Resource Consent Application

on behalf of

FortySouth

New Telecommunications Facility
64 Poto Road, Normandale

23 July 2025

Quality Control

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Limitations:

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Contents

1 Introduction

This assessment is provided in accordance with the requirements of section 88 of the Resource Management Act 1991 (RMA or "the Act") and the Fourth Schedule to the Act. It is in support of the resource consent application made by FortySouth to establish and operate a new telecommunications facility at 64 Poto Road, Normandale, Lower Hutt.

One NZ sold its passive mobile tower infrastructure business to FortySouth, an entity owned by funds managed by leading global investors InfraRed Capital Partners and Northleaf Capital Partners. The creation of FortySouth follows the establishment of numerous passive mobile tower infrastructure businesses or tower companies that have been seen around the world.

2 The Site

The site, 64 Poto Road, Normandale, is legally described as Lot 1 and Part Lot 2 Deposited Plan 18067, held in Record of Title 42B/454, and has an area of 1,683m². It is a corner site and is adjoined to the south by Poto Road, and west by Stratton Street.

Figure 1: Aerial photo of 64 Poto Road, Normandale (source: HCC GIS Viewer)

Lot 1, on which the proposed facility is to be located, is largely grassed or in hardstand with various trees along the northern boundary. A driveway from Stratton Street provides vehicle access to the hardstand as well as to Part Lot 2, which contains the St Aidan's on the Hill church.

The site is elevated above the carriageway of the two adjacent roads. An armco barrier located within legal road runs parallel will the site boundary along the Poto Road frontage. A telecommunications equipment cabinet and various shrubs are located between the armco barrier and the carriageway of Poto Road.

The surrounding area is residential in nature. There is a bus stop, including a shelter, located opposite the site on Poto Road.

The site is zoned Medium Density Residential in the Operative Hutt City District Plan (District Plan) and is not subject to any designations or overlays. Surrounding sites are similarly zoned and as stated above, are residential in nature.

3 The Proposal

3.1 The Activity

The proposal is to construct a new telecommunications facility adjacent to the south-western boundary of the site.

Plans of the proposed works are provided in Appendix B, with a summary as follows:

- Construct a new pole with a height of 13.0m (excluding lightning rod).
- Attach three groups of panel antennas to the pole, all to be contained within a notional envelope of 5m long and 0.7m in diameter. The middle group of antennas will be within a shroud;
- Installation of ancillary equipment on the pole below the antennas;
- Installation of equipment cabinets immediately to the south-east of the pole. The cabinets will be 2.0m high with a combined footprint of 2.96m².
- Installation of underground power and fibre connections in the road reserve; and
- Minor earthworks to construct the foundations and undertake trenching.

3.2 Technical and Operational Considerations

The choice of location, height and positioning of each telecommunication facility is the result of a careful site selection process. A computer model of the cellular network using radio propagation software, and digitised terrain maps first identifies a search area where the facility is required. Site options, which have the necessary technical and physical characteristics, are then identified within the search area. Those site options are evaluated in terms of the following criteria:

- Local topography and the occurrence of radio frequency shadows;
- Availability of suitable sites for lease;
- Location of services and constructability;
- Relevant district plans provisions; and

- Environmental and heritage/cultural constraints.

One of the critical parameters for the efficient operation of a mobile network is the location and positioning of antennas. Antennas need to be located so that they can communicate with all mobile devices operating within the cell they serve, without causing or receiving interference from mobile devices operating from an adjacent cell. This is achieved by closely controlling the power output from the transmitters, orienting antennas correctly, and by positioning the antennas at the correct height.

Antennas must also be located and positioned to provide a direct and unobstructed path to the receiver, while eliminating the possibility of objects or persons moving through or obstructing the transmission and thus degrading the quality of telecommunication. The principle of line-of-sight therefore guides the site selection process for antenna positioning.

At cellular frequencies, the radio wave must have at least a new line-of-sight path from the facility to the customer's phone to ensure adequate signal strength for proper operation. The effects of large obstructions in the path of the radio signal results in areas of marginal or no coverage. Telecommunication facilities are designed with sufficient elevation to minimise multiple obstructions (and signal loss) caused by clutter and to maximise signal levels to counter the effect of penetration losses. This requirement means that facilities cannot be screened.

