



DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	Spark New Zealand Trading Limited
RM Reference:	RM181589
Location:	Capell Avenue, Lake Hawea
Proposal:	Erect and operate a telecommunications facility.
Legal Description:	Road reserve.
Operative Zoning:	N/A (Legal road is not zoned)
Proposed Zoning:	N/A
Activity Status:	Discretionary Activity
Notification:	30 May 2019
Commission:	R C Nixon and W D Whitney
Date of Decision:	22 August 2019
Decision:	Consent Granted subject to Conditions

The Hearing and Appearances

Hearing Dates:

Tuesday, 30 July and Wednesday, 31 July
2019 at Wanaka

Appearances for the Applicant

Mr D. J. Minhinnick, Russell McVeigh, Legal
Counsel

Ms Fiona Matthews, Senior Environmental
Planner, Spark

Ms Harriet McKee, Senior Consultant,
Aurecon

Mr Shannon Bray, Principal Landscape
Architect, Wayfinder Landscape Planning
and Strategy Limited

Mr Stephen Holding, Lead Radio Frequency
Engineer, Spark

Submitters:

Mr David Gwynne-Jones (for himself and
Ursula Reymann)

Ms Erica and Mr Brent Allen for the Beeva
Family Trust

Mr Tony Van Plateringen

Ms April Mackenzie, Chairperson, for the
Hawea Community Association Inc

Ms Anne Steven, Consultant Landscape
Architect, for the Hawea Community
Association Inc

Mr Gwynne-Jones also read a statement on
behalf of Mr Raymond Macleod, Trustee of
the Dunvegan Trust who was unable to be
present at the hearing.

Emailed statements were also received from
Ms Carmen Howell, and from Ms Jane
Kellahan who were unable to attend the
hearing.

For the Council:

Mr Timothy Anderson, Resource Consent Planner

Mr Richard Campion, Team Leader Resource Consents, QLDC Wanaka

Ms Kris MacPherson, Registered NZ ILA Landscape Architect, Helen Mellsop Landscape Architects

Abbreviations

Spark New Zealand Trading Limited “Spark”

Resource Management (National Environmental Standards for Telecommunication Facilities) 2016 “NESTF”

and the Resource Management (National Environmental Standards for Telecommunication Facilities)

Regulations 2016

Queenstown Lakes Proposed District Plan “the PDP”

Queenstown Lakes Operative District Plan “the ODP”

the Resource Management Act 1991 “the RMA”

For the purposes of this decision, the pole, antenna and cabinets are referred to collectively as “the mast”, and the land containing the proposed mast as “the site”.

THE PROPOSAL

1. The application seeks consent pursuant to the NESTF to erect and operate a telecommunication facility, with a height of 16m¹ and a width of between 0.3m and 0.5m which exceeds the permitted height of 10.5m and permitted width of 0.15m under the NESTF. The application site is on the road reserve immediately adjacent to Peter Fraser Park, 79 Capell Avenue, Lake Hawea township.
2. The mast would replace an existing 7m high lighting pole located at the same position.
3. The mast is described in Ms McKee’s evidence and would comprise a slimline structure with a single tri - sector tri - band antenna having a height of 16m above ground level. The Capell Avenue frontage of Peter Fraser Park is elevated approximately 1m above road level, so that the mast as viewed from the south would be slightly lower (15m) than its height as seen from ground level. The mast will taper from a diameter of 0.5 m at ground level to 0.3 m in diameter, 2.5 m above ground level.

¹ As calculated in terms of Regulation 7 (6) (a) (ii) of the NESTF

4. A replacement lighting arm would be attached to the mast at its existing height of 7m above ground level, with a span of 3.5 m. The four cabinets at the base of the mast would cover 1.25m² in total, being 2.5 m long and 0.5m wide, and have a height of 1.6m above ground level as viewed from Capell Avenue. Four bollards are also proposed to prevent vehicle access. The application proposes that the mast be painted in an off-white colour, but this is subject to amendment depending on the preference of the consent authority.

THE SITE AND ITS SURROUNDS

5. The site is located on the southern side of Capell Avenue, opposite the intersection with the western end of Flora Dora Parade. The site is within the road reserve of Capell Avenue immediately adjoining Peter Fraser Park. The park lies between Capell Avenue to the north, and Myra Street, approximately 120m to the south.
6. On the western side of Peter Fraser Park is the Lake Hawea Community Centre which fronts the park; also to the west is a bowling green, car park and a children's playground. There are houses along the northern side of Capell Avenue, along the eastern side of the park, and on the southern side of Myra Street. Views would be obtained of the mast from properties adjoining the park and from nearby properties on the northern side of Capell Avenue.
7. A row of power poles and overhead lines extends along the northern side of Capell Avenue, a feature which assumed some significance during the hearing. These poles range in height from 8.6 – 9.6m in the section of Capell Avenue extending from the bowling green to opposite 105 Capell Avenue². Beyond and below the houses on the northern side of Capell Avenue is the southern shore of Lake Hawea and the Te Araroa Trail.

STATUTORY PROVISIONS

8. The regulatory framework is set out in the NESTF and is quite complex. The NESTF comprises Regulations made under sections 43 and 43A of the RMA 1991, and amount to a stand-alone code for telecommunication facilities nationally, independently of the provisions of the otherwise applicable District Plan. The mast incorporates an RFG facility under the NESTF³. The support structure is defined as a pole, the transmission facilities at the top of the pole as an antenna, and the structures containing equipment at the base as cabinets⁴. As noted earlier, for the purposes of this decision we will use the term "mast" when referring to these facilities collectively.
9. The significance of these definitions is that the NESTF prescribes permissible dimensions for the height and width of the poles and antennas, and the dimensions of cabinets. Location is a further factor, in this case for facilities located within road reserves. The requirements as to location and dimensions of the components of telecommunication facilities are in turn referred to as "regulated activities"⁵.

² Attachment to evidence of S Bray

³ NESTF, Regulation 4, Interpretation

⁴ Ibid

⁵ Regulation 11

10. The existing lighting pole to be “swapped out” is defined as the “baseline pole”⁶, as we understand it was erected prior to 1 January 2017.
11. The mast must also comply with the radiofrequency requirements for RFG facilities, in accordance with New Zealand Standard 2772.1⁷.
12. Relevantly in this case, the proposed cabinet infrastructure complies with the permitted heights (1.8m), footprint (1.4m²) and is located on a road reserve which adjoins a residential zone on its northern side⁸. The equipment within cabinets are also subject to noise limits under the NESTF, and in this case an assessment⁹ accompanied the application confirming the noise from the cabinets would comply with the noise standards for a cabinet located in a road reserve¹⁰.
13. The proposal is for a new pole in the road reserve to replace an existing lighting pole (the ‘baseline pole’). Under the NESTF the pole is only permitted if it does not exceed the height of the baseline pole (7m) plus a further 3.5m, a total of 10.5m¹¹. As the height of the proposed pole and antenna (mast) is 16m¹², it is not a permitted activity in terms of the NESTF.
14. As the proposed mast would have a diameter of approximately 0.3m tapering to 0.5m at the base, it exceeds twice the diameter of the existing baseline (lighting) pole that it will replace¹³. Consequently this aspect of the proposed pole also exceeds the width allowed for as a permitted activity under the NESTF.
15. The Regulations specify the consent status of an activity¹⁴ which does not comply with the standards contained in the NESTF, as is the case here with respect to the height and diameter of the proposed pole. It is at this point that the provisions of a District Plan have bearing on the status of a facility which does not comply with the NESTF.
16. The Operative Queenstown Lakes District Plan (ODP) is currently under review. We were advised¹⁵ that the relevant rule for utilities (telecommunication facilities) in Chapter 30 of the PDP is now beyond legal challenge¹⁶, and hence section 86F of the RMA applies. This means that any relevant rules in the ODP (if any) no longer apply.
17. The site is zoned “Township”, and under the PDP masts are permitted up to a height of 11m in this zone¹⁷; and a 16m high mast would be a discretionary activity. However as the site is located in a road reserve, and roads are not zoned, this rule does not apply. Chapter 29 (Transport) of the PDP contains provisions relating to transport activities both within and outside of a road.

⁶ Regulation 6

⁷ Regulation 55

⁸ Regulation 20 (3)

⁹ Report by Matthew Bronka, Styles Group, "Acoustics Analysis Report", Appendix C to the application as notified, pp 60 to 74

¹⁰ Regulation 24 (3)

¹¹ Regulation 27 (5)

¹² In terms of "height" as defined in Regulation 7(6)(a)(ii).

¹³ Regulation 27 (6)

¹⁴ Regulations 12 – 18

¹⁵ S42A Report, paragraph 5.2

¹⁶ Rule 30.5.6.7

¹⁷ Rule 30.5.6.6 (e)

Table 29.2 lists permitted activities *within* a road (which applies to this application) and activities not listed in that table are discretionary activities¹⁸. Telecommunication facilities are not listed as permitted activities within a road. This rule does not appear to be challenged through any appeal, and can also be taken as operative under section 86F of the RMA. Thus in the final analysis, the proposed mast remains to be considered as a fully discretionary activity given its non-compliance with Regulations 27(5) and 27(6) of the NESTF.

18. The NESTF has legal precedence over a District Plan in that the District Plan cannot have rules that are more stringent than those in the NESTF¹⁹. There are exceptions to this as specified in the Regulations²⁰, but none which have relevance to this application. To illustrate this by way of example, a district plan can have more stringent rules than the NESTF applying to sites within an Outstanding Natural Landscape. During the course of the hearing reference was made on a number of occasions to the views towards surrounding mountains, much of which are within ONL's; however the site itself is not within an ONL.
19. As a fully discretionary activity, we note that all relevant effects can be taken into account, as acknowledged by Mr Minhinnick for the applicant²¹.
20. As a final point under this heading, we observe that the applicant would need the written consent of the District Council as landowner²² to undertake works within the road reserve, as the Council is the requiring authority for roads within the District (except state highways) that are deemed to be designated (*see clause A on page A1 – 17 of the ODP*).

