BEFORE PORIRUA CITY COUNCIL

IN THE MATTER OF	the Resource Management Act 1991
AND	
IN THE MATTER OF	Porirua City Council's Proposed District Plan: Hearing Stream 4

STATEMENT OF EVIDENCE OF TOM ANDERSON

ON BEHALF OF

CHORUS NEW ZEALAND LIMITED

SPARK NEW ZEALAND TRADING LIMITED

VODAFONE NEW ZEALAND LIMITED

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19 January 2022

INCITE

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Executive Summary

1. I am Tom Anderson, a Principal Planner at and a Director of Incite. My professional qualifications and experience are outlined in paragraphs 18 to 22 of this evidence. I reiterate that I have read and am familiar with the Environment Court Code of Conduct for Expert Witnesses and that my evidence has been prepared in compliance with that code.

2. I have been engaged by Chorus New Zealand Limited (Chorus), Spark New Zealand Trading Limited (Spark) and Vodafone New Zealand Limited (Vodafone), collectively referred to as the "Telcos" as an independent planning expert in regard to the Porirua Proposed District Plan (PDP) process. I assisted with the preparation and drafting of the Chorus, Spark and Vodafone submissions on the PDP. This is the sole brief of evidence covering the points raised in those submissions that are relevant to Hearing Stream 4.

3. The following are the submission points and PDP provisions which I seek alternative relief to that which is recommended in the relevant s42A reports on the following submission points and PDP provisions: 51.65 to 51.78 (Reverse Sensitivity - Matter of Discretion to Standard 1 in zone chapters); 51.54 (INF-P4 – Appropriate Infrastructure); 51.50 (INF-P8 (now INF-P10) – Potentially Acceptable Infrastructure); 51.56 (INF-P23 (now INF-P24) – Natural and Coastal Hazard Overlays); 51.56 (INF-S7 – Size and diameter of antenna attached to building); and 51.43 (INF-S13 – Cabinet setbacks). The reasons for these matters remaining in contention are summarised below.

4. I accept the recommended relief in the s42A reports on all other submission points that were considered for Hearing Stream 4. **Appendix 1** contains a table which summarises the Telcos submission points, the s42A Report recommendations on those submissions, and whether I support acceptance of the Officer recommendation or alternative relief as sought through this evidence. As such, the table is intended to provide a succinct 'one stop shop' for the Panel to identify what outcomes the Telcos are seeking from this hearing. The specific items of requested relief are also within my evidence.

51.65 to 51.78 Reverse Sensitivity

5. INF-O1 and INF-P2 of the PDP set up a framework for the protection of Regionally Significant Infrastructure. The PDP defines telecommunication infrastructure as Regionally Significant Infrastructure.

6. In my view the most significant reverse sensitivity effect on telecommunication facilities and structures is the risk of antenna coverage being blocked when a new building is constructed in its immediate vicinity. Relief was suggested in the submissions by way of a matter of discretion in the zone provisions for buildings which exceed permitted height limits.

7. This relief was not accepted by the s42A Reporting officer as they considered that the requested relief created complexity and cost for applicants. However, should a building higher than the permitted height limit block antenna coverage, there is significant cost to the telecommunication antenna provider, as well as process cost and time in terms of establishing a new facility.

8. As such, relief is sought to include a matter of discretion in S1 of a number of zone based chapters (being those chapters where buildings which exceed the permitted height limit trigger a restricted discretionary activity resource consent), to consider *any reverse sensitivity effects on the operation of telecommunication antennas operated by network utility operators that are within 30m of the proposed building or structure*. This requested relief is more specific than what was suggested through the submission point.

51.54 (INF-P4 – Appropriate Infrastructure) and 51.50 (INF-P8 (now INF-P10) – Potentially Acceptable Infrastructure)

9. The submission point sought that INF-P10 be deleted on the basis that it repeated INF-P4. The s42A Report clarifies that INF-P4 is to establish a permitted activity framework whereas INF-P10 outlines the matters to be considered in a resource consent process. Some clarifications are recommended in the s42A report to address this matter.

10. I do not consider that the s42A report recommendations provide sufficient clarity, and seek additional wording to provide absolute clarity between the intentions of the two policies.

51.56 (INF-P23 (now INF-P24) – Natural and Coastal Hazard Overlays)

11. The submission point sought that INF-P24 be amended so that the policy does not require Council to consider the resilience or vulnerability of infrastructure to natural hazards. The point was rejected in the s42A report, on the basis that Policies 29 and 51 of the Regional Policy Statement for the Wellington Region 2013 (RPS), which give direction that the risk and consequences of natural hazards on infrastructure are to be minimised, need to be given effect to.

12. However, direction provided in the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF) and its accompanying user guide, make it clear that district rules concerning natural hazards be disapplied to telecommunications. The reason for this is due to resilience being factored into industry practice, which largely stem from obligations that the telcos have under the Civil Defence Emergency Management Act 2002 (CDEMA).

13. As such, relief is sought to INF-P24 to provide consistency with the direction established in the NESTF.

51.56 (INF-S7 – Size and diameter of antenna attached to building)

14. The submission point sought that antenna face areas in zones provide for the most efficient and effective panel antennas currently available. The s42A Report accepted the increased size in some zones, but not in the residential, neighbourhood centre, open space or recreation zones, on the basis that larger panel antennas could give rise to amenity effects.

15. The difference in size between what was proposed in the PDP and what was sought in the submission are up to 0.5m^2 in area. In my view this is not a significant difference in terms of amenity (particularly visual) effects, and allows for a more efficient and effective deployment of telecommunication infrastructure, benefitting the community as a whole. As such, the panel antenna sizes as submitted in the aforementioned zones remain sought through my evidence.

51.43 (INF-S13 – Cabinet setbacks).

16. The submission point sought that INF-S13 does not require a setback from legal road boundaries for cabinet in an allotment. The point was rejected due to the size of structures which the standard permits. I note that no setback is required from boundaries for cabinets in legal road.

17. In my view, there is no difference in effect between a cabinet which is located in legal road and is not setback from the adjoining allotment, or a cabinet in an allotment, which is not setback from a legal road boundary. As such, my view remains that INF-S13 should not require a setback from a legal road boundary.

Professional Qualifications and Experience

18. My name is Tom Anderson. I am a Principal Planner at and a Director of Incite, a resource management consulting firm. I hold a Bachelor of Science and a Master of Planning (with Distinction), both from the University of Otago. I am a full member of the New Zealand Planning Institute, am a former Chair of the Wellington Branch Committee of that institute, a member of the Resource Management Law Association, and an Independent Commissioner certified under the Ministry for the Environment's *Making Good Decisions* programme.

19. I have 14 years professional experience. Throughout my career I have provided advice to a number of telecommunication and radiocommunication companies, including Chorus, Spark, Vodafone, Two Degrees Networks Limited, Rural Connectivity Group and Vital (formerly TeamTalk). This advice was initially given as an employee of GHD Limited and since 2011 as an employee of Incite. I have provided the telecommunication companies with advice on district, regional and unitary plan reviews and plan changes, site selection exercises, designation and outline plan of works processes, and consenting activities for network rollouts and exchange upgrades.

20. On this basis, I consider myself to have a comprehensive understanding of telecommunication networks, and the practical implications of the Resource Management Act 1991 (RMA) framework in relation to network installation, upgrade and operation.

21. I have been engaged by Chorus, Spark and Vodafone as an independent planning expert in regard to the Porirua Proposed District Plan process. I assisted with the preparation and drafting of the Chorus, Spark and Vodafone submissions on the PDP. These submissions were largely the same. As such I consider it appropriate for Hearing Stream 4 to present one brief of evidence relating to the three companies. This follows the direction taken in the s42A Report, where the points were combined and considered together as a group named 'Telcos', with the submission points being given reference number 51. For consistency, I also refer to the three telecommunication companies as the Telcos in this brief of evidence.

22. I have read and am familiar with the Code of Conduct for Expert Witnesses (section 7 of the Environment Court Consolidated Practice Note 2014). My evidence has been prepared in compliance with that code. In particular, unless I state otherwise, this evidence is within my area of expertise and I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

Scope of Evidence

23. In preparing this evidence I have read all other submissions and further submissions relevant to the Telcos submission and the s42A Reports for Hearing Stream 4. The three s42A Reports of relevance to the Telcos are the:

- Strategic Objectives Functioning City FC-O3 and FC-O4;
- Infrastructure; and
- Noise.

