

BEFORE THE HEARINGS PANEL

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

Manawatu District Council Proposed Plan
Change 55: District Wide Rules and
Proposed Plan Change 60: Designations

STATEMENT OF EVIDENCE

TOM ANDERSON ON BEHALF OF

SPARK NEW ZEALAND TRADING LIMITED AND

CHORUS NEW ZEALAND LIMITED

7 December 2016

INCITE

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Professional Qualifications and Experience

1. My name is Tom Anderson. I am a Senior Resource Management Consultant at Incite, a resource management firm. I hold a Bachelor of Science and a Master of Planning (with Distinction), both from the University of Otago. I am a full member of the New Zealand Planning Institute (and currently sit on Wellington Branch Committee) and a member of the Resource Management Law Association.
2. I have nine years professional experience. Throughout my career I have provided advice to Spark New Zealand Trading Limited (Spark – formerly Telecom New Zealand Limited and Telecom Mobile Limited) and Chorus New Zealand Limited (Chorus). This advice was initially given as an employee of GHD Limited and for the last near six years as an employee of Incite. I have provided Spark and Chorus with advice on District Plan reviews and plan changes, site selection exercises, designation and outline plan of works processes, and consenting activities for mobile and broadband network rollouts and exchange upgrades. I have also undertaken consenting work for Two Degrees Mobile Limited and Vodafone New Zealand Limited.
3. On this basis, I consider myself to have a comprehensive understanding of telecommunication networks, and the practical implications of district plan provisions in relation to telecommunication network installation, upgrade and operation.
4. I assisted with the preparation and drafting of both Spark's and Chorus's submissions on Proposed Plan Change 55 (PC55), and Chorus's submission on Proposed Plan Change 60 (PC60).
5. With regard to PC55, the Spark and Chorus submissions are the same, as both companies generally operate under the same provisions within District Plans. As such, I consider it appropriate to present one brief of evidence relating to both companies interests.
6. With regard to PC60, the recommendations made in the Section 42A (s42A) report are accepted, and no further relief is sought as part of this evidence.
7. Neither Spark nor Chorus submitted on Proposed Plan Change 52, and as such this evidence does not relate to that document.
8. I have read the Code of Conduct for Expert Witnesses (Section 5 of the Environment Court Consolidated Practice Note 2014). My evidence has been prepared in compliance with that code. In particular, unless I state otherwise, this evidence is within my area of expertise and I

have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

Scope of Evidence

9. This evidence is limited to the matters raised in Spark and Chorus's submissions on PC55: District Wide Rules and Chorus's submission on PC60: Designations.
10. In preparing this evidence I have read all other submissions and further submissions relevant to the Spark/Chorus submissions; and the PC55 and PC60 s42A Officer's Reports (including their attachments and appendices), as emailed to submitters by Manawatu District Council on 23 November 2016.
11. Please note that the requested relief sought within my evidence is to the PC55 text as recommended in Appendix 2 and Appendix 3 of the s42A report.
12. My evidence is structured into general subject areas as follows:
 - Spark and Chorus Operations
 - General Comments on the s42A reports;
 - Officer Recommendations in Contention
 - Influence of the National Environmental Standard for Telecommunications Facilities 2016;
 - Landscape and Heritage Objective and Policies;
 - Applicability of District Wide Rules;
 - Permitted Activity Standards; and
 - Temporary Activity Permitted Standards.
13. The table in Appendix A of my evidence contains a summary of the Spark and Chorus submission points (on both PC55 and PC60), the Officer recommendations on those points, and, having considered those recommendations, either agreement with those recommendations or the further relief that Spark and/or Chorus are seeking. As such, the table provides a succinct 'one stop shop' for the Hearings Panel to identify exactly what outcomes I consider are appropriate

in regard to telecommunications. The specific items of requested relief are also within my evidence.