In this instance, the facility has been designed to be at the minimum height possible to provide appropriate coverage to the required surrounding area. Also, as 64 Poto Road is slightly elevated above the surrounding area, it allows the height of the facility to be less than could be required in other locations.

While telecommunications facilities can often be located within legal road by replacing a streetlight, this was not an option within the search area as the streetlights are attached to power poles with overhead lines.

4 Rule Assessment and Activity Status

The Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF) provides national environmental standards for telecommunications facilities. In order to determine the activity status of the proposal, it must first be considered against the regulations in the NESTF and if the NESTF standards cannot be met, or the activity is not regulated, the District Plan requires consideration.

The NESTF applies to FortySouth as they fall within the definition of a "facility operator" because they have been declared a "network operator" under section 5 of the Telecommunications Act 2001. The following table outlines the provisions of the NESTF relevant to the proposal.

Given the site is a not identified as contaminated, the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) does not require assessment.

4.1 NESTF Assessment

The NESTF provides regulations for cabinets, regardless of whether they are situated in legal road or on private sites. It also provides for radiofrequency regulations regardless of location or zoning, however the NESTF does not regulate new poles on private residential sites. Where a regulation cannot be met or if an activity is not regulated, the District Plan requires assessment.

As identified in Table 1, the proposal **will not comply** with the relevant noise standards as required by Regulation 25. Therefore to determine the activity status under the NESTF, the relevant activity status under the District Plan must be identified.

The noise non-compliance would require consent under Rule 14C 2.2 of the District Plan as a Discretionary Activity. Therefore, consent must be sought for a **Discretionary Activity** under **Regulation 16** of the NESTF for the noise breach.

The radiofrequency generation of the facility is a Permitted Activity under Regulation 55.

Table 1: Assessment of Relevant NESTF Regulations

Regulation	Compliance Assessment
20: Cabinets not servicing antenna on building	**Complies:** 1. The regulation applies as the cabinets house equipment the primary purpose of which is to service an antenna that is not located on a building. 2. The height and footprint rules in sub clause 3 are met and the power supply for the cabinets will be under ground or inside the cabinet. 3.(c) The cabinets are not in a road reserve and are in a residential zone. The height of the cabinets does not exceed 2m and each cabinet will have a footprint of less than 2m².
25: Noise limits for cabinets not in road reserve	**Does not comply:** 1. This regulation applies as the cabinet is not located in a road reserve. 2. The regulation directs that the relevant district plan rules apply. 14C 2.1.1(b) sets out the noise standards for non-residential activities in residential activity areas, with maximum noise levels measured anywhere within a residential activity area other than the site on which the activity takes place. The site is within Noise Area 3, with the relevant standards as follows: 7.00am - 10.00pm: maximum 50dBA 10.00pm - 7.00am: maximum 40dBA

Regulation	Compliance Assessment
	It is noted that these standards mirror the noise standards under Regulation 24 of the NESTF for residential zones. The cabinet is located 0.8m from the Poto Road boundary. The cabinet is orientated towards the site, meaning the back of the cabinet faces the road boundary. As demonstrated in the noise report provided as Appendix C, at a distance of 1.0m, the cabinets will generate a maximum of 65dBA during the day and 58dBA at night. The standard is therefore exceeded.
44: Trees and vegetation in road reserve 45: Significant trees 46: Historic Heritage Values 47: Visual amenity landscapes 48: Significant habitats for indigenous vegetation 49: Significant habitats for indigenous fauna 50: Outstanding natural features and landscapes 51: Places adjoining the Coastal Marine Area 52: Rivers and lakes	**N/A:** No overlays apply protecting the values set out in these regulations.
54: Earthworks: regional rules apply	**Complies:** A small volume of earthworks will be required in order to construct the foundations and plinths for the facility. The required earthworks will not trigger the regional earthworks rules.
55: Radiofrequency fields	**Complies:** Subclause (2)(a) The facility is to be operated in accordance with NZS 2772: Part 1: 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz. Subclause (2)(b) A pre-commencement report is provided in Appendix C. Subclause (2)(c) As the pre-commencement report concludes that the radio frequency exposures from the panel antennas, including any cumulative effects, are not predicted to exceed

Regulation	Compliance Assessment
	25% of NZS2772.1.1999, no post-operation monitoring is required under Regulation 55(5).

