

***Draft* POLICY**

**FOR TELECOMMUNICATIONS USE OF KAPITI COAST
DISTRICT COUNCIL PROPERTY**

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1.0 Introduction

The Kapiti Coast District Council (Council) acknowledges that upgraded telecommunications services including third generation services are important to the community for economic, social and other reasons. The Council recognises that it owns key physical sites where telecommunications equipment necessary for those services (such as masts, antennae or ancillary structures) could be located in the future.

This draft policy guides the use in all circumstances where telecommunications equipment is proposed to be located **on Council-owned property** (ie. Council-owned or controlled land, buildings or other Council-owned or operated assets).

This policy relates solely to the Council acting in its landowner capacity and not in its role of regulatory authority in relation to the Kāpiti Coast District Council District Plan or the Resource Management Act 1991.

A glossary of the terms used in this document is provided in Appendix 1.

2.0 Council Roles and Responsibilities and Operator Rights

Council has the following roles in the location of telecommunications equipment on Council owned-property:

- land owner/asset owner
- requiring authority
- regulator, administering the Kapiti Coast District Plan.

Key statutes affecting the way Council makes decisions as landowner/asset owner in applying this policy are:

- Reserves Act 1977
- Property Law Act 1952
- Public Works Act 1981
- Building Act 2004
- Resource Management Act 1991.

2.1 Reserves

Parks and reserve assets are special categories of land held for specific purposes for the benefit of the community as a whole. The Reserves Act 1977 provides a statutory protection over reserves to protect, enhance and manage the natural, physical and amenity values of the reserve for which they are held (or classified).

The effect of the statutory protections and Council policy over reserves mean that prior to any reserve being used for a purpose that is likely to be at odds with the reserve's status and classification, Council must first satisfy itself in respect to telecommunications equipment of the following:

- there is a lack of practical alternatives to the use of the proposed reserve
- there will no more than minimal adverse impacts on the values of the reserve (including visual amenity)

- the proposal will not inhibit or detract from the use of the reserve for its prescribed purpose
- the proposal will satisfy the statutory provisions of the Reserves Act 1977, or the applicable reserve management plan.

The Council is not under any obligation to make any of its reserves or land holdings available to any operator for telecommunications purposes.

2.2 Telecommunications network operators' rights

Telecommunications companies who have been granted *network operator* status under the Telecommunications Act 2001 have rights to construct, place and maintain lines, and public telephone cabinets, distribution cabinets or other similar appliances within legal road, subject to reasonable conditions being imposed by the local authority who has jurisdiction over the road. These rights are more particularly described in sections 135 and 142 of the Telecommunications Act 2001.

The National Environmental Standard (NES) came into force in October 2008 to provide national consistency over the way telecommunications activities are considered, permitted and administered through district plans. The NES is a set of regulations under the RMA that contain prescriptive standards relating to radiofrequency fields for all telecommunication facilities; and defines the dimensions and noise levels of telecommunication facilities in road reserves.

The effect of the NES is to make a set of consistent rules and standards for permitted activities in road reserves for all district plans in New Zealand (covering size, height, bulk, location and noise). It also provides a consistent standard for radiofrequency fields emitted from antennas located anywhere.

A *network operator* must notify a local authority of proposed work, and the local authority must respond within 20 working days of receiving notice. Local authorities are not able to impose licence fees for the use of legal road by network operators.

Network operator status is also recognised under the Resource Management Act 1991, where a telecommunications company, or *network utility operator*, can acquire *requiring authority* status for a particular project, work or network utility operation. Kapiti Coast District Council is a requiring authority for a number of public works such as roads, reserves, land, property, buildings or infrastructure owned or operated by the local authority.

Requiring authorities are able to use the *designation* mechanism in the Resource Management Act 1991 to establish a set of land use controls and policies specific to a particular site to facilitate public works, for which subsequent resource consents are not necessarily required. Instances where such designations may be appropriate include where:

- Council recognises the value of telecommunications services to communities and to business.
- Council recognises the rights of network operators under the Telecommunications Act 2001 to locate telecommunications facilities in legal road and to seek to designate areas for telecommunications purposes as a requiring authority.

