

**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 7

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**STATEMENT OF EVIDENCE OF KATHLEEN HAYLOCK**

**ON BEHALF OF**

**SPARK NEW ZEALAND TRADING LIMITED**

**VODAFONE NEW ZEALAND LIMITED**

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**24 February 2023**

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## Executive Summary

1. I am Kathleen Haylock, a Resource Management Consultant at Incite. My professional qualifications and experience are outlined in paragraphs 9 to 13 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 Spark New Zealand Trading Limited (Spark) and Vodafone New Zealand Limited (Vodafone) as an independent planning expert in regard to Variation 1 to the Porirua Proposed District Plan (Variation 1) process. I assisted with the preparation and drafting of the Spark and Vodafone joint submission on Variation 1. This brief of evidence relates to the scope of that submission.
3. The submission sought that INF-S3 allow for telecommunication facilities to be 5m higher than the permitted building height in the Local Centre, Mixed Use, Neighbourhood Centre, Metropolitan Centre, Residential, Hospital and Large Format Retail Zones.
4. The submission also sought that lightning rods are excluded from the definition of height.
5. The s42A Report for District Wide Matters has accepted the submission in part, recommending to the Panel that lightning rods are excluded from the definition of height, but retaining the permitted heights for INF-S3 as notified for Variation 1.
6. The recommended relief in this submission is that the permitted height for a telecommunication facility with a single provider in the aforementioned zones is 5m above the permitted building height in each respective zone.
7. The reasons for this recommendation relate to the functionality of a telecommunication facility, as well as a permitted baseline which the recommendations establish for a facility containing two or more providers.
8. Ultimately, the recommended relief will provide for a more efficient process, through the District Plan permitting telecommunication structures which meet the technical parameters within which they work, and have a same or similar effect than what Variation 1 already permits for two or more providers.

## Professional Qualifications and Experience

9. My name is Kathleen Haylock. I am a Resource Management Consultant at Incite, a resource management consulting firm. I hold a Bachelor of Arts and a Master of Planning (with Distinction), both from the University of Otago. I am an Intermediate member of the New Zealand Planning Institute.
10. I have 7 years professional experience. In my career I have provided advice to a number of telecommunication companies, including Chorus, Spark, Vodafone and Rural Connectivity Group. I have provided the telecommunication companies with advice on district plan changes, site selection exercises, and consenting activities for network rollouts and exchange upgrades.
11. On this basis, I consider myself to be familiar with telecommunication networks, and the practical implications of the Resource Management Act 1991 (RMA) framework in relation to network installation, upgrade and operation.
12. I have been engaged by Spark and Vodafone as an independent planning expert in regard to Variation 1 to the Porirua Proposed District Plan (Variation 1). I assisted with the preparation and drafting of the Spark and Vodafone joint submission on Variation 1.
13. I have read and am familiar with the Code of Conduct for Expert Witnesses (section 9 of the Environment Court Practice Note 2023). 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

14. The Spark and Vodafone submission on Variation 1 solely concerned proposed standard INF-S3, seeking that telecommunications facilities in all zones be permitted at a height of at least 5m above the maximum height of structures for the underlying zone, and that lightning rods are excluded from the calculation of maximum height.
15. Given the limited scope of the submission, the s42A Report which is applicable to this evidence is entitled *Proposed Porirua District Plan: District-Wide Matters*.

## s42A Report Recommendation

16. The s42A Report recommendation is that the submission be accepted in part. The part of the submission that is accepted is that lightning rods are excluded from the calculation of maximum height. That acceptance is appreciated, and I agree with the recommended relief in the s42A report in regard to including the exclusion of lightning rods from maximum height.
17. The submission point which has not been recommended as accepted is in regard to the height of telecommunication facilities.
18. In the submission, it was stated that *“typically, a telecommunication facility should be at least 3m to 5m above adjacent buildings”*. The s42A officer noted that INF-S3 in Variation 1 as notified enabled telecommunications to have a height of at least 3m above the maximum height of structures for the underlying zone, and that where two or providers are located on the same support structure, this is increased to 5m. To clarify, the 3m to 5m above adjacent buildings stated in the submission, is the height that the bottom of an antenna should be above adjacent buildings.
19. I rely on the evidence of Mr Wright and joint statement of Mr McCarrison and Mr Clune in regard to the operational and technical reasons as to why a height of at least 5m above the permitted building height in the District Plan is sought.
20. In my professional opinion, I do not consider there to be any material difference in effect from a telecommunication facility which contains a single or two or more providers.
21. Essentially, INF-S3 in Variation 1 as notified creates a permitted baseline which allows telecommunication facilities to be 5m above the adjacent building heights. A permitted baseline allows a consent authority to *‘disregard an adverse effect if a rule or national environmental standard permits an activity with that effect’*<sup>1</sup>.
22. In forming a resource consent application for a single provider under INF-S3 as notified, for a facility which was greater than 3.5m but less than 5m, I would utilise the permitted baseline that two or more providers are permitted to the 5m height, and create associated effects, and note that a single provider attaining the same height would create the same or not noticeably different level of effect. I would also rely on Policy INF-P9 (Recognise operational needs and

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<sup>1</sup> Sections 95D(b) and 95E(2)(a) of the RMA 1991

functional needs of infrastructure) in the Proposed District Plan<sup>2</sup>, noting the technical reasons for the desired height as outlined in the evidence of Mr Wright.