4.2 District Plan Assessment

4.2.1 Pole and Antennas

The proposed pole and associated antennas require consideration under the District Plan as they are not regulated by the NESTF.

As stated, the proposal is for a network utility on a site that is zoned Medium Density Residential in the District Plan. Chapter 13 of the District Plan outlines the provisions for network utilities and includes a statement that the underlying zone provisions do not apply to network utilities.

Rule 13.3.1.19 provides for telecommunication masts with or without associated antennas as a Restricted Discretionary Activity, provided standards relating to health and safety, height, size and diameter, separation/setback and earthworks are met. As set out within Table 3, below, the proposal fails to comply with the following standards:

- 13.3.2.2.1 – Height – the 13m high facility will exceed the permitted height of 12m in the Medium Density Residential Activity Area by 1m.
- 13.3.2.4.2 – Separation distance or setback for masts and antenna attached to masts – the facility will be 0.8m from the road boundary, with a minimum boundary setback required of 10m.

As the relevant standards cannot be met, resource consent is required under **Rule 13.3.1.15** of the District Plan as a **Discretionary Activity**.

Table 3: Assessment of District Plan Rule 13.3.1.19 Specified Standards

Standard	Compliance Assessment
13.3.2.1 Health and Safety	
13.3.2.1 – Health and Safety	**N/A:** the NESTF controls all radio-frequency emissions from telecommunication facilities through specific exposure standards.
13.3.2.2 Height	
13.3.2.2.1 - Medium Density Residential: 12m. The maximum height of any utility structure shall include any antenna and support structures and exclude any lightning rod.	**Does not comply:** the pole has a height of 13m.
13.3.3.2.2.2 – Masts and antennas (involving two or more providers).	**N/A:** the facility will only serve one provider.
13.3.2.3 Size and Diameter	
13.3.2.3.1 – Medium Density Residential: Diameter of mast <600mm from 6m in height	**Complies:** the pole has a diameter of less than 0.6m.

13.3.2.3.2 – Masts and antennas (involving two or more providers).	**N/A:** the facility will only serve one provider.
13.3.2.3.3 – Medium Density Residential: Antenna located within a horizontal circle of 750mm	**Complies:** the horizontal circle within which the antenna are located is 0.7m.
13.3.2.3.4 - Masts and antennas (involving two or more providers).	**N/A:** the facility will only serve one provider.
13.3.2.4 Separation Distance and Setbacks	
13.3.2.4.1 – A minimum 20m riparian setback shall be maintained	**Complies:** the facility is located more than 20m from any waterbody.
13.3.2.4.2 – Separation distance or setback for masts and antenna attached to masts. Medium Density Residential - no less than 10m from a boundary in the Residential and Rural Activity Areas.	**Does not comply:** the facility is located approximately 0.8m from a boundary in the residential zone, being the road boundary.
13.3.2.5 Earthworks	
13.3.2.5.1 Sediment and erosion control Erosion and sediment control measures shall be installed and maintained for all network utility activities, in accordance with the "Erosion and Sediment Control Guidelines for the Wellington Region – September 2002" – reprinted 2006.	**Will comply:** the required erosion and sediment control measures will be implemented during construction.
13.3.2.5.2 Slope, height, depth and area of earthworks The following shall apply to all network utility activities, except to earthworks within 2.0m of…the outer edge of a network utility structure without walls measured in plain view, trenching in the road reserve or rail corridor, and to piling associated with the installation of a network utility. (i) Slope – no earthworks shall be carried out on a slope greater than 45°; (ii) Height/depth – earthworks shall not exceed 1.5m in height or depth; (iii) Recession plane - any earthworks that involve the raising of the height of land above existing ground level shall not	**N/A** - all earthworks will either be within 2m of the outer edge of the utility structure or will be trenching within the road reserve.

	exceed a height recession plane measured at an angle of 45°from any neighbouring boundary; and (iv) Area – all residential activity areas - 100m^2.	