NOTIFICATION AND SUBMISSIONS

21. The application was publicly notified on 30 May 2019. Submissions closed on 28 June 2019 with a total of 20 submissions being received, one of which was received after that date. Nine submitters indicated through their submissions that they wished to speak at the hearing.
22. The applicant did not provide any affected party written approvals to the application.
23. Submissions were received from the following parties, with their addresses included where known, and where located in Lake Hawea Township:

Bernard and Janet Healy, 150 – 156 Noema Terrace
 Raymond Macleod (Dunvegan Trust), 105 Capell Avenue
 David Gwynne-Jones and Ursula Reymann, 86 Capell Avenue
 Lyn Williamson, 118 Noema Terrace
 Fraser Robertson
 Amy Williams, 106 Noema Terrace
 Kawhata Williams, 106 Noema Terrace
 Erica Allen (on behalf of Beeva Family Trust), 19 Myra Street
 Anthony Van Plateringen, 80 Capell Avenue

¹⁸ Rule 29.4.13

¹⁹ Regulation 56

²⁰ Regulations 25, and 44 – 52

²¹ Applicants closing submissions, paragraph 5.1

²² Section 176 (1) (b) RMA

Peter and Rosie Clulow, 23 Myra Street
 Carmen Howell
 Liana Poole, 70 Grandview Road
 Don and Gaye Robertson, 24 Sam John Place
 Stewart Burt, 118 Noema Terrace
 Phillip Day, 90 and 92 Capell Avenue
 Hawea Community Association Inc (April Mackenzie)
 Lake Hawea Community Centre Inc (Andre Meyer)
 Sally Irwin, 98 Capell Avenue
 John Taylor, 286 Lakeview Terrace
 Pip Harker, 121 Grandview Road

24. A late submission was received from Jane Kellahan. The applicant and the Council had no objection to the late receipt of this submission, and we resolved that it be accepted pursuant to section 37(1) RMA, having taken account of the matters listed in section 37A(1), as we were satisfied that no person would be prejudiced by a waiver of compliance with the time limit for lodging submissions. All submissions were in opposition.
25. The primary reasons contained in submissions in opposition to the proposed mast included the following:
- adverse visual effects as experienced from submitters properties;
 - adverse visual effects on views on Capell Avenue;
 - adverse visual effects from the wider area, including from the foreshore of Lake Hawea, the deck of the community centre, and from within Peter Fraser Park;
 - adverse effects on property values;
 - inadequate consideration of alternative sites;
 - inadequate justification of the need for the mast;
 - the proposed colour scheme for the mast was inappropriate;
 - adverse effects on health as a result of radiofrequency emissions;
 - proximity of the proposed mast to the children's playground and community centre;
 - the proposed mast would undermine community efforts to remove the overhead electricity power poles and lines in Capell Avenue;
 - the mast would create a risk to emergency flights to Peter Fraser Park;
 - inadequate consultation;
 - potential structural failure of the mast;
 - contrary to the objectives and policies of the District Plan.

THE EVIDENCE

26. Planning evidence was provided to the hearing by Ms Matthews (entitled "Corporate Evidence") and by Ms McKee for the applicant, which provided the statutory and assessment framework for the proposal, and by Mr Anderson for the Council. Given the nature of the application, and the application of the NESTF, this background was useful and relevant to the matters considered during the hearing.

27. Ms Matthews noted that mobile services were provided nationally by Spark, Vodafone and 2°. Fixed services were provided separately by four providers nationally, of which Chorus was the provider of the copper line network. Chorus was also the provider of the newly rolled out fibre network in this part of the country including Lake Hawea township. It was made clear to us that the proposed mast was for the provision of 3G and 4G mobile technology. While 5G technology was intended to be introduced by Spark by July 2020, this technology would *not* be able to make use of the proposed mast.
28. Ms Matthews explained that the methodology adopted for site selection had three phases to it. The first was a desktop study using terrain maps and computer modelling. We understood from Mr Holding's evidence²³ that this in turn led to the establishment of a "search ring" which we understood narrowed down the search for a preferred site. The second phase involved a site visit to identify a specific site or sites, a process referred to as a "caravan". The final phase was a ranking of sites based primarily on operational needs²⁴.
29. The six sites considered²⁵ were as follows:
- (a) Road reserve on the corner of Lakeview Terrace and Skinner Crescent, adjacent to 44 Lakeview Terrace;
 - (b) Road reserve adjacent to Peter Fraser Park, 79 Capell Avenue (the site subject to this application)
 - (c) Commercial property at 33 Capell Avenue;
 - (d) Lake Hawea Community Centre car park, Myra Street;
 - (e) Lake Hawea Fire Station, 61 Noema Terrace;
 - (f) Hawea Cemetery, Muir Road.
30. The preferred sites were those adjacent to 44 Lakeview Terrace, and the application site. The others were rejected on operational, ownership or visual impact grounds. With respect to the site adjacent to 44 Lakeview Terrace, it was stated that the site would be able to accommodate an 11 m high mast compliant with the NESTF²⁶, although Mr Holding cast doubt on this later during questioning. (The Commission notes that the reference to an 11m high mast appears to relate to a rule in the PDP, not the NESTF). Turning to the application site, Ms Matthews said that a 16m high mast would be required on the application site to avoid interference from "clutter" such as trees and intervening terrain.
31. The subject of consultation and engagement with the community proved controversial at the hearing. Ms Matthews advised that following discussions with the Hawea Community Association, it was agreed to modify the original proposal from an unshrouded 'clusterhead' arrangement to a slimline mast and Telnet triband antenna and shroud²⁷. She added that Spark had undertaken mail drops in November 2018, had couriered the proposal to property owners in March 2019, held two meetings with the Hawea Community Association and had sent out a newsletter in March 2019.

²³ Evidence S Holding, paragraph 6.4

²⁴ Evidence F. Matthews, paragraph 5.13

²⁵ Ibid, paragraph 5.14

²⁶ Evidence F. Matthews, paragraph 5.20

²⁷ Evidence F. Matthews, paragraph 5.22

32. In response to specific matters raised in submissions Ms Matthews said that with respect to the mast being an obstacle for helicopter landings on the park, enquiries by Spark to Civil Aviation had advised that this was not a designated heliport.²⁸ With respect to concerns raised about the structural safety of the proposed mast, she noted that the structure did not require a building permit, but said that both the pole and the supporting plinth were designed to 2/3 of capacity, which we understood to mean that a further safe loading of one third of the weight of the current antenna infrastructure could be accommodated safely.
33. Ms Matthews said she was not aware of any restrictions on the location of masts under either the District Plan or the NESTF, which required the avoidance of parks, playgrounds or school sites. She said that future colocation was not possible in this case for structural reasons – that is, the ability of the proposed mast to support antennas required by other providers such as Vodafone or 2°.
34. Ms McKee described the applicant’s understanding of the statutory background to the application. She said she disagreed with a statement in the evidence of Ms Stevens for the submitters that the permitted baseline should not apply, as it might be ‘fanciful’ given that the applicant had stated that a 10.5m high mast had been ruled out on technical grounds. She also disagreed that the provisions of NESTF only applied where there was an inconsistency or duplication with the provisions of the District Plan. Ms McKee also took issue with the section 42A report where it was (initially at least) stated that consent was required under the PDP²⁹.
35. As might be expected, Ms McKee relied on the evidence of Mr Bray with respect to landscape effects, but contended that the availability of satisfactory mobile connections was also an amenity issue under the RMA. She added that with respect to alternative sites, an assessment of alternative sites was only required if there were significant adverse effects³⁰. She said both the NESTF and the PDP anticipated the provision of telecommunication facilities in road reserves. In response to a concern that the mast would be a hazard to helicopters using Peter Fraser Park in emergencies, she said that her inquiries to Civil Aviation revealed that as the park was not recognised as a heliport, the safety of an approach was a matter for the pilot to determine.
36. She concluded by expressing the applicant’s acceptance of the proposed conditions of consent contained in the section 42A report.

²⁸ Ibid, paragraphs 6.5 – 6.6

²⁹ Evidence H McKee, paragraph 6.5 – 6.6

³⁰ Schedule 4 RMA, Clause 1 (b)

37. For the Council, Mr Anderson was firmly of the opinion that the Commission should exercise its discretion under section 104(2) of the RMA to apply the permitted baseline in this case. He said that as the application of the NESTF to this particular site would allow a mast of 10.5m in height, the permitted baseline was relevant. Based on Ms MacPherson's landscape assessment for the Council he concluded that the views experienced from some residents from their dwellings would be minor, and ranging to more than minor for the surrounding environment³¹. Although in their subsequent verbal response to us, both he and Ms MacPherson concluded that effects on the community were greater than they originally assessed, Mr Anderson remained steadfast in his conclusion that the application could still be granted.
38. Mr Holding presented technical engineering evidence with respect to the design, site selection, and potential effects associated with radiofrequency exposure. We record at this stage that his expert evidence was not contradicted by any other expert witness in this field, in contrast to the landscape evidence.
39. With respect to the existing mast at Timaru Creek, he made the observation that if a mast offered low coverage, it would reduce data speed and the quality of voice calls, thus requiring more capacity to maintain a given level of service. He added that during periods of high demand, congestion would occur and the network would use up capacity. He added that this would reduce the battery life of user's handsets. He said that the current mast offered better coverage on the eastern side of Lake Hawea township than on the western side. In his opinion there was no further capacity to increase the number of RF carriers (channels) on the existing site. Referring to computer-generated maps appended to his evidence, he said that "*..... just adding RF carriers alone will not resolve site capacity issues when sites are not centrally located to its users*"³².
40. Mr Holding described four requirements for an effective telecommunication facility³³. These were firstly 'line of sight' between the antenna and cell phones. The second was a central location – the trimast had three antennas each covering an arc of 120° allowing reception from all directions. The third requirement was the avoidance of nearby trees and buildings. Finally, a mast had to be positioned such as to avoid interference with telecommunication facilities on other sites.
41. With respect to the search rings, Mr Holding considered that potential sites within the primary search ring in this instance were too close to adjoining dwellings, and a secondary ring was then assessed. With respect to his appendices, we noted the primary ring was located to the east of the application site in the vicinity of Lakeview Terrace, while the secondary search ring containing the application site extended slightly further to the south and significantly further to the west as far as the vicinity of Bodkin Street. He said this extended search ring contained areas having lower ground levels requiring a higher mast.

³¹ S42A Report, page 15

³² Evidence S. Holding, paragraph 5.5

³³ Ibid, paragraph 6.3

42. Turning to the Radio Frequency Exposure Standards, Mr Holding said that the guidelines most commonly accepted were those formulated by the International Committee on Non—Ionising Radiation Protection (ICNIRP), which formed the basis of New Zealand Standard 2772.1 1999. He said that the standard had been reviewed as recently as 2018 and found to be fit for purpose. He advised that an independent company called EMF Services were engaged to randomly monitor the emissions of mobile tower installations.
43. Mr holding said the proposed mast employed low-power transmitting equipment, mounted high above ground level, and that the maximum public exposure at ground level would only be 7.37% of the level required under the New Zealand Standard.
44. With respect to queries about the provision of 5G technology, he confirmed that this would require a completely new facility, which could not be accommodated on the proposed mast in Capell Avenue.
45. The visual impacts of the proposed mast were the central issue with respect to this case, and we heard evidence from three experienced landscape architects. All of the witnesses placed some emphasis on the character of the Lake Hawea township.
46. Mr Bray's evidence effectively provided the platform upon which the debate on visual impacts took place during the hearing. He had prepared an 'Assessment of Landscape and Visual Effects' which accompanied the application as notified, and which in turn formed the basis of his evidence to the hearing.
47. Mr Bray described Lake Hawea township as having a relaxed village like character³⁴. He considered it was important to consider the context within which the mast will be located, as well as its visibility. Matters he considered relevant were whether private views of the mast were primary or secondary in terms of the orientation of dwellings; whether the view formed part of the main aspect from the dwelling; whether the view was complex and included other elements; whether the view was in the foreground to the site or in the background; the degree of screening; whether the context was urban, rural, coastal etc; the height of the mast compared to other features; and its colour, scale and form. An important point of contention between the evidence of Mr Bray and Ms Steven was encapsulated in the following statement in Mr Bray's evidence with respect to public views as seen from Capell Avenue:

*"In this regard, I disagree with the assertion by Ms Steven and other submitters that the effects from the road will be moderate, very high or significant. Rather, the mast will be seen as another element of the foreground urban landscape, in the background mountain ranges will remain dominant features"*³⁵.