3.0 Policies

3.1 General

Applicants will be required to identify in adequate detail:

- the activities proposed on Council-owned property;
- the reasons for considering Council-owned property;
- the type of facility and equipment proposed and its nature over time;
- the effects of those activities;
- the extent of monitoring proposed to be carried out relating to the ongoing operation of the telecommunications equipment

3.2 Consultation expectations

In developing proposals and making application to Council for telecommunications use of Council-owned property, telecommunications operators must have or be prepared to initiate consultation with potentially affected residents and ratepayers regarding the application, and:

- be willing to identify, understand, address and resolve community concerns
- identify affected parties and stakeholders, which may include: residents, businesses, resident and business groups
- to consult within a timeframe that takes into account and recognises the ability of community groups/individuals to consider proposals and provide reasonable input
- be prepared to consider alternative sites.

Applicants will need to demonstrate how community concerns can be addressed and managed and provide a detailed consultation plan for Council approval.

Explanation

There is frequently public concern resulting from proposals to locate telecommunications installations and equipment in or close to residential areas. Identifying and addressing in a transparent and open manner and resolving those community concerns is the initial responsibility of the telecommunications operators/applicants.

If appropriate, Council may assist applicants to identify and facilitate resolution of community concerns in relation to proposals on its land or assets. In doing so, Council's primary obligation is to ensure that the community consultation has occurred in a reasonable and appropriate way.

3.3 Minimise adverse impacts

(a) Applicants will be required to have given prior consideration to:

- the existing environment of the proposed installation and design consideration which minimises the prominence of installations in that environment. The Council will favour site selections that give the lowest exposure (i.e. where exposures to radio frequency can be avoided or reduced, and in accordance with the NES).
- demonstrated active adherence to the NES, national policies and guidelines including:
 - Ministry for the Environment guidance on the NES.
 - National Guidelines for Managing the Effects of Radio Frequency Transmitters, Ministry of Health/Ministry for the Environment (2000).

(b) An applicant should clearly demonstrate for any proposed installation:

- that radio frequency field emissions will comply with the limits for exposure levels set by the NES
- that transmitter power will be limited to that required to achieve coverage objectives
- antennas will be used that minimise emissions in directions not required for coverage
- the nature of cumulative effects and impacts on other installations (eg co-located or within the vicinity of the proposed installations)
- that telecommunications masts are located as far as practicable away from residential housing and schools.

3.4 Co-location of telecommunications installations preferred

(a) Co-location should be considered and addressed where there is already existing telecommunications installations/equipment in close proximity to the proposed site, provided this does not compromise Council's own operations.

Explanation:

Co-location of telecommunications promotes:

- maximum use of limited sites
- reduced proliferation
- minimisation of visual impacts
- minimisation of disruption to public use or public amenity.

(b) Council may limit the number of co-located telecommunications installations (if any) on Council-owned property but will not be liable for the effective operation of co-located telecommunications installations on appropriate Council-owned property

(c) Concerns about and conflict between licencees/operators of co-located telecommunications equipment are the responsibility of the licencees/operators to resolve in

a timely and commercially appropriate fashion without disadvantage to or effect on the adjacent community.

3.5 Alternatives to use of Council-owned property must be considered

Applicants must demonstrate that they have actively considered a range of sites and alternatives to using Council-owned property, and be prepared to discuss those alternatives and the reasons of non suitability including co-location on existing facilities.

3.6 . Telecommunications use of reserves only in exceptional circumstances

Council does not generally permit non-recreational activities on reserves, except in exceptional circumstances. Therefore occupation licences for telecommunications use over reserve land will only be considered where:

- there is a lack of proven practical alternatives (to the use of the reserve);
- there will be no adverse impacts on the values of the reserve (including amenity, cultural, ecological, recreation, community, heritage, landscape or visual amenity);
- the proposal will not inhibit the use of the reserve for its prescribed purpose;
- the proposal will be in accordance with:
 - the statutory provisions of the Reserves Act 1977 (e.g. processes, considerations and consultation requirements);
 - Council's General Policies for Reserves;
- The community may without the use of the reserve receive poor or limited cell coverage.

3.7 Applicant to bear all costs

(a) Applicants for telecommunications use of Council-owned land or assets will be required to reimburse Council's reasonable costs incurred in considering, consulting on, processing, granting or refusing an application for telecommunications use. This may include staff costs and external professional advice as necessary. Documents of occupation will normally be prepared by the Councils legal advisors at the applicants expense.

(b) When a licence is granted by Council, the applicant will be required to pay an annual fee for the grant of the licence which will be an assessed market fee.

(c) If a proposal to install equipment will cause actual or potential damage or disturbance to Council-owned property or assets, a bond will be required to be paid on the grant of the licence, refundable on completion of the installation or reinstatement to the satisfaction of Council.