Spark and Chorus Operations

14. Mr Graeme McCarrison, Engagement and Planning Manager at Spark, has provided evidence on Sparks' operations in the Manawatu, New Zealand and internationally, and has included an outline of the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016*, (referred to herein as the NESTF 2016), and the role of telecommunications networks as a 'lifeline utility' under the Civil Defence Emergency Management Act 2002. Ms Mary Barton, has provided a similar brief of evidence relating to Chorus operations at both a district and national level.
15. My observations of Spark and Chorus's operations under the framework of the Resource Management Act 1991 (RMA or the Act) are as follows.
16. The purpose of the RMA, as embodied in Section 5, is the promotion of the sustainable management of natural and physical resources. Telecommunications and radio communications infrastructure is a significant physical resource that is vital to all levels (local, regional, national and international) of social, cultural and economic wellbeing, and to health and safety, through allowing people and businesses to connect with each other.
17. The economic importance of telecommunications was noted in the Ministry of Business Innovation and Employment (MBIE) 2014 briefing for the incoming Communications Minister, which stated that *"the use of communications services has the ability to lift productivity across all sectors of the economy"*. The briefing also referenced a Productivity Commission report on 'Boosting Productivity in the Services Sector' which states that *"[Information Communications Technology] is catalysing social and economic change on a scale comparable to those resulting from previous breakthrough technologies such as steam power, the internal combustion engine, and electricity... such breakthrough technologies occur rarely – perhaps less than once in a generation."*
18. In terms of social and cultural wellbeing, there has been a dramatic increase in the number of telecommunication devices over recent years, allowing people to remain connected with each other at a greater level than ever. Accompanying this has been an increasing customer demand for ubiquitous connectivity to a telecommunications network, particularly in relation to data and internet connectivity. Mr. McCarrison has detailed the forecast increase in demand on the

telecommunications network. The physical translation of this demand is an increase in the telecommunications infrastructure, enabling greater connectivity.

19. Mr McCarrison has also outlined network resilience, and the role the telecommunications network plays as a lifeline utility. As such, telecommunications play a significant role in the health and safety of all New Zealand communities. On a personal note, immediately after the recent Kaikoura earthquake, I found myself using my phone (in particular Twitter and live streaming of Radio NZ) in order to find out information. It was noticeable that I was receiving Civil Defence updates on twitter before that same information was relayed through Radio NZ. It is my opinion that telecommunication networks devices are becoming the primary tool that people turn to in the aftermath of a natural disaster.
20. It is clear that telecommunications is of the utmost importance to modern society and will continue to be so for the foreseeable future.
21. All telecommunications networks are subject to constant maintenance, modification and upgrading as the number of customers and services increase and changes in technology occur. The consequence of this is the need to ensure that District Plan provisions are flexible enough to meet changing customer and technology demands and needs, whilst controlling inappropriate environmental effects.

General Comments on the Section 42A Reports

22. The s42A reports on both PC55 and PC60 were comprehensive and provided reasoning as to how and why the Reporting Officer had reached their recommendations on the various submission points.
23. As stated earlier, the Officer has recommended acceptance of all Chorus submission points on PC60 (which were of a minor nature), and as such, no further relief is sought through this hearing.
24. With regard to the submissions made on PC55, in the majority of instances the Officer has been open to many of the requests made in the submissions.
25. There are a number of Spark/Chorus submission points where I concur with the Officer's recommendation to the panel. These are as follows (note I have referenced the submission point and PC55 provision):

- S17/002 – S18/003: Definition of Height;

- S17/003 – S18/004: Definition of Infrastructure of Regional and National Importance;
- S17/004 – S18/005: Definition of Minor Upgrading;
- S17/006 – S18/007: 3A.3 Policy 1.2;
- S17/007 – S18/008: 3A.3 Policy 1.3;
- S17/008 – S18/009: 3A.3 Objective 2;
- S17/009 – S18/010: 3A.3 Policy 2.2;
- S17/010 – S18/011: 3A.3 Policy 2.3;
- S17/017 – S18/018: Rule 3A.4.1.c;
- S17/016 - S18/017; and S17/017 - S18/018: Standard 3A.4.2.a [height];
- S17/026 – S18/027: Standard 3A.4.2.q [vibration];
- S17/027 – S18/028: Standard 3A.4.2 Guidance Note re Other Approvals

Officer Recommendations in Contention

26. The remainder of my evidence is focussed on the Officer recommendations in the PC55 s42A report which I do not agree with, and as such I recommend alternative relief. All alternative relief sought within my evidence is to the wording of the Plan Change provisions as per Appendix 2 and 3 of the PC55 s42A report. In my requested relief, the s42A report wording is detailed in italics, additional text I seek to be added is shown as **bold and underlined**, and text I seek to be deleted shown as ~~strikethrough~~.