³⁴ Evidence S Bray, paragraph 4.1 (b)

³⁵ Evidence S Bray, paragraph 5.31

48. In Mr Bray's view the receiving environment was essentially an urban one, characterised by urban features including the power lines. In his opinion, the effect of the mast would be to interrupt, not to screen, views. He asserted that a new element in the landscape such as this one created a perceived degree of bias, to the extent that in images of the proposed mast in photomontages for example, viewers would tend to actively 'look for' the mast³⁶.
49. Mr Bray argued that over time trees would grow within and around the park and become another element which would obscure or otherwise reduce the perceived visual impact of the mast. He also placed considerable emphasis on the permitted baseline, which would allow a 10.5m mast with associated antennas, which did not necessarily have to be shrouded.
50. Turning to private views, both Mr Bray and Ms Steven adopted a similar (but not identical) seven step assessment system which we understood was based on one which had been adopted for some years by the New Zealand Institute of Landscape Architects. In the evidence and during the hearing this assumed considerable significance, particularly between the competing positions taken between him and Ms Steven.
51. In summary, this system assesses visual impacts on a stepped scale of effects being very low/low/moderate-low/moderate/moderate – high/high/very high. This scale was not explained in the assessment accompanying the application as notified. In his pre-circulated evidence Mr Bray adopted a summary which he said aligned with the scale set out in Appendix 1 to Ms MacPherson's landscape evidence for the Council. Our understanding of that scale is that in RMA terminology, any rating of 'moderate' or above can be seen to have effects which are at least minor, and may be more than minor.
52. Mr Bray firstly assessed visual impacts on a scale which excluded the baseline of a 10.5 m high mast, followed by an assessment of the incremental visual effects taking into account the permitted baseline of a 10.5m high mast. In his assessment of nearby properties he considered that the visual effects would be low – minor for the properties at 9 and 15 Myra Street, and moderate from 23 Myra Street and from the Lake Hawea Community Centre. All other properties he assessed were rated as low or very low in terms of visual impacts. When he took the additional height of the proposed mast into account (16m) he concluded that the effects would be low or very low for all nearby properties or vantage points.
53. With respect to colour, he maintained that a light off-white colour as proposed would be appropriate given that the mast would be seen against the skyline or distant mountains. In response to questioning, he was not supportive of having a different colour scheme for the cabinets, in contrast to the pole.

³⁶ Ibid, paragraph 5.6

54. Ms Steven's detailed and thorough evidence was helpfully attached to the original Hawea Community Association submission, and although acting for a submitter in opposition, was described as a 'peer review'. She agreed with Mr Bray that the village had a "*low key, small-scale relaxed village like character*"³⁷. She emphasised that the proposed mast was higher than any other elements including the power poles, commenting that:

*"Whilst the mast is not placed on a skyline or prominent ridgeline, in a number of different views it bisects the backdrop of mountain range and punches through the skyline – whereas other townscape elements remain well below it"*³⁸.

55. Ms Steven was critical of Mr Bray's assessment on the basis that it did not acknowledge key views to the west (Mount Maude) and to the east (Grandview, Breast Peak). She said the result of erecting the proposed 16m high mast would be that it would bisect views of the mountain backdrop. She was also quite adamant that the additional height (16m versus the 'baseline' 10.5m) would result in significant additional visual impacts. She placed some emphasis on the community's aspirations to remove the transmission lines in Capell Avenue, agreeing that these were an unsightly feature, and noting that overhead lines had already been removed from Myra Street.
56. Her assessment of the visual impacts using the seven point scale were quite contrasting to those of Mr Bray, and when questioned on the 'subjective' nature of such landscape assessments, Ms Steven responded that the same conclusion should be arrived at by expert landscape witnesses using this method. More specifically, she considered that a 16m high mast would have medium – high visual impacts on 15 and 23 Myra Street, on 80 and 86 Capell Avenue (which Mr Bray had assessed as low or very low) and a low – medium impact on the properties at 105 Capell Avenue and 109 Noema Terrace.
57. Ms Steven noted that the visual impact on people's views needed to take into account the number of two-storey dwellings, and that visual impacts would be high to very high in close proximity to the mast. With respect to this latter point, she was firmly of the view that the mast would detract significantly from views along a considerable length of Capell Avenue, from Peter Fraser Park, and from the Community Centre. A predominant theme in her evidence was that Mr Bray had 'underestimated' visual impacts.
58. Ms MacPherson's landscape evidence for the Council, while considering that the methodology used by the other landscape architects was appropriate, considered there had been an inadequate assessment by Mr Bray of the visual connections with the surrounding high country. She stated:

*"I consider that Mr Bray has omitted to consider that the mountainscape backdrop of the town combines with the flatness of the townscape to make such up and outward views part of the daily habit of any who inhabit or visit the town. The pole, against the mountainscape, will be a moderate adverse visual change to those views and their value, especially during the non-winter months of the year".*³⁹

³⁷ Evidence A Steven, paragraph 5.3

³⁸ Peer review A Steven, paragraph 7.31

³⁹ Evidence K MacPherson, paragraph 21

59. Ms MacPherson also felt that the community significance of Peter Fraser Park had not been adequately emphasised. In her opinion the powerlines were a dominant visual feature along Capell Avenue, but she added that the proposed mast would be half as high again as the power poles and would contribute to a cumulative adverse effect. Like Ms Steven, she did not agree with Mr Bray that the adverse visual effects of the additional height of the mast would be low. She did however think that sensitivity of park users to the visual impacts of the proposed mast would reduce from moderate – low to low over time⁴⁰.
60. In response to questions near the conclusion of the hearing, Ms MacPherson reiterated her earlier findings, and considered following her consideration of the evidence presented at the hearing, that the effects on the community would be greater than she initially concluded and more than minor. She did not undertake a detailed assessment of the visual effects of the mast on private views.
61. Extensive statements of evidence were presented to the hearing from Ms Mackenzie for the Hawea Community Association, and from Mr Gwynne-Jones, and we also heard evidence from Mr and Mrs Allen and from Mr Van Plateringen. All addressed a wide range of matters arising from the application, including the effect on individual properties in the case of directly affected property owners.
62. Most submitters were highly critical of the consultation process, stating that information had not been forwarded to submitters as claimed by Spark, and that the applicant had taken a somewhat condescending approach based on the ‘technical’ nature of the site selection process.
63. The submitters first questioned whether it was necessary to upgrade telecommunication facilities at all, citing the rollout of the Chorus fibre network, and claimed that the existing service was performing adequately or even well⁴¹. In addition to this, it was considered that at least part of the justification for the application was to meet peak requirements such as during the holiday period, and the needs of transient visitors to the town and to the campground. Ms Mackenzie also questioned whether the mast was needed to serve new residential development to the south, particularly a Special Housing Area which had not yet received consent.
64. Secondly, if the mast were required, submitters strongly challenged the site selection, and were of the opinion that other alternative sites or options should have been considered, in particular a location on or adjacent to the Lake Hawea Fire Station site. In criticising Mr Holdings’s evidence, Ms Mackenzie claimed⁴² that the existing mast at Timaru Creek could be upgraded, stating for example:

“At 5.5 I would ask why radiofrequency carriers at 700 MHz are not more used on the existing site”.

⁴⁰ Ibid, paragraph 23

⁴¹ A Mackenzie evidence, page 5

⁴² Ibid, page 11

65. Submitters were critical of the site being located in Capell Avenue, this being the ‘main street’ of the township and adjacent to Peter Fraser Park and the community centre. The basis of this criticism was that the site selected was a high profile location where the mast would be clearly visible to both residents and visitors. In Ms Mackenzie’s words⁴³:

“The proposed location of the tower results in adverse effects that cannot be managed or outweighed by positive social, economic cultural or environmental benefits”.

66. Attention was drawn to the fact that the proposed mast at 16m in height, was more than half as high again as the permitted baseline (compliant) height of 10.5m under the NESTF. This was contrasted with the height of the power poles at approximately 9m, and the maximum two-storey (7m) height of dwellings in the township. It was acknowledged by virtually everyone that the powerlines were an unattractive feature; but considerable emphasis was placed by submitters on their proposals to have the powerlines undergrounded. The success of local residents in having powerlines undergrounded in Myra Street was cited as an example of how this could be achieved. Ms Mackenzie noted that undergrounding of powerlines was an objective under the PDP⁴⁴.
67. A further issue raised by Ms Mackenzie was a claim that Lake Hawea township was a rural village and that the rules framework required large sections, restrictions on the types of trees that could be planted, restrictions on multiunit development and the height of boundary hedges in order to protect vistas. Both she and Mr Gwynne-Jones emphasised that because of the strong northerly winds prevailing at times, many homes had a south or south-west facing courtyard, a point particularly relevant to properties located on the northern side of Capell Avenue opposite the site.
68. Ms Mackenzie also made the observation that the standards contained in the NESTF were quite new, and questioned why the proposed mast could not be constructed in compliance with those standards. She and other submitters were not convinced that a 10.5 m mast should be considered part of the permitted baseline, as the applicant had maintained that this would not provide them with the necessary coverage. She remained of the view that the site selected would be a hazard for helicopter landings in an emergency.
69. Another major concern arising through submissions was the precedent that could be set for other providers to establish similar masts, or that additional equipment could be attached to the proposed mast should consent be granted.
70. Mr Gwynne-Jones rejected what he termed as the applicant’s approach of ‘hiding’ behind the NESTF standards, and the radiofrequency guidelines of NZ S2772.1 having regard to public safety and health. He criticised the NESTF as a ‘one size fits all approach’ and that the radiofrequency guidelines dated back to 1998 and that other countries had much more stringent standards. He was also concerned about the noise generated by the facility. He was highly critical of the Council planners report recommending consent as being ‘superficial’.