3.8 Confidentiality

Disclosure of a licence or lease may be required under the LGOIMA and that if so ordered by the Office of the Ombudsman, the Council will make the document(s) available.

3.9 No guarantees

(a) Council reserves the right to determine in its sole capacity as land owner/asset owner of land not subject to network operator rights whether it is appropriate or not for telecommunications equipment, or any specific telecommunications equipment, to be installed on Council-owned property.

(b) Should Council determine it is appropriate for telecommunications equipment, or any specific telecommunications equipment, to be installed on Council-owned, property, it may impose any lawful conditions it deems necessary.

(c) In cases where applicants will need to seek regulatory consents such as resource consents or building consents, Council will consider entering into licence agreements subject to the receipt of necessary regulatory consents for which the applicant will be responsible

(d) Should an applicant secure regulatory consents before landowner/asset owner consent has been secured, Council will not guarantee landowner/asset owner consent will be granted in any particular case.

Administrative Process for Managing Applications

4.0 Procedures

A 3 stage process is involved in the grant of landowner/asset owner and requiring authority consents. Diagram 1 illustrates the process.

Note: reference to *Operator* in this section means the organisation that has expressed interest in locating and operating telecommunications equipment on Council-owned property.

Stage 1 - preliminary site identification

1a	
	<p>Council officers provide advice on:</p> <ul style="list-style-type: none">• identifying sites;• community consultation expectations and likely community concerns;• procedural matters, including whether an application will be considered under the Reserves Act 1977. <p>This stage will include site visits where necessary.</p>

1b	Operator prepares consultation plan. ¹
	Council officers approve consultation plan.
	Council requires a public notice in the name of the network operator stating preliminary site identification and that the network operator intends to apply to the Council to erect a telecommunications installation on public land. The notice should provide contact details for the operator and information about the Operator's consultation and where copies of the proposals may be obtained.

Stage 2 – formal application

2	Operator submits a formal application, confirming proposals and including a detailed summary of consultation with information about how community issues have been or have not been addressed and resolved. (A list of those contacted as part of the consultation will also be required).
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For applications relating to use of land subject to the Reserves Act 1977, Council officers will assess the Operator's proposals and their impact on reserve values. The process followed will be in accordance with the Reserves Act 1977 and Council's policies and protocols for reserves. A summary of Council's policies and the Reserves Act 1977 public notification process are included in Appendix 2.

2a	Council issues a public notice that an application has been received and details for the Committee meeting where the application will be considered. Council also notifies those individuals and organisations contacted by the Operator during Stage 1.
	Council officers prepare a report to Council.
	Council Committee considers report and Operator's application.
	Council Committee recommends grant or refusal of licence for telecommunications use of Council-owned property, subject to conditions. Conditions would include the Operator obtaining any necessary regulatory consents.
	If recommended approval formal report to Council to approve licence to occupy.

Note: where there is uncertainty regarding the resolution of community concerns, applications will be referred to a Council Committee for consideration.

Stage 3 – Licence to occupy agreed and executed

When the applicant has satisfied Stages 1 and 2, the applicant and Council can agree a final form of and execute a licence agreement.

¹ A typical consultation plan is included as Appendix 3

5.0 Assessment criteria

The criteria that Council will use to assess each application are outlined in Table 1 below:

Table 1 Criteria for assessing applications

Criteria	Key questions	Examples
Location	<p>Is the proposal related to a residential or non-residential site?</p> <p>Use of site</p> <p>Proximity to other properties, areas of high public use, reserves, or places of cultural or historic significance?</p>	<p>Has the applicant demonstrated why this/these site/s are preferred?</p> <p>How critical to the Operator's network is the site/s?</p>
Impacts	<p>Can impacts such as:</p> <ul style="list-style-type: none"> • environmental impacts • risks to public health • public amenity values • impacts on Council-owned property /assets <p>be avoided, remedied or mitigated.</p>	<p>For example, has the applicant adequately considered:</p> <ul style="list-style-type: none"> • maximising the use of limited sites • reducing proliferation of sites • minimising environmental impacts • minimising potential risks to health – is ongoing monitoring considered? • minimising disruption to public use.
Need for the proposed installation/equipment	<p>Has the applicant demonstrated that alternative sites have been considered?</p>	<p>If the proposal relates to a new site, has the applicant clearly demonstrated that co-location is not possible.</p>
Community support	<p>Has the applicant carried out consultation as agreed with Council at Stage 1?</p> <p>Is community feedback accurately reported?</p> <p>Is there demonstrated support or opposition from the community for the proposal?</p>	<p>What efforts have been made to consult with the affected community about the proposals?</p>
Benefits to the community.	<p>Has the applicant clearly explained the direct and indirect benefits of the proposal?</p>	

6.0 Applications

After the site identification stage and community consultation, applications should be submitted to the GM Assets and Services who will coordinate with the appropriate Council committee.

