

7501 Warkworth Satellite Earth Station Restrictions

Designation Number	7501
Requiring Authority	Spark New Zealand Trading Ltd
Location	Satellite Station Road, Thompson Road, Hepburn Creek Road, Perry Road and Radiata Road, Warkworth
Rollover Designation	Yes
Legacy Reference	Designation 809, Auckland Council District Plan (Rodney Section) 2011
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

Satellite earth station - surrounding land use and building restriction.

Conditions

General

1. The plans associated with the requirement (TP/8228/4 TP15616), together with this specification, comprise the "Warkworth Satellite Earth Station: (Building and Land Use Restrictions)".
2. The area affected by the restrictions is that area outlined in light stipple on TP/8228/4, TP15616 and the specification plan below. The boundary of the requirement corresponds to the Safe Contour Line. The Safe Contour Line is defined as "the locus points which are 10m below the level ridge line on the side of the ridge away from the Satellite Earth Station antennas. The ridge lines are the locus points on the brow of the ridge, which are on a grazing ray from the top of the antenna tangent to the ridge. If a ridge brow is within 1,200 mm of both antennas, then the ridge line associated with the antenna which gives the lower safe contour has been taken. The top heights of the antennas are 122m R.L. for the No: 1 antenna and 102m R.L. for the No: 2 antenna".
3. To ensure the safe and efficient functioning and operation of the Warkworth Satellite Earth Station, a restriction is necessary, to prevent the use of land (within the requirement area) in a manner which would cause interference with the electronic integrity of the station.

Therefore:

- a. The proliferation of devices, or
- b. The excavation of land, or
- c. The construction, reconstruction, alteration or addition to any building or other structure in a form of or by the use of reflecting or re-radiating materials

which could cause interference to the efficient functioning of the Satellite Earth Station is prohibited, except with the consent of the Spark New Zealand Trading Ltd pursuant to Clause 4 hereof.

4. Any person who wishes to carry out any work in any manner prohibited by Clause 3 above may make an application to Spark New Zealand Trading Ltd, under Section 176 of the Resource Management Act 1991 by writing to:

Primary Contact:

International Operations Manager
Spark New Zealand Trading Ltd
Private Bag 92028
Auckland 1142

Secondary Contact:

International Property Manager
Spark New Zealand Trading Ltd
Private Bag 92028
Auckland 1142

A reply to any request will be made within one month of receiving the request. The granting of any consent will be made on the merits of each individual proposal as measured against the criteria for protecting the operation of the Satellite Earth Station.

The applicant may contest a refusal of consent or a consent granted subject to conditions, by lodging an appeal with the Environment Court. Such an appeal must be lodged within one month of receipt of the decision on an application for consent under Section 176 of the Resource Management Act 1991.

5. In considering applications under Section 176 the Company will apply the criteria as set out in Clause 6. These criteria not only state the objective behind the restrictions on the use of land, but as far as possible, detail the types of activities which are likely to be permitted in the area.

6. Criteria for Applications under Section 176

a. Need for the Restrictions

The control over the use of land as contained in Clause 3 is necessary for two broad and interacting reasons. Firstly, to restrict the proliferation of interference-producing devices, which singly may not produce sufficient interference to be detrimental to the operation of the Satellite Earth Station, but which in number will increase the risk. Secondly, to prevent the erection of buildings and structures within the area constructed of materials with reflecting or re-radiating properties which could affect the performance of the Satellite Earth Station. The Company must be satisfied that the proposed use of land will not produce unacceptable interference or reflections.

b. Administration of the Restrictions

i. The restrictions relate only to the use of land in a manner which would cause interference with the electronic integrity of the station. A change in farming type, for example, from agriculture to horticulture or to forestry, would not need to be controlled unless it interfered with the functioning or operation of the Satellite Earth Station.

ii. Subdivision of land will be controlled, in order to maintain the existing rural, low density development and land use character, and to minimise the occurrence of electrical interference sources.

c. Over all that land within the boundary of the requirement the following shall apply:

i. Any buildings or structures with metallic exterior or interior surfaces shall be oriented so as not to produce reflection from the satellite into the antennas.

ii. Height: Any buildings and structures less than 5m in height are generally unlikely to present a problem, although some resiting may be necessary in specific cases.

iii. Transmission and Reticulation: Aerial power transmission and reticulation will not be permitted. This restriction also applies to all aerial telephone reticulation. Should any new supply be required, this need shall be met by wiring an underground transmission and reticulation service. Where the effect of this provision is to require undergrounding of existing or future services which would otherwise not be required, the difference in cost shall be met by Spark New Zealand Trading Ltd. Maintenance work on aerial services shall be deemed, excepting only in the case of emergency work, to be work within the meaning of Section 176 of the Act and shall be subject to an application in terms of Clause 4.

iv. Earthworks: No earthworks will be permitted affecting the ridgeline determining the safe contour line.

