><li>(b) The power supply for the cabinets will be connected underground.</li></ul>	
	(3) The height, footprint, and grouping rules are as follows:  (a) if the cabinet is in a road reserve that is in, or adjoins, a residential zone,—  - (i) the height of the cabinet must not be more than 1.8 m; and	<ul><li>(a) The cabinets is not in road reserve on or adjoining the residential zone.</li><li>(b) The cabinets is not in any other road reserve.</li><li>(c) The cabinets is not in the</li></ul>	

- (ii) the footprint of the cabinet must not be more than 1.4 m<sup>2</sup>; and
- (iii) the group rules in regulation 22 must be complied with (subject to regulation 23):
- (b) if the cabinet is in any other road reserve.—
- (i) the height of the cabinet must not be more than 2 m; and
- (ii) the footprint of the cabinet must not be more than 2 m2; and
- (iii) the group rules in regulation 22 must be complied with (subject to regulation 23):
- (c) if the cabinet is not in a road reserve and is in a residential zone,—
- (i) the height of the cabinet must not be more than 2 m; and
- (ii) the footprint of the cabinet must not more than 2 m2:
- (d) if the cabinet is not in a road reserve and is not in a residential zone,—
- (i) the height of the cabinet must not be more than 2.5 m; and
- (ii) the footprint of the cabinet must not be more than 5 m2.

residential zone.

- (d) The cabinets is in the Neighbourhood Commercial zone:
  - (i) The height of the cabinets are not more that 1.6m
  - (ii) The footprint of the cabinets is not more than 5m<sup>2</sup> (cabinet is only 1m2)

Regulation 25: Noise limits for cabinet not in road reserve	<ul> <li>(1) This regulation applies to a cabinet not located in a road reserve.</li> <li>(2) This regulation is complied with if the cabinet is installed and operated in accordance with the district rules about noise from a facility at the place where the cabinet is located.</li> </ul>	<ul><li>(1)The cabinets are not located in road reserve.</li><li>(2) The cabinets can comply with the noise requirements set out within the Whanganui District Plan (see section 2.3 for assessment).</li></ul>	Complies
NESTF in relation	to telecommunications line		
Regulation 43: Regulated activity and standard – Underground telecommunication lines	(1) The installation and operation of a telecommunication line by a facility operator is a regulated activity if the line—  (a) is not a customer connection line; and (b) is an underground line  (2) The standard for the activity is that,—  (a) to the extent that the activity is carried out in a road reserve, regulation 44, if it applies, must be complied with; and (b) to the extent that the activity is carried out at a place that is not in a road reserve, regulations 45 to 51, if they apply, must be complied with; and (c) regulation 54 must be complied with	(1) The line is not a customer connection line and all power and telecommunications will be supplied underground.	Complies

NESTF in relation	n to earthworks		
Regulation 44: Application of district and regional rules	(1) This regulation applies to a regulated activity if—  (a) the activity is carried out at a place that is in a road reserve and within the drip line of a tree or other vegetation; and	(1) The proposal will not be carried out in public road reserve and will not be within the dripline of a tree or other vegetation.	Not applicable
	(b) in the absence of these regulations, the relevant district plan or proposed district plan would require the facility operator to obtain a resource consent for the regulated activity.		
Regulation 45: Significant trees	(1) This regulation applies to a regulated activity if the activity is carried out at a place that—	(1)(a) The proposal is not in public road reserve	Not applicable
	<ul><li>(a) is not in a road reserve; and</li><li>(b) is within the drip line of a tree that is, or is in a group of trees that are, identified in the relevant district plan or proposed district plan as being subject to tree protection rules.</li></ul>	(b) The proposal is not within the dripline of a tree that is, or is in a group of trees that are, identified in the relevant district plan or proposed district plan as being subject to tree protection rules.	
Regulation 46: Historic heritage values	(1) This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to historic heritage rules.	(1) The works are not being carried out in a place subject to historic heritage rules.	Not applicable
Regulation 47: Visual amenity	(1) This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district		Not applicable