⁴³ A Mackenzie evidence, page 4

⁴⁴ Objective 30.2.7.3

71. Mr Gwynne-Jones was quite critical of the subjective nature of Mr Bray's assessments, and as we understood it, of the landscape assessment process undertaken by the landscape architects generally. In his assessment of Mr Bray's report he made the comment that instead of giving his own subjective view *"he should be giving a report on what the average person in the street thinks"*.
72. With respect to the effects on his own property at 86 Capell Avenue, he considered that the effect on visual amenity would be very high from his property. He said the mast would be only 25m from his boundary and would be clearly visible from the main living room, back office/bedroom, media room/bedroom, the studio above the garage, and his outdoor summer evening dining and front door area. He went on to explain that this outdoor area was important as it provided shelter from the north-west wind and provided virtually uncluttered views to the south and the Cardrona Valley which would be interrupted by the proposed mast. He claimed that the adjacent power poles were not visible from their house and that the powerlines were only minimally visible.
73. Mr Gwynne-Jones read a statement prepared by Mr Macleod of 105 Capell Avenue who was unable to attend the hearing. This statement noted that the proposed mast site was directly opposite the western facade of the Macleod dwelling, across the frontage of Peter Fraser Park. The submitter was particularly critical of the failure to take account of the potential removal of the unsightly powerlines along Capell Avenue and an analysis of the effects of the proposal on views towards the mountain ranges to the east and west.
74. Mr Van Plateringen is resident at 80 Capell Avenue on the northern side of the road, and stated that his residence was closest to the proposed mast. He raised a number of the criticisms already outlined in the above summary of matters raised in the context of other submissions. In response to a question, he accepted that while his main views are to the north, the street frontage of the property was still important. He claimed that the presence of infrastructure influenced the decisions of mortgage lenders with respect to the purchase of properties, and asked why the mast could not be installed in Timsfield to the south of the township.
75. Mr and Mrs Allen of 19 Myra Street presented verbal evidence. They pointed out that the mast was directly within their line of sight to the north, and queried the value of trees in the park for providing screening, as they could be removed at any time. They considered the applicant was simply choosing the easiest site and was motivated by service to customers and potential income. They indicated they wished to build a two storey dwelling on their property in the future to replace their current temporary bach, and noted that power poles had been removed from Myra Street. They added that no allowance had been made for future road widening or the provision of a footpath.
76. The submission tabled from Ms Carmen Howell primarily expressed concern about the biological impacts of cell phone installations and made reference to a number of published papers which questioned their safety. The submission tabled from Jane Kellahan, a Wanaka resident, raised similar matters with particular reference to children's health.

The applicant's right of reply

77. Mr Minhinnick rejected allegations of bias, predetermination and impropriety levelled at his witnesses. He noted that as a retaining wall at the base of the mast would be only 1m high, no fall barrier would be required. He said a 10.5m high mast would provide coverage, but not to the whole township, thus requiring a second mast elsewhere.
78. He said that a *new* 12.5m high mast could be established slightly further along Capell Avenue as a permitted activity⁴⁵. He also submitted that there was no statutory requirement on the applicant to demonstrate that the proposal is the only option available.

ASSESSMENT OF EFFECTS

Preliminary matters

79. The first point we wish to note is that there was an element of confusion within the application as notified with respect to the stated height of the proposed mast. This was described on the application form (and elsewhere) as being a "15 m high telecommunication facility".⁴⁶ While this is true insofar as its height above the northern edge of Peter Fraser Park is concerned, the correct height of the mast is 16m. This accords with the definition of height under Regulation 7(6)(a)(ii) of the NESTF. In response to a question from Commissioner Whitney, this was clarified by Mr Minhinnick in his reply⁴⁷.
80. We have noted that even during the hearing, some continued reference was made to a 15m high mast, when comparisons were being drawn with a 'permitted' mast of 10.5 m in height. In our following assessment any comparisons where relevant will refer to a 10.5m high mast as being the height permitted under the NESTF on this particular site, and to a 16m high mast as proposed.
81. The primary issues arising through the hearing were the potential visual impacts of the proposed mast on the site, and the issue of alternative sites. Clause 6(1) in Schedule 4 to the RMA includes the following statement:

"(1) an assessment of the activity's effects on the environment must include the following information:

(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:

(b)....."

⁴⁵ Applicant's right of reply, paragraph 6.5

⁴⁶ Form 12

⁴⁷ Applicant's right of reply, paragraph 2.1

82. As discussed as part of our reasoning below, we have concluded that the visual impacts of the proposed mast would be at least minor, and arguably more than minor, in the context of the visual impact of a 16m high mast from a few private properties, and almost (inevitably) from parts of Capell Avenue and Peter Fraser Park. As we will go on to conclude, we consider this is largely an inevitable consequence of the physical characteristics of a telecommunication facility and associated mast, where such a facility is sited on a road reserve in a residential area. We do not, however, conclude that it is likely that the activity will result in a *significant* adverse effect on the environment for the purposes of Clause 6(1) in Schedule 4 to the RMA.
83. We note that the NESTF contains a specific code for the siting of these facilities, and takes precedence over the provisions of the relevant District Plan⁴⁸. We expect that telecommunication providers such as Spark would prefer to locate their facilities in industrial or commercial areas, but there is a difficulty in Lake Hawea township, in that such areas are very limited and small in scale. There is nothing under the NESTF that precludes the location of telecommunication facilities within a residential area, and they are in fact permitted within road reserves including within residential areas, if they comply with the relevant standards relating to emissions, height, bulk, and noise. A mast which exceeds the standards specified in the NESTF is subject to requiring resource consent.
84. It is accepted by all parties that in this case the non-compliances result in the activity having to be assessed as a fully *discretionary activity*. This enables all effects to be taken into account, but does not preclude resource consent being granted even if the activity has effects which are more than minor.

The adequacy of consultation

85. Spark witnesses came under sustained criticism during the hearing, particularly with respect to the consultation undertaken by Spark.
86. We do not accept that the applicant cynically presented inaccurate information or withheld information, as was at least implied. One of the difficulties which is now apparent with consultation generally, is as by contrast to the period prior to the implementation of the Privacy Act, applicants could obtain the addresses of non-resident owners from Council records. This is no longer the case, and we suspect this was part of the problem which occurred with this application (and others).
87. We accept that it would be unlikely that any realistically suitable site would not have aroused opposition. However from the evidence presented to the hearing, we consider that while the volume of information provided by Spark may have been adequate, the way in which it was presented and explained to the community prior to the hearing appeared to be confusing. This relates in particular to the identification of the primary and secondary 'circles', a factor which appeared unknown to residents when they were invited to nominate alternative sites for consideration during the consultation process; and the perception that the alternative sites put forward were effectively 'straw men'. We can only make the observation that it would have been more helpful to provide information from the outset as to why particular locations outside the circles would be unsuitable on a technical or resource management basis.

⁴⁸ Section 74(1)(ea) and section 104(1)(b)(i) RMA; NESTF Regulation 56

The Permitted Baseline

88. Section 104 (2) of the RMA provides for the following when considering the actual or potential effects on the environment of allowing an activity:

“When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect”.

89. This is commonly described as the ‘permitted baseline’. The application of the permitted baseline is a matter of discretion and is not mandatory. It was put to us by the submitters that we should disregard the effects of a permitted 10.5m high mast which would be compliant with the NESTF, on the basis that a mast of this height was ‘fanciful’ as it would not satisfy Spark’s operational requirements.
90. From Mr Holding’s evidence and from subsequent questioning, our understanding was that a mast of this height would work, but would not enable coverage to be provided to the whole of Lake Hawea township. We note that a mast of this height would comply with the NESTF as provided for under section 104(2). We consider that it is appropriate to apply the permitted baseline in this case. ‘Fanciful’ is a strong term in assessing a permitted baseline, and we are satisfied that this would not be the case here.
91. There is one other point we consider needs to be raised in this case. We agree that it is preferable to avoid adding to the number of poles in the vicinity, by replacing an existing lighting pole (albeit a much smaller one) rather than adding a new mast. The term used by the applicant for this process was “swapout” which did create a somewhat misleading impression that it was replacing ‘like with like’. In this case the replacement mast will be twice the height of its predecessor and considerably greater in bulk.
92. There would be an option of installing a completely *new* mast. Regulation 29 of the NESTF specifies a formula for new poles which in terms of height provides for the averaging of the heights of neighbouring poles with provision for an additional height of 3.5 m. In the immediate locality it could be expected that this would allow a mast of up to 12.5m in height as a permitted activity. We think this is an important factor when considering the effects of this proposal and in contemplating alternatives.

The Power Lines in Capell Avenue

93. The presence of the overhead power lines in Capell Avenue figured prominently in the assessment of landscape effects. As an initial point, we acknowledge that these are significantly lower (by approximately 6 – 7m) than the proposed mast; and that the proposed mast would create a cumulative effect by adding yet a further pole structure.
94. We heard from a number of witnesses about the community’s aspirations that these overhead lines be removed, and were advised that discussions were imminent with the company that owns these lines. It appeared to us that we were being invited by submitters, and Ms Steven, to proceed on the basis that these would be removed and that they should not be treated as part of the existing environment.

95. If so, we do not accept that this is an appropriate basis upon which to proceed. No evidence was put before us that Aurora was committed to removing these power poles and lines, notwithstanding that it is a legitimate community aspiration. We note that these overhead lines also appear to include high-voltage lines, which we understand are much more expensive to replace with underground lines than lower voltage lines serving houses in local streets. Reference was made to the removal of powerlines in Myra Street, but this is a very short street, and we seriously doubt whether it contained powerlines of the same height and scale as those in Capell Avenue. We also noted that at least some of the power poles in Capell Avenue appeared to be quite new.
96. There was no dispute that the lines were an unattractive – indeed ugly – physical feature, as they are almost anywhere in a residential area. Such overhead lines are not usually a feature of modern subdivisions, but they are not uncommon in older areas, particularly where these are high-voltage lines serving a wider catchment. For example, power poles of similar nature extend down a significant length of Fernhill Road in Queenstown, where they are also an unattractive feature.
97. Considerable emphasis was placed by submitters on the significantly greater height of the proposed mast compared to these power poles. However in terms of visual impacts, we note that in contrast to the one proposed mast, there are numerous power poles along Capell Avenue, with crossarms attached at various levels and wires strung between them. In our view, the visual impacts of the mast are not simply a matter of height – the number of power poles and the wires strung between them in our opinion have a considerably greater adverse effect on the visual character of the area than the mast would have, as well as extending over a much wider area.
98. We also noticed that some of the power poles are quite ‘thick’ – for example, the power pole on the corner of Flora Dora Parade and Capell Avenue (outside 80 Capell Avenue) appeared to have a diameter of approximately 350mm.
99. Accordingly, while we do not consider that the powerlines provide a ready-made ‘excuse’ in themselves to justify the erection of the proposed mast, they do form part of the existing environment and have to be included in any assessment of effects on landscape values.

The Proposed District Plan and the protection of views

100. Ms Mackenzie contended that the PDP specifically provided for the protection of views, and this argument was linked in submissions which claimed a special character associated with Lake Hawea township.
101. Very few district plan provisions specifically seek to protect views, and where they do, this involves the identification of view shafts with complex rules and/or resource consents for all development. The standards contained in the PDP for site density and height are not untypical of district plans for rural townships. The roading and subdivision pattern in the township is also not untypical of a township or even a lower density suburban environment. To the extent that the rules protect views, any benefits are largely indirect. We think it goes too far to suggest that the rules have any specific application to protecting views.