Applications must include the following items:

- Name and contact details of the applicant; and name and contact details of the applicant's representatives (e.g. legal counsel, accountants).
- Details about the applicant (e.g. company structure, brief history, applicant's spectrum licences and other operations and installations in the locale).
- Detailed description/specifications of the proposed equipment to be installed and its proposed usage include relevant technical details about spectrum licences, operating bandwidth and whether the equipment will be operated on an open or closed network etc...
- Details of alternative options explored by the applicant.
- Site plan containing the proposed location of telecommunications equipment and security.
- Description of actual and potential effects of the proposal, to include:
 - A copy of the certificate prepared by a qualified engineer of the level of radiation emissions to be produced by the site is in compliance with the limits set by NZS2772.1:1999 – as per the NES requirements.
- Details of measures to avoid, remedy or mitigate actual or possible effects from the proposal (to include details of physical reinstatement works if appropriate).
- A statement about regulatory processes required and whether they have been completed or are proposed (e.g. resource consent or building consent applications). Include if relevant a copy of the Certificate of Compliance for the activity required under the Kāpiti Coast District Council District Plan.
- Description of the analysed results of public consultation undertaken pre-application and what has been committed to resolve community concerns.
- Consultation plan approved by Council, and results of consultation.
- A plan for communications with the public, to include draft copies of proposed letters or bulletins.

Standard conditions

Council will develop a standard form of licence agreement, which will be adapted for each case. Standard terms and conditions will include:

- Purpose of licence.
- Term of licence – 6 years standard term, with rights of renewal for two periods of three years each; administration fee (and market fee if applicable) will be reviewed on renewal.
- Description of equipment to be installed.
- Site plans and diagrams.
- Payment of processing/administration fee.
- Payment of reasonable fee for grant of the licence, if applicable.

- Payment of a bond against potential damage to Council-owned property, refundable on completion of installation works (and/or reinstatement on termination of the licence) to Council's satisfaction.
- No assignment, sub-licensing or transfer of rights to third parties.
- No exclusivity of use.
- No disruption, sabotage or impairment of the effective operation of any other operator/licencee's co-located telecommunications equipment.
- Termination by licencee party on 3 months notice; or by licensor in case of serious breach by licencee.
- Removal of all equipment and reinstatement of ground (where appropriate) on termination of the licence to Council's satisfaction.
- Site-specific conditions.

Appendix 1

Glossary

This section defines some terms used in this document and some common technical terms used by telecommunications companies to describe their services.

Broadcasting

Any transmission of programmes, whether or not encrypted, by radio waves or other means of telecommunications for reception by the public by means of broadcasting receiving apparatus, but does not include any such transmission of programmes:

- made on the demand of a particular person for reception only by that person; or,
- made solely for performance or display in a public place.

Closed access network

A telecommunications network in which the entity owning the network infrastructure (wires, frequency, switches, routers, etc.) is the only entity that can offer services (phone, internet, video, etc.). The network is generally considered closed even if the entity offers services on a wholesale basis. The key is the lack of structural separation of ownership of infrastructure and services.

Co-location

The location of multiple telecommunications installations on a single site.

Council-owned property

Includes all land, structures and assets that are owned, operated or controlled by Council, and may include land, structures or assets that are leased by Council and includes areas subject to *designations* for specific Council or public works purposes.

Licensed spectrum

Any radio frequencies that are not available under General User Licence. A specific right and a licence has to be obtained from the MED and all equipment must be used within the specifications that apply to the specific frequency that is licensed

Network operator

Telecommunications or radiocommunications operators/companies can apply to become *network operators* under the Telecommunications Act 2001 or the Radiocommunications Act 1989 (applications are made to the Minister responsible for these statutes).

Telecommunications companies who have been granted 'network operator' status have rights to construct, place and maintain lines, and public telephone cabinets, distribution cabinets or other similar appliances within legal road, subject to reasonable conditions being imposed by the local authority who has jurisdiction over the road corridor.

A *network operator* must notify a local authority of proposed work, and the local authority must respond within a time limit. Some local authorities require the network operator to work to a code of practice or standard set of conditions.