24. The Telcos did not have any submission points on the Amateur Radio, Earthworks, Light, Renewable Electricity Generation, Signs, Temporary Activities, Three Waters or Transport chapters of the Proposed District Plan. Therefore the s42A Reports for these chapters are not applicable to my evidence.

25. My evidence is structured into general subject areas as follows:

- General Comments on the s42A Reports;
- Officer Recommendations in Contention (including Section 32AA Analysis); and
- Concluding Comments

General Comments on the s42A Report

26. The s42A Reports were comprehensive and provided appropriate guidance as to why recommendations had been made. The Council Officers involved in the PDP development have been a pleasure to deal with during stakeholder engagement, and have sought to develop an in depth understanding of the telecommunication issues at play. I have really appreciated this engagement, and wish to use this opportunity to express my thanks for their conduct in this process to date.

27. I accept the officer recommendations on the following 38 submission points, and as such no further relief is sought on these matters. Note if the provision number has changed through recommendations related in the s42A Report, I have noted this in brackets.

Strategic Objectives Functioning City FC-O3 and FC-O4 s42A Report

- 51.22 (General Approach);

Infrastructure s42A Report

- 51.21 (FC-O1 – Infrastructure);
- 51.51 (INF-P13 (now INF-P15) – Upgrading and development of the transport network);
- 51.63 (INF-Table 2 – Street Trees);
- 51.29 (INF-P20 (now INF-P21) – Upgrades to and new infrastructure in Significant Natural Areas);
- 51.36 (Introduction to Infrastructure Chapter);
- 51.34 (INF-O1 – The benefits of Regionally Significant Infrastructure);
- 51.37 (INF-O3 – Availability of infrastructure to meet existing and planned needs);
- 51.35 (INF-O5 – Providing for infrastructure);
- 51.31 (INF-P1 – The benefits of Regionally Significant Infrastructure);
- 51.52 (INF-P5 – Adverse effects on Regionally Significant Infrastructure);
- 51.25 (INF-P9 (now INF-P11) – Recognise operational needs and functional needs of infrastructure);
- 51.30 (INF-P10 (now INF-P12) – New technology);
- 51.53 (INF-P16 (now INF-P17) – Roads as infrastructure corridors);
- 51.32 (INF-P17 (now INF-P18) – Upgrades to existing infrastructure and new infrastructure within or on heritage items, heritage settings and historic heritage sites, and sites and areas of significance to Māori);
- 51.24 (INF-P21 (now INF-P22) – Upgrades to and new infrastructure in Special Amenity Landscapes);

- 51.28 (INF-P22 (now INF-P23) – Upgrades to and new infrastructure in an Outstanding Natural Features and Landscapes or Coastal High Natural Character Area);
- 51.55 (INF-P22 (now INF-P23) – Upgrades to and new infrastructure in an Outstanding Natural Features and Landscapes or Coastal High Natural Character Area);
- 51.33 – Notes as to how to interpret rules;
- 51.39 (INF-S1 – Upgrading);
- 51.57 (INF-S1 – Upgrading);
- 51.42 (INF-S3 – Height – Masts, antennas, lines and single pole support structures, anemometers and extreme weather devices (not regulated by the NESTF));
- 51.38 (INF-S5 – Height – Building mounted antennas and associated support structures (not regulated by the NESTF));
- 51.40 (INF-S6 – Size and diameter – Antenna attached to a telecommunication pole (not regulated by the NESTF));
- 51.58 (INF-S6 – Size and diameter – Antenna attached to a telecommunication pole (not regulated by the NESTF));
- 51.51 (INF-S8 – Cabinets, electric vehicle charging stations, temporary infrastructure and temporary electricity generators and self-contained power units to supply existing infrastructure, and any other infrastructure structure or building not otherwise listed, which are located within the road reserve or rail corridor);
- 51.61 (INF-S14 – Earthworks – Slope, height, depth and location);
- 51.59 (INF-S16 – Earthworks -– In relation to Historic Heritage and Sites and Areas of Significance to Māori);
- 51.62 (INF-S19 – Trimming, pruning, removal or works within the root protection area of a tree identified in SCHED5 - Notable Trees).
- 51.14 (Definition of Maintenance and Repair);
- 51.15 (Definition of Pole);

- 51.11 (Definition of Regionally Significant Infrastructure);
- 51.18 (Definition of Telecommunication Pole);
- 51.8 (Definition of Temporary Infrastructure);
- 51.7 (Definition of Tower);
- 51.13 (Definition of Trenching);
- 51.6 (Definition of Upgrading); and

Noise

- 51.44 (Exemptions).

28. The Infrastructure s42A Report also contains nine recommendations on the Telco submission points for which alternative relief is sought through this evidence, for reasons discussed below.

Officer Recommendations in Contention

29. The officer recommendations on the Telcos submission points which I do not agree with, and therefore remain in contention are:

- 51.65 to 51.78 (Reverse Sensitivity - Matter of Discretion to Standard 1 in zone chapters);
- 51.54 (INF-P4 – Appropriate Infrastructure);
- 51.50 (INF-P8 (now INF-P10) – Potentially Acceptable Infrastructure);
- 51.56 (INF-P23 (now INF-P24) – Natural and Coastal Hazard Overlays);
- 51.56 (INF-S7 – Size and diameter of antenna attached to building); and
- 51.43 (INF-S13 – Cabinet setbacks).

30. These matters are considered as follows:

Reverse Sensitivity in Zone Chapters

31. The PDP defines *the facilities and structures necessary for the operation of telecommunications…networks operated by network utility operators* as Regionally Significant Infrastructure. This was supported by the Telcos through submission point 51.11.

32. Objective INF-O2 of the PDP states *the function and operation of Regionally Significant Infrastructure is protected from adverse effects, including reverse sensitivity effects, or subdivision use and development*. Subsequent Policy INF-P5 then gives effect to INF-O2 by outlining how the safe and efficient operation, maintenance and repair, upgrading, removal and development of Regionally Significant Infrastructure is to be protected from adverse effects on subdivision, use and development *"to avoid or mitigate any adverse effects on access to, and the safe and efficient operation and maintenance and repair of, that infrastructure"*.

33. Reverse Sensitivity is defined in the PDP as meaning *the vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activity, thereby creating the potential for the operation of such existing activity to be constrained.*

34. In my experience, the most significant reverse sensitivity effect on telecommunication facilities and structures is the risk of coverage being blocked when a new building is constructed immediately adjacent to a cell phone tower/building mounted antenna. While in some instances this is due to the permitted building height limit being increased, in others it is due to a resource consent being obtained to exceed the permitted height limit.

35. Section 5 of the joint evidence of Messrs McCarrison, Clune and Kantor outlines the impact on Telecommunication network providers from buildings exceeding the permitted building height standards.

36. In my opinion, such an impact is a clear reverse sensitivity effect, as telecommunication structures are lawfully established, and the construction of a building that exceeds the permitted height limit is constraining the existing telecommunication activity.

37. The PDP intentionally allows antenna, whether they are building mounted or on a cell phone tower, to be at a permitted height which is at least 5m higher than the permitted building height in all zones. This benefit to the Telcos is lost when the matters of discretion for considering a building which exceeds the permitted height limit do not require consideration of effects on existing telecommunication facilities.

38. As such, Submission Points 51.65, 51.66, 51.67, 51.68, 51.70, 51.71, 51.72, 51.73, 51.74, 51.75, 51.76, 51.77 and 51.78 sought that Standard 1 in the Special Purpose, Settlement, General Residential, Medium Density Residential, General Industrial, Sport and Active Recreation, General Rural, Rural Lifestyle, Open Space, Neighbourhood Centre, Local Centre, Future Urban and Hospital Zones, where a building which does not comply with the permitted height limit becomes a restricted discretionary activity, include a matter of discretion being *any reverse sensitivity effects on regionally significant infrastructure*. Other zones do not form part of this list as buildings which exceed the permitted height limit become a full discretionary activity, and therefore consideration of all relevant objectives and policies should be undertaken.