Influence of the NESTF 2016

27. As Mr McCarrison has detailed, the NESTF 2016 will be implemented in just under four weeks' time. This timing allows the PC55 text to be updated to reflect the provisions and intent of the NESTF 2016. The introduction to Section 3A.1 and Guidance Note 1 of Rule 3A.4.1 should be updated to reference and reflect the NESTF 2016, as opposed to the NESTF 2008 (which will be revoked on the 1 January 2017). The updates are included as requested relief at paragraphs 28 and 31 as follows:
28. Requested Relief:

Amend the introduction to Section 3A.1 as follows:

*Telecommunication and Radiocommunication facilities are ~~in part~~ **dependant on the type or location of the facility**, managed under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations ~~2008~~ **2016** (NESTF) **or district plans**. The NESTF provides a nationally consistent planning framework for ~~radiofrequency fields of all~~ **most** telecommunication facilities **(noting some facilities, and aspects of some facilities, such as mast heights outside of Rural zones, continue to be managed by district plans)**, ~~and for some telecommunication infrastructure that is located in the road reserve, such as cabinets and antennas~~*

29. The relief sought above under paragraph 28 reflects what the NESTF 2016 provides for. The NESTF 2008 provided for some telecommunication infrastructure in road, and for radio frequency (regardless of the location of the infrastructure). The NESTF 2016 provides for a significantly greater range of telecommunication infrastructure, regardless of location. However it does not provide for all telecommunication infrastructure. The relief sought above is to give an overview of the telecommunications infrastructure planning framework.
30. A minor change is also required to Guidance Note 1 of Rule 3A.4.1, with the cross reference being updated from the 2008 to the 2016 version of the NESTF 2016.
31. Requested Relief:

Amend Guidance Note 1 of Rule 3A.4.1 as follows:

*The provisions of the National Environmental Standard for Telecommunications Facilities **(2016)** ~~(2008)~~ apply and resource consent may be required under those Standards. In the event of a conflict between them the provisions of the National Environmental Standard override the District Plan.*

32. There are also a number of provisions in PC55 which Spark and Chorus submitted and sought relief on, but are now overridden by the NESTF, being:
- Definition of Earthworks;

- Standard 3A.4.2.e [Telecommunication cabinet footprint];
- Table 3C.1 [Noise Levels]; and
- Rule 3D.4.1 [Earthworks].

In these instances, I have accepted the Officer recommendation, in the knowledge the NESTF provisions will apply rather than the District Plan. As such no further relief is considered necessary.

Landscape and Heritage Objective and Policies

33. Amendments are sought to Objective 3 and subsequent Policies 3.1 and 3.2, which relate to protection of significant landscape and heritage areas. I agree that these areas require additional regulation compared to less sensitive areas within a district. However this protection should still provide for network utilities when there is a specific need for a network utility to be in such an area.
34. It is noted that areas/buildings with historic heritage value, and outstanding natural features and landscapes (as well as visual amenity landscapes, significant habitats for indigenous vegetation and fauna, places adjoining the coastal marine area, activities over rivers and lakes, and activities near trees and vegetation in road reserve and significant trees) are afforded additional protection as a 'special place' in the NESTF 2016.
35. With regard to heritage areas and heritage buildings, the ability to service these places with telecommunications infrastructure is generally necessary to allow for their continued modern use. This infrastructure can be managed in a way so that it is sensitive to these areas and buildings, and does not detract from their value.
36. Likewise, telecommunications infrastructure located in high amenity landscape areas should be provided for (with a high degree of control). In my experience, telecommunication companies generally avoid high value landscape areas. However sometimes there can be a functional need which requires telecommunications to be located in these areas. A good example of this which I have previously obtained resource consent for (albeit in another district) is search and rescue facilities. It should also be noted that in some districts, there is telecommunication infrastructure located within high amenity landscapes that was established before the landscape was formally valued and identified in district plans. I am not aware that these 'legacy' type facilities exist in Manawatu.