Occupation licence

An agreement between Council as owner or lessee of the site to be occupied, and the occupier for the occupation of a site for a specific purpose under terms and conditions prescribed in that agreement. A licence, as distinct from a lease, is appropriate in situations where the site to be occupied is set aside for a specific purpose, such as a water reservoir, and it would not be possible or desirable to grant another form of interest in the property.

Open access network

A telecommunications network in which the entity owning the network infrastructure is *not* the only entity that can offer services. The network is generally considered open, even if the entity offers services to itself as long as it charges itself the same price it charges other service providers for the use of the network and this price is published. The key is the presence of structural separation of ownership of infrastructure and services.

Requiring authority

Similar to the special status of *network operators* under the Telecommunications Act 2001, a telecommunications company can become a *requiring authority* under the Resource Management Act 1991 for the purposes of a particular project, work or network utility operation. In this context a *requiring authority* means: a Minister of the Crown, a *local authority*, and a *network utility operator* approved as a *requiring authority* under section 167 of the Resource Management Act 1991.

The *requiring authority* mechanism under the Resource Management Act 1991 is a mechanism to ensure that essential networks and installations can be built or operated by using *designations* in plans and policies adopted through the Resource Management Act 1991.

A *designation* is a tool that can be used by requiring authorities under the Resource Management Act 1991 to establish a set of land use controls and policies specific to a particular site to facilitate public works, for which subsequent resource consents are not required. Legal road or road reserve is often subject to a designation.

A *public work*² means any work or project that a local authority [or requiring authority] is authorised to construct, undertake, establish, manage, operate, or maintain, and every use of land for any Government work or local work which the local authority [or requiring authority] is authorised to construct, undertake, establish, manage, operate, or maintain. (e.g. roads, reserves, land, property, buildings or infrastructure owned or operated by Kāpiti Coast District Council).

Regulator

Relates to Council's role in administering consenting regimes under statutes (and their associated regulations) such as the Building Act 2004, the Resource Management Act 1991, the Health Act 1956, the Sale of Liquor Act 1989 etc. The regulator role is distinct from Council's other roles in policy, managing and operating facilities and assets and providing other services to the community.

Telecommunications

The conveyance by electromagnetic means from one device to another of any encrypted or non-encrypted sign, signal, impulse, writing, image, sound, instruction, information, or intelligence of any nature, whether for the information of any person using the device or not; but excluding any conveyance that constitutes broadcasting.

² "Public work" is defined in the Public Works Act 1981.

Telecommunications equipment

Includes:

- any equipment (including masts, antennae, equipment cabinets, ancillary structures and security) that facilitate telecommunications
- equipment that is stand alone or part of a network and is used for broadcasting or providing other telecommunications services.

Telecommunications service

Any goods, services, equipment and facilities that enable or facilitate telecommunications.

Unlicensed spectrum

Radio frequencies that are governed by General User Licences, which provide for certain classes of radio transmitter to be used without the need for the owner to obtain a licence in their own name. Provided the equipment meets the applicable technical standards, operates only on the allocated frequencies and meets any other requirements specified in the licence, the equipment may be freely used by anyone.

1.

Appendix 2 Summary of NES provisions

The NES is split into 6 parts:

- *radiofrequency*
- *activity status in road reserves*
- *protection of trees, vegetation, and heritage, visual amenity and natural values*
- *cabinets and equipment*
- *masts and antennas*
- *noise.*

Radiofrequency

A telecommunications facility is a permitted activity as far as radiofrequency is concerned if the network operator complies with the following conditions:

1. Plan and operate equipment in accordance with NZS2772.1: 1999 Radio-frequency Fields Part 1: Maximum Exposure Levels 3 kHz–300 GHz ('the New Zealand Standard'.
2. The network operator ensures that before the telecommunications facility become operational, the relevant local authority receives:
 - Notice of where the facility is or proposed to be
 - A report that:
 - is prepared in accordance with NZS 6609.2:1990 Radiofrequency Radiation: Part 2: Principles and Methods of Measurement 300 kHz to 100 GHz ; and
 - Takes account of exposures arising from other telecommunication facilities; and
 - Predicts whether radiofrequency field levels will comply with the New Zealand Standard.
3. If the report predicts that radiofrequency field levels will reach or exceed 25% of the maximum authorised by the New Zealand Standard, the network operator must forward a report to the local authority within 3 months that:
 - Is prepared in accordance with the NZS 6609; and
 - Provides evidence that the actual radiofrequency field levels comply with the New Zealand Standard.

