
Submission on Napier City Proposed District Plan

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Napier City Council - Planning Unit

Date received: 14/12/2023

Submission Reference Number #:151

This is a submission on the following proposed plan (the **proposal**): Napier City Proposed District Plan

Submitter:

Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group (trading as FortySouth), One New Zealand Group Limited and Spark New Zealand Trading Limited

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Attachments:

Telecommunication Companies Submission on the NCC Proposed District Plan.pdf

I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- **Yes**

Submission points

Point 151.1

Section: General Approach

Sub-section: Zoning of roads, railways, and rivers

Provision:

All public roads (including state highways), railways, and rivers are zoned the same as the zoning of adjoining [sites](#). Where a different zone applies on either side of the [road](#), railway, or [river](#), then the zoning will apply to the centreline of the [road](#), railway, or [river](#).

Sentiment: Support

Submission:

We agree with this approach, and note that the zoning of roads is shown on the planning maps. This is supported.

Relief sought

Retain the zoning of roads as shown on the notified planning maps

Point 151.2

Section: Definitions

Sub-section: Definitions

Provision:

ANTENNA	means a device that receives and transmits radiocommunication or telecommunication signals, but not a small cell unit.
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Sentiment: Amend

Submission:

Support having a definition, but the origin of the definition should be included, being the National Environmental Standard for Telecommunication Facilities 2016

Relief sought

Rewrite the definition to

has the same meaning as Section 4 of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 being:

means a device that receives or transmits radiocommunication or telecommunication signals, but not a small cell unit

Point 151.3

Section: Definitions

Sub-section: Definitions

Provision:

means a casing around equipment that is necessary to operate a telecommunication network, but not any of the following:

CABINET

- a. a casing around an antenna, a small cell unit, ancillary equipment, or any part of a telecommunication line;
- b. a casing that is wholly underground;
- c. a casing that is inside a building, or
- d. a building.

Sentiment: Amend

Submission:

As per the definition for Antenna, include the NESTF as the origin for the definition.

Relief sought

Use same introductory wording as per the Antenna definition

Point 151.4

Section: Definitions

Sub-section: Definitions

Provision:

FUNCTIONAL NEED

means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.

Sentiment: Support

Submission:

The definition of functional need is supported

Relief sought

Retain the definition of functional need

Point 151.5

Section: Definitions

Sub-section: Definitions

Provision:

has the same meaning as in section 2 of the [RMA](#) (as below):

means:

- a. pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy:

INFRASTRUCTURE

- b. a network for the purpose of telecommunication as defined in section 5 of the **Telecommunications Act 2001**:
- c. a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989:
- d. facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—
 - i. uses them in connection with the generation of electricity for the person's use; and
 - ii. does not use them to generate any electricity for supply to any other person:
- e. a water supply distribution system, including a system for irrigation:
- f. a drainage or sewerage system:
- g. structures for transport on land by cycleways, rail, roads, walkways, or any other means:
- h. facilities for the loading or unloading of cargo or passengers transported on land by any means:
 - i. an airport as defined in section 2 of the **Airport Authorities Act 1966**:
 - j. a navigation installation as defined in section 2 of the **Civil Aviation Act 1990**:
- k. facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988:
- l. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166

Sentiment: Support

Submission:

The definition of infrastructure is appropriate.

Relief sought

Retain the definition of infrastructure

Point 151.6

Section: Definitions

Sub-section: Definitions

Provision:

MAINTENANCE (NETWORK UTILITIES)

any replacement, repair or renewal work or activity necessary to continue the operation and/or functioning of an existing network utility. Includes the replacement of an existing line, building, structure or other facilities with another of the same or similar height, size and scale, within the same or similar position and for the same or similar purpose. Also includes the addition of extra lines to existing or replacement poles or other support structures.

Sentiment: Support

Submission:

The definition of maintenance for network utilities is supported

Relief sought

Retain the definition of maintenance (network utilities) as notified

Point 151.7

Section: Definitions

Sub-section: Definitions

Provision:

MINOR UPGRADING OF NETWORK UTILITIES

means an increase in the capacity, efficiency, or security of existing infrastructure where this utilises existing structures and networks and/or structures and networks of a similar scale and character.

Sentiment: Oppose

Submission:

There is no need for the definition, as the parameters as to what constitutes minor upgrading are effectively defined in INF-R2

Relief sought

Delete the definition

Point 151.8

Section: Definitions

Sub-section: Definitions

Provision:

NETWORK UTILITY

a project, work, system or structure that is a network utility operation undertaken by a network utility operator.

Sentiment: Support

Submission:

The definition of network utility is appropriate.

Relief sought

Retain the definition of network utility as notified.

Point 151.9

Section: Definitions

Sub-section: Definitions

Provision:

has the same meaning as in section 166 of the [RMA](#) (as below):

means a person who:

- a. undertakes or proposes to undertake the distribution or transmission by pipeline of natural

NETWORK UTILITY OPERATOR

- or manufactured gas, petroleum, biofuel, or geothermal energy; or
- b. operates or proposes to operate a network for the purpose of:
 - i. telecommunication as defined in section 5 of the **Telecommunications Act 2001**; or
 - ii. radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989; or
- c. is an electricity operator or electricity distributor as defined in section 2 of the **Electricity Act 1992** for the purpose of line function services as defined in that section; or
- d. undertakes or proposes to undertake the distribution of water for supply (including irrigation); or
- e. undertakes or proposes to undertake a drainage or sewerage system; or
- f. constructs, operates, or proposes to construct or operate, a road or railway line; or
- g. is an airport authority as defined by the **Airport Authorities Act 1966** for the purposes of operating an airport as defined by that Act; or
- h. is a provider of any approach control service within the meaning of the **Civil Aviation Act 1990**; or
- i. undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act,

and the words **network utility operation** have a corresponding meaning.

Sentiment: Support

Submission:

The definition of network utility operator is appropriate

Relief sought

Retain the definition of network utility operator as notified.

Point 151.10

Section: Definitions

Sub-section: Definitions

Provision:

REVERSE SENSITIVITY

means the vulnerable potential for the operation of an existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential, or perceived adverse environmental effects generated by the existing activity or structure.

Sentiment: Amend

Submission:

The definition of reverse sensitivity is needed and supported. However it is unclear what the term "vulnerable" means in the definition as notified

Relief sought

Amend the definition as follows

means the vulnerable potential for the operation of an existing lawfully established activity to be compromised, constrained, or

curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential, or perceived adverse environmental effects generated by the existing activity or structure.

Point 151.11

Section: Definitions

Sub-section: Definitions

Provision:

TEMPORARY
INFRASTRUCTURE

Short-term structures and activities undertaken by a network utility operator as defined by the Resource Management Act 1991, including the operation of generators such as diesel powered generators.

Sentiment: Support

Submission:

The definition of temporary infrastructure is appropriate.

Relief sought

Retain the definition of temporary infrastructure as notified.

Point 151.12

Section: Definitions

Sub-section: Definitions

Provision:

UPGRADING (NETWORK
UTILITIES)

as it applies to network utilities, means the replacement, repair or renewal or improvement or increase in carrying capacity, operational efficiency, security or safety of existing network utilities but excludes 'maintenance'.

Sentiment: Amend

Submission:

A definition of upgrading is supported, and it is noted the definition differentiates from 'maintenance' which is also a defined term in the PDP. 'Minor Upgrading of Network Utilities' is also defined in the PDP, and the definition of upgrading should also differentiate from that term.

Relief sought

Amend the definition as follows:

as it applies to network utilities, means the replacement, repair or renewal or improvement or increase in carrying capacity, operational efficiency, security or safety of existing network utilities but excludes 'maintenance' **and 'minor upgrading of network utilities'**.

Point 151.13

Section: Abbreviations

Sub-section: Abbreviations

Provision:

[NESTF](#)

Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016

Sentiment: Support

Submission:

The abbreviation NESTF is appropriate and necessary

Relief sought

Retain the NESTF abbreviation as notified.

Point 151.14

Section: National environmental standards

Sub-section: National Environmental Standards

Provision:

National environmental standards (NESs) are prepared by central government and can prescribe technical standards, methods (including rules), and/or other requirements for environmental matters throughout the whole country or specific areas. If an activity doesn't comply with an [NES](#), it is likely to require resource consent. NESs must be observed and enforced by local authorities.

The following NESs are currently in force:

1. Resource Management (**National Environmental Standards for Storing Tyres Outdoors**) Regulations 2021;
2. Resource Management (**National Environmental Standards for Marine Aquaculture**) Regulations 2020;
3. Resource Management (**National Environmental Standards for Freshwater**) Regulations 2020;
4. Resource Management (**National Environmental Standards for Plantation Forestry**) Regulations 2017;
5. **Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016;**
6. Resource Management (**National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health**) Regulations 2011;
7. **Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009;**
8. Resource Management (**National Environmental Standards for Sources of Human Drinking Water**) Regulations 2007, and
9. Resource Management (**National Environmental Standards for Air Quality**) Regulations 2004 (amended 2011).

Sentiment: Support

Submission:

The cross reference to the NESTF is appropriate

Relief sought

Retain this section as notified.

Point 151.15

Section: Regulations

Sub-section: Regulations

Provision:

The regulations in this chapter come under the **Resource Management Act 1991** (excluding the **national environmental standards** listed in the **National Environmental Standards** chapter). These regulations are:

1. **Resource Management (Discount on Administrative Charges) Regulations 2010;**
2. **Resource Management (Exemption) Regulations 1996;**
3. **Resource Management (Exemption) Regulations 2017;**
4. **Resource Management (Forms, Fees, and Procedure) Regulations 2003;**
5. **Resource Management (Infringement Offences) Regulations 1999;**
6. **Resource Management (Marine Pollution) Regulations 1998;**
7. **Resource Management (Measurement and Reporting of Water Takes) Regulations 2010;**
8. **Resource Management (Network Utility Operations) Regulations 2016;**
9. **Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991;**
10. **Resource Management (Stock Exclusion) Regulations 2020, and**
11. **Resource Management (Territorial Authorities Required to Prepare and Notify Intensification Planning Instruments) Regulations 2022.**

Sentiment: Support

Submission:

Recognising the Resource Management (Network Utility Operations) Regulations 2016 is appropriate

Relief sought

Retain the Regulations section as notified.

Point 151.16

Section: Definitions

Sub-section: Definitions

Provision:

has the same meaning as in section 2 of the [RMA](#) (as below):

means:

INFRASTRUCTURE

- a. pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy:
- b. a network for the purpose of telecommunication as defined in section 5 of the **Telecommunications Act 2001**:
- c. a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989:
- d. facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—
 - i. uses them in connection with the generation of electricity for the person's use; and
 - ii. does not use them to generate any electricity for supply to any other person:
- e. a water supply distribution system, including a system for irrigation:
- f. a drainage or sewerage system:
- g. structures for transport on land by cycleways, rail, roads, walkways, or any other means:
- h. facilities for the loading or unloading of cargo or passengers transported on land by any means:
 - i. an airport as defined in section 2 of the **Airport Authorities Act 1966**:
 - j. a navigation installation as defined in section 2 of the **Civil Aviation Act 1990**:
- k. facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988:
- l. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166

Sentiment: Support

Submission:

The definition of infrastructure is appropriate

Relief sought

Retain the definition of infrastructure

Point 151.17

Section: SD - Transport and Infrastructure Provision

Sub-section: Strategic Objectives

Provision:

[Infrastructure](#) that supports economic growth, including the [port](#), airport, transportation, and [electricity transmission](#) networks, is enabled and protected.

Sentiment: Amend

Submission:

The intent of the objective is supported. However telecommunications should also be included. Telecommunications support economic growth alongside the other infrastructure which is mentioned. Telecommunications provides for people and business to contact with each other on a local, regional, national and international scale, and is essential for everyday modern economies.

Relief sought

Amend the objective as follows:

Infrastructure that supports economic growth, including the port, airport, transportation, [telecommunication networks](#) and electricity transmission networks, is enabled and protected.

Point 151.18

Section: SD - Transport and Infrastructure Provision

Sub-section: Strategic Objectives

Provision:

Significant [infrastructure](#) operates efficiently and safely and is protected from incompatible [development](#) and activities that may create [reverse sensitivity effects](#).

Sentiment: Support

Submission:

The Objective is appropriate, however it is noted that the PDP does not define what 'significant infrastructure' is.

Relief sought

Retain the objective and add a definition of 'significant infrastructure'

Point 151.19

Section: Definitions

Sub-section: Definitions

Sentiment: Amend

Submission:

A definition of 'Significant Infrastructure' is needed, as this is a term which is defined elsewhere in the PDP. It is noted that the Hawke's Bay RPS has a definition of 'Strategic Infrastructure' which is out of date, but includes reference to 'strategic telecommunications networks'. The PDP definition of significant infrastructure should be based on the RPS definition of strategic infrastructure, but include reference to 'telecommunication networks' not 'strategic telecommunications networks'

Relief sought

Add a definition of Significant Infrastructure and ensure that it includes reference to telecommunication networks

Point 151.20

Section: SD - Urban Form and Development

Sub-section: Objectives

Provision:

[Infrastructure](#) planning is integrated with [land](#) use planning to facilitate efficient [development](#) in identified growth areas.

Sentiment: Support

Submission:

It is important that infrastructure and land use planning are integrated.

Relief sought

Retain the objective as notified

Point 151.21

Section: NU - Network utilities

Sub-section: Introduction

Provision:

Additional regulatory requirements, separate to the District Plan, are relevant to network utilities, including:

- The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ([NESETA](#)) which apply directly to the operation, maintenance, [upgrading](#), relocation, or removal of transmission line(s). In the case of conflict or perceived conflict with any provision of this Plan, the [NESETA](#) provisions prevail;
- The Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 ([NESTF](#)) which apply to telecommunications infrastructure, such as [cabinets](#), [antennas](#), poles, small-cell units, and telecommunications lines. In the case of conflict or perceived conflict with any provision of this Plan, the [NESTF](#) provisions must prevail;
- Compliance with the **NZECF 34:2001** New Zealand Electrical Code of Practice for Electrical Safe Distances (**NZECF 34:2001**) is mandatory under the **Electricity Act 1992**. All activities regulated by the **NZECF 34:2001**, including any activities that are otherwise permitted by the Plan, must comply with this regulation;
- Compliance with the **Electricity (Hazards from Trees) Regulations 2003** is mandatory. All activities regulated by these regulations, including any activities that are otherwise permitted by the Plan, must comply with this regulation;
- Connections to a [network utility](#) require the approval of the relevant [network utility operator](#), and
- Works within roads require the approval of the relevant road controlling authority. Where relevant, the requirements of the National Code of Practice for Utility Operators' Access to Transport Corridors will apply to the placement, maintenance, [upgrading](#), and removal of [network utility structures](#) in the road reserve.