Explanatory Note for c.i.:

Buildings or structures with metallic surfaces greater than 40m² in any one plane have the potential to cause unacceptable interference.

d. In the area shown cross-hatched on the attached Specification Plan, the following shall also apply:

i. New buildings or structures potentially creating man-made electrical noise sources shall not be permitted in this area.

e. Unitary Plan Provisions

The provisions of the Auckland Unitary Plan for the area shall continue to apply but be subject to the restrictions contained in the requirement.

Attachments

Warkworth Satellite Earth Station (Buildings and Landuse Restrictions) Plan

7530 Mt Eden Telecommunications Site

Designation Number	7530*
Requiring Authority	Spark New Zealand Trading Ltd
Location	2B Poronui Street, Mt Eden
Rollover Designation	Yes
Legacy Reference	Designation E08-43, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	Given effect to (i.e. no lapse date)

* Indicates this is a secondary designation. Chorus New Zealand Ltd has the primary designation on the site pursuant to section 69XJ(3) of the Telecommunications Act 2001. See also: New Zealand Gazette No 180, 23 November 2011, pages 5223-5226.

Purpose

Telecommunication and radiocommunication and ancillary purposes.

Conditions

Masts and Antennas

1. The height of any new equipment shall not exceed the Mt Eden Volcanic Cone height limit of 9m above ground level using the rolling height method (excluding any lightening rod) as contained in the Auckland Council District Plan - Isthmus Section.
2. Notwithstanding Condition 1, the antennas on the existing mast existing 1 January 2009 may be upgraded, reconfigured or additional antennas installed subject to:
 - a. The constraints in condition 7;
 - b. There being no increase in the overall height of the mast and attached antennas;
 - c. The total width of the mast head (including antennas) shall be no more than 4.5m; and
 - d. All antennas shall be placed on mast head, with none attached directly to the mast pole.
3. Any new masts and associated antennas shall comply with the relevant height in relation to boundary controls from adjoining residential zone boundaries and the road boundary as included in the Auckland Council District Plan - Isthmus Section as at 1 January 2009. Any mast and associated antennas shall not exceed a diameter of 1 m for those parts of the equipment exceeding 8 m in height above ground level.
4. Antennas mounted on the roof of buildings shall not extend more than 3 m above the maximum height of the roof provided they comply with Condition 1, and shall comply with the relevant height in relation to boundary controls from adjoining residential zone boundaries and the road boundary as included in the Auckland Council District Plan - Isthmus Section as at 1 January 2009 where antennas are mounted above the roofline (will not apply to antennas mounted against the building fascia and not extending above the roofline).
5. All antennas and support structures shall be painted or supplied in a recessive colour or supplied in a material that will weather to a dull finish (e.g. galvanised steel brackets and antenna components).

6. The total number of masts on site shall not exceed 1 (one).

7. The total number of antennas on the site shall not exceed 10 (ten) - being up to 9 (nine) on the existing mast and 1 (one) Global Positioning System (GPS) on the building.

Buildings

8. Any building, excluding masts, exhaust fumes, antennas and air conditioning equipment shall be contained within the following building envelope:

a. Height: 9m;

b. Front yard: 2.5m; and

c. Height in relation to boundary: shall comply with the relevant height in relation to boundary controls from adjoining residential zone boundaries and the road boundary as included in the Auckland Council District Plan - Isthmus Section as at 1 January 2009.

Except the above shall not restrict the maintenance, upgrading and replacement of any existing building where it already infringes this condition provided there is no additional exceedence of the standards within this condition. For the avoidance of doubt, building height shall be measured by a rolling height method.

Outline Plans

9. That an Outline Plan of Works shall not be required for:

a. Any internal building works (excluding equipment generating external noise);

b. Replacement of equipment where the new equipment is of a similar size in height, breadth and depth and subject to compliance with noise conditions set out below;

c. The replacement of any antennas with antennas of similar size provided that there is no increase in the overall height of the facility;

d. General site maintenance and repair work, or boundary fencing otherwise permitted by the Auckland Council District Plan (Isthmus Section).