102. During the hearing Ms Steven drew attention to the number of two-storey dwellings within the vicinity of the application site. Two storeys reflects typical restrictions on building height in suburban environments. Mr and Mrs Allen noted that they would be replacing their existing bach with a two storey dwelling. For close neighbours of such dwellings, this would potentially impede vistas and increase a sense of enclosure, as although such buildings are much lower than the proposed mast they have much greater bulk. The character of the town is to a large extent determined by *external* factors with respect to the surrounding mountains and lake, although that too was not unique to the District.

Need for the proposed facility

103. While we entertain some doubts as to whether ‘need’ is a relevant factor in terms of an assessment under the RMA, the matter was repeatedly raised by a number of witnesses, so we have given some consideration to it.
104. It was pointed out to us that the ‘population’ of Lake Hawea township is considerably higher during the summer holiday period and includes visitors passing through, occupiers of holiday homes, and people using the motor camp. It was suggested to us that the recently installed fibre network rendered any upgrade to the mobile service unnecessary. The rollout of the fibre connection does not address the needs of mobile users, and we do not accept that the needs of non-permanent property owners or visitors should be disregarded, or given less priority than the needs of permanent residents.
105. As noted earlier in our summary of the evidence, some submitters asserted that the existing service was quite adequate. With respect, we do not believe that the personal experience of some current users can be taken as representative of all users in the area, or more importantly, future users in what is a quickly growing township. Also, having regard to the evidence of Ms Mackenzie with respect to the adequacy of the existing facility at Timaru Creek, we did not hear any contrary expert evidence to that of Mr Holding. The operational performance of the facilities at that location are a matter of technical judgement, and we accept his evidence that this facility is not adequate to meet the future needs of users in Lake Hawea township and its environs. That said, whether the siting and visual impact of the new facility is appropriate, is a separate matter.

Effects of the proposed mast on private and public views

106. During the presentation of the extensive landscape evidence, and the evidence of the submitters, it became apparent that determining and comparing the potential visual impacts of sites for masts of this nature is a very complex process. Based on what we heard, this includes:
- mast height and design;
 - the design of equipment attached to the mast and antenna
 - the height and density of surrounding residential and other development;
 - the presence of trees and power lines in the vicinity;
 - the proximity and orientation of adjoining dwellings;
 - the location of outdoor living spaces of adjoining dwellings;
 - the nature of the views that can be obtained from adjoining dwellings;
 - whether a mast affects primary or secondary views;
 - the nature of internal spaces affected by views of the mast;

the effect of a mast on public views by street users;
 the visibility of the mast from open spaces or frequently used spaces;
 technical – the height of the mast required for operational purposes;
 technical – the location of the mast in terms of providing adequate coverage
 technical – the permitted height of a new or replacement mast through application of the formula under the NESTF.

107. We doubt that this is a comprehensive list. Nevertheless, we consider it illustrates the complexity in both determining a preferred site and in any comparison of alternative sites. Determining the *best* site would involve a complex assessment of the above factors and perhaps more – along with the relative *weight* to be given to each of these factors with respect to any particular site. We doubt whether an entirely objective assessment would be possible – for example would the site of a 16m high mast which had a moderate adverse effect on the views from two houses, be preferable to one that had only a slightly lesser effect on views from five houses and a public park?
108. Some of these potential difficulties were illustrated in the submitter's evidence with respect to alternatives. The Fire Station site does have residential dwellings in close proximity, and it is simply not reasonable to assume that a site in this location would not need to be notified in any form, or that there would be no submissions made against it. Noema Terrace runs in part parallel to Capell Avenue and would raise the same issues with potential interruption of public views of the mountains towards the eastern and western ends. Even leaving aside its technical suitability in terms of providing adequate coverage, a mast on a site in Noema Terrace may well directly intrude into the skyline as seen from the new residential area to the south. Ms Mackenzie made mention of a commercial zone adjacent to Capell Avenue/Parry Crescent/Bodkin Street. However this is a small area and it is apparent that any mast within it would be readily visible from some nearby properties in those streets. Mr Gwynne-Jones also made a similar observation suggesting that the site could be moved 50m east or west along Capell Avenue. We hasten to add that he was not advocating these as suitable sites, but it does illustrate how apparent alternatives can lead to merely 'relocating' potential problems.
109. Attached to Mr Bray's evidence was an A3 plan entitled 'Hawea Township Location Map'⁴⁹. From the evidence, particularly that of Ms Steven, we consider it would be fair to conclude that the properties at 80, 86, and 105 Capell Avenue, and those at 9 – 23 Myra Street were the private properties potentially most affected by the visual impacts of the proposed mast. Scaling from Mr Bray's plan to the closest point on the property boundary, 80 and 86 Capell Avenue are approximately 20 m distant from the proposed mast, 105 Capell Avenue is approximately 100 m from the proposed mast, 23 Myra Street is approximately 110 m from the proposed mast and up to 130 m distant is 9 Myra Street. The facades of the affected dwellings would obviously be slightly further away than this.

⁴⁹ Dated 28 July 2019 – Revision 3, Sheet 1

110. A site on the road reserve containing a mast in a residential area could directly adjoin a property boundary (that is, with little or no separation) and be sited across the road from more properties as is the relationship of the proposed mast with 80 and 86 Capell Avenue. We believe that it is highly likely that a mast on an alternative site in Lake Hawea township – and assuming it was technically efficient in terms of coverage and capacity – would inevitably impact on private views, and very likely on public views.
111. We accept the evidence that the proposed mast will, from some private properties and from the public realm in Capell Avenue and Peter Fraser Park, intrude into the skyline and bisect views of surrounding mountain ranges. We also accept that a 16m high mast will have more impact in this respect than a 10.5m high mast and we prefer Ms Stevens evidence in this respect. This is particularly the case given the presence of the overhead power poles and lines with which a 10.5m high mast would not be greatly out of scale. However while we agree that a 16m mast would be more visible from more distant locations, from two-storey houses and to a limited extent from the foreshore of Lake Hawea, we do not believe it would be a dominant feature as seen from these locations, and the mast would form part of a range of features, including buildings, trees and power poles.
112. From a ‘close-up’ perspective there could be no doubt at all that the mast would be a dominating feature – for example from parts of Peter Fraser Park, as a passing feature for motorists in Capell Avenue, and as a more persistent presence for pedestrians and cyclists using this route. It will interfere with mountain views, but that said, it is difficult to see how a mast, even of more modest height, anywhere within the residential area of Lake Hawea township would not have a similar effect. The site was criticised on the basis that it was on a main street, but we do not consider that a secondary street is a preferable location for a mast such as this, as while this might be less visited by tourists and visitors, it would have a more dominating effect on residents.
113. We consider that the impacts on private views, at least those identified as most affected by Ms Steven, will be at least moderate, and to this extent we broadly concur with her evidence. It will undoubtedly be a feature that would be readily visible in the foreground of the views from some Myra Street properties, particularly at its western end, and from the properties on the opposite side of Capell Avenue. In the case of the latter, we are taking some cognizance of the use of external space on the southern side of dwellings to shelter from the wind. However there are existing power poles and lines on the north side of Capell Avenue adjacent to it least some of those properties.
114. There was considerable argument about the presence of trees as a screening measure, but in the final analysis these are features that can either grow to provide more screening, or be removed resulting in more exposure.

115. Ms Steven's evidence was characteristically thorough, and to be fair, assessed the impacts on the individual properties which she had visited, in more detail than either Mr Bray or Ms MacPherson. We do not disagree with the details of her assessment, but it does raise one almost insuperable problem which would apply to the establishment of any mast (certainly over 10.5m high) within the road reserve in a residential area. In our opinion this would not only apply to masts requiring resource consent, but even many of those which would comply with the NESTF. Again, we note that a *new* mast in the immediate vicinity could up to 12.5m high as of right.
116. Ms Stevens analysis seemed to suggest that if a mast was visible from the habitable rooms of an affected dwelling (lounge, kitchen, bedrooms), and/or an outdoor courtyard space, then it would have an unacceptable adverse effect. Under this scenario there would be a significant adverse effect on the views from at least one or more rooms or outdoor spaces, and therefore on *someone*, and more likely on multiple properties. Based on this yardstick, it would be difficult to contemplate any site in a residential environment that could possibly be acceptable for a telecommunication facility, which in turn raises a conflict with the outcomes anticipated under the NESTF. This strongly suggests to us that the adverse effects on private views from a roadside mast in a residential area will have the most adverse effects when there is housing in close proximity and on both sides of the road.
117. We have concluded that the siting of the proposed 16m mast is not ideal from an amenity perspective, but is acceptable on the proposed site. We acknowledge that it would not be welcome either here or on virtually any other site. Ms Mackenzie made an observation during questioning that there was one person she was aware of that wouldn't have a problem with the mast on or near their property. We don't doubt that some such people exist in the community. Nevertheless we are conscious that this is unlikely to be a majority view as has been demonstrated by the reaction to this application.
118. We accept that the mast, primarily as a result of its height, will be intrusive, particularly in views from close proximity and even from more distant properties, such as from those in Myra Street. However we have to bear in mind that virtually any site on a road reserve in a residential area would raise similar issues, even with a lower mast. In many cases adverse visual effects as seen from private properties would be greater, because of the presence of residential properties immediately alongside a mast on the road reserve and on both sides of the road.
119. As indicated earlier, we consider that the power lines are part of the existing environment, and while the proposed mast would be an additional cumulative effect, the reality is that the outlook towards the surrounding mountains from Capell Avenue and its environs is significantly affected by the presence of these numerous poles and connecting wires. The mast, although high, is a single vertical pole structure which does not have the bulk of a building or the visual impact of an extended row of power poles and connecting wires. We consider this is an important factor even if the power lines were not there.

120. We think Mr Bray did have a valid point when he noted that the mast would interrupt rather than obstruct views. We noted earlier that a lot of emphasis was placed on the height of the mast, but bulk is also a relevant factor affecting views. For a property owner, the erection or replacement of a one storey dwelling with a two storey dwelling in close proximity would diminish views to a greater extent than a mast would. Trees can also grow to a considerably higher level than the mast, and while we accept that a tree would seem a more natural and pleasant sight than a mast, it can still obstruct views to an even greater extent.
121. We acknowledge that it is not enough to simply point out that other sites would involve similar challenges in terms of visual impacts. However in terms of the potential impacts at this particular site, we do not agree with the submitters that it is a particularly unsuitable site, when regard is had to the number of residential properties that are in close proximity, and to the presence of the overhead power lines. We also do not believe that it would be preferable to have two 'complying' masts of lower height, bearing in mind that even masts of this height are sufficiently large as to be obviously visible, all the more so in streets which do not contain the larger power lines present in Capell Avenue.

The effects of radiofrequency fields

122. This was a concern that was raised in a significant number of the submissions. The only expert evidence before us, which was unchallenged, was from Mr Holding who told us that the facility would be installed and operated in accordance with NZS 2772.1 and Regulation 55 of the NESTF. Some submitters however took an alternative position that the standards themselves were deficient, particularly in the evidence of Mr Gwynne-Jones.
123. We consider that the adequacy of the standards themselves are completely beyond the ambit of matters that we can consider through this process. Firstly, there was no expert evidence presented to us apart from references to various external documents; and we are unable to give any weight to material of this nature without the ability to test witnesses. More importantly, we doubt whether we would have the jurisdiction to call the New Zealand Standards or Regulation 55 of the NESTF into question at all. That would be a matter for the Ministry of Health and the Ministry for the Environment. We did not take this matter any further.