In the case of conflict with any other provision of this Plan, including any rule in this chapter, the provisions of the [NESETA](#) and [NESTF](#) must prevail.

[Amateur radio](#) does not fit within the definition of [network utilities](#) and is not subject to the same rules. However, specific rules for [amateur radio](#) are included within this part of the District Plan because they are a form of radio communication, are likely to be located throughout the district, and have similar attributes to some [network utility](#) operations.

Sentiment: Support

Submission:

A cross reference to explain the other regulations which influence some network utilities in the city is appropriate.

Relief sought

Retain this paragraph as notified

Point 151.22

Section: NU - Network utilities

Sub-section: Introduction

Provision:

Provisions to manage the [effects](#) of other activities on network utilities (including state highway and rail corridors, the electricity distribution network, the [National Grid](#), and gas transmission pipelines) are contained, in the relevant chapters for zones and precincts, special overlays, and district-wide chapters such as the Noise chapter.

A number of [network utility](#) operators, including the Napier City Council, also utilise their ability to designate critical [sites](#) for a specified [network utility](#) purpose. Designations are identified on the Planning Maps and are listed in the 'Designations' section in 'Part 3 - Area-Specific Matters' in the District Plan.

Sentiment: Amend

Submission:

It is not clear how the NU chapter interrelates with the other chapters in the PDP. Under the National Planning Standards, all rules relating to Network Utilities are to be contained in the NU Chapter. This should be made clear to plan users in the introduction to the NU Chapter.

Relief sought

Amend the introduction as follows:

Provisions to manage the [effects](#) of other activities on network utilities (including state highway and rail corridors, the electricity distribution network, the [National Grid](#), and gas transmission pipelines) are contained, in the relevant chapters for zones and precincts, special overlays, and district-wide chapters such as the Noise chapter. **However, all rules relating to the operation, maintenance, upgrading and construction of new network utilities are contained within this chapter. As such no other chapters in the plan need to be considered for the operation, maintenance, upgrading and construction of new network utilities in Napier City.**

A number of [network utility](#) operators, including the Napier City Council, also utilise their ability to designate critical [sites](#) for a specified [network utility](#) purpose. Designations are identified on the Planning Maps and are listed in the 'Designations' section in 'Part 3 - Area-Specific Matters' in the District Plan.

Point 151.23

Section: NU - Network utilities

Sub-section: Objectives

Provision:

NU-O1: Essential role of network utilities

Sentiment: Support

Submission:

This objective is appropriate and is supported.

Relief sought

Retain the objective as notified

Point 151.24

Section: NU - Network utilities

Sub-section: Objectives

Provision:

The adverse [effects](#) of [network utilities](#) on the [environment](#) are avoided, remedied, or mitigated, as far as is practicable, while recognising the functional and operational needs of network utilities (including those associated with their scale, design, and locational requirements).

Relates to [NU-I2](#)

Sentiment: Support

Submission:

This objective is supported, particularly as it recognises the practicability of avoiding, remedying and mitigating actual and potential adverse effects, as well as the functional and operational needs of network utilities.

Relief sought

Retain the objective as notified.

Point 151.25

Section: NU - Network utilities

Sub-section: Objectives

Provision:

The operation, safety, maintenance, upgrade, or [development](#) of [network utilities](#) is not compromised by incompatible [subdivision](#), [land](#) use, or [development](#), including the potential for [reverse sensitivity effects](#).

Relates to [NU-I3](#)

Sentiment: Support

Submission:

The objective is appropriate.

Relief sought

Retain the objective as notified.

Point 151.26

Section: NU - Network utilities

Sub-section: Policies

Provision:

NU-P1: Essential role of network utilities

Sentiment: Support

Submission:

The policy appropriately recognises the role of network utilities and guides what decision makers should be focussed on when considering resource consent applications

Relief sought

Retain the policy as notified

Point 151.27

Section: NU - Network utilities

Sub-section: Policies

Provision:

Require the [development](#), operation, maintenance, [repair](#), [upgrading](#), and removal of [infrastructure](#) to avoid, remedy, or mitigate adverse [effects](#), including by:

- a. avoiding, remedying or mitigating adverse [effects](#) on:
 - i. [natural and physical resources](#);
 - ii. [amenity values](#), including from shading, visual dominance, [noise](#), vibration, light spill, traffic and access, [dust](#) nuisance;
 - iii. the safe and efficient operation of other network utilities, including [effects](#) on electricity distribution, [electricity transmission](#) and the [National Grid](#), gas transmission pipelines, [road](#) and rail networks, and infrastructural service networks, and
 - iv. the health, wellbeing, and safety of people and communities, including by minimising risks from exposure to radiofrequency fields, electric and magnetic fields, and from [natural hazards](#).
- b. requiring compliance with recognised standards and guidelines for the potential adverse [effects](#) of [noise](#), vibration, radiofrequency fields, and electric and magnetic fields.
- c. encouraging the progressive undergrounding of appropriate [network utilities](#) where technically feasible and practicable.
- d. encouraging the co-siting and sharing of facilities and other innovative solutions.
- e. encouraging the removal of redundant and superseded above ground [network utility](#) facilities.

Relates to [NU-O2](#)

Sentiment: Amend

Submission:

The policy's consideration of adverse effects is narrow, and does not consider the nuance provided in NU-O2 relating to practicability and operational and functional needs.

Relief sought

Amend the policy as follows:

Require the [development](#), operation, maintenance, [repair](#), [upgrading](#), and removal of [infrastructure](#) to avoid, remedy, or mitigate adverse [effects as far as practicable](#), including by:

- a. avoiding, remedying or mitigating adverse [effects](#) on:
 - i. [natural and physical resources](#);
 - ii. [amenity values](#), including from shading, visual dominance, [noise](#), vibration, light spill, traffic and access, [dust](#) nuisance;
 - iii. the safe and efficient operation of other network utilities, including [effects](#) on electricity distribution, [electricity transmission](#) and the [National Grid](#), gas transmission pipelines, [road](#) and rail networks, and infrastructural service networks, and
 - iv. the health, wellbeing, and safety of people and communities, including by minimising risks from exposure to radiofrequency fields, electric and magnetic fields, and from [natural hazards](#).
- b. requiring compliance with recognised standards and guidelines for the potential adverse [effects](#) of [noise](#), vibration, radiofrequency fields, and electric and magnetic fields.
- c. encouraging the progressive undergrounding of appropriate [network utilities](#) where technically feasible and practicable.
- d. encouraging the co-siting and sharing of facilities and other innovative solutions.
- e. encouraging the removal of redundant and superseded above ground [network utility](#) facilities.

whilst considering the functional need and operational need of the network utility

Relates to [NU-O2](#)

Point 151.28

Section: NU - Network utilities

Sub-section: Policies

Provision:

1. Manage the adverse [effects](#) of upgrades to and [development](#) of new [network utilities](#) on:
 - a. outstanding natural features and significant landscapes;
 - b. [significant natural areas](#);
 - c. [sites](#) of significance to Māori, and
 - d. [historic heritage](#) areas, heritage items, and notable trees.

while recognising the extent to which adverse [effects](#) can be avoided or may be constrained by a [network utility](#)'s functional or operational need.

2. Manage the adverse [effects](#) of upgrades to and the [development](#) of new [network utilities](#) on the values and attributes of areas identified in the District Plan as:
 - a. high natural character areas;
 - b. heritage character areas, and
 - c. significant amenity features.

Relates to [NU-O2](#)

Sentiment: Support

Submission:

The policy recognises the functional and operational needs of protected areas and sites of significance.

Relief sought

Retain the policy as notified

Point 151.29

Section: NU - Network utilities

Sub-section: Policies

Provision:

Protect [network utilities](#) from the adverse [effects](#) of [subdivision](#), use and [development](#) that may constrain or compromise the safe, effective, secure, and efficient operation, maintenance, [upgrading](#) and [development](#) of [network utilities](#) and the safety and [amenity values](#) of people and the community, including by:

- a. managing new activities through [setbacks](#) and design controls, where necessary, to achieve appropriate protection of a [network utility](#);
- b. managing new activities that are sensitive to [noise](#) adjoining the railway corridor;
- c. managing access to the railway corridor and to the national, regional, and arterial [road](#) network;
- d. managing light spill and glare from activities on [road](#) users and aircraft;
- e. avoiding physical obstructions within the [Airport Zone](#);
- f. managing [land disturbance](#) and activities in the vicinity of electricity distribution [infrastructure](#) including cables, poles, and substations, and maintaining safe electrical clearance distances under electricity distribution lines and support [structures](#);
- g. ensuring that [land disturbance](#), [subdivision](#), and activities within the [National Grid Yard](#), the [National Grid Subdivision Corridor](#), or within the vicinity of a designated [National Grid](#) substation that may compromise the [National Grid](#);
- h. maintaining safe electrical clearance distances under electricity distribution lines and support [structures](#), and
- i. ensuring [subdivision](#) of [sites](#) containing a [network utility](#) can achieve safe clearance distances and retain the ability for the [network utility operator](#) to access, operate, maintain, [repair](#), and upgrade the [network utility](#).

Relates to [NU-O3](#)

Sentiment: Support

Submission:

The policy, in particular through subclause (i) appropriately protects telecommunication networks from reverse sensitivity effects. Telecommunications activities can be adversely affected by land use which is too close and too high to mobile phone facilities, essentially building into the radiofrequency plume, and making what was a permitted telecommunications activity a non-complying one. It is imperative therefore that in all zones, reverse sensitivity effects on network utilities must be considered for proposed buildings which exceed the permitted height limit.

Relief sought

Retain the policy as notified

Point 151.30

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Provision:

NU-R1A

NU-R1B

Activity Status: Permitted

Activity Status where activity condition 1 is not met: Restricted Discretionary

Where:

Matters of discretion are:

1. The activity complies with relevant standards ([NU-S1 – NU-S11](#)), and
2. The activity complies with standard [NU-S12](#) (Radio Frequency Fields) and standard [NU-S13](#) (Electric and Magnetic Fields).

1. The relevant matters of discretion for the standard infringed;
2. Where more than one standard will be infringed, the cumulative [effects](#) of all infringements considered together;
3. Whether alternative locations, routes or other options are physically or technically practicable, and
4. The matters set out in policies [NU-P1](#) and [NU-P2](#).

Notification: Any application under this rule is precluded from being publicly notified.

Activity Status where activity condition 2 is not met: Non-complying

Sentiment: Support

Submission:

The rule is appropriate for the ongoing operation of existing network utilities

Relief sought

Retain the rule as notified

Point 151.31

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Provision:

NU-R2A

NU-R2B

Activity Status: Permitted

Activity Status where activity conditions 1, 2,

Where:

1. The realignment, configuration, relocation, or replacement of electricity, gas distribution, or telecommunication line, pipe, [pole](#), conductors, cross arms, switches, transformers, [cabinets](#), or [ancillary structures](#) must be:
 - a. within 5 m of the existing alignment or location.
2. [Alterations](#) and [additions](#) to overhead electricity and telecommunication lines on existing poles must not:
 - a. increase the number of conductors or wires/lines by more than 100%;
 - b. exceed a diameter of 50 mm, and
 - c. have additional cross arms that exceed the length of the existing cross arm by more than 100%, up to a maximum of 4 m.
3. The diameter of a replacement conductor or line must not exceed the diameter of the replaced conductor or line or 50 mm, whichever is the greater.
4. The [addition](#) or replacement of earthwires (either overhead or underground) and underground earthgrids may contain telecommunication lines and earthpeaks or above ground insulators on the poles.
5. Any [pole](#) that replaces an existing [pole](#) must not:
 - a. have a diameter or width that is twice that of the replaced [pole](#) at its widest point;
 - b. exceed three times the width of the replacement [pole](#) at its widest point where a single [pole](#) is replaced with a pi [pole](#);
 - c. have a [height](#) exceeding the [height](#) of the replaced [pole](#) or the relevant maximum [height](#) limit for above ground [structures](#) under [NU-S3](#), whichever is the greater;
 - d. be placed more than 5 m from its original position, and
 - e. be replaced with a tower.
6. There must be no additional towers.
7. Any tower that replaces an existing tower must:
 - a. not exceed the [height](#) of the replaced tower or the maximum [height](#) limit for above ground [structures](#) under [NU-S3](#), whichever is the greater, and
 - b. not have a [footprint](#) that exceeds the width of the existing tower by more than 25%.
8. Up to two additional electricity poles may be installed in existing networks where necessary to achieve conductor clearances required by **NZEC 34:2001**.
9. The diameter of above ground replacement pipes must not exceed the diameter of the replaced pipe by more than 300 mm.
10. Where a new [antenna](#) replaces an existing [antenna](#), the new [antenna](#) must not:
 - a. exceed the maximum face area of the existing [antenna](#) by more than 20%, and

Matters of discretion are:

1. Functional and operational needs of and benefits derived from the [network utility](#);
2. Purposes and necessity of the [upgrading](#);
3. Potential adverse visual [effects](#) of the [upgrading](#), including impacts on the [amenity values](#) of the locality and any contribution to cumulative adverse [effects](#);
4. Potential adverse [effects](#) on heritage values;
5. Potential adverse [effects](#) on protected areas and [natural hazards](#), and
6. Any measures to avoid, remedy or mitigate adverse [effects](#).

Notification: Any application under this rule is precluded from being publicly notified.

Activity Status where activity condition 12 is not met: Non-complying

- b. where it is a dish [antenna](#), exceed the diameter of the existing [antenna](#) by more than 20%.
11. Where it is attached to a facility, increase the [height](#) of the facility, unless the [height](#) increase is a result of an increase in the size of the new [antenna](#) only.
 12. The activity complies with standard [NU-S12](#) (Radio Frequency Fields) and standard [NU-S13](#) (Electric and Magnetic Fields).