4.3 Activity Status Summary

The cabinets require consent as a **Discretionary Activity** under **Regulation 16 of the NESTF** due to exceeding the permitted noise standards.

The pole and antennas are not regulated by the NESTF and require consent as a **Discretionary Activity** under **Rule 13.3.1.15 of the District Plan** due to the height and boundary setback standards being breached.

5 Assessment of Environmental Effects

This section provides an assessment of the actual and potential effects of the proposal, in accordance with section 88 and the Fourth Schedule of the Act.

The radiofrequency emissions are a Permitted Activity under the NESTF and as such do not require consideration.

Consideration is given to the noise generated by the cabinets and the effects of the pole with attached antennas breaching the height limit and the boundary setback. Positive effects are also considered.

5.1 Noise Effects

The cabinets are located within 64 Poto Road and will be 0.2m from the Poto Road-Stratton Street intersection road boundary. The facility will exceed the noise standards when measured at the road boundary.

The portion of legal road where the noise breach will occur is unlikely to be frequently accessed by members of the public because, as shown in Figure 2 below, it is at the top of a bank and there is no footpath on this side of either Poto Road or Stratton Street.

For these reasons the potential adverse effects associated with the noise breach are considered to be less than minor.

Figure 2: Approximate location of the proposed cabinets within 64 Poto Road, Normandale shown in yellow

5.2 Location and Height Effects

The facility will breach the required 10m boundary setback, being located 0.8m from the road boundary. The proposed height of 13m will also exceed the permitted height limit of 12m by 1m.

The effects of the boundary setback infringement with the road reserve are considered to be less than minor given that the NESTF allows for telecommunications facilities to be located in legal road as a permitted activity provided certain standards are met. Notwithstanding this, the facility is to be located above a bank and away from any footpaths where members of the public are likely to walk and will not provide a nuisance to the safe and efficient use or operation of the adjoining roads.

The facility will be separated from all other residential properties by more than 10m (being the boundary setback standard) by the carriageways of Poto Road and Stratton Street as well as by the remaining area of the subject site itself. These separation distances will also mitigate the potential for effects to arise from the height breach, with any visual and amenity related effects considered to decrease with distance from the facility.

The effects of the height breach are further mitigated by the dwellings within the vicinity of the site generally being orientated away from 64 Poto Road. The properties to the south of the site on Poto Road are generally orientated to take advantage of the views to the south, while the properties to the west are set below the level of the road carriageway and are orientated to the north and west to presumably maximise sunlight access.

Overall the telecommunications facility is of a standard design and of a scale that is common within urban areas. For those reasons outlined above the visual and amenity effects associated with the proposal are considered to be less than minor.

5.3 Positive Effects

The proposal will provide improved telecommunication and wireless broadband services for customers in the surrounding area. The network provides the communications infrastructure necessary for people, businesses and emergency services within the local area. This gives rise to positive effects in respect of people's social, economic and cultural wellbeing as well as for their health and safety.

5.4 Summary of Effects

Overall, the actual and potential adverse effects resulting from the proposal have been assessed to be less than minor.

6 Alternatives

Section 6(1)(a) of Schedule 4 to the RMA states that *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*.

As it has been determined that the proposal will not result in any significant adverse environmental effects, an assessment of alternatives is not necessary.

7 Statutory Assessment

Section 104(1) of the RMA provides that, when considering an application for resource consent, the consent authority must, subject to Part 2 of the RMA, have regard to:

- The actual and potential effects of the activity on the environment;
- Relevant plan and policy statement provisions; and
- Any other matter the consent authority considers relevant and reasonably necessary to determine the application.

This section assesses the proposal against these relevant matters. It also briefly addresses the other potentially relevant factors listed in the remainder of section 104 and concludes with an assessment considering the Purpose and Principles of the Act in Part 2 of the RMA.

7.1 Section 104(1)(a)

Section 104(1)(a) requires the consent authority to have regard to *any actual and potential effects on the environment of allowing the activity*. An assessment of environmental effects has been provided above in Section 5 of this application.