23. Ultimately however, I consider that such a resource consent process can be avoided by making the changes sought to INF-S3 in the Spark and Vodafone submission on Variation 1 through this hearing.

**Requested Relief**

24. Note, changes recommended in the s42A Report are shown as red and underlined, changes sought through this evidence are shown in blue, with deletions as ~~striketrough~~ and additions as double underlined):

Amend INF-S3 as follows:

INF-S3	<b>Height – Masts, antennas, lines and single pole support structures, anemometers and extreme weather devices (not regulated by the NESTF)</b>	
Local Centre Zone Mixed Use Zone Neighbourhood Centre Zone Metropolitan Centre Zone Residential Zones Hospital Zone	<p>1. It must not exceed a maximum height above ground level of <del>3.5m</del> above the maximum height of structures for the underlying zone <del>(single provider).</del></p> <p>2. <del>It must not exceed a maximum height above ground level of 5m above the maximum height of structures for the underlying zone (two or more providers).</del></p> <p><u>This standard does not apply to lightning rods.</u></p>	Matters of discretion are restricted to: [...]
General Industrial Zone	<p><del>3.2</del> It must not exceed a maximum height above ground level of 25m (single provider).</p> <p><u>4.3</u> It must not exceed a maximum height above ground level of 30m (two or more providers).</p> <p><u>This standard does not apply to lightning rods.</u></p>	Matters of discretion are restricted to: [...]
Large Format Retail Zone	<p><del>3.4</del> It must not exceed a maximum height above ground level of <del>25m</del> <u>27m</u> (single provider).</p>	Matters of discretion are restricted to: [...]

<sup>2</sup> I appreciate decisions are yet to be made by the Panel on this policy, but I note that in the evidence of my colleague Tom Anderson in Hearing Stream 4, there was agreement with the reporting officer that INF-P9 be included as stated in the s42A report for that hearing.

	<p><u>4-5</u> It must not exceed a maximum height above ground level of 30m (two or more providers).</p> <p><u>This standard does not apply to lightning rods.</u></p>	
<b>Special Purpose Zone (BRANZ)</b>	<p><u>5-6</u> It must not exceed a maximum height above ground level of 15m (single provider).</p> <p><u>6-7</u> It must not exceed a maximum height above ground level of 18m (two or more providers).</p> <p><u>This standard does not apply to lightning rods.</u></p>	Matters of discretion are restricted to: [...]
<b>Open Space and Recreation Zones</b>	<p><u>7-8</u> It must not exceed a maximum height above ground level of 12m (single provider).</p> <p><u>8-9</u> It must not exceed a maximum height above ground level of 15m (two or more providers).</p> <p><u>This standard does not apply to lightning rods.</u></p>	Matters of discretion are restricted to: [...]
<b>Rural Zones Future Urban Zones Māori Purpose Zone (Hongoeka)</b>	<p><u>9-10</u> It must not exceed a maximum height above ground level of 25m (single provider).</p> <p><u>10-11</u> It must not exceed a maximum height above ground level of 30m (two or more providers).</p> <p><u>This standard does not apply to lightning rods.</u></p>	Matters of discretion are restricted to: [...]

### Section 32AA Analysis

25. The following is an analysis of the requested relief to INF-S3 under the framework provided in s32AA of the RMA.

<u>Reason</u>
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The requested relief allows telecommunication facilities to function, while also meeting technical requirements concerning radiofrequency emissions.

#### How the requested relief achieves the purpose of the RMA

The requested relief provides for the health and safety of nearby building occupiers. Telecommunication networks also provide for peoples social and economic wellbeing.

#### Benefits including Opportunities for Economic Growth and Employment

Telecommunication infrastructure helps achieve economic growth and employment.

#### Costs

There is a cost to the infrastructure provider should the requested relief not be accepted, in terms of potential resource consent processing costs to obtain the necessary height and clearance for telecommunication facilities.

#### 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 outweigh the costs to the infrastructure. The effectiveness of the recommended relief is high because it provides for the implementation of INF-P9.

#### Other Reasonably Practicable Options for Achieving the Objectives

Another reasonably practicable option is to retain the wording as recommended 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-P9.

### **Concluding Comments**

26. The changes sought to INF-S3 will provide for a more efficient process, through the District Plan ultimately permitting telecommunication structures which meet the technical parameters

within which they work, and have a same or similar effect than what Variation 1 already permits for two or more providers.



Kathleen Haylock

24 February 2023