Sentiment: Amend

Submission:

The rule appropriately provides for the ongoing operation of existing network utilities. Clarification is necessary around what is the 'face area' of an antenna, and a definition is necessary for the work "tower" so that this is clearly understood, including how it is different from a "pole" (noting "pole" is defined in the NES-TF)

Relief sought

Amend the rule as follows:

NU-R2A

Activity Status: Permitted

Where:

1. The realignment, configuration, relocation, or replacement of electricity, gas distribution, or telecommunication line, pipe, [pole](#), conductors, cross arms, switches, transformers, [cabinets](#), or [ancillary structures](#) must be:
 - a. within 5 m of the existing alignment or location.
2. [Alterations](#) and [additions](#) to overhead electricity and telecommunication lines on existing poles must not:
 - a. increase the number of conductors or wires/lines by more than 100%;
 - b. exceed a diameter of 50 mm, and
 - c. have additional cross arms that exceed the length of the existing cross arm by more than 100%, up to a maximum of 4 m.
3. The diameter of a replacement conductor or line must not exceed the diameter of the replaced conductor or line or 50 mm, whichever is the greater.
4. The [addition](#) or replacement of earthwires (either overhead or underground) and underground earthgrids may contain telecommunication lines and earthpeaks or above ground insulators on the poles.
5. Any [pole](#) that replaces an existing [pole](#) must not:
 - a. have a diameter or width that is twice that of the replaced [pole](#) at

NU-R2B

Activity Status where activity conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 or 11 are not met: Restricted Discretionary

Matters of discretion are:

1. Functional and operational needs of and benefits derived from the [network utility](#);
2. Purposes and necessity of the [upgrading](#);
3. Potential adverse visual [effects](#) of the [upgrading](#), including impacts on the [amenity values](#) of the locality and any contribution to cumulative adverse [effects](#);
4. Potential adverse [effects](#) on heritage values;
5. Potential adverse [effects](#) on protected areas and [natural hazards](#), and
6. Any measures to avoid, remedy or mitigate adverse [effects](#).

Notification: Any application under this rule is precluded from being publicly notified.

Activity Status where activity condition 12 is not met: Non-complying

- its widest point;
 - b. exceed three times the width of the replacement [pole](#) at its widest point where a single [pole](#) is replaced with a pi [pole](#);
 - c. have a [height](#) exceeding the [height](#) of the replaced [pole](#) or the relevant maximum [height](#) limit for above ground [structures](#) under [NU-S3](#), whichever is the greater;
 - d. be placed more than 5 m from its original position, and
 - e. be replaced with a tower.
6. There must be no additional towers.
7. Any tower that replaces an existing tower must:
- a. not exceed the [height](#) of the replaced tower or the maximum [height](#) limit for above ground [structures](#) under [NU-S3](#), whichever is the greater, and
 - b. not have a [footprint](#) that exceeds the width of the existing tower by more than 25%.
8. Up to two additional electricity poles may be installed in existing networks where necessary to achieve conductor clearances required by **NZECF 34:2001**.
9. The diameter of above ground replacement pipes must not exceed the diameter of the replaced pipe by more than 300 mm.
10. Where a new [antenna](#) replaces an existing [antenna](#), the new [antenna](#) must not:
- a. **where it is a panel antenna**, exceed the maximum **front** face area of the existing [antenna](#) by more than 20%, and
 - b. where it is a dish [antenna](#), exceed the diameter of the existing [antenna](#) by more than 20%.
11. Where it is attached to a facility, increase the [height](#) of the facility, unless the [height](#) increase is a result of an increase in the size of the new [antenna](#) only.
12. The activity complies with standard [NU-S12](#) (Radio Frequency Fields) and standard [NU-S13](#) (Electric and Magnetic Fields).

Point 151.32

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Provision:

NU-R4A

NU-R4B

Activity Status: Permitted

Activity Status where activity conditions 2 or 3 are not met: Restricted Discretionary

Where:

Matters of discretion are:

- 1. The above ground [network utility](#) is related or ancillary to the primary function of Hawke's Bay Airport;

- 1. The relevant matters of discretion for the

2. All electrical power, telecommunications and information cabling are installed underground;
3. The activity complies with relevant standards ([NU-S1 - NU-S11](#)), and
4. The activity complies with standard [NU-S12](#) (Radio Frequency Fields) and standard [NU-S13](#) (Electric and Magnetic Fields).

- standard infringed;
2. Where more than one standard will be infringed, the cumulative [effects](#) of all infringements considered together;
3. Whether alternative locations, routes, or other options are physically or technically practicable, and
4. The matters set out in policies [NU-P1](#), [NU-P2](#), and [NU-P3](#).

Notification: Any application under this rule is precluded from being publicly notified.

Activity Status where activity condition 1 is not met: Discretionary

Activity Status where activity condition 4 is not met: Non-complying

Sentiment: Amend

Submission:

The rule in principle is supported, however it should define what activities are ancillary to the primary function of Hawke's Bay Airport so that it is clear in the rule.

Relief sought

Amend the rule to detail what activities are considered ancillary to the primary function of Hawke's Bay Airport

Point 151.33

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Provision:

NU-R6A

NU-R6B

Activity Status: Permitted

Activity Status where activity conditions 1 or 2 are not met: Restricted Discretionary

Where:

Matters of discretion are restricted to:

1. The activity complies with relevant standards ([NU-S1 - NU-S7](#) and [NU-S9 - NU-S11](#));
2. All electrical power, telecommunications, and information cabling are installed underground, except where located within an industrial zone, or on lots greater than 2 ha in the rural zones, and
3. The activity complies with standard [NU-S12](#) (Radio Frequency Fields) and standard [NU-S13](#) (Electric and Magnetic Fields).

1. The relevant matters of discretion for the standard infringed;
2. Where more than one standard will be infringed, the cumulative [effects](#) of all infringements considered together;
3. Whether alternative locations, routes or other options are physically or technically practicable, and
4. The matters set out in policies [NU-P1](#), [NU-P2](#), and [NU-P3](#).

Notification: Any application under this rule is precluded from being publicly notified.

Activity Status where activity condition 3 is not met: Non-complying

Sentiment: Support

Submission:

The rule is clear for all network utility construction. An elevation to Restricted Discretionary is appropriate.

Relief sought

Retain the rule as notified.

Point 151.34

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Provision:

NU-R11A

NU-R11B

Activity Status: Permitted

Activity Status where activity condition 4 is not met: Restricted Discretionary

Where:

Matters of discretion are:

1. The activity operates for a maximum of 12 months;
2. The temporary [network utility](#) and associated [buildings](#) and [structures](#) are removed from the [site](#) when the operation of the activity ceases;
3. Where the temporary [network utility](#) is within road reserve, the [site](#) is reinstated in accordance with conditions specified in the National Code of Practice for Utility Operators' Access to Transport Corridors (15 July 2019);
4. The activity complies with relevant standards ([NU-S1 - NU-S11](#));
5. The activity complies with standard [NU-S12](#) (Radio Frequency Fields)

1. The relevant matters of discretion for the standard infringed;
2. Where more than one standard will be infringed, the cumulative [effects](#) of all infringements considered together, and
3. The matters set out in policy [NU-P4](#).

- and standard [NU-S13](#) (Electric and Magnetic Fields), and
6. The activity is not within the [National Grid Yard](#).

Notification: Any application under this rule is precluded from being publicly notified.

Activity Status where activity conditions 1, 2, or 3 are not met: Discretionary

Activity Status where activity conditions 5 or 6 are not met: Non-complying

Sentiment: Amend

Submission:

Permitted provision for temporary network utilities is supported. However, temporary network utilities give rise to temporary effects. Subclause (4) requires compliance with all network utility standards. This means there is no additional benefit to a temporary facility over and above a permanent one in the same location. While it is appropriate that some network utility standards are met, it is not essential for all standards to be met.

Relief sought

Amend the rule as follows:

NU-R11A

Activity Status: Permitted

Where:

1. The activity operates for a maximum of 12 months;
2. The temporary [network utility](#) and associated [buildings](#) and [structures](#) are removed from the [site](#) when the operation of the activity ceases;
3. Where the temporary [network utility](#) is within road reserve, the [site](#) is reinstated in accordance with conditions specified in the National Code of Practice for Utility Operators' Access to Transport Corridors (15 July 2019);
4. The activity complies with relevant standards (~~NU-S1–NU-S11~~) NU-S5, NU-S6, NU-S7, ;
5. ~~The activity complies with standard~~ [NU-S12](#) (Radio Frequency Fields) and ~~standard~~ [NU-S13](#) (Electric and Magnetic Fields), and
6. The activity is not within the [National Grid Yard](#).

NU-R11B

Activity Status where activity condition 4 is not met: Restricted Discretionary

Matters of discretion are:

1. The relevant matters of discretion for the standard infringed;
2. Where more than one standard will be infringed, the cumulative [effects](#) of all infringements considered together, and
3. The matters set out in policy [NU-P4](#).

Notification: Any application under this rule is precluded from being publicly notified.

Activity Status where activity conditions 1, 2, or 3 are not met: Discretionary

Activity Status where activity conditions 5 or 6 are not met: Non-complying

Point 151.35

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Provision:

NU-R12A

NU-R12B

Activity Status: Controlled

Activity Status where activity conditions 1 or 2 are not met: Restricted Discretionary

Where:

Matters of discretion are:

- 1. The activity complies with relevant standards ([NU-S1 - NU-S11](#)), and
- 2. The activity complies with standard [NU-S12](#) (Radio Frequency Fields) and standard [NU-S13](#) (Electric and Magnetic Fields).

- 1. The [effects](#) on the amenity of the area and its surrounds;
- 2. The [effects](#) on any cultural, historical, amenity, recreational, and/or ecological values the area may possess, and
- 3. The [effects](#) on any outstanding natural feature or significant landscape identified in the District Plan.

Matters for control will be limited to:

- 1. The location, design, finishing, bulk, and form of any above ground [buildings](#) and [structures](#), and
- 2. The prominence of the location, taking into account significant public views and any significant landscapes.

Notification: Any application under this rule is precluded from being publicly notified.

Sentiment: Oppose

Submission:

Controlled Activity status in more sensitive zones can be appropriate. However, in reviewing the PDP, the zones listed do not appear to exist. As such the rule should be deleted.

Relief sought

Delete the rule as notified

Point 151.36

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Standards Table

Provision:

Where adjoining the rail corridor [boundary](#)

- 3. The following minimum [setbacks](#) for [network utilities](#) from the rail corridor [boundary](#) must be provided as follows: Refer to assessment criteria [NU-AC1](#).

- a. any part of an above ground [building](#) or [structure](#) - 2 m.

Purpose: to avoid, remedy, or mitigate [effects](#) on public health and safety and the functioning of the rail corridor.

Sentiment: Amend

Submission:

Under the NESTF, there is no setback required for a telecommunication structure located in legal road where that road adjoins a railway line. It would be appropriate to have the same provision for other network utility structures, otherwise structures with the same effect are permitted or restricted discretionary in the same location depending on who the network utility operator is.

Relief sought

Amend the standard as follows:

Where adjoining the rail corridor [boundary](#)

- 1. The following minimum [setbacks](#) for [network utilities](#) from the rail corridor [boundary](#) must be provided as follows:

- a. any part of an above ground [building](#) or [structure](#) - 2 m nil (where located within road reserve).

Purpose: to avoid, remedy, or mitigate [effects](#) on public health and safety and the functioning of the rail corridor.

Point 151.37

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Standards Table

Provision:

NU-S12: Radio frequency fields

All zones and associated precincts

- 1. If generating radiofrequency fields, the activity must not exceed the maximum exposure level of the general public in New Zealand Standard NZS 2772.1:1999 Radiofrequency fields - Maximum exposure levels - 3 kHz to 300 GHz at:

Matters of discretion are: NA

Purpose: to protect public health and safety and ensure the generation of radiofrequency fields is maintained at an acceptable level of public exposure.

- a. any point beyond the site boundary and less than 5 m in height above ground level where the land is not occupied by a building, and
- b. any point beyond the site boundary and less than 2 m above a building, roof, or balcony on any land beyond the site boundary.

2. Subject to the express provisions of this condition, the maximum general public exposure levels must be measured in accordance with New Zealand Standard NZS6609:1990 (Part 2 Principles and Methods of Measurement).

Sentiment: Amend

Submission:

The standard is inconsistent with current best practice for radiofrequency, detailed in the NES-TF, and as such should be updated. NZS2772.1 details measurement points, methods and so on, and these are well understood and used everyday by the telecommunications industry.

Relief sought

Amend the standard as follows

NU-S12: Radio frequency fields

All zones and associated precincts

***Purpose:** to protect public health and safety and ensure the generation of radiofrequency fields is maintained at an acceptable level of public exposure.*

1. If generating radiofrequency fields, the activity must not exceed the maximum exposure level of the general public in **be installed and operated in accordance with New Zealand Standard NZS 2772.1:1999 Radiofrequency fields – Maximum exposure levels – 3 kHz to 300 GHz at:**
 - a. any point beyond the site boundary and less than 5 m in height above ground level where the land is not occupied by a building, and
 - b. any point beyond the site boundary and less than 2 m above a building, roof, or balcony on any land beyond the site boundary.
2. Subject to the express provisions of this condition, the maximum general public exposure levels must be measured in accordance with New Zealand Standard NZS6609:1990 (Part 2 Principles and Methods of Measurement).

Matters of discretion are: NA

Point 151.38

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Standards Table

Provision:

NU-S3: Height for above ground structures (other than buildings)

Sentiment: Amend

Submission:

Mobile telecommunication facilities rely on line of sight to be able to perform their function. The higher an antenna height is, the better outdoor and indoor coverage for end users is achieved, as the higher antenna height extends above local 'clutter' to provide line of sight. Clutter is commonly created by buildings, topography and trees. Essentially, the proposed height provisions for some zones in the PDP allow for buildings to be constructed that 'block' existing and any future permitted mobile telecommunication facilities (including high density residential, medium density residential, local centre, town centre, city centre, mixed use and industrial zones.. As well as these provisions affecting potential future sites, they also create a potential reverse sensitivity effect on existing sites.