Noise Effects

124. This was raised a number of submissions and was raised in the evidence by Mr Gwynne-Jones and also by Ms MacPherson, the Council's consultant landscape architect. Essentially our response to this matter is the same as that with respect to radiofrequency fields. The application as notified was accompanied by a noise report which confirmed that noise associated with the cabinets would comply with the standards set under Regulation 24(3) of the NESTF. There was no expert evidence presented to suggest this would not be the case.

Precedent Effects

125. The issue of precedent effects arose in two ways – firstly with respect to the potential for other operators to establish competing facilities, and secondly for the applicant to be able to add additional infrastructure to the proposed mast or replace it with an even higher mast. As noted earlier, the applicant had made it clear that the proposed mast would not be of sufficient scale and capacity to accommodate further providers.
126. With respect to the former, any other operator could make application, but such an application would be subject to the same considerations as the current application, unless of course their facility was to be established in accordance with the standards in the Regulations (e.g. height, width etc) in which case it would be permitted. However we cannot provide comfort to submitters with respect to ruling out the prospect of any further applications.
127. However, having regard to the proposed mast, it would be possible to add additional antenna (subject to the relevant standards in the NESTF), although we observe that to increase the height further would require another resource consent as the facility already is non-compliant. It is not possible to restrict an applicant from establishing further infrastructure if this complies with the NESTF, with one exception, this being where an applicant volunteers a restrictive condition.
128. When this matter was discussed near the close of the hearing, Mr Minhinnick advised that his client would be prepared to accept a condition to restrict the proposed facility to that approved under the application, subject to the following potential additional element:

“A maximum of one dish antenna of up to 0.38 m width may be established on the site”.⁵⁰

129. The reason offered for this was to address a possible scenario whereby Spark was unable to access the fibre network in the future (currently provided by Chorus).
130. Accordingly, we consider that it would be appropriate to add a condition to restrict the mast to that proposed through the application, subject to the condition above.

Effect on Property Values

131. The issue of reduced property values possibly associated with the proposed facility was raised in a number of submissions. The Environment Court⁵¹ has held that any effects on property values are a direct consequence of adverse effects and are not to be considered separately as an issue in itself. This is what appears to have caused some confusion between submitters and the applicant when reference was made to “double counting”.
132. This is an issue which is often raised with respect to the effects of granting resource consents. However we heard no evidence to support claims that there would be an adverse effect on property values.

⁵⁰ Applicant's right of reply, paragraph 7.3 as amended at the hearing.

⁵¹ Helen Foot and Ors v Wellington City Council, Decision number W 73/98, paragraphs 254 and 255

Other effects

133. Concern was raised that the establishment of the proposed facility took no account of the possibility of future road widening or the establishment of a footpath on the southern side of Capell Avenue adjacent to Peter Fraser Park. The Council's consent is required as landowner, for any works undertaken on the road reserve, and as the requiring authority for the designated road, quite independently of whether or not resource consent is granted. We heard no evidence on behalf of the Council that the establishment of the facility would be contrary to any proposals for road widening or the establishment of a footpath.

Colour scheme

134. The applicant's proposal for an off-white colour was rejected by Ms Steven who was of the opinion that no colour scheme would be effective in 'masking' the facility. The issue was raised again towards the close of the hearing. We acknowledge that depending on the season, the distance from which the mast would be viewed, and the colour of the ground surface around the mast (among other factors), the best that can be achieved is adoption of the 'least offensive' colour scheme. After some discussion between the landscape witnesses, it was concluded that the most appropriate colours would be a light grey colour for the pole and a darker grey colour for the cabinets.
135. With respect to the retaining wall around the mast, it was agreed that the most appropriate treatment would be for unpainted concrete, left to weather naturally to complement the colour of the pole and cabinet. There was also concern that for safety reasons a fence would be required around the top of the cabinets to prevent ready access from the elevated surface of Peter Fraser Park. As noted in the applicant's right of reply, there is no requirement to provide for such a fence as the retaining wall would only be 1m high. We consider the most appropriate treatment in this case would be that if such a fence were to be constructed, that this be of a "see-through" type such as metal railings finished in a colour that complements the appearance of the park.

OBJECTIVES AND POLICIES

The Operative District Plan

136. There are appeals against some policies of Chapter 30 of the PDP (Utilities) and for this reason the objectives and policies in the ODP still carry weight⁵². Chapter 17 of the ODP contains the objectives and policies relating to utilities.

⁵² Evidence H McKee, paragraph 7.13

137. The objective and policies having relevance to this application are found under Objective 2 – ‘Efficient Use and Establishment of Utilities’ and its policies. These are as follows:

The establishment, efficient use and maintenance of utilities necessary for the well-being of the community.

Policies:

2.1 To recognise the need for maintenance or upgrading of a utility to ensure its ongoing use and efficiency.

2.2 To take economic costs into account when considering the alternative locations, sites or methods for the establishment or alteration of a utility.

2.3 To take into account the strategic needs of the utility when considering possible alternative locations for establishment.

2.4 To make specific provisions for certain activities within the District, which are land extensive and/or which have specific locational needs, to ensure the presence and function of the utility is recognised.

2.5 To encourage the co—location of facilities where operationally and technically feasible.

2.6 To have regard to the importance of a utility when determining whether the establishment of a proposed utility will promote the sustainable management of natural and physical resources.

2.7 To encourage development in areas which are already serviced and have the capacity for additional development and takes into account economic costs; or a new locations where the development has regard to efficiency through consolidation of activity.

138. Policies 2.8 and 2.9 are not relevant to the current application.
139. In terms of Policies 2.1 – 2.4, a recurring theme in the policy framework is a need for the efficient provision of utilities, which we consider has to be reflected in services which provide adequate coverage, provide for future growth, and are of sufficient capacity and reliability. We are satisfied from the evidence that the current facility at Timaru Creek is no longer going to be fit for purpose having regard to these requirements.
140. The economics of provision (Policy 2.2) only arose in two ways – arguments that the proposed facility was to enhance the income of Spark, which undoubtedly is true – and in contrast, the provider’s concerns about the potential costs of having to provide two (presumably compliant) facilities to provide coverage of all of Lake Hawea Township. The matters arising before the hearing were overwhelmingly dominated by the environmental implications of the chosen site and potential alternatives. In terms of efficiency and effectiveness, we accept in principle that a single facility to serve the whole township is the most appropriate option. To make it clear, we consider that the environmental implications of having two sites are more important in our consideration of this proposal than the economic costs to Spark – we were advised that such an arrangement exists in Alexandra.

141. Co-location (Policy 2.5) arises in several policies under both the ODP and the PDP. We were advised that the proposed mast would not have sufficient capacity to provide for the infrastructure of other potential providers that may seek to establish. Even if it were, it would almost certainly have the disadvantage of increasing the scale of the facility. Any future provider will need to either comply with the NESTF, or follow a resource consent process. Either option may result in adverse visual effects on some in the community. There is an element of co-location to the extent that the proposed mast is to incorporate an existing lighting pole.
142. In terms of Policy 2.6, there was considerable disagreement through the hearing as to the ‘importance’ of the utility. We are satisfied that on balance an improved facility is required, but this does not assist with respect to site selection matters. Policy 2.7 appears to relate to the servicing of areas of development in the context of matters such as effluent, stormwater and sewerage disposal.
143. Overall, we consider that the proposal is consistent with this objective and policy framework.
144. Objective 3 – ‘Environmental Impacts’ and the relevant associated policies state as follows:

“Avoid, remedy or mitigate the adverse effects of utilities on the surrounding environments, particularly those in or on land of high landscape value.

Policies:

3.1 To avoid, remedy or mitigate the adverse environmental effects created by the operation of utilities through the application of performance standards to separate incompatible activities, maintain visual amenity and the quality of the environment.

3.2 To make specific provision for certain utilities which are land extensive and/or which have specific locational needs, ensuring the type and scale of development avoids, remedies or mitigates adverse effects on the environment.

3.3 To require utilities, which have variable effects or which may have adverse effects if located in some localities, to obtain resource consents in order that the Council can consider the potential effects of the proposal and impose specific conditions if appropriate.

3.5 To encourage utility operators to adopt monitoring systems to ensure the effects of utilities and their operation is regularly evaluated to avoid or mitigate adverse effects, including the removal of unnecessary equipment (including buildings and masts).

3.6 To require the undergrounding of services in new areas of development where technically feasible.

3.7 To encourage the replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services where technically feasible.

3.9 To take account of economic and operational needs in assessing the location and external appearance of utilities”.

145. Policies 3.4, 3.8 and 3.10 are not considered relevant to this application.
146. These policies are of somewhat limited assistance to those affected by facilities of the nature being considered here – that is, a tall mast structure in a residential area. The primary thrust of the objective, and accordingly its related policies, is to protect land of high landscape value from the effects of utility structures. Examples of this include transmitter facilities on prominent hilltops and ridges and associated access roading.

147. With respect to the urban environment, the rules framework under both the NESTF and the ODP (or the PDP), do not preclude the establishment of telecommunication facilities, and in this case require its assessment of the proposal as a discretionary activity in the event of non-compliance. This is in fact what has eventuated in terms of Policy 3.3. If mast structures are an 'incompatible activity' with respect to surrounding residential development in terms of Policies 3.1 and 3.2, they are nevertheless anticipated in such areas. As we concluded in our assessment of effects, we consider it is very difficult for a tall mast structure to not have some visual impact within close proximity, wherever it might be within or adjoining a residential area.
148. In a residential area the adverse effects of telecommunication masts cannot be avoided, only mitigated, and even this can only be achieved to a limited extent by the design of the mast (e.g. a slimline design), the colour chosen, and that it be sited in a location which minimises the number of residential properties or any other sensitive uses in close proximity. The application site does not directly adjoin residential properties on the south side of Capell Avenue, and those on the north side are already affected by the presence of the power lines and an intersection.
149. With respect to monitoring, the application is for the establishment of an entirely new facility, although we were advised that sites are randomly monitored to determine compliance with radiofrequency effects.
150. With respect to Policies 3.6 and 3.7, it was accepted by all present that telecommunication facilities for mobile services cannot be undergrounded. These two policies are relevant to the contentious issue of community aspirations to underground the overhead power lines, but are not specifically relevant to the application. We note that Policy 3.6 *requires* undergrounding in new areas of development, but Policy 3.7 only *encourages* it where these already exist. We think this distinction reflects the greater cost and difficulty in retrospectively undergrounding power lines, particularly those of higher voltage.
151. Policy 3.9 addresses economic needs, already covered under Policy 2.2. However we consider the second element of this policy is highly relevant, as it recognises that in assessing the location and external appearance of utilities, account needs to be taken of operational needs. This recognises that communication facilities in a residential area will be highly visible from close proximity and almost certainly from some residential properties, and that operational needs have to be taken into account when considering matters such as visual impacts.
152. We do not think that the proposed telecommunication facility will avoid, or even fully mitigate, some of the adverse visual impacts, and to that extent the proposal is inconsistent with Policy 3.2. We consider that the proposal is generally consistent with the other policies under Objective 3.