landscapes	plan or proposed district plan as being subject to	amenity landscapes rules.	
anascapes	visual amenity landscapes rules.	amonity landscapes rules.	
Regulation 48:	(1) This regulation applies to a regulated activity if it is	(1) The works are not being carried	Not
Significant habitats	carried out at a place identified in the relevant district	out in a place subject to significant	applicable
for indigenous	plan or proposed district plan as being subject to	vegetation rules.	upp
vegetation	significant vegetation rules.	1 - 5 - 5 - 5 - 5 - 5 - 5 - 5 - 5 - 5 -	
Regulation 49:	(1) This regulation applies to a regulated activity if it is	(1) The works are not being carried	Not
Significant habitats	carried out at a place identified in the relevant district	out in a place subject to significant	applicable
for indigenous	plan or proposed district plan as being subject to	fauna rules.	of L
fauna	significant fauna rules.		
Regulation 50:	(1) This regulation applies to a regulated activity if it is	(1) The works are not being carried	Not
Outstanding	carried out at a place identified in the relevant district	out in a place subject to significant	applicable
natural features or	plan or proposed district plan as being subject to	outstanding natural features or	11
landscapes	outstanding natural features or landscapes rules.	landscapes rules.	
Regulation 51:	(1) This regulation applies to a regulated activity if it is	(1) The works are not being carried	Not
Places adjoining	carried out at a place identified in the relevant district	out in a place subject to significant	applicable
coastal marine area	plan or proposed district plan as being subject to	coastal protection rules.	
	coastal protection rules.		
Regulation 52:	(1) This regulation applies to a regulated activity if it is	(1) The works are not being carried	Not
Rivers and lakes	carried out over a river or lake (as referred to in	out in a river or lake.	applicable
	regulation 8(2)).		
NESTF in relation to	earthworks		
Regulation 54:	(1) This regulation applies to a regulated activity if it	Only a small amount of earthworks	Complies
Earthworks	includes earthworks (as referred to in regulation	will be required to establish the	•
associated with	5(1)(d)).	proposed telecommunications	
certain antennas		facility, well within Regional	
		earthworks rules. Regulation 53 is	
		not applicable, as the proposal is not	
		a regulated activity under regulations	

		30, 32 or 4.	
NESTF in relation to	radiofrequency fields		
Regulation 55: Radiofrequency fields	(1) This regulation applies to an RFG facility.	The proposed facility is an RFG facility.	applicable
	<ul> <li>(a) the facility is installed and operated in accordance with NZS 2772.1; and</li> <li>(b) before the facility becomes operational, the facility operator gives the local authority—</li> <li>(i) written or electronic notice of the facility's location; and</li> <li>(ii) a pre-commencement report that complies with subclause (3); and</li> <li>(c) either—</li> <li>(i) the facility operator gives the local authority a post-commencement report that complies with subclause (4) within 3 months after the facility becomes operational; or</li> <li>(ii) under subclause (5), the facility operator is not required to give a post-commencement report.</li> </ul>	<ul> <li>(a) The facility will be installed and operated in accordance with with NZS 2772.1.</li> <li>(b) (i)This application is to be treated written notice of the facilities location to the Whanganui District Council.</li> <li>(ii) The pre-commencement report which complies with the relevant information under subclause (3) is attached as appendix B of the application.</li> </ul>	Complies
	3) A pre-commencement report must-	A pre-commencement report has	Complies
	(a) be prepared in accordance with AS/NZS 2772.2; and	been prepared and submitted with the application in accordance with the	-

<ul><li>(b) take into account exposures arising from other telecommunication facilities in the vicinity of the facility;</li><li>(c) predict 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.</li></ul>	required information.	
(4) A post-commencement report must—  (a) be prepared in accordance with AS/NZS 2772.2; and  (b) provide evidence that the actual radiofrequency field levels at places in the vicinity of the facility that are reasonably accessible to the general public comply with NZS 2772.1.	No post commencement report is required as the pre commencement report states that the prediction in accordance with subclause (3)(c) is not expected to reach the 25% maximum level authorised by NZS 2772.1 for exposure of the general public.	Not applicable
(5) The facility operator is not required to give a post-commencement report if the prediction referred to in subclause (3)(c) was that the radiofrequency field levels will not reach 25% of the maximum level authorised by NZS 2772.1 for exposure of the general public.	The prediction in subclause (3)(c) is not expected to reach the 25% maximum level authorised by NZS 2772.1 for exposure of the general public.	Not applicable

The information provided by Aurecon Group Ltd on behalf of Spark New Zealand Trading Ltd states the proposal is able to comply with all relevant regulations of the NESTF and is therefore a **permitted** activity under regulation 11 of the NESTF. However, as the proposed telecommunications facility is for antennas on a new pole within the Neighbourhood Commercial Zone, it is not a regulated activity under the NESTF, nor is the noise parameters. As such an assessment against the relevant District Plan standards follows in section 2.3 of this report.

## 2.2 Resource Management Act 1991

Section 43B of the Resource Management Act 1991 regards the relationship between National Environmental Standards and rule or consents. This section of the Act states that:

- (1) A rule or resource consent that is more stringent than a national environmental standard prevails over the standard, if the standard expressly says that a rule or consent may be more stringent than it.
- (3) A rule or resource consent that is more lenient than a national environmental standard prevails over the standard if the standard expressly says that a rule or consent may be more lenient than it.

The governing National Environmental Standard (the NESTF) expressly states that a rule referred to in regulations 25 & 44-54 may be more stringent than the National Environmental Standard itself. In this case, the only applicable rule referred to relates to the noise requirements set out under the District Plan, and as such will be assessed accordingly in section 2.4 below.

## 2.3 Whanganui District Plan

The proposal site is located in the Neighbourhood Commercial Zone as shown on the Whanganui District Council Planning Maps. There are no known site specific features located near the proposal site which would affect the application in anyway.