Part of the effect of greater building height is changes it creates for radiofrequency exposures. All proposed antennas must be assessed against New Zealand Standard 2772.1:1999 Radiofrequency fields - Maximum exposure levels. This document sets out limits for exposure to the radiofrequency radiation produced by all types of radio transmitters, for people exposed at work and for the general public.

Essentially, radiofrequency engineers use a compliance software to establish and maintain safety compliance. Essentially, the software requires inputs including antenna height, antenna model, transmit powers, nearby building heights and areas accessible to the public. The output graphically displays distances, both horizontally and vertically, that meet compliance including areas between 25% and 100% of the public limit and areas above occupational limits.

Through enabling the permitted building heights without enabling a corresponding increase in mobile telecommunication facility height potentially allows people to be exposed to greater levels of radiofrequency, and changes the activity status of an existing or permitted facility from permitted to non-complying under the NESTF.

The telecommunications companies recognise and support the densification of cities that is promoted through the NPSUD. However this does come with a need to upgrade the existing telecommunication networks. Such upgrades, where they are occur as part of achieving the objectives of the NPSUD, and as such the PDP, should be provided for within the PDP provisions.

The need for increased mobile telecommunication facility heights as part of the densification of cities in New Zealand is recognised in the recently released *Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations* from the Ministry for the Environment, which in its final form will be utilised in plans made under the Natural and Built Environment Act 2023. In relation to mobile telecommunication facility heights, draft Regulation 13.2.33 proposes a height of 17m in areas zoned for residential and local centre activities, 20m in areas zoned for neighbourhood centre activities, and 25m in other zones. These heights are generally supported by the telecommunication companies.

An alternative approach which the telecommunication companies have found to be effective in other cities and districts in New Zealand is to enable a mobile facility height which is 5m greater than the permitted building height in any given location. The 5m of clearance mitigates the local clutter effect and radiofrequency effects explained above, without being significantly taller than the anticipated building height in the surrounding environment. A further 5m to enable co-location is also provided for.

Such an approach has been accepted by New Plymouth District Council through their Proposed District Plan (currently in the appeal resolution stage, with no appeals received relating to telecommunication facility height), and is up for consideration in other current processes, including the Proposed Wellington City District Plan and Proposed Timaru District Plan.

Relief sought

Delete the standard and replace

Pole heights

1. In Legal Road

1. Maximum permitted height adjoining residential zones (excluding medium or high-density residential zones) is zone building height plus 5 metres or 17m whichever is the larger
 2. Maximum permitted height adjoining all medium or high-density residential zones is zone building height plus 5 metres
 3. Maximum permitted height of 20 metres adjoining a local centre or neighbourhood zone; or
 4. Maximum permitted height of 35 metres adjoining Rural zones; or
 5. Maximum permitted height of 17 metres adjoining areas
 6. Adjoining all other zones maximum permitted height is the greater of either 25 metres or the relevant building height for the adjoining zone, plus 5 metres.
2. Maximum height in Residential zones is 17m or 5m plus zone building height which ever is the greater.

3. Maximum height in local centre zones is 20m with a setback of 3m plus 450 if adjoining a residential zone
4. Maximum of 25m in all other commercial, industrial, recreational, hospital zones or the zone building height, plus 5 metres whichever is greater
5. Maximum of 35m in rural zones or 40m if there are two or more operators on the facility.
6. A further 5 metres in height, where two or more facility operators are co-located on the same pole in all zones except for a residential zone

Matters of discretion are:

1. Any part of an above ground [structure](#) (other than [buildings](#)), including aerials, must not exceed the Airport Height Control Designation in [Appendix 1](#), provided that:
 - a. where there is conflict between any of the [height](#) control lines or limits, the lowest [height](#) must prevail.

1. Functional and operational requirements of the [network utility](#);
2. [Effects](#) on character and amenity of adjoining [sites](#) and surrounding [environment](#);
3. The prominence of the location, taking into account significant public views;
4. [Effects](#) on public health and safety, including air traffic safety, and
5. Impacts on the functional requirements and safe operation of other network utilities.

Note: A registered surveyor's certificate verifying that the [building](#) plans meet the Airport Height Control Designation in [Appendix 1](#) will be required at the time of applying for building consent or requesting a certificate of compliance.

Point 151.39

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Standards Table

Provision:

All zones and associated precincts

1. Any above ground [building](#) or [structure](#) (excluding new electric vehicle charging facilities) must not:

Matters of discretion are:

***Purpose:** to avoid, remedy, or mitigate [effects](#) of larger scale [buildings](#) and [structures](#) on character and amenity.*

- a. exceed 10 m² [gross floor area](#) (where located within road reserve);
- b. exceed 15 m² [gross floor area](#) (where located outside road reserve) in the residential zones and associated precincts, and
- c. exceed 50 m² [gross floor area](#) (where located outside road reserve) in the rural zones (including rural lifestyle zone), commercial and mixed use zones, industrial zones and associated precincts.

1. Functional and operational requirements of the [network utility](#);
2. [Effects](#) on character and amenity of adjoining [sites](#) and surrounding [environment](#);
3. The prominence of the location, taking into account significant public views, and
4. [Effects](#) on public health and safety.

Refer to assessment criteria [NU-AC3](#)

2. Electric vehicle charging facilities must not:
 - a. exceed 3 m² [gross floor area](#).
3. Dish [antennas](#) must not:
 - a. Exceed 5 m in diameter in any commercial and mixed use zones,

- industrial zones, or airport zones and associated precincts;
 - b. exceed 3 m in diameter in the rural zones (including Rural Lifestyle Zone) and associated precincts, and
 - c. exceed 1.2 m in diameter in all other zones.
4. The number of dish [antennas](#) must not exceed one on any [site](#) within a residential zone or settlement zone and associated precincts.
5. Panel [antennas](#) must not:
- a. exceed 20 m² in any commercial and mixed use zones, industrial zones, or airport zones and associated precincts;
 - b. exceed 1.2 m² in all other zones, and
 - c. when located within road reserve, must fit within an envelope of 3.5 m in length and 0.7m in width.
6. Omni directional 'whip' or dipole [antenna](#) must not:
- a. exceed 1.6 m in vertical length;
 - b. exceed 60 mm in diameter, and
 - c. exceed 1.5 m in horizontal length.
7. A headframe must not:
- a. exceed 2.5 m in diameter in the residential zones and associated precincts, and
 - b. exceed 6 m in diameter in all other zones and associated precincts.
8. A single telecommunications [cabinet](#) must not:
- a. exceed a [footprint](#) of 2.5 m².
9. A group of telecommunications [cabinets](#) must not:
- a. exceed a total [footprint](#) of 3 m².
10. A telecommunications kiosk must not:

- a. exceed [gross floor area](#) of 3.5 m².

Sentiment: Amend

Submission:

There appears to be a typo in the standard for panel antenna size. 20m² as permitted is generous. 2.5m² is more appropriate. 1.5m² in other zones provides better alignment with the NESTF. Lastly, clarification should be provided for which face of a panel antenna the standards apply to.

Relief sought

Amend the standard as follows:

All zones and associated precincts

***Purpose:** to avoid, remedy, or mitigate [effects](#) of larger scale [buildings](#) and [structures](#) on character and amenity.*

1. Any above ground [building](#) or [structure](#) (excluding new electric vehicle charging facilities) must not:

- a. exceed 10 m² [gross floor area](#) (where located within road reserve);
- b. exceed 15 m² [gross floor area](#) (where located outside road reserve) in the residential zones and associated precincts, and
- c. exceed 50 m² [gross floor area](#) (where located outside road reserve) in the rural zones (including rural lifestyle zone), commercial and mixed use zones, industrial zones and associated precincts.

Matters of discretion are:

1. Functional and operational requirements of the [network utility](#);
2. [Effects](#) on character and amenity of adjoining [sites](#) and surrounding [environment](#);
3. The prominence of the location, taking into account significant public views, and
4. [Effects](#) on public health and safety.

Refer to assessment criteria [NU-AC3](#)

1. Electric vehicle charging facilities must not:

- a. exceed 3 m² [gross floor area](#).

2. Dish [antennas](#) must not:

- a. Exceed 5 m in diameter in any commercial and mixed use zones, industrial zones, or airport zones and associated precincts;
- b. exceed 3 m in diameter in the rural zones (including Rural Lifestyle Zone) and associated precincts, and
- c. exceed 1.2 m in diameter in all other zones.

3. The number of dish [antennas](#) must not exceed one on any [site](#) within a residential zone or settlement zone and associated precincts.

4. Panel [antennas](#) must not:

- a. exceed 2,0 m² in **[front face area](#)** any

- commercial and mixed use zones, industrial zones, or airport zones and associated precincts;
 - b. exceed 1.25 m² **frontface area** in all other zones, and
 - c. when located within road reserve, must fit within an envelope of 3.5 m in length and 0.7m in width.
5. Omni directional 'whip' or dipole [antenna](#) must not:
- a. exceed 1.6 m in vertical length;
 - b. exceed 60 mm in diameter, and
 - c. exceed 1.5 m in horizontal length.
6. A headframe must not:
- a. exceed 2.5 m in diameter in the residential zones and associated precincts, and
 - b. exceed 6 m in diameter in all other zones and associated precincts.
7. A single telecommunications [cabinet](#) must not:
- a. exceed a [footprint](#) of 2.5 m².
8. A group of telecommunications [cabinets](#) must not:
- a. exceed a total [footprint](#) of 3 m².
9. A telecommunications kiosk must not:
- a. exceed [gross floor area](#) of 3.5 m².
-

Point 151.40

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Standards Table

Provision:

All zones and associated precincts

1. Any [sign](#) associated with a [network utility](#) that is not an [official sign](#) must:

Matters of discretion are:

Purpose: *to ensure signage does not adversely affect the safety and efficient operation of other network utilities, or [amenity values](#) while recognising the purpose and necessity of signs for network utilities.*

- a. not exceed an area of 1 m², and
 - b. not be attached to a heritage tree, heritage [building](#), or heritage item identified in the District Plan.
2. Any temporary [sign](#) associated with the construction, maintenance or [upgrading](#) of a [network utility](#) that is not an [official sign](#) must be:
- a. installed no more than three months prior to work commencing;
 - b. removed within one month of completion of the works, and
 - c. no greater than 3 m² in area.

1. The purpose and necessity of the [sign](#) (including any illumination of the [sign](#));
2. [Effects](#) on the safe and efficient operation and function of other network utilities, and
3. [Effects](#) (including cumulative [effects](#)) on [amenity values](#).

Refer to assessment criteria [NU-AC9](#).

Sentiment: Support

Submission:

Occasionally telecommunication companies will put up signs explaining they have provided a new service to an area. The standard as notified is appropriate for this purpose.

Relief sought

Retain the standard as notified.

Point 151.41

Section: SW - Stormwater

Sub-section: SW - Stormwater - Rules Table

Provision:

SW-R3: Buildings, structures, and earthworks on sites with overland flow paths

SW-R3A

SW-R3B

Activity Status: Permitted

Activity Status where activity conditions are not met: Restricted Discretionary

Where:

Matters of discretion are:

1. The existing entry and exit points of the overland flow path through the site are maintained and remain unobstructed, and
2. The building, structure, or earthworks will not decrease the capacity of the overland flow path entering the site or increase the volume of overland flow path exiting the site.

1. Public health and safety;
2. Network efficiency, and
3. Effects on the values of the receiving environment.

Note:

1. Rules in the zone and/or precinct chapter and the Earthworks chapter may apply in addition to the above.
2. Indicative overland flow paths are identified in the District Plan Planning Maps.

Sentiment: Amend

Submission:

Regulation 57 of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF) exempts regulated activities under the NESTF from having to comply with District Plan rules about natural hazards. 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, via the following statement:

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 breadth of hazards including flooding, instability, earthquake and climate change.

The reason that such an approach has been adopted in national frameworks is due to the industry practice referred to in the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 Users' Guide as quoted above.

To provide a summary of that industry practice, the telecommunication companies rely on local authorities to identify hazards in their city or district. The companies then have resilience requirements as essential infrastructure networks and lifeline utilities under the Civil Defence Emergency Management Act 2002 (CDEMA). Under section 59 of the CDEMA a lifeline utility is required to take "all necessary steps to undertake civil defence emergency management" and be able, under section 60, to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency.

Telecommunication network resilience to natural hazards is provided by avoiding the hazard in the first instance, but where the hazard cannot be avoided for the infrastructure to provide its function, designing the infrastructure to be as resilient as possible to the hazard.

Through the New Zealand Lifelines Council (NZLC) that the telecommunication companies are a part of, and 15 Regional Lifelines Groups, New Zealand's lifeline utility organisations work together on projects to understand and identify ways to mitigate impacts of hazards on lifeline utility infrastructure. NZLC in 2017 undertook its first infrastructure vulnerability assessment which was updated in 2020. This report highlights the resilience of telecommunication networks and some areas for focus on improving resilience. Telecommunication network resilience comes from a variety of ways and is constantly evolving and learning from the events response assessments:

- multiple networks (different providers offering alternative networks) provide for redundancy;
- multiple technologies (fibre fixed networks available alongside mobile networks);
- robustness (design codes for strength) with specific engineering design and certification taking into account the natural hazard information available. Consultancy companies such as Aurecon and WSP provide design and engineering certification for each new site (includes guidance that influences new-site selection in regard to natural hazard risk and mitigation requirements) and upgrading of existing sites;
- providers building their own networks with resilience in mind (building redundancy into their networks so that network component failures have a minimum impact);
- making arrangements to enable direct-to-satellite connectivity, which will enable mobile phone users to initially send and receive text messages, and later make calls, including to emergency services, if the mobile network is down;
- provide emergency roaming for 111 calls. This means, for example, if the Spark or One NZ networks are down, their customers can make 111 calls using the 2degrees network;
- fleet of temporary network solutions such as Cells on Wheels (CoW) or Cell on Platform (CoP) to restore any network components damaged during an emergency while the permanent asset is being repaired; and

- commercial imperative to keep customers connected.

Telecommunications are a complex of lifeline utility given that users have access to multiple networks including mobile networks and the fixed line fibre and copper networks.