39. The s42A Report rejects the submissions on the basis that including the matter of discretion would create additional complexity for applicants, the costs of which would outweigh any benefits for the infrastructure operators, notes that the Telcos infrastructure is not mapped in the PDP, and that this may impede an efficient consenting process[1].

40. I acknowledge that telecommunication infrastructure is not mapped in the District Plan, and in my view it would be too difficult to map such infrastructure. This is because as technology evolves, new sites are erected, and as leases on land expire, sites are shifted. Mapping such infrastructure would necessitate a plan change to the planning maps each time a new site was erected or moved.

41. Telecommunication antenna are, in my view, easily recognisable, and simply identified when a site visit is undertaken. Further, through INF-O2, it is to be protected from reverse sensitivity effects. The addition of the matter of discretion sought in the standard adds a degree of complexity to an application, but I do not consider this to be significant. It is simply an additional matter for an applicant to address. It is not a threshold which is determinative as to whether a resource consent is necessary or not – an applicant has already determined that a resource consent is to be sought by proposing to exceed the permitted height standard for that zone, and by choosing to do so, potentially adversely effects an existing lawfully established element of Regionally Significant Infrastructure. While this may add some cost to their process, this must be considered in light of the cost to the Regionally Significant Infrastructure provider as outlined in Section 5 of the joint evidence of Messrs McCarrison, Clune and Kantor[2].

[1] Paragraphs 671 and 672 of the Infrastructure s42A Report

[2] The costs outlined in Section 5 of the joint evidence of Messrs McCarrison, Clune and Kantor are corroborated through a recently released report commissioned by the Infrastructure Commission/Te Waihanga notes that the cost to a telecommunication company to replace or upgrade antennas is approximately $200,000 (with direct costs relating to resource consent in the order of $33,000). This report is available at https://www.tewaihanga.govt.nz/policy/reports/the-cost-of-consenting-infrastructure-projects-in-new-zealand.

42. Should an applicant be proposing such a building, and it is in close proximity to a Telco antenna, then consultation with the antenna provider would be the first point of call. This can start a process as to whether or not changes to the building design are necessary, or if there is space on the proposed building to provide for the antenna, or other alternatives that may arise. This provides the Telco operator with a better understanding of what is proposed, provides a better pathway for maintaining coverage to the immediate area, and finally ensures that construction workers are not exposed to radiofrequency levels higher than what is allowed under the NESTF.

43. Having to go through a new site process due to another party wishing to construct a building which is higher than what the plan permits places a burden on the telecommunication company.

44. I agree with the s42A Report that the relief requested in the submission was not specific to the Telcos. Further, the concern is really only with one aspect of Telco infrastructure, being antenna. This can be rectified with amended wording to that what was sought, relying on the definition of Regionally Significant Infrastructure and the words used to define telecommunications.

45. Requested Relief (deletions shown as strikethrough and additions as underlined):

Amend SPZ-S1, SETZ-S1, GRZ-S1, MRZ-S1, GIZ-S1, SARZ-S1, GRUZ-S1, RLZ-S1, OSZ-S1, NCZ-S1, LCZ-S1, FUZ-S1, HOSZ-S1 as follows: *Matters of discretion are restricted to:* *1. Design and siting of the building or structure;* *2. Any shading of, or loss of privacy for, residential units on adjacent sites;* *3. Screening, planting, and landscaping of the building or structure;* *4. Whether an increase in building or structure height results from a response to natural hazard mitigation; and* *5. Whether topographical or other site constraints make compliance with the standard impractical.*

6. Any reverse sensitivity effects on the operation of telecommunication antennas operated by network utility operators that are within 30m of the proposed building or structure.

46. The following is an analysis of the requested relief to SPZ-S1, SETZ-S1, GRZ-S1, MRZ-S1, GIZ-S1, SARZ-S1, GRUZ-S1, RLZ-S1, OSZ-S1, NCZ-S1, LCZ-S1, FUZ-S1, HOSZ-S1 under the framework provided in s32AA of the Resource Management Act 1991:

Reason

The requested relief seeks to protect telecommunication antennas, which form part of Regionally Significant Infrastructure, from reverse sensitivity effects from buildings that exceed the permitted height limit.

How the requested relief achieves the purpose of the Resource Management Act

The requested relief provides for the protection of a physical resource in the telecommunications network, with that resource being infrastructure for peoples social and economic wellbeing, as well as providing for the health and safety of nearby building occupiers.

Benefits including Opportunities for Economic Growth and Employment

Telecommunication infrastructure helps achieve economic growth and employment.

Costs

There may be costs to applicants from the requested relief in terms of potential building design changes. There is also a cost to the infrastructure provider should the requested relief not be accepted, in terms of potential relocation or remediation of the impacted antenna.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

No risks around uncertain or insufficient information in relation to this matter have been identified.

Efficiency and Effectiveness

The efficiency of the recommended relief is high because the benefits to the infrastructure provider, and the users who benefit from that infrastructure, outweigh the costs to applicants. The effectiveness of the recommended relief is high because they better enable the outcomes sought through INF-O2.

Other Reasonably Practicable Options for Achieving the Objectives

Another reasonably practicable option is to retain the wording as proposed in the s42A report. This would have the disadvantage of potential increased costs to telecommunication companies, an impact on users of the infrastructure, as well as being an incongruous position with INF-O2 and INF-P5.

Appropriate Infrastructure and Potentially Acceptable Infrastructure

47. Telco submission point 51.54 sought that the Clause 2 of INF-P4 (Appropriate Infrastructure), which states *any new or upgrading of existing infrastructure is compatible with the anticipated planned urban built environment, character and amenity values of the zone in which the infrastructure is located*, be deleted. The reason for the submission point was that I considered the clause is potentially problematic, as there are instances where above ground infrastructure cannot be compatible with anticipated character, creating a disconnect between the policy and the rules/standards which permit above ground infrastructure in all zones. I also noted that adverse effects of infrastructure are dealt with in Clause 1 of INF-P4, which is *enable new infrastructure and the maintenance and repair, upgrading and removal of existing infrastructure, including earthworks that is of a form, location and scale that minimises adverse effects on the environment.*

48. The s42A Report disagrees with the submission point on the basis that Clause 2:

- Provides a connection with the policies included within the zone chapters in relation to character and amenity values, supporting the differentiation of various standards for different zones such as the height of support structure; and

- Provides for the integration of above ground infrastructure into the environment[3].

49. I agree with the s42A Report in this regard, and seek no further changes as a result of submission point 51.54.

50. However, a consequential change is needed to INF-P4 as a result of submission point 51.50 on INF-P8 (now INF-P10 – potentially acceptable infrastructure).

[3] Paragraph 839 of the Infrastructure s42A Report

51. Submission point 51.50 sought that what is now INF-P10 be deleted in its entirety, as the purpose of this policy was unclear.

52. The s42A Report clarifies that the purpose of the policy is to provide *important matters for the consideration through resource consent processes, including acting as matters of discretion for some rules*[4].

53. The s42A Report then agrees that the purpose of INF-P10 could be clarified, and that this could be achieved by changing the heading of the policy from *Provide for Regionally Significant Infrastructure and other infrastructure outside of overlays* to *Potentially acceptable infrastructure*.

54. I do not consider this change provides sufficient clarity as to the purpose of the policy. It is clearly to guide plan users as to what to consider for infrastructure which requires resource consent. In my view, this should be explicitly stated in the policy, with recognition that INF-P10 needs to be read in conjunction with INF-P9 (now INF-P11), which is to recognise the operational and functional needs of infrastructure. It also needs to be differentiated from INF-P4. In coming to my view on suitable amendments, I have consulted with my colleague Mr Chris Horne, also a Planner at Incite, who is providing evidence on behalf of Powerco (Submitter 83) given Powerco is seeking amendments to the same provisions.

55. Given my view, I seek alternative relief to the s42A Report recommendations for INF-P10, and INF-P4. I understand Powerco is seeking equivalent relief.

56. Requested Relief:

Amend INF-P10 as follows: *INF-P10 Provide for Regionally Significant Infrastructure and other Infrastructure outside of Overlays ~~Potentially acceptable infrastructure~~* *Where not enabled as a permitted activity, ~~P~~provide for Regionally Significant Infrastructure and other infrastructure which is not located within an Overlay where, having regard to INF-P9, it can be demonstrated that the following matters can be achieved:*

[4] Ibid Paragraph 881.