An assessment against the relevant sections of the Whanganui District Plan is as follows, and includes the assessment against the relevant noise requirement under the District Plan pursuant to Regulation 25 of the NESTF:

Performance Standard:	Compliance: Complies/Does Not
(Refer to the Whanganui District Plan	Comply
for the full standard)	
Chapter 5 - Commercial Environment	Permitted – network utilities are
3.8.1 Activity (Permitted/not permitted in	permitted in the Rural General Zone.
the underlying zone?)	_
Chapter 17 – Noise 17.5.1 General	Complies – best practice options and
	equipment will be used to minimise the
	generation of noise.
17.5.2 noise sensitive activities	Not applicable
17.5.3 Mining Explosives	Not applicable
17.5.4 Telecommunications Cabinets	Not applicable – the Resource

Performance Standard: (Refer to the Whanganui District Plan for the full standard)	Compliance: Complies/Does Not Comply
	Management (National Environmental Standard for Telecommunications Facilities) Regulations 2008 were superseded by the 2016 regulation. The 2016 regulation (regulation 25) requires the District Plan Standards in relation to noise be met for cabinets outside of the road reserve and in rural zones (see 17.5.8 below).
17.5.5 Commercial Boating	Not applicable
17.5.8 Commercial Environment	Complies – The cabinet and remainder of the telecommunications facility will comply with the relevant noise standards/parameters as shown in Appendix C of the application.
Chapter 22 - Network Utilities 22.4.1	Permitted- the installation and operation
Activity (Permitted/not permitted in the	proposed network utilities are a permitted
underlying zone?)	activity.
22.5.1 Earthworks	Not applicable – regulated under the NESTF
22.5.2 Signage	Not applicable
22.5.3 Noise	Complies – See Chapter 17 assessment above. All noise emitted from the proposal can comply with the relevant standards.
22.5.4 Lighting	Complies
22.5.5 Structures	Complies – the mast and antennas are provided for under section 22.4.1(a)(i) of the Whanganui District Plan and are therefore exempt from the structure Performance Standard in the Neighbourhood Commercial Zone.
22.5.6 Undergrounding of Lines and	Not applicable – regulated under the
Pipes	NESTF
22.5.7 Domestic Scale Renewable	Not applicable
Energy Generation	

As shown above, all proposed activities permitted under the District Plan, including the noise generated by the proposal as shown in the Acoustic Analysis Report (appendix C of the application). Therefore, the proposal is to still a **Permitted** activity.

An advice note will be added advising the applicants that's if the proposed works uncover any archaeological sites/artefacts, they will be to cease all works and report this to Heritage New Zealand Pouhere Taonga immediately.

#### 3.0 DECISION

In accordance with section 139 of the Resource Management Act 1991, it is hereby certified that the installation of a new telecommunications facility as detailed within the application received 1<sup>st</sup> April 2019 is a permitted activity. This certificate is issued subject to the information provided with the application, namely – but not limited to:

- Documents titled 'Telecommunication Facility at 59-65 Moana Street, Whanganui East, Whanganui' prepared by 'Aurecon Group Ltd' dated '29 March 2019'.
- 'Appendix A Site and Land Plan' prepared by 'Aurecon Group Ltd' dated '27 March 2019'.
- 'Appendix B Radiofrequency Report' prepared by 'Spark New Zealand Ltd' dated '26 March 2019'
- 'Appendix C Acoustic Analysis Report' prepared by 'Huawei Ltd', undated.
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## Advice Notes:

- 1. This Certificate is deemed a resource consent under the Resource Management Act 1991 (section 139(10) of the RMA) and is issued subject to any conditions specified in the plan. It is issued without alteration.
- 2. Section 125 of the RMA applies to this resource consent (see section 139(12) of the RMA). Accordingly, this consent will lapse 5 years after the date it is granted unless, before the consent lapses:
  - a. it is given effect to; or
  - b. an application is made to the Council to extend the period of the deemed consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(b) of the Resource Management Act 1991.
- 3. This decision only relates to the activities outlined in the application but does not restrict the use of the site to only these activities. There may be other activities which can also be undertaken on the site as a permitted activity in the District Plan.
- 4. This certificate is issued on the basis of the information provided within the application. If any aspect of this activity changes it may no longer constitute a permitted activity under this certificate.
- 5. Should the applicant come across an archaeological artefact at any time during the development or earthworks on site, the applicant would be required to cease operation immediately and notify Heritage New Zealand Pouhere Taonga in accordance with legal obligations imposed through the HNZPT Act 2014.

## 4.0 RECOMMENDATION

The proposed development is permitted without the need for Resource Consent and a Certificate of Compliance can be issued.

15 April 2019.

Report prepared by:

Cameron Neilson

Resource Management Planner

Grerbik

Report review by:

Johanna Verhoek

Team Leader Resource Management