The diversity of interconnected networks has the advantage that via automatic failover arrangements between the operator's connectivity for customers will continue. NZLC has identified that the CDEMA obligations on private operators' infrastructure such as telecommunication is difficult to measure or enforce for private companies. The Building Code does mandate standards around critical buildings housing telecommunications equipment though design standards for other components of the network, such as mobile facilities, are not prescribed. Crown Infrastructure Partners as part of Government managed initiatives such as ultra-fast (UFB 1 & 2) and rural broadband infrastructure (RBI 1 & 2) rollouts or the Blackspots initiative, does have a prescribed construction standard. Although there is no network construction standard outside those contractually managed by Crown Infrastructure Partners, the telecommunication companies constantly review their networks including via:

- Commence Commission as the regulator, who assess and report on the industry annually looking at competition in, and the performance and development of, telecommunications in New Zealand;
- Commerce Commission monitoring of asset quality in areas without competition;
- Ministry Business Innovation and Employment (MBIE), which is responsible for maintaining a robust regulatory environment for the information and communications technology (ICT) sector. The Telecommunications Act 2001 provides for investigations and reduce incentives for regulated parties to "game" the process or proceed slowly for strategic reasons' (MBIE 2018c);
- The National Code of Practice for Utility Operators' Access to Transport Corridors (the Code) under the Utilities Access Act 2010, which has a process for requiring a local authority to comment and request information when a network utility is proposing to work in the road; and
- Regional Lifeline assessments and reviews including post specific significant events reports such as Christchurch earthquakes, provide recommendations for improving network resilience.

On this basis, there is no need for a territorial local authority to further regulate the resilience of telecommunication networks. Such an approach has been accepted by Kaikoura District Council through their Plan Change 3, and is up for consideration in other current processes, including the Proposed Wellington City District Plan and Change 1 to the Wellington Regional Policy Statement and Plan Change 29 to the Nelson Resource Management Plan.

As such, to maintain consistency between NESTF regulated telecommunication activities and other telecommunication activities, telecommunication networks should be made exempt from complying with the stormwater provisions of the PDP.

Relief sought

Amend the rule so that it clearly exempts activities associated with telecommunication networks as follows:

This rule do not apply to activities associated with telecommunication networks.

Point 151.42

Section: HH - Historic heritage

Sub-section: Objectives

Provision:

HH-O2: Continued use and appreciation

Sentiment: Amend

Submission:

The ongoing use of heritage buildings is supported. It is noted that for such buildings to sustain their usefulness, the need to be serviced by modern infrastructure. As such, provision should be made in the Network Utilities chapter allowing for the ongoing use of heritage buildings, given that the Network Utility chapter states there should be a " a single set of rules be provided that apply across the District".

Relief sought

Include the objective in the NU chapter

Point 151.43

Section: HH - Historic heritage

Sub-section: Policies

Provision:

Provide for the continued use and adaptive reuse, structural upgrade, and upgrading of historic heritage where it:

- a. Encourages their retention, restoration, and maintenance;
- b. Does not compromise heritage values, and/or
- c. Provides for the continued appreciation of identified heritage values.

Relates to [HH-O2](#)

Sentiment: Amend

Submission:

A similar policy should be included in the Network Utility chapter, given that the Network Utility chapter states there should be a "a single set of rules be provided that apply across the District".

Relief sought

Include a similar policy in the NU chapter.

Point 151.44

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Sentiment: Amend

Submission:

A new rule is sought in order to ensure that customer connections to heritage buildings are permitted. New customer connections provide for the adaptive reuse of buildings, and by having appropriate permitted activity standards, adverse effects on the heritage item can be avoided, remedied or mitigated.

Relief sought

Add a new rule as follows:

NU-RX Customer connections to a heritage building

Activity Status: Permitted

Where:

Customer connections to heritage buildings where the customer connection shall not be attached to a primary feature or front façade of the heritage building or item.

Activity status where not achieved: Discretionary

Point 151.45

Section: NU - Network utilities

Sub-section: Assessment Criteria

Provision:

- a. Whether the increased [height](#) of the [building](#) or [structure](#) will cause shading or visual dominance and/or adversely affect the character and visual amenity of adjoining properties and within the existing streetscape and road frontage.
- b. Whether the [network utility](#) utilises an existing [building](#) or [structure](#). As far as practicable, [network utilities](#) should co-site and share facilities.
- c. Whether the health and safety of surrounding properties and occupiers will be maintained through the [building](#) or [structure](#) being located at an adequate distance from all property [boundaries](#).
- d. Whether the [building](#) or [structure](#) will be temporary in nature.
- e. Whether the proposed [building](#) or [structure](#) will penetrate into any of the flight paths of the Hawke's Bay airport.

Sentiment: Amend

Submission:

The objective and policy framework recognises functional need and operational need. The assessment criteria should follow suit.

Relief sought

Amend the assessment criteria as follows:

- a. Whether the increased [height](#) of the [building](#) or [structure](#) will cause shading or visual dominance and/or adversely affect the character and visual amenity of adjoining properties and within the existing streetscape and road frontage.
 - b. Whether the [network utility](#) utilises an existing [building](#) or [structure](#). As far as practicable, [network utilities](#) should co-site and share facilities.
 - c. Whether the health and safety of surrounding properties and occupiers will be maintained through the [building](#) or [structure](#) being located at an adequate distance from all property [boundaries](#).
 - d. Whether the [building](#) or [structure](#) will be temporary in nature.
 - e. Whether the proposed [building](#) or [structure](#) will penetrate into any of the flight paths of the Hawke's Bay airport.
 - f. **Whether there are any characteristics, technical requirements, functional needs or operational needs of the proposed use that will make compliance impracticable**
-

Point 151.46

Section: TREE - Notable Trees

Sub-section: TREE - Notable Trees - Rules Table

Provision:

Activity Status: Discretionary

NA

Notification: Any application under this rule is precluded from being publicly notified.

Sentiment: Oppose

Submission:

Network utility operators often work in tree driplines, and generally follow the process outlined in TREE-R1. As the trimming and pruning occurs as per TREE-R1, a blanket requirement for network utility operators to require resource consent in the dripline of notable tree's is unnecessary. A permitted rule should be provided in the NU chapter.

Relief sought

Delete TREE-R5 and rely on the other rules which apply to works within the dripline of notable trees, with the rules being located in the NU chapter.

Point 151.47

Section: TREE - Notable Trees

Sub-section: TREE - Notable Trees - Rules Table

Provision:

TREE-R6: Any earthworks within the dripline of a notable tree

Sentiment: Amend

Submission:

There are known and accepted methods for earthworks in the dripline of notable trees, and these should be included as permitted activities in the rule. The rule should be located in the NU Chapter.

Relief sought

Add permitted provision for earthworks in the dripline of notable trees into a new rule in the NU Chapter, with the permitted thresholds being the following:

earthworks for the purpose of installing underground network utilities, including customer connections, provided these are:

- i. no shallower than 1m below ground level;
 - ii. installed by hand-digging or trenchless means (such as air spade, hydro vac or directional drilling methods); and
 - iii. have an entry point either outside of the root protection area or that has an area of less than 1m²;
-

Point 151.48

Section: OVR1 - Harbour Reserve Historic Heritage Overlay

Sub-section: OVR1 - Harbour Reserve Historic Heritage Overlay - Rules Table

Provision:

District-wide rules, including overlays, apply in addition to the rules below where relevant. The Historic Heritage chapter also applies in addition to rules below for individually scheduled [historic heritage](#) items.

The provisions of the underlying [General Residential Zone](#) apply in addition to those below. Where there is a conflict between the zone and overlay provisions and rules, the overlay provisions and rules apply.

Sentiment: Support

Submission:

It needs to be confirmed that due to the presence of this provision, that the customer connection to heritage buildings or items as sought in this submission applies to this heritage overlay.

Relief sought

As above

Point 151.49

Section: OVR2 - Coronation Street Historic Heritage Overlay

Sub-section: OVR2 - Coronation Street Historic Heritage Overlay - Rules Table

Provision:

District-wide rules, including overlays, apply in addition to the rules below where relevant.

The provisions of the underlying [General Residential Zone](#) and [Mixed Use Zone](#) apply in addition to those below. Where there is a conflict between the zone and overlay provisions or rules, the overlay provisions or rules apply.

Sentiment: Amend

Submission:

It needs to be confirmed that due to the presence of this provision, that the customer connection to heritage buildings or items as sought in this submission applies to this heritage overlay.

Relief sought

As above

Point 151.50

Section: OVR3 - Marewa Post-War Historic Heritage Overlay

Sub-section: OVR3 - Marewa Post-War Historic Heritage Overlay - Rules Table

Provision:

District-wide rules, including overlays, apply in addition to those below where relevant.

The provisions of the underlying [General Residential Zone](#) apply in addition to those below. Where there is a conflict between the zone and overlay provisions or rules, the overlay provisions or rules apply.

Sentiment: Amend

Submission:

It needs to be confirmed that due to the presence of this provision, that the customer connection to heritage buildings or items as

sought in this submission applies to this heritage overlay.

Relief sought

As above

Point 151.51

Section: OVR4 - Marewa State Housing Historic Heritage Overlay

Sub-section: OVR4 - Marewa State Housing Historic Heritage Overlay - Rules Table

Provision:

District-wide rules, including overlays, apply in addition to those below where relevant.

The provisions of the underlying [General Residential Zone](#) apply in addition to those below. Where there is a conflict between the zone and overlay provisions and rules, the overlay provisions and rules apply.

Sentiment: Amend

Submission:

It needs to be confirmed that due to the presence of this provision, that the customer connection to heritage buildings or items as sought in this submission applies to this heritage overlay.

Relief sought

As above

Point 151.52

Section: OVR5 - Napier South Historic Heritage Overlay

Sub-section: OVR5 - Napier South Historic Heritage Overlay - Rules Table

Provision:

District-wide rules, including overlays, apply in addition to those below where relevant.

The provisions of the underlying [General Residential Zone](#) apply in addition to those below. Where there is a conflict between the zone and overlay provisions and rules, the overlay provisions and rules apply.

Sentiment: Amend

Submission:

It needs to be confirmed that due to the presence of this provision, that the customer connection to heritage buildings or items as sought in this submission applies to this heritage overlay.

Relief sought

As above

Point 151.53

Section: OVR6 - Tram Shelter Historic Heritage Overlay

Sub-section: OVR6 - Tram Shelter Historic Heritage Overlay - Rules

Provision:

District-wide rules, including overlays, apply in addition to the rules below where relevant. The Historic Heritage chapter also applies in addition to information below for individually scheduled [historic heritage](#) items. Where there is a conflict between the [historic heritage](#) provisions and the overlay provisions, the [historic heritage](#) provisions apply.

The provisions of the underlying [General Residential Zone](#) apply in addition to those below. Where there is a conflict between the zone and overlay provisions and rules, the overlay provisions and rules apply.

Sentiment: Amend

Submission:

It needs to be confirmed that due to the presence of this provision, that the customer connection to heritage buildings or items as sought in this submission applies to this heritage overlay.

Relief sought

As above.

Point 151.54

Section: OVR7 - Te Awa Bungalow Historic Heritage Overlay

Sub-section: OVR7 - Te Awa Bungalow Historic Heritage Overlay - Rules Table

Provision:

District-wide rules, including overlays, apply in addition to the activities below.

The provisions of the underlying [General Residential Zone](#) apply in addition to those below. Where there is a conflict between the zone and overlay rules, the overlay provisions and rules apply.

Sentiment: Amend

Submission:

It needs to be confirmed that due to the presence of this provision, that the customer connection to heritage buildings or items as sought in this submission applies to this heritage overlay.

Relief sought

As above.

Point 151.55

Section: OVR8 - Iron Pot Heritage Overlay

Sub-section: OVR8 - Iron Pot Heritage Overlay - Rules Table

Provision:

District-wide rules, including overlays, apply in addition to the activities below where relevant. The Historic Heritage chapter also applies in addition to the rules below for individually scheduled [historic heritage](#) items. Where there is a conflict between the [historic heritage](#) rules and the overlay rules, the [historic heritage](#) rules apply.

The provisions of the underlying [Mixed Use Zone](#) and [Local Centre Zone](#) apply in addition to those below. Where there is a conflict between the zone and overlay provisions and rules, the overlay rules apply.

Sentiment: Amend

Submission:

It needs to be confirmed that due to the presence of this provision, that the customer connection to heritage buildings or items as sought in this submission applies to this heritage overlay.

Relief sought

As above.

Point 151.56

Section: NFL - Natural Features and Landscape

Sub-section: Policies

Provision:

Avoid locating [network utilities](#) on prominent positions and/or ridgelines within outstanding natural features and special character features.

Mitigate the adverse [effects](#) of [network utilities](#) on special character landscapes.

Relates to [NFL-O2](#) and [NFL-O3](#).

Sentiment: Amend

Submission:

Recognition of functional and operational need should be provided in the policy. A similar policy should be included in the NU Chapter of the PDP.

Relief sought

Move the policy to the NU chapter and amend it as follows

Avoid locating [network utilities](#) on prominent positions and/or ridgelines within outstanding natural features and special character features, **while considering any functional needs or operational needs of the network utility.**

Mitigate the adverse [effects](#) of [network utilities](#) on special character landscapes, **while considering any functional needs or operational needs of the network utility.**

Relates to [NFL-O2](#) and [NFL-O3](#).

Point 151.57

Section: NFL - Natural Features and Landscape

Sub-section: NFL - Natural Features and Landscapes - Rules Table

Provision:
NFL-R1A

NFL-R1B

Activity Status: Permitted

Activity Status where activity conditions are not met: Restricted Discretionary

Where:

Matters of discretion are:

1. The maximum amount of [earthworks](#) in any 12-month period does not exceed 50 m³ per [site](#);
2. A maximum cut and fill [height](#) of 2 m, and
3. Compliance with all other [earthworks](#) permitted activity standards [EW-S3](#) - [EW-S7](#).

1. Landscape values;
2. Cultural values, and
3. Sediment and erosion control.

Notification Status: Any application under this rule is precluded from being publicly notified.

Sentiment: Amend

Submission:

An allowance for trenching, which typically is narrow and is cut and covered in a short (day or two) period of time should be included in the rule as adverse effects are temporary. This should be included in the NU Chapter.