Noise

10. Any new noise generating equipment (excluding any electricity alternator required for emergency back-up power generation) shall not exceed the following noise limits:

a. At the boundary of any adjacent business zoned property:

7am - 10pm on any day: Leq 55 dB(A)

10pm - 7am on any day: Leq 45 dB(A)

b. At the boundary of any adjacent residentially zoned property:

7am - 10pm on any day: Leq 50 dB(A)

10pm - 7am on any day: Leq 40 dB(A)

11. Any new noise generating equipment (excluding any electricity alternator required for emergency backup power generation) shall cumulatively in combination with any other noise generating equipment on the site not result in any increase in existing noise levels received at any other property boundary where the noise levels in Condition 10 are exceeded. A noise assessment shall be submitted as part of any outline plan to confirm the existing noise levels and predicted new noise levels to confirm compliance with this condition.

12. For any changes or additions to the electricity alternators on the site, where the noise from all electricity alternators exceeds the noise limits in Condition 10 an outline plan shall be required which demonstrates how the equipment and any mitigation is the best practicable option (BPO) to ensure that noise levels do not exceed a reasonable level and do not exceed existing noise levels.

13. The testing and routine maintenance of Electricity Alternators on site shall be restricted to the hours between 8am-5pm Monday to Friday, with no testing or routine maintenance permitted outside these hours.

14. The requiring authority shall adopt the best practicable option to ensure emission of noise from its designated site does not exceed a reasonable level.

Radiofrequency Fields

15. Any equipment transmitting radiofrequency energy shall comply with the exposure levels stated in current New Zealand Standard NZS2772.1: 1999 as required by the National Environmental Standards for Telecommunications Facilities at any place where the public has reasonable access.

Contaminated Site

16. Should an Outline Plan of Works involve earthworks and/or excavation, the requiring authority shall undertake an Environmental Site Assessment (ESA) to be submitted with the outline plan of works. The ESA shall be comprised of a desktop study, a walkover of the proposed development area to identify potential contamination and soil sampling within the proposed development area. The results of the ESA shall demonstrate the level of contamination within the area of works and propose mitigation in the event that the contamination is above the regulatory guideline values for the protection of human health in the relevant zone.

Notwithstanding the above, in the case of:

a. Removing any existing underground fuel tank, the ESA can be conducted following the removal of the tank and any material around the tank pit;

b. Very minor earthworks/excavations, the Council (Resource Consents Team Manager) may at their discretion waive the need to undertake an ESA and soil sampling.

If evidence of contamination which has not been previously identified is discovered during works, the Requiring Authority shall immediately cease works and notify the Team Leader: Compliance and Monitoring, and provide a detailed site contamination report and action plan to the satisfaction of the Team Leader: Compliance and Monitoring. The Requiring Authority shall ensure the excavated materials that require offsite disposal are disposed of in an appropriate landfill and provide evidence of the disposal to the Team Leader: Compliance and Monitoring.

Operational Planning

17. A Communication Plan shall be prepared for the site and shall include:

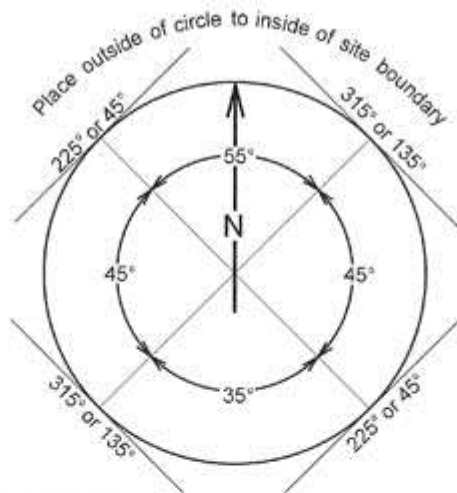
- a. A procedure to ensure that all contractors and staff working at the site are aware of designation conditions;
- b. Instructions to all those entering the buildings regarding actions required to respect residential neighbours; parking, talking outside, music, avoiding doors banging etc; and
- c. A procedure to advise immediate neighbours of any proposed capital works that will generate external noise or require any external work outside normal working hours of 7am-6pm Monday to Friday (incl).

18. The hours of operation for routine external maintenance and upgrade works (excluding emergency and urgent works or internal works within the exchange building) shall be between the hours of 7am-6pm Monday to Friday and 8am to 1pm Saturday. For the avoidance of doubt, this condition shall not prevent the delivery and installation of large equipment items outside of these hours where transport of such items is subject to restrictions on time of travel on public roads or road closure or traffic management is required.

Attachments

Diagram 7.3 - Recession Plane Indicator and Diagram 7.4 - Recession Plane Cross Section

Figure 7.3 Recession Plane Indicator



Note: North is True North
Bearings on the circle increase in a clockwise direction

Figure 7.4 Recession Plane Cross Section