1. *~~Compatibility with~~ Any adverse effects on the site, existing built form and landform are minimised;*

2. *~~Compatibility with~~ Any adverse effects on the anticipated character and amenity values of the zone it is located in are minimised;*

3. *Any adverse effects on amenity values are minimised, taking into account:*

    a. *The bulk, height, size, colour, reflectivity of the infrastructure;*

    b. *Any proposed associated earthworks;*

    c. *The time, duration or frequency of any adverse effects; and*

    d. *Any proposed mitigation measures;*

4. *Any adverse effects on the health, wellbeing and safety of people, communities and the environment, including nuisance from noise, dust, odour emissions, light spill and sedimentation are avoided, remedied or mitigated;*

5. *Any adverse effects on the natural character and amenity of water bodies, the coast and riparian margins and coastal margins are minimised;*

6. *Public access to and along the coastal marine area and water bodies is maintained or enhanced;*

7. *Any adverse effects on any values and qualities of any adjacent Overlays are minimised;*

8. *The safe and efficient operation of any other infrastructure, including the transport network, is not compromised; and*

9. *Any adverse cumulative effects are minimised.*

Amend INF-P4 as follows:

INF-P4 ~~Appropriate~~ Enabling infrastructure

Enable new infrastructure and the maintenance and repair, upgrading and removal of existing infrastructure as a permitted activity, including earthworks, that:

1. *Is of a form, location and scale that minimises adverse effects on the environment;*

2. *Is compatible with the anticipated character and amenity values of the zone in which the infrastructure is located; and*

3. *For any maintenance and repair, or removal of existing infrastructure in any Overlay, it is of a nature and scale that does not adversely impact on the identified values and characteristics of the Overlay that it is located within.*

57. The following is an analysis of the requested relief to INF-P4 and INF-P10 under the framework provided in s32AA of the Resource Management Act 1991:

Reason

The requested relief seeks to provide consistency and clarity between INF-P4 and INF-P10.

How the requested relief achieves the purpose of the Resource Management Act

The requested relief provides for clarity to the policy direction which sets how the adverse effects of activities on the environment are to be avoided, remedied or mitigated.

Benefits including Opportunities for Economic Growth and Employment

There are no obvious benefits to economic growth and employment from the requested relief.

Costs

There are potential costs to resource consent applicants relying on INF-P4 and INF-P10 during resource consent should the requested relief not be included. This is a processing cost when resource consents are sought.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

No risks around uncertain or insufficient information in relation to this matter have been identified.

Efficiency and Effectiveness

The efficiency and effectiveness of the recommended relief is high because they clarify the processes sought through the policies.

Other Reasonably Practicable Options for Achieving the Objectives

Another reasonably practicable option is to retain the wording as proposed in the s42A report. This would have the disadvantage being unclear to plan users.

Natural and Coastal Hazard Overlay

58. Submission point 51.26 sought that INF-P23 (now INF-P24 – Infrastructure in Natural Hazard Overlays and Coastal Hazard Overlays) be amended so that the policy did not require Council to consider the resilience or vulnerability of infrastructure to natural hazards.

59. The s42A Report rejects the point, on the basis that *the ability for infrastructure to function during and after natural hazard events is important for enabling people and communities to provide for their social, economic, and cultural well-being and for their health and safety, consistent with the purpose of the RMA* and citing reference to Policies 29 and 51 of the Regional Policy Statement for the Wellington Region 2013 (RPS), which give direction that the risk and consequences of natural hazards on infrastructure are to be minimised[5].

60. Section 6 of the joint evidence of Messrs McCarrison, Clune and Kantor how the telcos provide resilience across their networks, including how engineers are required to design in natural hazard areas.

61. The conclusions reached in the s42A Report are reliant on the direction provided under Policies 29 and 51 of the RPS.

62. Whilst directive, these policies do not align with Regulation 57 of the NESTF. This regulation is replicated below, and clearly exempts regulated activities under the NESTF from having to comply with District Plan rules about natural hazards:

> ***57 District rules about natural hazard areas disapplied***
>
> *(1) A territorial authority cannot make a natural hazard rule that applies to a regulated activity[6].*
>
> *(2) A natural hazard rule that was made before these regulations came into force, does not apply in relation to a regulated activity.*

[5] Paragraphs 952 and 953 of the Infrastructure s42A Report

[6] Regulated activities under the NESTF include all telecommunications activities (lines, cabinets, antennas and poles) in all zones, except for new poles on private sites in urban areas.

(3) In this regulation, natural hazard rule means a district rule that prescribes measures to mitigate the effect of natural hazards in an area identified in the district plan as being subject to 1 or more natural hazards.

63. Section 6.11 of the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 Users' Guide*, published by the Ministry for the Environment (August 2018) confirms the exemption of regulated telecommunications activities from having to comply with District Plan natural hazard rules, as follows:

Regulation 57 makes it clear that natural hazard rules in district plans do not apply to a regulated activity under the NESTF. It also makes clear that territorial authorities cannot make natural hazard rules that apply to regulated activities under the NESTF. This is because resilience is already factored into industry practice, and they will either avoid hazard areas or engineer structures to be resilient to the hazard risk. Natural hazards encompass the full breath of hazards including flooding, instability, earthquake and climate change.[7]

64. In considering the conflict between the RPS and the NESTF on this matter, I have turned to the RMA.

65. There is no explicit requirement under Part 5 of the RMA for regional policy statements to give effect to a national environmental standard.

66. Under Section 43B of the RMA, a rule in a District Plan cannot be more stringent than a National Environmental Standard (NES) regulation, unless expressly allowed under that NES. There is no such expression in the NESTF.

67. Section 74(1)(f) requires a District Plan to be in accordance with any regulations. The NESTF includes regulations.

68. Section 75(3) of the RMA requires a District Plan to give effect to any national policy statement, national planning standard and regional policy statement. NESs are not included at this section.

69. In my view these sections do not provide absolute clarity as to the approach taken when there is a conflict between an NES and RPS.

[7] Page 93 of the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 Users' Guide* (copy at https://www.mbie.govt.nz/dmsdocument/1347-nestf-2016-draft-users-guide-pdf%20)

70. The RPS was made operative in 2013. The NESTF came into force on 1 January 2017. As the NESTF is the more recent document to have legal effect, and it forms part of national direction under Subpart 1 to 5 of the RMA, I consider that the direction it establishes should be followed.

71. In coming to my opinion in regard to the regulation of infrastructure resilience in natural hazard areas I rely on the above, the aforementioned joint evidence of Messrs McCarrison, Clune and Kantor and also on my experience working with telecommunication companies over the past 14 years.

72. When telecommunications companies that I have worked with require new telecommunications infrastructure, primarily new cell sites, they send through to their planning consultant the wider area within which the infrastructure is needed. It is then the planning consultants task to review the relevant district plan and advise the company on the zoning, overlays (including natural hazards), and activity status of locating in each area. The identified area is then typically visited as a team, including a project manager, radiofrequency engineer, civil engineer, planning consultant and a property adviser. On such site visits the team look at all localised factors to determine what is the most appropriate site (as well as alternative options in case tenure of land cannot be secured). In my experience, the project manager will typically avoid any district plan identified natural hazard area (or a non-district plan identified hazard such as localised unstable ground identified by the civil engineer). However, for technical and operational reasons this is not always possible. Messrs McCarrison, Clune and Kantor have explained the additional engineering work undertaken, in particular to fulfil CDEMA obligations, if infrastructure is to be located in a natural hazard area.

73. In my view, the telecommunication company decision to avoid natural hazard areas in the first instance is not driven by the regulatory requirement (as it is also my experience that it is rare that a local authority regulates the resilience of infrastructure), but by logic in that it is better not to be in the natural hazard area, and in the knowledge that it is likely to be more expensive to construct infrastructure in that location in order to achieve the resilience desired.

74. However there are instances where such avoidance is not possible, and as such infrastructure is appropriately designed to be as resilient as possible to the natural hazard.