Relief sought

Amend the rule as follows and include it in the NU chapter

NFL-R1A

NFL-R1B

Activity Status: Permitted

Activity Status where activity conditions are not met: Restricted Discretionary

Where:

Matters of discretion are:

1. The maximum amount of [earthworks](#), **excluding any trenching** in any 12-month period does not exceed 50 m³ per [site](#);
2. A maximum cut and fill [height](#) of 2 m, and
3. Compliance with all other [earthworks](#) permitted activity standards [EW-S3](#) - [EW-S7](#).

1. Landscape values;
2. Cultural values, and
3. Sediment and erosion control.

Notification Status: Any application under this rule is precluded from being publicly notified.

Point 151.58

Section: NFL - Natural Features and Landscape

Sub-section: NFL - Natural Features and Landscapes - Rules Table

Provision:

NFL-R2A

NFL-R2B

Activity Status: Permitted

Activity Status where activity conditions are not met: Non-complying

Where:

1. No part of a [building](#) or [structure](#):
 - a. exceeds 3 m in [height](#);
 - b. has a reflectance value no greater than 30% within Groups A, B, or C within **BS5252 standard colour palette** for the exterior finish of the [building](#) or [structure](#);
 - c. [gross floor area](#) does not exceed 10 m², and
 - d. compliance with all other [building](#) permitted activity standards in the underlying zone.

Sentiment: Amend

Submission:

Telecommunication structures in such landscapes, given their slimline nature as well as their functional and operational needs (including compliance with radiofrequency standards) should be higher than 3m. 8m is permitted in Queenstown Lakes District Council's Outstanding Natural Landscapes.

Relief sought

Amend the rule as follows and place it in the NU chapter:

NFL-R2A

NFL-R2B

Activity Status: Permitted

Activity Status where activity conditions are not met: Non-complying

Where:

1. No part of a [building](#) or [structure](#):
 - a. exceeds 3 m in [height](#) (**except for telecommunication structures, which can be 8m in height**);
 - b. has a reflectance value no greater than 30% within Groups A, B, or C within **BS5252 standard colour palette** for the exterior finish of the [building](#) or [structure](#);
 - c. [gross floor area](#) does not exceed 10 m², and
 - d. compliance with all other [building](#) permitted activity standards in the underlying zone.
-

Point 151.59

Section: NFL - Natural Features and Landscape

Sub-section: NFL - Natural Features and Landscapes - Rules Table

Provision:

NFL-R3: Buildings or structures within a special character landscape (**excluding the Special Purpose Airport Zone**)

Sentiment: Amend

Submission:

As above for NFL-R2

Relief sought

Amend the rule as per NFL-R2 (noting isovist not copying the provision text in this instance in isovist), and place it in the NU Chapter

NFL-R3: Buildings or structures within a special character landscape (**excluding the Special Purpose Airport Zone**)

Point 151.60

Section: SUB - Subdivision

Sub-section: Objectives

Provision:

- a. [subdivision](#) has a layout that is:
 - i. safe, efficient, convenient, accessible, enhances connectivity and encourages active transport modes, and
 - ii. resilient and integrates with existing communities and provides for the long-term needs of its residents.
- b. [infrastructure](#) supporting [subdivision](#) and [development](#) is planned and provided for in an integrated and comprehensive

- manner at the time of [subdivision](#).
- c. [land](#) is vested at the time of [subdivision](#) to provide for high-quality reserves, [esplanade reserves](#), roads, [stormwater](#), access and other purposes for the benefit of the wider community.
 - d. [subdivision](#) protects the operation and access to established [network utilities](#) and regionally significant [infrastructure](#) while mitigating reserve sensitivity [effects](#).

Relates to [SUB-11](#), [SUB-13](#), [SUB-14](#), [SUB-17](#)

Sentiment: Support

Submission:

Integration between land use and infrastructure is necessary.

Relief sought

Retain the objective as notified

Point 151.61

Section: SUB - Subdivision

Sub-section: Policies

Provision:

Require [subdivision](#) to provide servicing that meets the requirements of the **Code of Practice for Land Development and Subdivision Infrastructure** and that:

- a. is coordinated, integrated, and compatible with the existing [infrastructure](#) network.
- b. enables the existing network to be expanded or extended to adjacent [land](#) in the future where that [land](#) is zoned or identified through a future urban [development](#) strategy for urban [development](#), and especially through the avoidance of allotments created primarily for the purpose of preventing connectivity to adjacent [sites](#) (spite strips).
- c. enables electricity and telecommunications services to be reticulated to each [site](#), and undergrounded in residential and commercial zones where practicable.
- d. connects [sites](#) capable of containing a [building](#), in areas where service connections to the public network are available and capacity exists, to the following networks:
 - i. [wastewater](#);
 - ii. [stormwater](#), and
 - iii. potable [water](#).

unless it is demonstrated that an alternative means of servicing can be provided meeting legislative and acceptable environmental outcomes.

Relates to [SUB-03](#)

Sentiment: Support

Submission:

The intent of the policy is supported.

Relief sought

Retain the policy as notified

Point 151.62

Section: SUB - Subdivision

Sub-section: Policies

Provision:

- a. Require [sites](#) capable of containing a [building](#), in areas where no reticulated [water](#) supply, [stormwater](#), or [wastewater](#) network is available, to be of a size and shape that provides for:
 - i. the treatment and disposal of [stormwater](#) in a way that does not lead to significant adverse offsite [effects](#) including degraded [water](#) quality, erosion, [land](#) instability, and/or creation or exacerbation of flooding.
 - ii. the management of [wastewater](#) via:
 1. an appropriate on-[site wastewater](#) treatment system, or
 2. approval to connect to a private [wastewater](#) network.
 - iii. the storage of potable [water](#).
- b. Manage the design and location of [subdivision](#) to avoid the close proximity of multiple access points on rural roads.

Relates to [SUB-03](#), [SUB-07](#)

Sentiment: Amend

Submission:

It is unclear whether this submission applies in addition to SUB-P9. This clarity should be made. If SUB-P9 is only for urban areas, then requirements for new allotments in rural areas to be able to connect to telecommunications networks should be included.

Relief sought

Amend the policy as follows

- a. Require [sites](#) capable of containing a [building](#), in areas where no reticulated [water](#) supply, [stormwater](#), or [wastewater](#) network is available, to be of a size and shape that provides for:
 - i. the treatment and disposal of [stormwater](#) in a way that does not lead to significant adverse offsite [effects](#) including degraded [water](#) quality, erosion, [land](#) instability, and/or creation or exacerbation of flooding.
 - ii. the management of [wastewater](#) via:
 1. an appropriate on-[site wastewater](#) treatment system, or
 2. approval to connect to a private [wastewater](#) network.
 - iii. the storage of potable [water](#).
- b. Manage the design and location of [subdivision](#) to avoid the close proximity of multiple access points on rural roads.
- c. **Provide for connectivity to telecommunications networks**

Point 151.63

Section: SUB - Subdivision

Sub-section: Policies

Provision:

SUB-P13: Network utilities

Sentiment: Support

Submission:

The policy is appropriate

Relief sought

Retain the policy as notified

Point 151.64

Section: SUB - Subdivision

Sub-section: SUB - Subdivision - Rules Table

Provision:

SUB-R1: Subdivision

Sentiment: Support

Submission:

Controlled activity status for subdivision, with infrastructure as a matter of control, is supported

Relief sought

Retain the rule as notified.

Point 151.65

Section: SUB - Subdivision

Sub-section: SUB - Subdivision - Rules Table

Provision:

SUB-R3A

SUB-R3B

Activity Status: Controlled

Activity Status where activity conditions are not met: Restricted Discretionary

Where:

Matters of discretion are:

1. Compliance with standards [SUB-S6 - SUB-S18](#), and
2. Compliance with [SUB-S1 - SUB-S5](#) (minimum [allotment](#) sizes) does not apply.

1. The matters of control listed for [SUB-R3A](#), and
2. The matters identified in the standards not complied with ([SUB-S6 - SUB-S18](#)).

Matters of control are:

1. The size, design, and layout of allotments for the purpose of public works, network utilities, or reserves;
2. Safe, legal, and physical access to and from the allotments;
3. [Infrastructure](#) and [stormwater](#) in accordance with the **Code of Practice for Land Development and Subdivision Infrastructure**;
4. [Natural hazards](#), including liquefaction, [land](#) stability, and coastal hazards;
5. Protection, maintenance, and enhancement of natural features and landforms, indigenous trees and vegetation, heritage values, and cultural values;
6. Financial contributions, and
7. [Subdivision](#) chapter assessment criteria.

Notification: Any application under this rule is precluded from public and limited notification.

Sentiment: Support

Submission:

Not requiring subdivision for network utilities to meet certain standards that are not necessarily relevant is supported.

Relief sought

Retain the rule as notified

Point 151.66

Section: SUB - Subdivision

Sub-section: SUB - Subdivision - Standards Table

Provision:

All zones

1. Each [allotment](#) must be designed and located so that provision is made for power lines, gas distribution pipes (where available) and telecommunication lines.
2. With the exception of industrial and rural zones, all utility services must be laid underground.
3. At the time of [subdivision](#), sufficient [land](#) for telecommunications, transformers and any associated ancillary services must be set aside.
4. All necessary easements for the protection of [network utility](#) services must be duly granted and reserved

Matters of discretion:

1. The ability of the [site](#) to be adequately serviced by network utilities, and
2. Public health and safety.

Sentiment: Amend

Submission:

The standard is supported, however telecommunications connections do not necessarily have to be physical and this should be recognised in the standard. The ability to connect to a telecommunication network should be confirmed by a telecommunication company

Relief sought

Amend the standard as follows:

All zones

1. Each [allotment](#) must be designed and located so that provision is made for power lines, gas distribution pipes (where available) and **the ability to connect to a telecommunication network lines**.
2. With the exception of industrial and rural zones, all utility services must be laid underground.
3. At the time of [subdivision](#), sufficient [land](#) for telecommunications, transformers and any associated ancillary services must be set aside.
4. All necessary easements for the protection of [network utility](#) services must be duly granted and reserved

Matters of discretion:

1. The ability of the [site](#) to be adequately serviced by network utilities, and
2. Public health and safety.

Point 151.67

Section: EW - Earthworks

Sub-section: EW - Earthworks - Rules Table

Provision:

Zone rules apply in addition to the activities below. [Earthworks](#) rules are also found in the following chapters:

The [Sites of Significance to Māori](#) chapter includes provisions for [earthworks](#). Where there is a conflict between the [Earthworks](#) chapter and the [Sites of Significance to Māori](#) chapter, the more restrictive provision applies.

The [Natural Features and Landscapes](#) chapter contains rules for [earthworks](#) within an outstanding natural feature, significant feature, and special character landscape. Where there is a conflict between the [Earthworks](#) chapter and the [Natural Features and Landscapes](#) chapter, the more restrictive provision applies.

The [Notable Trees](#) chapter contains rules for [earthworks](#) within the dropline of notable trees. Where there is a conflict between the [Earthworks](#) chapter and the [Notable Trees](#) chapter, the more restrictive provision applies.

Sentiment: Amend

Submission:

The zone rules should not apply to network utilities

Relief sought

Amend as follows

Zone rules apply in addition to the activities below **(noting these do not apply to district-wide matters)**. [Earthworks](#) rules are

also found in the following chapters:

The [Sites of Significance to Māori](#) chapter includes provisions for [earthworks](#). Where there is a conflict between the [Earthworks](#) chapter and the [Sites of Significance to Māori](#) chapter, the more restrictive provision applies.

The [Natural Features and Landscapes](#) chapter contains rules for [earthworks](#) within an outstanding natural feature, significant feature, and special character landscape. Where there is a conflict between the [Earthworks](#) chapter and the Natural Features and Landscapes chapter, the more restrictive provision applies.

The [Notable Trees](#) chapter contains rules for [earthworks](#) within the dropline of notable trees. Where there is a conflict between the [Earthworks](#) chapter and the Notable Trees chapter, the more restrictive provision applies.

Point 151.68

Section: EW - Earthworks

Sub-section: EW - Earthworks - Rules Table

Provision:

EW-R5: Earthworks or land disturbance for network utilities by a network utility operator, including vehicle access tracks for network utilities

Sentiment: Support

Submission:

A specific earthworks rule for network utilities is supported, but should be located in the NU Chapter.

Relief sought

Retain the rule as drafted but locate it in the NU chapter.

Point 151.69

Section: EW - Earthworks

Sub-section: EW - Earthworks - Standards Table

Provision:

All zones

1. Cut and fill does not exceed 2.5 m vertically.
2. The cut and fill depth does not exceed the distance from the nearest [site boundary](#) as measured on a horizontal plane.
3. The cut and fill depth does not exceed 1 m vertically where the top of the excavation is within 10 m of [buildings](#) or surcharge loads.
4. The cut or fill is no closer than (measured on a horizontal plane):
 - Stream: 10 m
 - Flood protection works: [river](#) control [structure](#) or overland flow paths: 50 m

Purpose: to manage hazard risks and visual effects on site and on adjoining properties associated with [earthworks](#) cut and fill practices.

Matters of discretion are:

1. Purpose of the standard;
2. Sediment control for the protection of waterways;
3. Visual impacts and landscape values;
4. Heritage and cultural values;
5. Ecological values;
6. [Natural hazards](#), and
7. Health and safety.

Notes:

1. Building consent may be required for retaining walls under 1.5 m if subject to a surcharge (load). Refer to the **Building Act 2004**, Schedule 1.

Sentiment: Amend

Submission:

Earthworks which do not alter the ground level, such as trenching, should not require the same setbacks from streams and overland flow areas. Further, they should be located in the NU chapter.

Relief sought

Amend the standard as follows, and place it in the NU Chapter:

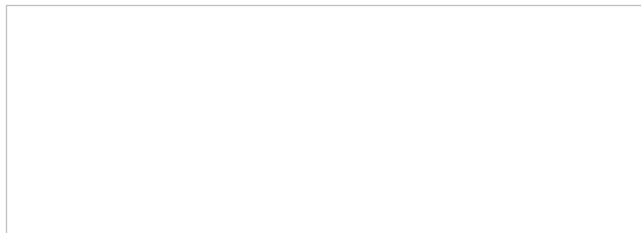
All zones

Purpose: to manage hazard risks and visual effects on site and on adjoining properties associated with earthworks cut and fill practices.