Should the telecommunications facility fail to meet the permitted activity standards in the NES, it becomes a non-complying activity.

Activity status

The status of various activities for District Plan purposes are set out in the NES in Table 1 below – note that radiofrequency activity status relates to any location, whereas the others relate only to road reserve.

Table 1 Summary of Activity Status for Telecommunication Facilities

	Meets NES	Assumption in NES if does not meet NES condition/standards
Radiofrequency	Permitted	Non-complying
Installation and operation of telecommunication facility ie cabinets and equipment, masts and antenna in roads	Permitted	Controlled (if under existing DP that activity would have been permitted or controlled)
		Restricted Discretionary (if under existing DP that activity would have been restricted discretionary)
		Discretionary (if under existing DP that activity would have been discretionary)
		Non-complying (if under existing DP that activity would have been non-complying)
		Prohibited (if under existing DP that activity would have been prohibited)

Noise

The NES sets out a series of noise thresholds that vary between day and night-time. The limit is higher where land adjacent to the road reserve is zoned non-residential. The point at which the noise is measured varies depending on the location of any habitable room within a building on an adjacent site.

The noise provisions are based on the recently reviewed and updated NZS 6801:2008 and NZS6802:2008, and are summarised in Table 2 below.

Table 2

Residential, Mixed Use, Rural and Open Space/Reserve Areas

All Days	Noise Limit
Day time (0700 – 2200)	50dBA LAeq (5 min)
Night time (2200 – 0700)	40dBA LAeq (5 min)) 65dBA Lmax

Business and Industrial Areas (and any other non-residential zones)

All Days	Noise Limit
Day time (0700 – 2200)	60dBA LAeq (5 min)
Night time (2200 – 0700)	60dBA LAeq (5 min)

Cabinets and equipment

Controls are imposed on the bulk and location of associated equipment cabinets. The bulk of the cabinets must come under a combination of maximum height and footprint area thresholds that alter depending on the proximity of residential land. In summary the size and location requirements are shown in Table 3 below.

Table 3

Limitations on cabinet size and location <i>(Above ground level)</i>	Adjacent area type
<i>Maximum height: 1.8m Maximum footprint of any single cabinet: 1.4m² Maximum footprint occupied by all cabinets: 1.8m² Maximum number of network utility cabinets exceeding 900mm in height in any location: one Minimum separation distance from any existing utility cabinet exceeding 900mm in height: 30m (except where specific provision by way of dedicated areas has been made for utilities infrastructure within the road reserve)</i>	<i>Residential</i>
<i>Maximum height: 2m Maximum footprint: 2.0m² Minimum separation distance from any existing utility cabinet exceeding 900mm in height: 30m (except where specific provision by way of dedicated areas has been made for utilities infrastructure within the road reserve)</i>	<i>Non-residential</i>

Masts/antenna

The NES controls the height, bulk and protrusion of the structures to which telecommunications facilities are affixed in road reserves eg power poles, traffic light pole or streetlight pole. It covers situations where masts and antennas are upgraded or replaced.

Vegetation, historic heritage, visual amenity and coastal marine areas

These provisions retain existing protections on vegetation, historic heritage, visual amenity and coastal marine areas currently afforded in a relevant district plan. They do not create new rules and only support existing provisions in District Plans to protect heritage or areas with special character or amenity values already identified by the Community in district plans.

Further information about the NES can be found through the Ministry for the Environment:
<http://www.mfe.govt.nz/laws/standards>.

Appendix 3

Example Operator Consultation Plan at Stage 1:

The following steps should be included in an Operator's consultation plan – the consultation plan should be agreed with the Council prior to being implemented.

- Step 1 The Operator notifies by letter all residents in the vicinity (200 metre radius from the installation) of areas where the Operator is actively identifying sites.*

- Step 2 Operator invites local residents to a community meeting for the purpose of identifying people to represent the community on a working group with the Operator and Council.*

- Step 3 The working group, chaired by a community representative, will work with the Operator to develop options for the location of the Operator's equipment in the vicinity.*

- Step 4 Once the options have been finalised, a further letter is sent to all affected residents seeking comment and inviting them to an 'open day' or similar event where the options can be discussed with the Operator.*

- Step 5 The working group reviews the submissions and feedback received and determine the preferred site.*

- Step 6 The Operator prepares a report summarising the outcome of the working group process. In the event that the site selected is Council-owned, approval will then be sought for 'landowner consent' using the most applicable process (for example if the site is reserve managed under the Reserves Act 1977 it may require Ministerial or Administering Authority approval as appropriate).*