75. Given my view, I seek alternative relief to the s42A Report recommendations for INF-P24.

76. Requested Relief:

Amend INF-P24 as follows:

Only allow for upgrades to existing and new infrastructure in Natural Hazard Overlays and Coastal Hazard Overlays where the infrastructure:

1. *Does not increase the risk from the natural hazard to people, or other property or infrastructure;*
2. *Has a functional need or operational need that means the infrastructure's location cannot be avoided and there are no reasonable alternatives;*
3. ~~*Is designed to be resilient to the natural hazard;*~~
4. *Does not result in a reduction in the ability of people and communities to recover from a natural hazard event; and*
5. ~~*Is designed to maintain reasonable and safe operation during and in the immediate period after a natural hazard event.*~~

77. The following is an analysis of the requested relief to INF-P24 under the framework provided in s32AA of the Resource Management Act 1991:

Reason

The requested relief seeks to provide consistency to the regulation of all telecommunication activities in hazard areas, given the differences in approach between the PDP and the NESTF.

How the requested relief achieves the purpose of the Resource Management Act

The requested relief provides for the social and economic wellbeing and health and safety of telecommunication users.

Benefits including Opportunities for Economic Growth and Employment

Telecommunication infrastructure helps achieve economic growth and employment.

Costs

There are no obvious costs that result from the requested relief. There are compliance costs to telecommunication operators if the requested relief is not included in the PDP.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

No risks around uncertain or insufficient information in relation to this matter have been identified.

Efficiency and Effectiveness

The efficiency of the recommended relief is high because the benefits outweigh the costs. The effectiveness of the recommended relief is high because they better enable the outcomes sought.

Other Reasonably Practicable Options for Achieving the Objectives

Another reasonably practicable option is to retain the wording as proposed in the s42A report. This would have the disadvantage of increasing costs to telecommunication companies, as well as being an incongruous position with the regulated activities in the NESTF.

INF-S7 Size of Antenna Attached to a Building

78. Submission point 51.56 sought amendments to INF-S7 regarding the area of panel antennas (including different sizes in different zones), and clarification of how panel antennas are to be measured.

79. The s42A Report accepts the submitted sizes for the Commercial and Mixed Use, Rural, Future Urban, Māori Purpose, Hospital and Special Purpose zones, as well as Residential and Neighbourhood Centre zones where the antenna is attached to a building at a height of 15m or more.

80. However, on the basis that larger panel antennas could give rise to amenity effects, the submitted sizes for the Residential, Neighbourhood Centre, and Open Space and Recreation Zones were not accepted. The difference in sizes between what was sought in the submission and what is recommended in the s42A Report in these zones are as follows:

Zones	Antenna face area as per submission	Antenna face area recommended in s42A	Difference in size
Residential Zones, Neighbourhood Centre Zones] – if attached to the building at a point less than 15m from ground	1.2m^2	0.8m^2	+0.4m^2
Open Space and Recreation Zones	1.5m^2	1.0m^2	+0.5m^2

81. In my view, the difference in visual effects resulting from the antenna sizes recommended in the s42A report is minimal. I have never had a resource consent declined, or had to negotiate a change in antenna size of an antenna when the difference in size in these zones types has been equal to or less than 0.5m^2. The reason for this is the basic premise that people register if an antenna exists or not, as opposed to the difference in size between a 0.8m^2 face area panel antenna or a 1.2m^2 face area panel antenna. I understand that the larger sizes as sought provide a greater efficacy for the antenna, thereby potentially reducing the need for more antenna to serve an area.

82. In regard to how to measure a panel antenna, the recommendation in the s42A Report to refer to the *face area* of a panel antenna is accepted.

83. Requested Relief:

Amend INF-S7 as follows:

4. If attached to the building at a point less than 15m from the ground it must not exceed a maximum of:

a. 1m in diameter if a dish antenna; or

*b. ~~0.8m²~~ **1.2m²** in face area if a panel antenna.*

6. It must not exceed a maximum of:

a. 1m in diameter if a dish antenna; or

*b. ~~1m²~~ **1.5m²** in face area if a panel antenna; or*

c. 60mm in diameter and 1.5m in horizontal length if an omni directional 'whip' antenna or dipole antenna.

84. The following is an analysis of the requested relief to INF-S7 under the framework provided in s32AA of the Resource Management Act 1991:

Reason

The requested relief seeks to provide for a more efficient panel antenna size in the Residential, Neighbourhood Centre, Open Space and Recreation zones of the PDP.

How the requested relief achieves the purpose of the Resource Management Act

The requested relief provides for the sustainable management of a physical resource.

Benefits including Opportunities for Economic Growth and Employment

Telecommunication infrastructure helps achieve economic growth and employment.

Costs

There are no obvious costs that result from the requested relief. There are compliance costs to telecommunication operators if the requested relief is not included in the PDP.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

No risks around uncertain or insufficient information in relation to this matter have been identified.

Efficiency and Effectiveness

The efficiency and effectiveness of the recommended relief is high because the benefits outweigh the costs.

Other Reasonably Practicable Options for Achieving the Objectives

Another reasonably practicable option is to retain the wording as proposed in the s42A report. This would have the disadvantage of potentially requiring more panel antennas to provide telecommunication service to a particular area within the Neighbourhood Centre, Open Space and Recreation zones.

INF-S13 Cabinet Setbacks

85. INF-S13 as notified requires telecommunication cabinets, amongst other similar sized structures, that are not located within legal road or rail corridor, be setback at least 2m from a site boundary. Submission point 51.43 sought that an exception be included in the standard so that the setback does not apply to road boundaries.

86. The reason for this submission point was that there are no setback requirements for cabinets within legal road. There are instances where, due to the width of legal road, cabinets cannot fit with legal road, and space within the neighbouring private site is leased. Typically this is

immediately adjacent to the road boundary, and the cabinet essentially appears to be located within the legal road. INF-S13 would require a resource consent for such a situation.

87. The s42A Report recommends that the submission point be rejected on the basis that due to the size of the structures, which can be up to 4m high and 15m^2 in area, a setback from all boundaries is required.

88. The NESTF provides permitted activity standards for all telecommunication cabinets. No setback is required, however the cabinet sizes permitted are smaller than what is allowed under the PDP (up to 2m high and 5m^2 in area is permitted).

89. In my view, provided structures are not interfering with sightlines (and noting that there are standards in the plan regarding sightlines), a setback for utility structures from a road boundary is unnecessary.

90. Further, not all zone provisions in the PDP require setbacks from roads. For example there are no requirements for buildings to be setback from road boundaries in the Neighbourhood Centre Zone (see standard NCZ-S3), Local Centre Zone (LCZ-S3), Large Format Retail Zone (LFRZ-S3), Mixed Use Zone (MUZ-S3), City Centre Zone and General Industrial Zone (GIZ-S3). The density standards in Part 2 of Schedule 3A of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, also require no setback from road boundaries for residential zones.

91. Given that each of these zones allow buildings larger than what INF-S13 allows without a setback from a legal road boundary, in my view it is an incongruous position for INF-S13 to require such a setback.

92. Requested Relief:

Amend INF-S13 as follows: *Setbacks – Cabinets, electric vehicle charging stations and temporary infrastructure and temporary electricity generators and self-contained power units to supply existing infrastructure, meteorological enclosures and buildings and any other infrastructure structure or building not otherwise listed, which is not located within the road reserve or rail corridor* *1. It must not be located within a 2m setback from any site boundary* ***(except for any road boundary)****.*

93. The following is an analysis of the requested relief to INF-S13 under the framework provided in s32AA of the Resource Management Act 1991:

Reason

The requested relief seeks no setback for cabinets from a road boundary.

How the requested relief achieves the purpose of the Resource Management Act

The requested relief seeks to promote the sustainable management of a physical resource.

Benefits including Opportunities for Economic Growth and Employment

The benefit of the requested relief is that it removes a requirement for a resource consent in an instance where effects in most instances will be negligible.

Costs

There are compliance costs to network utility operators if the requested relief is not included in the PDP.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

No risks around uncertain or insufficient information in relation to this matter have been identified.

Efficiency and Effectiveness

The efficiency of the recommended relief is high because the benefits outweigh the costs. The effectiveness of the recommended relief is high because they better enable the outcomes sought.