7.2 Section 104(1)(b)

Section 104(1)(b) requires the consent authority to have regard to any relevant provisions of:

- A national environmental standard;
- Other regulations;
- A national policy statement;
- A New Zealand Coastal Policy Statement;
- An operative or proposed regional policy statement; and
- Relevant operative or proposed plans.

For this proposal, the following documents are considered to be relevant under section 104(1)(b).

- NESTF; and
- The District Plan.

The rule assessment under the NESTF and the District Plan has been undertaken under Section 4 above.

The NESTF does not contain any objectives and policies. An assessment of the relevant objectives and policies as listed in the District Plan are provided below.

There are no other national environmental standards or national policy statements (including the New Zealand Coastal Policy Statement) which are applicable to the activity or the site.

7.2.1 District Plan

For the reasons outlined below, the proposal is considered to be consistent with the relevant objectives and policies of the District Plan.

13.1.3 ***Recognising and Providing for Network Utilities***

Objective *To recognise and provide for the sustainable, secure and efficient use, operation and development of network utilities within the City.*

Policy *a) To recognise and provide for the:*

(i) need for new and the maintenance and upgrading of existing network utilities;

(ii) technical and operational requirements and constraints of network utilities in assessing their location, design, development, construction and appearance; and

(iii) benefits that network utilities provide to the economic, social and cultural functioning of the City.

b) To enable the efficient construction, installation, operation, upgrading and maintenance of network utilities.

c) To ensure that the provision and operation of utilities that cross jurisdictional boundaries is managed in an integrated manner.

d) To encourage the appropriate use of designations for new network utilities and extensions to existing network utilities that are not designated.

Telecommunications networks are essential infrastructure which enable communities to undertake everyday activities and functions and to allow people to provide for their social, cultural and economic well-being, health and safety. The proposed facility is an extension to the existing telecommunications network which is required to service and support the growing population in the area as well as to provide additional capacity for the increasing data requirements.

While the technical and operational considerations have been explained in detail in Section 3.2, in summary, the facility has been located and designed in order to meet the functional and operational requirements for the required coverage area. The height of the antennas has been specified by radiofrequency engineers in order to provide the sufficient coverage to the maximum number of users within the area.

13.1.3.14 Managing Environmental Effects

Objective *To manage any adverse effects on the environment resulting from the design, location, operation, upgrading and maintenance of network utilities.*

Policy *a) To ensure that network utilities are designed, located, developed, constructed, upgraded, operated and maintained to avoid, remedy or mitigate any actual or potential adverse effects on the environment.*

b) To manage effects on health and safety by ensuring network utilities are designed, located, upgraded, operated and maintained to comply with relevant national environmental standards and to meet other nationally recognised standards and guidelines.

c) To enable the co-location or multiple use of network utilities where this is efficient, technically feasible and practicable and assists with avoiding, remedying or mitigating adverse effects on the environment.

d) To require the underground placement of new network utilities unless:

(i) there are natural or physical features or structures, or technological and operational constraints that makes underground placement impractical or unreasonable;

(ii) they are of a temporary nature and required for emergency purposes or critical events; and

(iii) they are of a nature that they can only operate aboveground.

e) To encourage the use of roads as network utility corridors in accordance with the National Code of Practice for Utility Operators'; Access to Transport Corridors.

f) To encourage network utility providers to consult with local communities, landowners and the Regional Council (where relevant) on the appropriate placement, location and design of new network utilities.

The proposed height of the facility is the lowest height possible to meet functional and operational requirements of the facility. The antennas have been specified by radiofrequency engineers in order to provide the sufficient coverage to the maximum number of users within the area, in a way which exceeds the permitted standard in the NESTF. The effects of this exceedance are assessed under Section 5 of this application and are determined to be less than minor.

As set out within section 5.2, the telecommunications facility is of a standard design and of a scale that is common within urban areas. While it breaches the 12m height limit by 1m, this is mitigated via the separation distances to surrounding properties and the general orientation of dwellings in the surrounding area being away from the subject site. The facility is to be located above a bank, away from any footpaths where members of the public are likely to walk and will not provide a nuisance to the safe and efficient use or operation of the adjoining roads. Further its' location mitigates the potential for noise nuisance effects on surrounding landowners.