The Proposed District Plan

153. Objectives 30.2.5 and 30.2.6 state as follows:

"30.2.5 Objective – The growth and development of the District is supported by utilities that are able to operate effectively and efficiently".

“30.2.6 Objective – The establishment, continued operation and maintenance of utilities supports the well-being of the community”.

154. Relevant policies accompanying Objective 30.2.6 are as follows:

“30.2.6.1 – Provide for the need for maintenance or upgrading of utilities including regionally significant infrastructure to ensure its on – going viability and efficiency subject to managing adverse effects on the environment consistent with the objectives and policies in Chapters 3, 4, 5, and 6.

30.2.6.2 When considering the effects of proposed utility developments consideration must be given to alternatives, and also to how adverse effects will be managed through the route, site and method selection process, while taking into account the locational, technical and operational requirements of the utility and the benefits associated with utility.

30.2.6.3 Ensure that the adverse effects of utilities on the environment are managed while taking into account the positive social, economic, cultural and environmental benefits that utilities provide including;

- a. enabling enhancement of the quality of life and standard of living for people and communities;*
- b. providing for public health and safety;*
- c. enabling the functioning of businesses;*
- d. enabling economic growth;*
- e. enabling growth and development;*
- f. protecting and enhancing the environment;*
- g. not relevant*
- h. enabling interaction and communication.*

155. The two objectives, and also Policy 30.2.6.1⁵³ again return to promoting the efficiency and effectiveness of utility provision, and to that extent, we consider that the proposal is consistent with these. The provision of a reliable mobile phone service is an important contemporary requirement, and a matter of community well-being. However, we acknowledge that the provision of that well-being through the establishment of a tall telecommunication mast can have adverse effects on those in close proximity, be it on private and public views.

156. Policy 30.2.6.2 addresses the need for alternatives to be considered. Although the explanation of this by the applicant (at least prior to the hearing) did not in all respects appear to be adequate, we remind ourselves that almost any site in or near a residential area would likely attract opposition. Through the evidence presented at the hearing, we consider that enough information was provided to indicate that the chosen site was acceptable. The requirement is for the site to be acceptable, not necessarily that it must be the best site. Even were it possible to identify the best site, this would require an extremely detailed assessment of a range of complex factors (set out above in paragraph 106 of this decision), as applied to a range of alternative sites. We doubt whether a better alternative site, where one could be confident that notification would not be required, or where no submissions would be received, could be readily identified.

157. Policy 30.2.6.4 relates to the co-location of facilities and has been addressed earlier.

⁵³ This policy is subject to appeal –Env-2018-CHC-093

158. Objective 30.2.7 states;

“Objective – the adverse effects of utilities on the surrounding environments are avoided or minimised”.

159. The above objective and accompanying policy “a.” are subject to challenge through an appeal and so we can only give limited weight to them. The policies under Objective 30.2.7 state:

“a. avoiding their location on sensitive sites, including heritage and special character areas, Outstanding Natural Landscapes and Outstanding Natural Features, and skylines and ridgelines and where avoidance is not practicable, avoid significant adverse effects and minimise other adverse effects on those sites, areas, landscapes or features;

b. encouraging co - location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment;

c. ensuring that redundant utilities are removed;

d. using landscaping and/or colours and finishes to reduce visual effects;

e. integrating utilities with the surrounding environment; whether that is a rural environment or existing built form”.

160. The objective and policy framework in both the ODP in the PDP applies to utilities generally, which include power and transmission lines, water supply and stormwater provision, and effluent disposal, and other utilities. The policy framework does not ‘drill down’ to addressing the environmental effects specific to activities such as telecommunication facilities.

161. The policy framework in both the ODP and the PDP strives to achieve a balance between the efficient provision of utility services, and avoiding or managing their adverse effects. Unfortunately neither document provides any policy guidance as to the kind of criteria that might be appropriate with respect to site selection in the circumstances of this application. However, the NESTF anticipates the provision of telecommunication facilities within road reserves and within residential areas, and provide formulae which are used to determine such matters as the height and bulk of these facilities. Where such a facility does not comply with the parameters contained in the NESTF, provision is made for this to be assessed in terms of activity status as determined by the NESTF (and potentially) the District Plan. If the activity status was a noncomplying activity, then an over- height mast such as this one would face a significant challenge; in this case it defaults to fully discretionary status which enables each proposal to be considered on its merits without any presumption in favour of either granting or declining consent.

162. We note that subclause a. above would provide somewhat more guidance at a policy level for facilities that are within Outstanding Natural Landscapes or on Outstanding Natural Features, on a skyline or ridgeline, or a heritage or special character area. This closely reflects the provisions of Regulations 44 – 52 of the NESTF, which provide exceptions enabling a district council to impose more stringent controls in those circumstances. While Outstanding Natural Landscapes are visible *from* the application site and its surrounds, the proposed mast is not within such a landscape.

163. Overall, we do not consider that the proposal is contrary to the objectives and policies of the PDP.

SECTION 104 RESOURCE MANAGEMENT ACT

164. The relevant provisions of section 104 are as follows:

104 Consideration of applications

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to –

- (a) any actual or potential effects on the environment of allowing the activity; and*
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate any adverse effects on the environment that will or may result from allowing the activity; and*

(b) any relevant provisions of –

- (i) a national environmental standard*
- (ii) other regulations;*
- (iii) a national policy statement;*
- (iv) a New Zealand coastal policy statement;*
- (v) a regional policy statement or proposed regional policy statement;*
- (vi) a plan or proposed plan; and*

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

(2) when forming an opinion for the purposes of subsection (1) (a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

.....

(3) a consent authority must not, –

(a) when considering an application, have regard to –

- (i) trade competition or the effects of trade competition; or*
- (ii) any effect on a person who has given written approval to the application.*

.....

165. In a 2018 decision, the Environment Court expressed the view that the ODP and the PDP had been sufficiently competently prepared such that there was no need to refer to Part 2. That case related to a rural subdivision, and the Court did make reference to the need to consider the efficient use of natural and physical resources under section 7 (b) of the RMA⁵⁴.

166. With respect to this application, we consider that an additional important factor is the application of the NESTF, and it is noted that the relevant District Plan rules are beyond challenge. On this basis we do not consider it is necessary to apply the provisions of Part 2.

⁵⁴ Ballantyne Baker Holdings Ltd v QLDC – Interim Decision [2018] NZ EnvC 181, paragraphs 188 – 189

167. However in case we are wrong on this point, we are of the view that the application does not raise any matters under section 6 of the RMA. To the extent that mitigation of the visual impacts of the activity concerned can be achieved, we consider that the site selected is acceptable having regard to the number of residential properties in close proximity, and also having regard to other physical features in the environment, and achieves section 5(2)(c) and is acceptable in terms of sections 7 (c) and 7 (f) of the RMA. We also consider that the telecommunication facility would provide an efficient mobile service to the residents of and visitors to Lake Hawea Township and its environs, in accordance with section 7(b) of the RMA.
168. The applicant has indicated agreement to a condition limiting further equipment on the proposed mast, and we consider this is a limited but useful mitigation measure, but not a positive effect associated with any grant of consent. We do not consider that any particular measures have been proposed by the applicant which would enable us to apply section 104(1)(ab) in support of the application.
169. We have applied the provisions of section 104(1)(b)(i) which requires us to have regard to any relevant provisions of a national environmental standard, in this case the NESTF, which has been specifically formulated with respect to managing the effects of telecommunication facilities.
170. We do not consider this application raises any matters of regional significance. At a general level, Policy 4.3.2 of the Partially Operative Otago Regional Policy Statement recognises telecommunication facilities as having regional and national significance while Policy 4.3.4 calls for management of the adverse effects of such infrastructure. The effects of such development are left to be managed at the district plan level.
171. We have considered the proposal in terms of the ODP and the PDP.
172. With respect to section 104(2) as explained earlier in this decision we have exercised our discretion to apply the permitted baseline to this application.

DECISION

Pursuant to sections 104, 104B and 108 of the Resource Management Act, consent is hereby granted to the application subject to the conditions as set out below:



Robert Charles Nixon



William David Whitney

Hearings Commission
22 August 2019

APPENDIX 1 – Consent Conditions

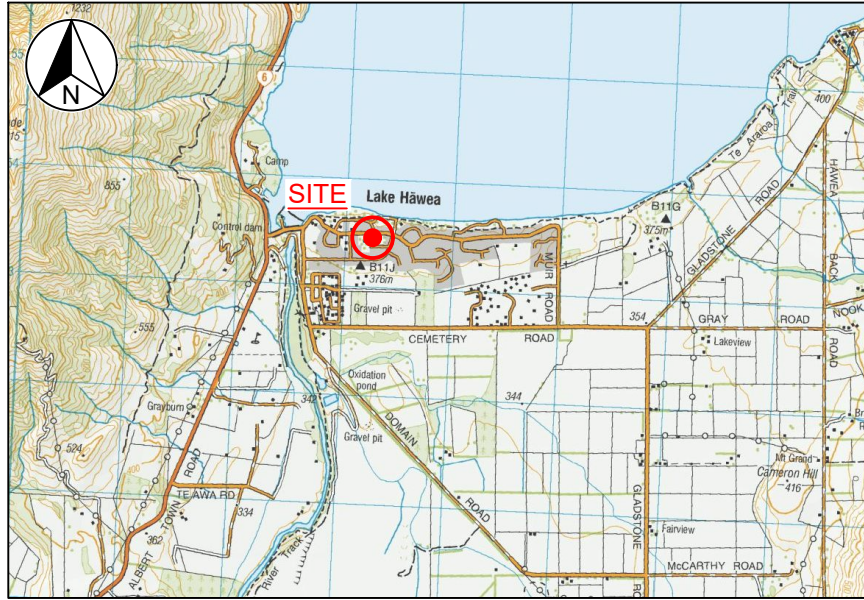
APPENDIX 1 – CONSENT CONDITIONS

1. The telecommunications facility development shall be undertaken in accordance with the following plan:

- ‘Site Plan, Sheet 1, Rev 5 dated 5 March 2019, prepared by WSP OPUS’.

Stamped as approved on 22 August 2019.