Other Reasonably Practicable Options for Achieving the Objectives

Another reasonably practicable option is to retain the wording as proposed in the s42A report. This would have the disadvantage of increasing costs to network utility operators.

Concluding Comments

94. Overall, the infrastructure provisions in the PDP are for the most part workable, with the effectiveness and efficiency of the provisions, in my view being improved (from a Telecommunications perspective) from the changes sought through my evidence, without unduly affecting the environment.

Tom Anderson

19 January 2022

Appendix A - Summary of Spark's Submissions Points, Officer Recommendation and Acceptance/Further Relief Sought to PDP Hearing Stream 4

Sub Number	PDP Provision	Decision Requested	Officer Recommendation	Officer Reasoning	Action
Strategic Objectives Functioning City FC-O3 and FC-O4					
51.22	General	Retain as notified	Accept		Agree with recommendation
Infrastructure					
Strategic Directions					
51.21	FC-O1	Retain as notified	Accept		Agree with recommendation
Transport Infrastructure					
51.51	INF-P13	Retain as notified	Accept in part	Accept in part subject to amendments made in response to other submissions. No recommended amendment to PDP	Agree with recommendation.
51.63	INF-Table 2	Amend the table as follows: • *<u>Telecommunication,</u> distribution, or customer connection line*	Accept in part		Agree with recommendation.
Ecosystems and Indigenous Biodiversity					
51.29	INF-P20	Retain as notified	Accept in part	Accept in part subject to amendments made in response to other submissions. No recommended amendment to PDP	Agree with recommendation.
Zone Chapter Provisions					
51.65 51.66 51.67 51.68 51.70 51.71 51.72 51.73 51.74 51.75 51.76 51.77 51.78	SPZ-S1 SETZ-S1 GRZ-S1 MRZ-S1 GIZ-S1 SARZ-S1 GRUZ-S1 RLZ-S1 OSZ-S1 NCZ-S1 LCZ-S1 FUZ-S1 HOSZ-S1	Amend the standard as follows: *Matters of discretion are restricted to:* *1. Design and siting of the building or structure;* *2. Any shading of, or loss of privacy for, residential units on adjacent sites;* *3. Screening, planting, and landscaping of the building or structure;* *4. Whether an increase in building or structure height results from a response to natural hazard mitigation; and* *5. Whether topographical or other site constraints make compliance with the standard impractical.* *<u>6. Any reverse sensitivity effects on regionally significant infrastructure</u>*	Reject	Disagrees as would create additional complexity for applications, particularly as no spatial extent of the telco networks is provided anywhere in the plan.	Amend SPZ-S1, SETZ-S1, GRZ-S1, MRZ-S1, GIZ-S1, SARZ-S1, GRUZ-S1, RLZ-S1, OSZ-S1, NCZ-S1, LCZ-S1, FUZ-S1, HOSZ-S1 as follows: *Matters of discretion are restricted to:* *1. Design and siting of the building or structure;* *2. Any shading of, or loss of privacy for, residential units on adjacent sites;* *3. Screening, planting, and landscaping of the building or structure;* *4. Whether an increase in building or structure height results from a response to natural hazard mitigation; and* *5. Whether topographical or other site constraints make compliance with the standard impractical.* *<u>6. Any reverse sensitivity effects on the operation of telecommunication antennas operated by network utility operators that are within 30m of the proposed building or structure.</u>*
Introduction					
51.36	Introduction	Amend as follows: *Note: Except as specifically identified in an objective, policy or rule, the objectives, policies and rules in this chapter and the Strategic Direction objectives, and those contained in the following chapters where relevant, are the only objectives, policies and rules that apply to infrastructure activities and no objectives, policies and rules in other chapters apply:* *1. Contaminated land;* *2. Hazardous substances;* *3. Renewable Electricity Generation.* *<u>4. Noise</u>*	Accept		Agree with recommendation
Objectives					

51.34	INF-O1	Retain as notified	Accept	No amendments are recommended to this objective	Agree with recommendation.
51.37	INF-O3	Retain as notified	Accept in part	Accept in part, subject to amendments made in response to other submissions	Agree with recommendation.
51.35	INF-O5	Amend objective as follows: *INF-O5 Providing for infrastructure* *Infrastructure provides benefits to people and communities and is established, operated, maintained and repaired, and upgraded efficiently, securely and sustainably, while the adverse effects of infrastructure are avoided, remedied or mitigated, <u>while recognising the functional need and operational need of infrastructure</u>. ~~including effects on:~~* *~~1. The anticipated character and amenity values of the relevant zone;~~* *~~2. The identified values and qualities of any Overlay; and~~* *~~The change in risk to people's lives and damage to adjacent property and other infrastructure from natural hazards~~*	Reject	Officer disagree with the inclusion of functional need and operational need of infrastructure within the objective, as recognising these matters is more related to how the outcome (providing for infrastructure) will be achieved rather than what the outcome sought actually is, and therefore is more appropriate to be dealt with through the supporting policies, as it is through INF-P9.	Agree with recommendation.
Policies					
51.31	INF-P1	Retain as notified	Accept in part	Accept in part, subject to amendments made in response to other submissions	Agree with recommendation.
51.54	INF-P4	Amend the policy as follows: *INF-P4 Appropriate infrastructure* *Enable new infrastructure and the maintenance and repair, upgrading and removal of existing infrastructure, including earthworks, that:* *1. Is of a form, location and scale that minimises adverse effects on the environment;* *~~2. Is compatible with the anticipated character and amenity values of the zone in which the infrastructure is located; and~~* *3. For any maintenance and repair, or removal of existing infrastructure in any Overlay, it is of a nature and scale that does not adversely impact on the identified values and characteristics of the Overlay that it is located within.*	Reject	Officer disagrees that clause two is superfluous as it provides a connection with the policies included within the zone chapters in relation to character and amenity values and supports the differentiation of various standards for different zones such as the height of support structures. Also disagrees with the assertion that there is a disconnect between the policy and the methods in the chapter, as these have been set in order to reflect the character and amenity values. On the submitter's example that poles are not compatible with the character and amenity values of the Open Space Zone, I note that the objectives and policies do not seek that no buildings or structures are developed, but that they are integrated with the existing built form.	Amend INF-P4 as follows: *INF-P4 ~~Appropriate~~ <u>Enabling</u> infrastructure* *Enable new infrastructure and the maintenance and repair, upgrading and removal of existing infrastructure <u>as a permitted activity,</u> including earthworks, that:* *1. Is of a form, location and scale that minimises adverse effects on the environment;* *2. Is compatible with the anticipated character and amenity values of the zone in which the infrastructure is located; and* *3. For any maintenance and repair, or removal of existing infrastructure in any Overlay, it is of a nature and scale that does not adversely impact on the identified values and characteristics of the Overlay that it is located within.*
51.52	INF-P5	Amend policy as follows: *INF-P5 Adverse effects on Regionally Significant Infrastructure* *Protect the safe and efficient operation, maintenance and repair, upgrading, removal and development of Regionally Significant Infrastructure from being unreasonably compromised by:* *1. Considering any potential adverse effects of subdivision of a site that contains or is adjacent to any Regionally Significant Infrastructure other than the National Grid, including:* *a. The impact of subdivision layout and design on the operation, maintenance and repair, and potential upgrade and development of the infrastructure;* *b. The extent to which the design and layout of the subdivision demonstrates that a suitable building platform(s) for a dwelling can be provided;*	Accept		Agree with recommendation