The proposal will not adversely affect the health, safety or well-being of people, but rather will support these needs through the provision of improved telecommunications infrastructure, which is an essential life line.

Undergrounding of telecommunications infrastructure is not an appropriate solution as the antennas work on a line of sight basis.

While telecommunications facilities can often be located within legal road by replacing a streetlight, this was not an option within the search area as the streetlights are attached to power poles with overhead lines.

Consultation with surrounding landowners will occur as per FortySouth's best practice outlined by the Telecommunications Forum.

7.3 Section 104(1)(c)

Under section 104(1)(c), the Council must have regard to any other matter the consent authority considers relevant and reasonably necessary to determine the application. This includes other relevant statutes, as well as various national and local government studies, strategies and plans.

In this instance it is considered that there are no other matters necessary for the determination of the application.

7.4 Other Section 104 Matters

Section 104(2) – (7) lists a range of matters that are potentially relevant to certain applications, however, are not considered relevant for this proposal. In particular, there are no permitted baseline

comparisons under section 104(2), there are no trade competition matters, no written approvals have been obtained (section 104(3)), and adequate information has been provided in order for Council to determine the application under section 104(6).

7.5 Part 2 Matters

Section 104 of the RMA sets out the matters that decision-makers are required to have regard to when considering an application for resource consent. These are addressed above. This consideration is subject to Part 2 of the RMA (Sections 5 – 8) which sets out the purpose and principles of the RMA.

The purpose of the RMA as expressed in Section 5 is to promote the sustainable management of natural and physical resources, with 'sustainable management' defined in Section 5(2) as:

> *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*
>
> *(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
>
> *(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
>
> *(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Part 2 also sets out matters of national importance to be recognised and provided for (section 6), other matters to be had particular regard to (section 7) and requires the principles of the Treaty of Waitangi to be taken into account (section 8).

In terms of section 5, the proposal avoids, remedies or mitigates the actual and potential adverse effects on the environment that it could create. It also provides for the social and economic wellbeing of the of the local community through the continued provision of telecommunications and wireless broadband coverage to the surrounding area.

The proposal will not adversely affect any matters of national importance.

In respect of section 7, locating a telecommunications facility within an otherwise unused part of a church site is considered to be an efficient use of a physical resource, while maintaining the amenity values of the surrounding environment.

Through the framework provided by the District Plan the proposal takes into account the principles of the Treaty of Waitangi.

Overall, when the benefits of the proposal are considered alongside the proposed measures to avoid, remedy or mitigate any actual and potential adverse effects, the proposal will promote sustainable management of natural and physical resources and as such is consistent with the purpose and principles of the RMA.

8 Consultation and Notification

8.1 Consultation

For the reasons outlined in the assessment of environmental effects above, the adverse effects of this proposal, when considering the location, siting and design of the equipment, are considered to be less than minor, and no consultation has been undertaken prior to the lodging of this application.

Neighbours will be informed of the facility through FortySouth's best practice consultation undertaken in accordance with direction provided by the Telecommunication Forum.

8.2 Notification

Public notification is not requested, and as the effects associated with the proposal are less than minor, limited notification is not required.

9 Conclusion

The proposal is for a telecommunication facility located within the Medium Density Residential Zone at 64 Poto Road, Normandale. The facility is necessary to provide improved telecommunication and wireless broadband services to the surrounding area.

Consent is required under the NESTF due to the cabinets exceeding the permitted noise standards and under the District Plan as the pole and antennas breach the Council's height and boundary setback standards. Consent is required as a Discretionary Activity under both the NESTF and the District Plan.

The effects of these breaches are assessed as having less than minor actual and potential environmental effects. Further, the proposal will have positive social and economic effects for the community through provision of continued telecommunication and wireless broadband services. It is also assessed as being consistent with the relevant objectives and policies of the District Plan.

Accordingly, the proposal is considered to promote the sustainable management of natural and physical resources as embodied in Part 2 of the Resource Management Act 1991.

Appendix A

Plans

Appendix B

Noise Report

Appendix C

Radiofrequency Assessment