1. Cut and fill does not exceed 2.5 m vertically.
2. The cut and fill depth, **where at the completion of the earthworks result in a change to the ground level**, does not exceed the distance from the nearest [site boundary](#) as measured on a horizontal plane.
3. The cut and fill depth does not exceed 1 m vertically where the top of the excavation is within 10 m of [buildings](#) or surcharge loads.
4. The cut or fill, **where at the completion of the earthworks result in a change to the ground level**, is no closer than (measured on a horizontal plane):
 - ◊ Stream: 10 m
 - ◊ Flood protection works: [river](#) control [structure](#) or overland flow paths: 50 m

Matters of discretion are:

1. Purpose of the standard;
2. Sediment control for the protection of waterways;
3. Visual impacts and landscape values;
4. Heritage and



- cultural values;
- 5. Ecological values;
- 6. [Natural hazards](#), and
- 7. Health and safety.

Notes:

1. Building consent may be required for retaining walls under 1.5 m if subject to a surcharge (load). Refer to the **Building Act 2004**, Schedule 1.

Point 151.70

Section: Definitions

Sub-section: Definitions

Provision:

OPERATIONAL NEED

means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.

Sentiment: Support

Submission:

The definition is as per the National Planning Standards, and is appropriate

Relief sought

Retain the definition as notified

Point 151.71

Section: NU - Network utilities

Sub-section: Introduction

Provision:

To achieve this, the [network utility](#) provisions in the District Plan provide for the establishment, operation, and maintenance of [network utilities](#) throughout the district while managing their adverse [effects](#) on the [environment](#) (particularly in sensitive environments such as the coastal [environment](#), outstanding and significant landscapes, [significant natural areas](#), areas containing cultural or [historic heritage](#) values, and areas subject to [natural hazards](#)). As many [network utilities](#) are lineal and traverse many parts of the district, it is considered appropriate that a single set of rules be provided that apply across the District.

Sentiment: Amend

Submission:

This introductory wording states "it is considered appropriate that a single set of rules be provided that apply across the District".

This is strongly supported. To provide further clarification, additional wording is proposed which makes it abundantly clear that only the NU chapter is applicable to network utility activities. This follows the method set in other recently notified plans such as Porirua and Wellington.

Relief sought

Amend the introduction as follows:

To achieve this, the [network utility](#) provisions in the District Plan provide for the establishment, operation, and maintenance of [network utilities](#) throughout the district while managing their adverse [effects](#) on the [environment](#) (particularly in sensitive environments such as the coastal [environment](#), outstanding and significant landscapes, [significant natural areas](#), areas containing cultural or [historic heritage](#) values, and areas subject to [natural hazards](#)). As many [network utilities](#) are lineal and traverse many parts of the district, it is considered appropriate that a single set of rules be provided that apply across the District. **Therefore there is no requirement for activities defined as network utilities to consider the provision of the district-wide chapters relevant for Hazards and Risks, Historical and Cultural Values, Natural Environmental Values, or the zone chapters.**

Point 151.72

Section: Definitions

Sub-section: Definitions

Provision:

OPERATIONAL NEED | means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.

Sentiment: Support

Submission:

The definition of Operational Need is supported.

Relief sought

Retain the definition

Point 151.73

Section: Definitions

Sub-section: Definitions

Provision:

has the same meaning as in section 2 of the [RMA](#) (as below):

has the same meaning as in section 315 of the **Local Government Act 1974**; and includes a motorway as defined in section 2(1) of the **Government Roading Powers Act 1989** Section 315 of the **Local Government Act 1974** road definition:

road means the whole of any land which is within a district, and which—

- a. immediately before the commencement of this Part was a road or street or public highway; or

ROAD

- b. immediately before the inclusion of any area in the district was a public highway within that area; or
- c. is laid out by the council as a road or street after the commencement of this Part; or
- d. is vested in the council for the purpose of a road as shown on a deposited survey plan; or
- e. is vested in the council as a road or street pursuant to any other enactment;—
- f. and includes—
- g. except where elsewhere provided in this Part, any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988:
- h. every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;—

but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the **Government Roding Powers Act 1989** Section 2(1) of the **Government Roding Powers Act 1989** motorway definition motorway—

- a. means a motorway declared as such by the Governor-General in Council under section 138 of the Public Works Act 1981 or under section 71 of this Act; and
- b. includes all bridges, drains, culverts, or other structures or works forming part of any motorway so declared; but
- c. does not include any local road, access way, or service lane (or the supports of any such road, way, or lane) that crosses over or under a motorway on a different level

Sentiment: Support

Submission:

The definition of Road is supported

Relief sought

Retain the definition of Road

Point 151.74

Section: SD - Transport and Infrastructure Provision

Sub-section: Issues

Provision:

[Infrastructure](#) is required to enable growth, including intensification and expansion of the urban area.

The Council has limited resources and significant [infrastructure](#) costs. This includes both renewal of existing [infrastructure](#) assets and investment in the [infrastructure](#) required to provide for anticipated growth.

Sentiment: Amend

Submission:

All infrastructure providers have limited resources and significant infrastructure costs. The statement adds no value to the issue.

Relief sought

Amend the issue as follows:

[Infrastructure](#) is required to enable growth, including intensification and expansion of the urban area.

~~The Council has limited resources and significant [infrastructure](#) costs. This includes both renewal of existing [infrastructure](#) assets and investment in the [infrastructure](#) required to provide for anticipated growth.~~

Point 151.75

Section: SD - Transport and Infrastructure Provision

Sub-section: Issues

Provision:

[Infrastructure](#) has functional and operational requirements necessary to its operation which may result in adverse [effects](#) on the [environment](#).

The quality of the [environment](#) and the well-being of people and communities are affected by choices about the management of [infrastructure](#).

Sentiment: Amend

Submission:

Infrastructure should have a functional need, operational need or both. The way the issue is written it must have both and it should be recognised that one or the other is also appropriate. This needs to be made consistent throughout the PDP.

Relief sought

Amend the provision as follows:

[Infrastructure](#) has a functional and or operational requirements necessary to its operation which may result in adverse [effects](#) on the [environment](#).

The quality of the [environment](#) and the well-being of people and communities are affected by choices about the management of [infrastructure](#).

And make subsequent amendments when the same wording is used throughout the PDP

Point 151.76

Section: SD - Transport and Infrastructure Provision

Sub-section: Strategic Objectives

Provision:

The adverse [effects](#) of [infrastructure](#) are managed with regard to the economic, social, environmental, and cultural benefits and the technical and operational needs of [infrastructure](#).

Sentiment: Amend

Submission:

technical needs of infrastructure is not defined in the PDP, but functional need is, therefore functional need should be included in the objective. Positive effects also should be recognised.

Relief sought

Amend the provision as follows

The adverse [effects](#) of [infrastructure](#) are managed with regard to the economic, social, environmental, and cultural benefits and the **positive effects**, technical **functional need** and operational needs of [infrastructure](#).

Point 151.77

Section: Definitions

Sub-section: Definitions

Provision:

ROOT PROTECTION AREA

means the circular area surrounding a tree, which is the greater of the radius, measured from the base of the trunk to:

- a. the outer extent of the branch spread; or
- b. half the height of the tree.

Sentiment: Support

Submission:

The definition is clear and appropriate.

Relief sought

Retain the definition as notified.

Point 151.78

Section: Definitions

Sub-section: Definitions

Provision:

SIGN

means any device, character, graphic or electronic display, whether temporary or permanent; which

- a. is for the purposes of—
 - i. identification of or provision of information about any activity, property or structure or an aspect of public safety;

- ii. providing directions; or
 - iii. promoting goods, services or events; and
- b. is projected onto, or fixed or attached to, any, structure or natural object; and
- c. includes the frame, supporting device and any ancillary equipment whose function is to support the message or notice.

Sentiment: Amend

Submission:

The definition is supported, although explicit recognition of signs associated with infrastructure should be included.

Relief sought

Amend the definition as follows:

SIGN

means any device, character, graphic or electronic display, whether temporary or permanent; which

- a. is for the purposes of—
 - i. identification of or provision of information about any activity, property or structure or an aspect of public safety;
 - ii. providing directions; or
 - iii. promoting goods, services or events;
 - iv. **provision of information concerning infrastructure;** and
- b. is projected onto, or fixed or attached to, any, structure or natural object; and
- c. includes the frame, supporting device and any ancillary equipment whose function is to support the message or notice.

Point 151.79

Section: FC - Financial Contributions

Sub-section: Policies

Provision:

Require the developer to meet the cost of providing all [infrastructure](#) within the [land](#) being subdivided where the benefits accrue directly to the [land](#) being subdivided or developed.

Relates to [FC-O2](#)

Sentiment: Support

Submission:

It is appreciated and supported that the policy is directive about "all infrastructure". This is supported. Often infrastructure which is provided by private entities, such as telecommunication companies, have difficulty recovering costs. The telecommunication companies wish to work with Council to determine how financial contributions are distributed under this policy.

Relief sought

Retain the policy as notified.

Point 151.80

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Provision:
NU-R12A

NU-R12B

Activity Status: Controlled

Activity Status where activity conditions 1 or 2 are not met: Restricted Discretionary

Where:

Matters of discretion are:

1. The activity complies with relevant standards ([NU-S1 - NU-S11](#)), and
2. The activity complies with standard [NU-S12](#) (Radio Frequency Fields) and standard [NU-S13](#) (Electric and Magnetic Fields).

1. The [effects](#) on the amenity of the area and its surrounds;
2. The [effects](#) on any cultural, historical, amenity, recreational, and/or ecological values the area may possess, and
3. The [effects](#) on any outstanding natural feature or significant landscape identified in the District Plan.

Matters for control will be limited to:

1. The location, design, finishing, bulk, and form of any above ground [buildings](#) and [structures](#), and
2. The prominence of the location, taking into account significant public views and any significant landscapes.

Notification: Any application under this rule is precluded from being publicly notified.

Sentiment: Amend

Submission:

The addition of lines to existing overhead networks in these zones should be provided for as a permitted activity.

Relief sought

Amend the rule so that the addition of new lines to any existing overhead networks in these zones is a permitted activity

Point 151.81

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Provision:
NU-R12A

NU-R12B

Activity Status: Controlled

Activity Status where activity conditions 1 or 2 are not met: Restricted Discretionary

Where:

1. The activity complies with relevant standards ([NU-S1 - NU-S11](#)), and
2. The activity complies with standard [NU-S12](#) (Radio Frequency Fields) and standard [NU-S13](#) (Electric and Magnetic Fields).

Matters for control will be limited to:

1. The location, design, finishing, bulk, and form of any above ground [buildings](#) and [structures](#), and
2. The prominence of the location, taking into account significant public views and any significant landscapes.

Sentiment: Amend

Submission:

The functional need or operational need of infrastructure should be a consideration under the matters of discretion.

Relief sought

Amend the provision as follows:

NU-R12A

NU-R12B

Activity Status: Controlled

Activity Status where activity conditions 1 or 2 are not met: Restricted Discretionary

Where:

1. The activity complies with relevant standards ([NU-S1 - NU-S11](#)), and
2. The activity complies with standard [NU-S12](#) (Radio Frequency Fields) and standard [NU-S13](#) (Electric and Magnetic Fields).

Matters for control will be limited to:

1. The location, design, finishing, bulk, and form of any above ground [buildings](#) and [structures](#), and
2. The prominence of the location, taking into account significant public views and any significant landscapes.

Matters of discretion are:

1. The [effects](#) on the amenity of the area and its surrounds;
2. The [effects](#) on any cultural, historical, amenity, recreational, and/or ecological values the area may possess, and
3. The [effects](#) on any outstanding natural feature or significant landscape identified in the District Plan.
4. **The functional need or operational need for infrastructure to be located in the zone**

Notification: Any application under this rule is

Point 151.82

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Standards Table

Provision:

All zones and associated precincts

Purpose: to avoid, remedy, or mitigate effects of over-height structures on amenity, particularly in terms of visual effects and effects on air traffic safety.

1. Any part of an above ground [structure](#) (other than [buildings](#)), including aerials, must not exceed the Airport Height Control Designation in [Appendix 1](#), provided that:

a. where there is conflict between any of the [height](#) control lines or limits, the lowest [height](#) must prevail.

Note: A registered surveyor's certificate verifying that the [building](#) plans meet the Airport Height Control Designation in [Appendix 1](#) will be required at the time of applying for building consent or requesting a certificate of compliance.

Matters of discretion are:

1. Functional and operational requirements of the [network utility](#);
2. [Effects](#) on character and amenity of adjoining [sites](#) and surrounding [environment](#);
3. The prominence of the location, taking into account significant public views;
4. [Effects](#) on public health and safety, including air traffic safety, and
5. Impacts on the functional requirements and safe operation of other network utilities.

Refer to assessment criteria [NU-AC2](#)

Sentiment: Amend

Submission:

The telecommunication companies have experience in constructing pole structures beneath airport obstacle limitation surfaces. Through this experience it has been found that engineers are equally capable of calculating maximum permitted height without penetrating the surfaces, and as such this should be recognised in the standard.

Relief sought

Amend the provision as follows:

All zones and associated precincts

Purpose: to avoid, remedy, or mitigate effects of over-height structures on amenity, particularly in terms of visual effects and effects on air traffic safety.

1. Any part of an above ground [structure](#) (other than [buildings](#)), including aerials, must not exceed the Airport Height Control Designation in [Appendix 1](#), provided that:

a. where there is conflict between any of the [height](#) control lines or limits, the lowest [height](#) must prevail.

Note: A registered surveyor's certificate **or engineering calculation** verifying that the [building or structure](#) plans meet the Airport Height Control Designation in [Appendix 1](#) will be required at the time of applying for building consent or requesting a certificate of compliance.

Matters of discretion are:

1. Functional and operational requirements of the [network utility](#);
2. [Effects](#) on character and amenity of adjoining [sites](#) and surrounding [environment](#);
3. The prominence of the location, taking into account significant public views;
4. [Effects](#) on public health and safety, including air traffic safety, and
5. Impacts on the functional requirements and safe operation of other network utilities.