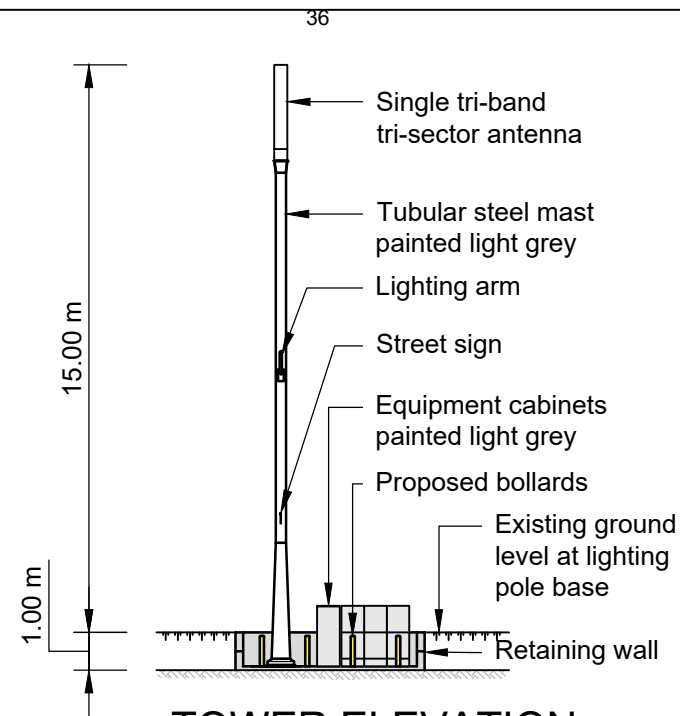
2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36 (1) of the Resource Management Act 1991 and any finalised, additional charges under section 36 (3) of the Act.
3. The consent holder is liable for costs associated with the monitoring of this resource consent under section 35 of the Resource Management Act 1991.
4. The pole shall be painted in a light grey colour (Gull Grey or similar) and the cabinet in a darker grey colour (Sandstone Grey or similar).
5. The retaining wall shall be unpainted concrete that shall be left to weather naturally.
6. Any fence above the retaining wall shall be “see-through”, constructed of metal railings to be finished in a colour that complements the appearance of the park.
7. Any additional infrastructure attached to the pole (that is not shown on the plan referred to in Condition 1) shall be limited to a maximum of one single dish antenna of 0.38m in width.



LOCATION PLAN

Scale: 1:50,000 APPROX.

APPROX. COORDINATES (NZ MAP GRID):
2213225mE; 5615199mN

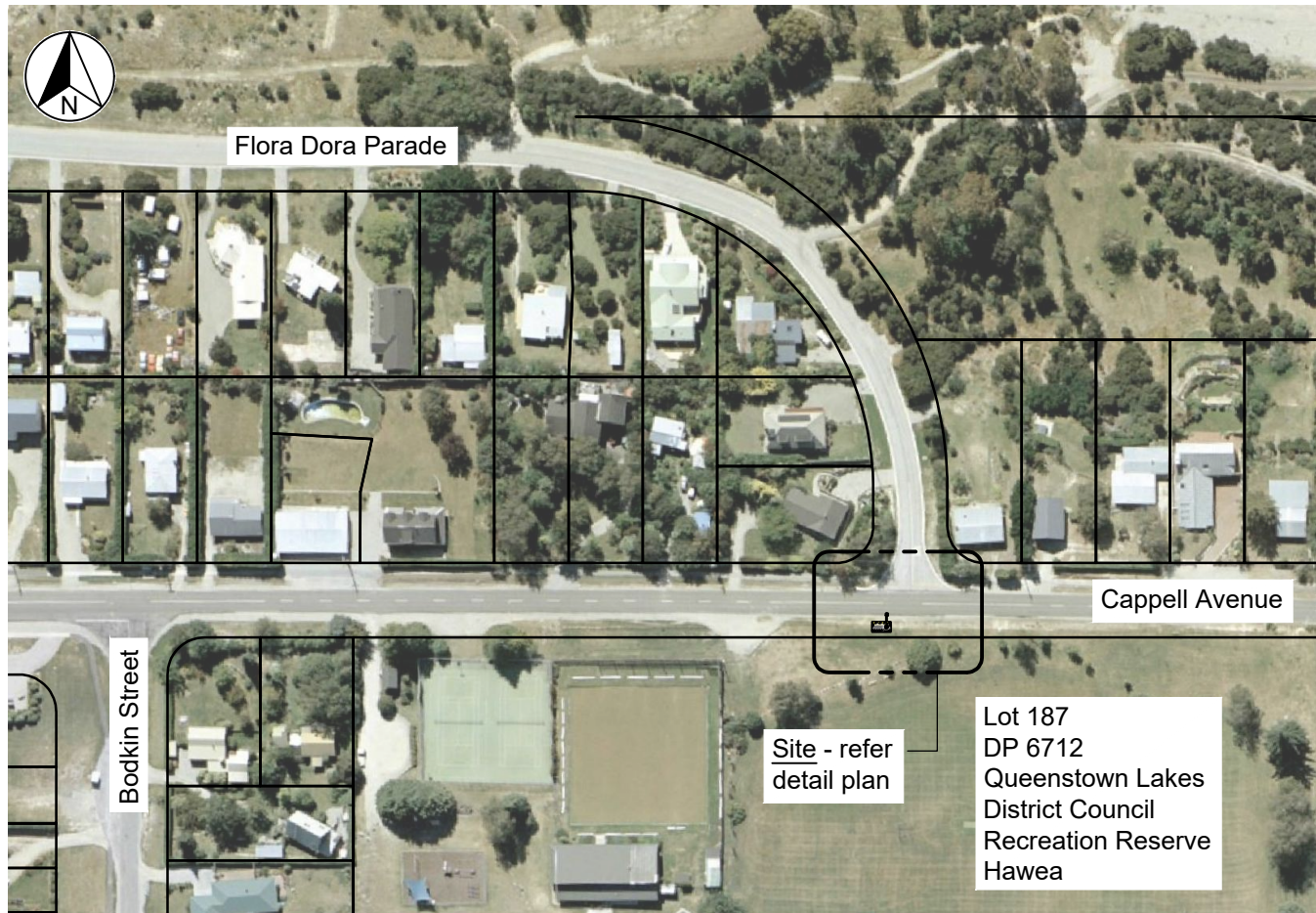


TOWER ELEVATION

SCALE: 1:200

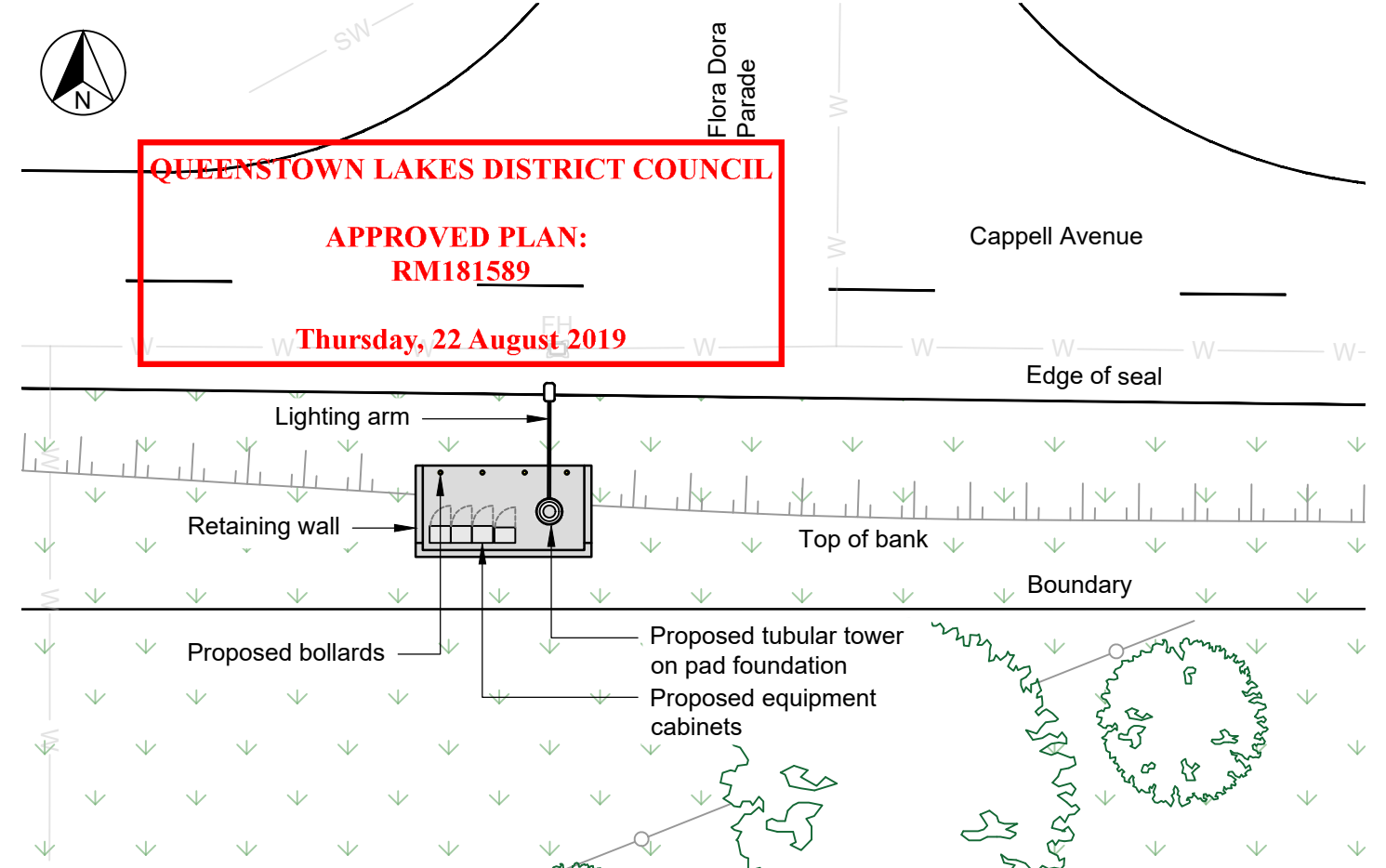


PROPOSED VIEW



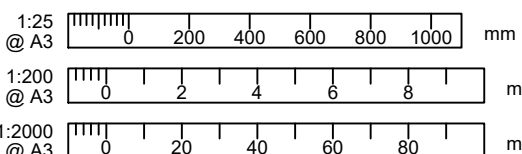
SITE PLAN

Scale: 1:2000



DETAIL PLAN

Scale: 1:200



Notes:

- Details shown are indicative only and are subject to survey, final design and construction.
- Power and telecommunications supply from nearest available source within road reserve.

Revision	Amendment	Approved	Revision Date
1	FINAL	A.W	05.11.2018
2	MINOR AMENDMENTS	A.W	09.11.2018
3	MINOR AMENDMENTS	A.W	20.11.2018
4	SHROUD ADDED	A.W	18.01.2019
5	MINOR AMENDMENTS	A.W	05.03.2019



Designed	Approved	Approved Date
A. van der Westhuizen	A. van der Westhuizen	20.11.2018
Drawn	Scales	
J. Macdonald	As Shown @ A3	

Project
Spark New Zealand Trading Limited
Lake Hawea Town Mobile Phone Site
Cappell Ave, Opposite Flora Dora Parade, Wanaka

Proposed Site Plan

Project No.	Sheet No.	Revision
6-DXH29.00	1	5