		c. The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity effects on and amenity and nuisance effects of the infrastructure; and *2. Requiring subdivision of a site that contains or is adjacent to any Regionally Significant Infrastructure other than the National Grid to be designed to avoid or mitigate any adverse effects on access to, and the safe and efficient operation and maintenance and repair of, that infrastructure.* *1. Avoiding sensitive activities and building platforms located within the National Grid Yard;* *2. Only allowing subdivision within the National Grid Corridor where it can be demonstrated that any adverse effects on and from the National Grid, including public health and safety, will be avoided, remedied or mitigated, taking into account:* *a. The impact of subdivision layout and design on the operation and maintenance, and potential upgrade and development of the National Grid;* *b. The ability of any potential future development to comply with NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances;* *c. The extent to which the design and layout of the subdivision demonstrates that a suitable building platform(s) for a dwelling can be provided outside of the National Grid Yard for each new lot;* *d. The risk to the structural integrity of the National Grid;* *e. The extent to which the subdivision design and consequential development will minimise the risk of injury and/or property damage from the National Grid and the potential reverse sensitivity on and amenity and nuisance effects of the National Grid assets;* *3. Only allowing sensitive activities within the Gas Transmission Pipeline Corridor where these are of a scale and nature that will not compromise the Gas Transmission Network;* *4. Requiring sensitive activities to be located and designed so that potential adverse effects of and on the Rail Corridor and State Highways are avoided, remedied or mitigated;* *5. Requiring any buildings or structures to be of a nature and scale and to be located and designed to maintain safe distances within the National Grid and Gas Transmission Network;* *~~6. Considering any potential adverse effects of subdivision of a site that contains or is adjacent to any Regionally Significant Infrastructure other than the National Grid, including:~~* *~~a. The impact of subdivision layout and design on the operation, maintenance and repair, and potential upgrade and development of the infrastructure;~~* *~~b. The extent to which the design and layout of the subdivision demonstrates that a suitable building platform(s) for a dwelling can be provided;~~* *~~c. The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity effects on and amenity and nuisance effects of the infrastructure; and~~* *~~7. Requiring subdivision of a site that contains or is adjacent to any Regionally Significant Infrastructure other than the National Grid to be designed to avoid or mitigate any adverse effects on access to, and the safe and efficient operation and maintenance and repair of, that infrastructure.~~*			
51.50	INF-P8/10	Delete policy as follows: *INF-P8*	Accept in part		Amend INF-P10 as follows: *Provide for Regionally Significant Infrastructure and other infrastructure which is not located within an*

		Provide for Regionally Significant Infrastructure and other infrastructure which is not located within an Overlay, where it can be demonstrated that the following matters can be achieved: *1. Compatibility with the site, existing built form and landform;* *2. Compatibility with the anticipated character and amenity values of the zone it is located in;* *3. Any adverse effects on amenity values are minimised, taking into account:* *a. The bulk, height, size, colour, reflectivity of the infrastructure;* *b. Any proposed associated earthworks;* *c. The time, duration or frequency of any adverse effects; and* *d. Any proposed mitigation measures;* *4. Any adverse effects on the health, wellbeing and safety of people, communities and the environment, including nuisance from noise, dust, odour emissions, light spill and sedimentation are avoided, remedied or mitigated;* *5. Any adverse effects on the natural character and amenity of water bodies, the coast and riparian margins and coastal margins are minimised;* *6. Public access to and along the coastal marine area and water bodies is maintained or enhanced;* *7. Any adverse effects on any values and qualities of any adjacent Overlays are minimised;* *8. The safe and efficient operation of any other infrastructure, including the transport network, is not compromised; and* *9. Any adverse cumulative effects are minimised.*			*Overlay through a resource consent where, having regard to INF-P9, it can be demonstrated that the following matters can be achieved:* *1. ~~Compatibility with~~ Any adverse effects on the site, existing built form and landform are minimised;* *2. ~~Compatibility with~~ Any adverse effects on the anticipated character and amenity values of the zone it is located in ~~are minimised~~;* *3. Any adverse effects on amenity values are minimised, taking into account:* *a. The bulk, height, size, colour, reflectivity of the infrastructure;* *b. Any proposed associated earthworks;* *c. The time, duration or frequency of any adverse effects; and* *d. Any proposed mitigation measures;* *4. Any adverse effects on the health, wellbeing and safety of people, communities and the environment, including nuisance from noise, dust, odour emissions, light spill and sedimentation are avoided, remedied or mitigated;* *5. Any adverse effects on the natural character and amenity of water bodies, the coast and riparian margins and coastal margins are minimised;* *6. Public access to and along the coastal marine area and water bodies is maintained or enhanced;* *7. Any adverse effects on any values and qualities of any adjacent Overlays are minimised;* *8. The safe and efficient operation of any other infrastructure, including the transport network, is not compromised; and* *9. Any adverse cumulative effects are minimised.*
51.25	INF-P9	Retain as notified	Accept in part	Accept in part, subject to amendments made in response to other submissions	Agree with recommendation.
51.30	INF-P10	Retain as notified	Accept in part	Accept in part, subject to amendments made in response to other submissions	Agree with recommendation.
51.53	INF-P16	Retain as notified	Accept in part	Accept in part, subject to amendments made in response to other submissions	Agree with recommendation.
51.32	INF-P17	Retain as notified	Accept in part	Accept in part, subject to amendments made in response to other submissions	Agree with recommendation.
51.24	INF-P21	Retain as notified	Accept in part	Accept in part, subject to amendments made in response to other submissions	Agree with recommendation.
51.28	INF-P22	Retain as notified	Accept in part	Accept in part, subject to amendments made in response to other submissions	Agree with recommendation.
51.55	INF-P22	INF-P22 Coastal High Natural Character Area *Except as provided for by INF-P6 and INF-P7, only allow upgrades to existing infrastructure where, and avoid new infrastructure in areas identified in*	Reject		Agree with recommendation.

		SCHED9 - Outstanding Natural Feature and Landscape or SCHED11 - Coastal High Natural Character Area, unless it can be demonstrated that: *1. There is an operational need or functional need that means the infrastructure's location cannot be avoided, or the utility is a lifeline utility, and there are no reasonable alternatives;* *2. The design and location of the infrastructure is subordinate to and does not compromise the identified characteristics and values of the Outstanding Natural Feature or Landscape described in SCHED9 - Outstanding Natural Features or Landscapes or Coastal High Natural Character Area described in SCHED11 - Coastal High Natural Character Areas;* *3. The natural components of the Outstanding Natural Feature or Landscape or Coastal High Natural Character Area will continue to dominate over the influence of human activity; and* *4. Any significant adverse effects are avoided, and any other adverse effects are avoided, remedied or mitigated, while also having regard to the matters in NFL-P3 and NFL-P6 and CE-P3.*			
51.26	INF-P23/24	Amend the policy as follows: *INF-P23* *Only allow for upgrades to existing and new infrastructure in Natural Hazard Overlays and Coastal Hazard Overlays where the infrastructure:* *1. Does not increase the risk from the natural hazard to people, or other property or infrastructure;* *2. Has a functional need or operational need that means the infrastructure's location cannot be avoided and there are no reasonable alternatives;* *~~3. Is not vulnerable to the natural hazard;~~* *4. Does not result in a reduction in the ability of people and communities to recover from a natural hazard event; and* *~~5. Is designed to maintain reasonable and safe operation during and in the immediate period after a natural hazard event.~~*	Reject		Amend INF-P24 as follows: *Only allow for upgrades to existing and new infrastructure in Natural Hazard Overlays and Coastal Hazard Overlays where the infrastructure:* *1. Does not increase the risk from the natural hazard to people, or other property or infrastructure;* *2. Has a functional need or operational need that means the infrastructure's location cannot be avoided and there are no reasonable alternatives;* *~~3. Is not vulnerable to the natural hazard;~~* *4. Does not result in a reduction in the ability of people and communities to recover from a natural hazard event; and* *~~5. Is designed to maintain reasonable and safe operation during and in the immediate period after a natural hazard event.~~*
Rules					
51.33	Notes	Amend as follows: ***Rules*** *[...]* *The installation and operation of telecommunications facilities (such as cabinets, antennas, poles, small cell-units and telecommunications lines) undertaken by a facility operator are controlled by the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016, separate to this District Plan. The following District Plan scheduled areas are considered NES subpart 5 matters, and as such, under the mechanism of the NES t~~T~~he District Plan ~~continues to~~ apply~~ies~~ if~~where these~~ telecommunications facilities are located within the following:* *[...]* *~~Note: Noise from backup emergency generators at Radio New Zealand's Titahi Bay facilities is exempt from the noise limits in the Noise chapter. All other infrastructure must comply with the noise rules for the underlying zone.~~*	Accept		Agree with recommendation
Standards					