37. It is my view, that Objective 3 and Policies 3.1 and 3.2 recognise these known functional need and technical requirements which require network utilities to establish in areas recognised for their heritage or landscape value. As such, the following relief is sought.

38. Requested Relief:

Amend Objective 3 as follows:

*To protect the values that are important to significant heritage and landscape areas from the development of network utilities, **unless there is a specific technical requirement or function need for network utilities to be located in those areas.***

Amend Policy 3.1 as follows:

To protect the values that cause an Outstanding Natural Feature and Landscape to be scheduled in Appendix 1C (Outstanding Natural Features) ~~or a site of historic heritage scheduled in Appendix 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value)~~ from inappropriate subdivision, use and development.

Amend Policy 3.2 as follows:

*To restrict the development of network utilities, except within an existing road carriageway, within areas scheduled in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), ~~1C (Outstanding Natural Features)~~, 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value) unless there is no practicable alternative location, **or there is a specific technical requirement or function need.***

39. The requested relief to Objective 3 appropriately discourages network utility operators from locating in those areas, but provides the necessary balance for those occasions where that infrastructure is necessary.

40. The requested relief to Policy 3.1 is sought as I disagree with the introduction of heritage sites, buildings and objectives being included when it is already provided for in Policy 3.2. Policy 3.1 is more absolute in its protection of the matters covered than Policy 3.2. As I stated earlier, telecommunications infrastructure servicing heritage buildings and areas is necessary to allow for their everyday modern use. Telecommunications are such an integral part of our everyday

lives, and ensuring heritage buildings and areas are appropriately serviced assists in these spaces being suitable for everyday purposes.

41. Establishing telecommunication infrastructure in the aforementioned areas appropriately requires a resource consent as a Restricted Discretionary Activity under the rule framework of PC55, and this provides the control needed to ensure the integrity of those items of value are not compromised.
42. Policy 3.2 more appropriately recognises the level of control needed when establishing telecommunications infrastructure in heritage areas and buildings. Policy 3.2 should also recognise the technical requirements and functional needs of network utility operators. Further, I do not consider that Appendix 1C (Outstanding Natural Features) be recognised in Policy 3.2, as such values are already protected through Policy 3.1.
43. It should be noted that some minor changes to the wording of Permitted Activity Standard 3A.4.2 I is requested, in order to provide greater clarity as to the level of protection provided through the rule framework to Outstanding Natural Features and Heritage.
44. Requested Relief:

Amend Standard 3A.4.2.I as follows:

*Works associated with any network utility, ~~except within an existing road carriageway~~, must not be located within the areas scheduled in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1C (Outstanding Natural Features), 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value) of this Plan. **Note, this standard does not apply to any network utilities located within legal road in the aforementioned areas.***

Applicability of District Wide Network Utility Rules

45. The introduction to the district-wide network utility rules (at Section 3A.4) currently states that *"Rules in this chapter apply District-wide and the chapter needs to be read in conjunction with the District Plan maps, relevant appendices and provisions of the applicable zone"*.
46. I do not see the purpose of a district-wide rule framework if the zone based rules also apply. To me, this creates conflict and uncertainty. For instance, when establishing a new mast in the

industrial zone, which height standard applies? The 22m provided for under standard 3A.4.2 or the zoned based maximum height provided for under Rule B3 – Rural Zones, performance standard 3.3.1(A), being 20m.