Refer to assessment criteria [NU-AC2](#)

Point 151.83**Section:** NU - Network utilities**Sub-section:** NU - Network Utilities - Standards Table**Provision:****All zones and associated precincts**

Purpose: *to maintain the safety of traffic and pedestrians while recognising that some structures associated with roading infrastructure need to be located on the road or road reserve and within the specified sight distances.*

1. Any above ground [building](#), [structure](#) or support structure located entirely on a [road](#) or [land](#) vested as reserve must not obstruct sight distances along a state highway from vehicle crossings or from side [road](#) intersections as specified in [Appendix 4](#).
2. Condition 1 does not apply to [road infrastructure](#) including but not limited to, bridges, culverts, [road](#) lighting, traffic signals, traffic management devices, and official signs.

Matters of discretion are:

1. Functional and operational requirements of the [network utility](#);
2. The efficient and safe operation of roads, and
3. [Effects](#) on traffic and pedestrian safety.

Refer to assessment criteria [NU-AC4](#).**Sentiment:** Oppose**Submission:**

There is no requirement for this standard - there are other existing processes through Corridor Access Requests and the Resource Management (Network Utility Operations) Regulations 2016 which require the same matter to be considered. There is no need for it to be considered twice.

Relief sought

Delete the provision.

Point 151.84**Section:** NU - Network utilities**Sub-section:** NU - Network Utilities - Standards Table**Provision:****All zones and associated precincts**

Purpose: *to ensure safe and efficient access and sufficient onsite parking is provided where network utilities are permanently staffed.*

1. Any [network utility](#) on a [site](#) that is more than 200 m² in area, must meet the requirements for access in the Transport chapter in standards, [TPT-S4](#) (Vehicle Access (General)), [TPT-S5](#) (Vehicle Access (Restrictions)), and [TPT-S6](#) (Manoeuvring).

Matters of discretion are:

1. [Effects](#) on the efficient functioning and safety of roads.

Refer to assessment criteria [NU-AC8](#).

Sentiment: Amend

Submission:

The standard needs to be reworded to an activity which has a footprint of more than 200m² in area, rather than on a site of that size. Often small infrastructure such as a pole or a cabinet which has no transport implications can be located on a site which is more than 200m² in area.

Relief sought

Amend the provision as follows:

All zones and associated precincts

Purpose: to ensure safe and efficient access and sufficient onsite parking is provided where [network utilities](#) are permanently staffed.

1. Any [network utility](#) ~~on a site that is~~ **that has a footprint of** more than 200 m² in area, must meet the requirements for access in the Transport chapter in standards, [TPT-S4](#) (Vehicle Access (General)), [TPT-S5](#) (Vehicle Access (Restrictions)), and [TPT-S6](#) (Manoeuvring).

- Matters of discretion are:**
1. [Effects](#) on the efficient functioning and safety of roads.
- Refer to assessment criteria [NU-AC8](#).

Point 151.85

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Standards Table

Provision:

All zones and associated precincts

Purpose: to protect public health and safety, and avoid, remedy, or mitigate adverse [effects](#) on [amenity values](#).

1. Any new gas transmission pipeline must not exceed a gauge pressure of 2,000 kilopascals.
2. Any new electricity distribution facilities for the purposes of a line service function must not exceed a voltage of more than 110 kV with a capacity not exceeding 100 [MVA](#).
3. When located above a [waterbody](#), new pipes, cables, conductors, or lines must be:
- a. attached to an existing bridge [structure](#) and incorporated within an existing bridge [structure](#) or culvert, or
 - b. within an existing attached conduit or duct.

- Matters of discretion are:**
1. [Effects](#) on public health and safety, and
 2. [Effects](#) on [amenity values](#).
- Refer to assessment criteria [NU-AC10](#).

Sentiment: Amend

Submission:

Some clarification is sought in the wording, so that new lines over a waterway attached to existing structures, such as poles, are clearly provided for.

Relief sought

Amend the provision as follows:

All zones and associated precincts

Purpose: to protect public health and safety, and avoid, remedy, or mitigate adverse effects on [amenity values](#).

1. Any new gas transmission pipeline must not exceed a gauge pressure of 2,000 kilopascals.
2. Any new electricity distribution facilities for the purposes of a line service function must not exceed a voltage of more than 110 kV with a capacity not exceeding 100 MVA.
3. When located above a [waterbody](#), new pipes, cables, conductors, or lines must be:
 - a. attached to an existing bridge ~~or structure~~ and incorporated within an existing bridge ~~structure~~ or culvert, or
 - b. within an existing attached conduit or duct.

Matters of discretion are:

1. [Effects](#) on public health and safety, and
2. [Effects](#) on [amenity values](#).

Refer to assessment criteria [NU-AC10](#).

Point 151.86

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Sentiment: Amend

Submission:

A new rule is needed to ensure that monitoring equipment in the Coastal Environment or on the surface of water is permitted. Such equipment is beneficial to understanding changes to the environment which surrounds us.

Relief sought

Add a new rule with permitted activity status for new monitoring equipment on the surface of water or in the coastal environment.

Point 151.88

Section: NU - Network utilities

Sub-section: Objectives

Provision:

NU-O2: Adverse effects of network utilities

The adverse effects of network utilities on the environment are avoided, remedied, or mitigated, as far as is practicable, while recognising the functional and operational needs of network utilities (including those associated with their scale, design, and locational requirements).

Relates to NU-I2

Sentiment: Amend

Submission:

As stated earlier, functional need and operational need are two separately defined terms, and the objective should recognise that only one or the other is required to be satisfied to fulfil the objective, not both.

Relief sought

Amend the provision as follows

NU-O2: Adverse effects of network utilities

The adverse effects of network utilities on the environment are avoided, remedied, or mitigated, as far as is practicable, while recognising the functional and or operational needs of network utilities (including those associated with their scale, design, and locational requirements).

Relates to NU-I2

Point 151.87

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Standards Table

Provision:

NU-S4: Floor space & dimensions

All zones and associated precincts

Purpose: *to avoid, remedy, or mitigate effects of larger scale buildings and structures on character and amenity.*

1. Any above ground building or structure (excluding new electric vehicle charging facilities) must not:

- a. exceed 10 m² gross floor area (where located within road reserve);
- b. exceed 15 m² gross floor area (where located outside road reserve) in the residential zones and associated precincts, and
- c. exceed 50 m² gross floor area (where located outside road reserve) in the rural zones (including rural lifestyle zone), commercial and mixed use zones, industrial zones and associated precincts.

Matters of discretion are:

1. Functional and operational requirements of the network utility;
2. Effects on character and amenity of adjoining sites and surrounding environment;
3. The prominence of the location, taking into account significant public views, and
4. Effects on public health and safety.

Refer to assessment criteria NU-AC3

2. Electric vehicle charging facilities must not:

- a. exceed 3 m² gross floor area.

3. Dish antennas must not:

- a. Exceed 5 m in diameter in any commercial and mixed use zones, industrial zones, or airport zones and associated precincts;
- b. exceed 3 m in diameter in the rural zones (including Rural Lifestyle Zone) and associated precincts, and

- c. exceed 1.2 m in diameter in all other zones.
4. The number of dish antennas must not exceed one on any site within a residential zone or settlement zone and associated precincts.
5. Panel antennas must not:
 - a. exceed 20 m² in any commercial and mixed use zones, industrial zones, or airport zones and associated precincts;
 - b. exceed 1.2 m² in all other zones, and
 - c. when located within road reserve, must fit within an envelope of 3.5 m in length and 0.7m in width.
6. Omni directional 'whip' or dipole antenna must not:
 - a. exceed 1.6 m in vertical length;
 - b. exceed 60 mm in diameter, and
 - c. exceed 1.5 m in horizontal length.
7. A headframe must not:
 - a. exceed 2.5 m in diameter in the residential zones and associated precincts, and
 - b. exceed 6 m in diameter in all other zones and associated precincts.
8. A single telecommunications cabinet must not:
 - a. exceed a footprint of 2.5 m².
9. A group of telecommunications cabinets must not:
 - a. exceed a total footprint of 3 m².
10. A telecommunications kiosk must not:
 - a. exceed gross floor area of 3.5 m².

Sentiment: Amend

Submission:

The standard is about dimensions - having floor space in the title is somewhat confusing as the standard is much broader. The floor space for buildings is limited, and should reflect the underlying site coverage of buildings in the relevant zone that the building is located in. The Antenna sizes provided for should align with the NESTF.

Relief sought

Amend the standard as follows

NU-S4: Floor space & dimensions

1. Any above ground building or structure (excluding new electric vehicle charging facilities) must not:
 - a. exceed 10 m² gross floor area (where located within road reserve);
 - b. ~~exceed 15 m² gross floor area (where located outside road reserve)~~ in the **[insert site coverage permitted standards in]** residential zones and associated precincts, and
 - c. ~~exceed 50 m² gross floor area (where located outside road reserve)~~ in the rural zones (including rural lifestyle zone), commercial and mixed use zones, industrial zones and associated precincts **[insert site coverage permitted standards in]**.

1. Electric vehicle charging facilities must not:
 - a. exceed 3 m² gross floor area.

2. Dish antennas must not:

- a. Exceed 5 m in diameter in any commercial and mixed use zones, industrial zones, or airport zones and associated precincts;
- b. exceed 3 m in diameter in the rural zones (including Rural Lifestyle Zone) and associated precincts, and
- c. exceed 1.2 m in diameter in all other zones.

3. The number of dish antennas must not exceed one on any site within a residential zone or settlement zone and associated precincts.

4. Panel antennas must not:

- a. exceed ~~20~~ **2.5**m² in **front face area in** any commercial and mixed use zones, industrial zones, or airport zones and associated precincts;
- b. exceed **1.25** m² in **front face area in** all other zones, and
- c. when located within road reserve, must fit within an envelope of 3.5 m in length and 0.7m in width.

5. Omni directional 'whip' or dipole antenna must not:

- a. exceed 1.6 m in vertical length;
- b. exceed 60 mm in diameter, and
- c. exceed 1.5 m in horizontal length.

6. A headframe must not:

- a. exceed 2.5 m in diameter in the residential zones and associated precincts, and
- b. exceed 6 m in diameter in all other zones and associated precincts.

7. A single telecommunications cabinet must not:

Matters of discretion are:

1. Functional and operational requirements of the network utility;
2. Effects on character and amenity of adjoining sites and surrounding environment;
3. The prominence of the location, taking into account significant public views, and
4. Effects on public health and safety.

Refer to assessment criteria NU-AC3

All zones and associated precincts

Purpose: to avoid, remedy, or mitigate effects of larger scale buildings and structures on character and amenity.

- a. exceed a footprint of 2.5 m².
8. A group of telecommunications cabinets must not:
- a. exceed a total footprint of 3 m².
9. A telecommunications kiosk must not:
- a. exceed gross floor area of 3.5 m².

Point 151.89

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Sentiment: Amend

Submission:

Clear provision should be provided for activities which are regulated by, but do not meet the relevant permitted regulations of the NESTF but do not have significant adverse effects. It is appropriate for such structures to have Controlled Activity Status.

Relief sought

Add a new rule as follows

NU- RXX Telecommunications regulated under NES-TF, but which do not meet the permitted activity standards in Regulations 27, 29, 31, 33 or 35 of the NESTF
Activity Status: CON

Where:

1. for panel antenna a width of 0.8m is not exceeded;
2. for dish antenna, the antenna does not exceed a diameter of:
 - a. 1.2m in a residential zone; or
 - b. 3m in all other zones.
- 3.

Activity status when compliance is not achieved with RXX.1 – XX.2 RDIS

Matters of discretion are restricted to:

INU-AC3

All Zones

And the activity complies with the following standards:

NU-S3 and INF-S12

Matters over which control are reserved:

NU-AC3

15 December 2023

Napier City Council
Private Bag 6010
Napier 4142

Dear Sir/Madam

Submission on the Proposed District Plan

This submission on the Proposed Napier District Plan (PDP) is on behalf of Chorus New Zealand Limited (Chorus), Connexa Limited (Connexa), Aotearoa Towers Group (trading as FortySouth), One New Zealand Group Limited (One NZ) and Spark New Zealand Trading Limited), all being telecommunication service providers in New Zealand. Chorus and Spark are also requiring authorities under the Resource Management Act 1991 (RMA).

Chorus provide telecommunications fibre and lines across New Zealand, Spark and One NZ provide mobile and wireless broadband networks in the form of antennas, and Connexa and FortySouth own the infrastructure (poles) on which antennas are located. Together the companies provide telecommunication networks throughout the country, including in Napier.

Telecommunications infrastructure is significant and essential, and the safe, reliable and efficient functioning of telecommunication networks is vital for the national, regional and local economy and is in the public interest both in terms of allowing people and communities to provide for their "wellbeing", and also for assisting to ensure their "health and safety".

It is the strong view of Incite, who act for both the aforementioned companies nationally, that network utility provisions in District Plans should be reasonably consistent across the country. In regard to building and maintaining critical utility networks, there is little variation across New Zealand. As national telecommunication network operators, they depend on reasonable consistency of provisions to enable New Zealanders to access the digital world they require to be successful, communicate and excel locally and globally.

Historically, and to a degree currently, national network utility operators, including the telecommunication companies, face variation in regional and district planning regimes across New Zealand. This effects their ability to efficiently rollout new technology, even with the 2016 expanded National Environmental Standards for Telecommunication Facilities (NES-TF). Generally, telecommunications infrastructure contains the same features and is of the similar size across the country, however bespoke rules generate increase costs, delays and uncertainty for the industry that is constantly upgrading or rolling new technology, such as the ongoing rollout of 5G (fifth generation) mobile telecommunications network.

Many of the changes sought through this submission provide for national consistency, attempting to do so in a way which allows for appropriate effects on the environment, whether it be through permitted, restricted discretionary or another activity status.

The telecommunication companies would happily discuss the changes sought, either via videoconference or a workshop, and would be happy to collaborate with other infrastructure providers for this as well.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Anderson', with a long horizontal flourish extending to the right.

Tom Anderson
Director/Principal Planner
Incite
tom@incite.co.nz