51.57	INF-S1	Amend the standard as follows: *1. The realignment, relocation or replacement of a telecommunication line, any pipe (excluding a gas transmission pipeline), pole, tower, conductor, cross arm, switch, transformer or ancillary structure must be within 5m of the existing alignment or location [Note if the amendment to the definition of pole as sought is not accepted, then this standard should be updated to also include telecommunication pole].* *2. A pole must not be replaced with a tower.* *3. The height of a replacement pole, tower ~~or telecommunication pole~~ must not exceed whichever is the lesser of:* *a. 25m; or* *~~b. The height of the replaced pole or tower or telecommunication pole as of 28 August 2020 plus 30%;~~* *Except that, if the existing pole, tower ~~or telecommunication pole~~ is greater than 25m in height, the height of the replacement pole, tower or ~~telecommunication pole~~ must be no higher than the existing pole, tower or ~~telecommunication pole~~.* *4. The diameter or width of a replacement pole ~~or telecommunication pole~~:* *a. Must not exceed twice that of the replaced pole at its widest point ~~as of 28 August 2020~~; or* *b. Where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed three times the width of the replaced pole ~~as of 28 August 2020~~ at its widest point.* *5. A replacement tower's footprint must not exceed the width of the tower as of 28 August 2020 by more than 25%.* *6. The diameter of a replacement conductor or line must not exceed the diameter of the replaced conductor or line or 50mm, whichever is the greater.* *7. Additional conductors or lines:* *a. Must not increase the number of conductors or lines ~~as of 28 August 2020~~ by more than 100%; and* *b. Must not exceed a 50mm diameter.* *8. There must be no additional towers.* *9. The number of additional poles required to achieve the conductor clearances required by NZECP 34:2001 must not exceed two.* *10. Additional cross arms must not exceed the length of the existing cross arm ~~as of 28 August 2020~~ by more than 100%, up to a maximum of 4m.* *11. The diameter of replacement pipes located aboveground must not exceed the diameter of the replaced pipe by more than 300mm.* *12. The realignment, relocation or replacement of any other infrastructure structure or building:* *a. Must be within 5m of the alignment or location of the original structure or building;* *b. Must not increase the footprint of structure or building ~~as of 28 August 2020~~ by greater than 30%.* *13. A replacement panel antenna must not increase the face area ~~as of 28 August 2020~~ by more than 20%.* *14. A replacement dish antenna must not increase in diameter ~~as of 28 August 2020~~ by more than 20%*	Accept in part		Agree with recommendation.
51.39	INF-S1	Amend the standard as follows: *[...]*	Accept in part		Agree with recommendation.

		3. The height of a replacement pole, tower or telecommunication pole must not exceed the height of the pole, tower, or telecommunication pole which is being replaced, or whichever is the lesser of: *a. 25m; or* *b. The height of the replaced pole or tower or telecommunication pole as of 28 August 2020 plus 30%;* ~~*Except that, if the existing pole, tower or telecommunication pole is greater than 25m in height, the height of the replacement pole, tower or telecommunication pole must be no higher than the existing pole, tower or telecommunication pole.*~~ [...]			
51.42	INF-S3	Retain as notified	Accept	There are no submissions opposing or seeking amendments to this standard	Agree with recommendation
51.38	INF-S5	Retain as notified	Accept	There are no submissions opposing or seeking amendments to this standard	Agree with recommendation
51.40	INF-S6	Retain as notified	Accept in part	Accept in part, subject to amendments made in response to other submissions	Agree with recommendation.
51.58	INF-S6	Amend standard as follows: *INF-S6 Size and diameter – Antenna attached to a ~~telecommunication~~ pole (not regulated by the NESTF)*	Accept		Agree with recommendation.
51.56	INF-S7	Changes sought are as follows: *INF-S7.1.b amend to read: 1.8m² in area of any panel (largest face) if a panel antenna; or* *INF-S7.2.b amend to read: 1.5~~1.2~~m² in area of any panel (largest face) if a panel antenna; or* *INF-S7.3.b amend to read: 1.5~~1.2~~m² in area of any panel (largest face) if a panel antenna; or* *INF-S7.4.b amend to read: 1.2~~0.8~~m² in area of any panel (largest face) if a panel antenna; or* *INF-S7.6.b amend to read: 1.5~~1.~~ m² in area of any panel (largest face) if a panel antenna;*	Accept in part		Amend INF-S7 as follows: *4. If attached to the building at a point less than 15m from the ground it must not exceed a maximum of:* *a. 1m in diameter if a dish antenna; or* *b. ~~0.8m²~~ **1.2m²** in face area if a panel antenna.* *6. It must not exceed a maximum of:* *a. 1m in diameter if a dish antenna; or* *b. ~~1m²~~ **1.5m²** in face area if a panel antenna; or* *c. 60mm in diameter and 1.5m in horizontal length if an omni directional 'whip' antenna or dipole antenna.*
51.51	INF-S8	Retain as notified	Accept in part	Accept in part, subject to amendments made in response to other submissions	Agree with recommendation.
51.43	INF-S13	Amend standard as follows: *[...]* *All zones* *1. It must not be located within a 2m setback from any site boundary (except for any road boundary).* *[...]*	Accept in part		Amend INF-S13 as follows: *Setbacks – Cabinets, electric vehicle charging stations and temporary infrastructure and temporary electricity generators and self-contained power units to supply existing infrastructure, meteorological enclosures and buildings and any other infrastructure structure or building not otherwise listed, which is not located within the road reserve or rail corridor* *1. It must not be located within a 2m setback from any site boundary **(except for any road boundary)**.*
51.61	INF-S14	Amend the standard as follows: *[...]*	Accept in part		Agree with recommendation.

		4. Trenching for the construction, operation, maintenance and repair, removal or upgrade of underground infrastructure undertaken within 1.0m of the site boundary must not exceed 1.5~~0~~m in depth. *[...]*			
51.59	INF-S16	Amend the standard as follows: *[...]* *1. The earthworks are limited to trenching less than 600mm in width or alternative methods such as directional drilling, directly above existing underground infrastructure* *[...]*	Accept in part		Agree with recommendation.
51.62	INF-S19	Amend the standard as follows: *[...]* *1. Any trimming or pruning:* *a. Must not exceed a branch or root diameter of 50mm at severance unless it is the removal of deadwood;* *[...]*	Reject		Agree with recommendation.
Definitions					
51.14	Maintenance and repair	Retain as notified	Accept in part	Accept in part, subject to amendments made in response to other submissions	Agree with recommendation.
51.15	Pole	Amend definition as follows: *Pole* *Poles for electricity transmission activities has the same meaning as given in the Resource Management (National Environmental* 2009: *means a structure that supports conductors as part of a transmission line and that—* *a. has no more than 3 vertical supports; and* *b. is not a steel-lattice structure; and* *includes the hardware associated with the structure (such as insulators, cross-arms, and guy-wires) and the structure's foundations* *Poles for telecommunications activities has the same meaning as given in the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016:* *means a pole, mast, lattice tower or similar structure of a kind that is able to be used (with or without modification) to support antennas*	Reject		Agree with recommendation.
51.11	Regionally Significant Infrastructure	Retain as notified	Accept in part	Accept in part, subject to amendments made in response to other submissions	Agree with recommendation
51.18	Telecommunication Pole	Delete definition. Include the definition in the earlier definition of Pole as per relief sought to that definition.	Reject		Agree with recommendation
51.8	Temporary Infrastructure	Retain as notfiied	Accept	There are no recommended amendments to this definition	Agree with recommendation
51.7	Tower	Amend *Electricity Transmission Tower*	Accept	There are no recommended amendments to this definition	Agree with recommendation
51.13	Trenching	Amend as follows: *Trenching* *means the excavation of trenches for underground infrastructure, including the Three Waters Network, telecommunications and radio communications, electricity and gas transmission and distribution, and any other network utilities.*	Accept		Agree with recommendation
51.6	Upgrading	Delete the definition	Reject		Agree with recommendation

Noise					
51.44	Exemptions	*The following are all exempt from the rules and standards in this chapter:* *[...]* *5. The use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance not exceeding 48 hours in duration, where they are operated by emergency services or lifeline utilities, for **load shedding purposes**, or for the continuation of radiocommunication broadcasts from Radio New Zealand's Titahi Bay facilities*	Accept		Agree with recommendation