47. As such, clarity is needed in the District Plan. In my opinion, the most efficient way of achieving this is by ensuring that the District-wide provisions apply instead of the zoned based provisions. The alternate option is a statement about how conflicts, such as the above example, should be addressed.
48. Requested Relief:

Amend the introduction at Section 3A.4 as follows:

*Rules in this chapter apply District-wide. **The zone based objectives, policies and rules do not apply to network utilities.** ~~and the chapter needs to be read in conjunction with the District Plan maps, relevant appendices and provisions of the applicable zone~~*

OR

*Rules in this chapter apply District-wide and the chapter needs to be read in conjunction with the District Plan maps, relevant appendices and provisions of the applicable zone. **Note, in the event of conflict between a zone based provision and a District-wide provision, the District Wide provision shall override the zone based provision.***

Permitted Activity Standards

49. Some changes are sought to the permitted activity standards under Section 3A.4.2 of PC55, specifically in relation to the setback of masts, the use of guidance notes instead of standards, and clarity around antenna sizes and types. Each of these are addressed in turn as follows.
50. Standard 3A.4.2.b provides for a setback from a residential or village zone boundary. This type of provision is entirely appropriate, given that residential and village zones have a high level of amenity.
51. PC55 as notified stated that *any mast with a height of more than 9m must not be located within 20m of any site zoned Residential or Village*. The submissions sought that this provision be altered and become a 'recession plane' type control, similar to the 'building envelope'

permitted activity standards in the Operative Manawatu District Plan for development in these zones.

52. The submission point was rejected on the basis that *the use of a distance rather than a complicated equation provides more certainty for plan users*. It is also noted that the intent of the standard is to *minimise high masts near residential or village areas*.
53. I do not consider the submission point to contain a complicated equation. It sets a clear height 'envelope' for a mast to be a permitted activity near a residential or village zone boundary. Further, the recession plane/height to boundary control such as what was sought through the submission are common place in district plans throughout the country (and as alluded to above, are already used in the Operative Manawatu District Plan – see Residential Zone Provision B1 1.3.1(B)(ii)).
54. The submission point also clearly gives intent to what the standard is trying to achieve. The recession plane type control (as submitted) means that the closer a mast is to a residential or village zone boundary, the smaller it must be. Therefore, it encourages telecommunications companies to establish masts further away from these boundaries.
55. Structures such as masts are needed in (or in close proximity to) areas where people live, work and play. Residential areas demand high mobile data and usage volumes due to the density of population, and it is unrealistic not to expect infrastructure in or near these zones. It is my understanding that the greater the density of a population is, the smaller the telecommunications 'cell' is, and as such a greater level of infrastructure is necessary to serve that population.
56. As such, the requested relief with regard to this matter is as per the submission points.
57. Requested Relief:

Amend Standard 3A.4.2 b as follows:

*b. Any mast with a height of more than 9m must ~~not be located within 20m of~~ **comply with a maximum height in relation to boundary of 3m and 45° when adjoining** any site zoned Residential or Village.*

58. Standard 3A.4.2.c requires all masts to be set back 20m from a road reserve on any site zoned Rural or Flood Channel. The reason for this is listed in the s42A report as *being intended to provide safety for road users relating to setting a safety clear zone on the road reserve. The clear zone is a mandatory NZTA requirement for new infrastructure where a potentially significant hazard may be imposed on road users.*
59. The NESTF overrides this standard with regard to the applicability of this rule in the Rural Zone. It does not have the same implication for the Flood Channel Zone.
60. I fail to see how masts that are within 20m of a road in the Flood Channel Zone (and therefore within the 'safety clear zone') create a potentially significant hazard on road users. It is assumed that existing infrastructure such as support poles for overhead lines, street lights and fences, as well as vegetation, will already exist in and near the road reserve in this zone, and as such already create a potential hazard for road users. Further, masts of up to 22m high are permitted in the Flood Channel Zone. If a hazard, such as a flood, did occur in this zone, a mast, given its permitted height, is likely to remain visible to road users and therefore not create a significant hazard.
61. While I acknowledge that such a provision is included in the operative version of the District Plan, for the reasons given above I do not see a need for it to continue through PC55.
62. Requested Relief:

Delete Standard 3A.4.2.c in its entirety
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63. Standard 3A.4.2.d also relates to setbacks. It requires any network utility building, mast or structure to be setback 5m from any site boundary. I do not see what effect this control has with regard to masts.
64. Masts by their nature are more similar to street poles and overhead line support structures (which are exempt from the standard) in terms of their effects, rather than buildings. Masts are slim tall structures, and do not have the bulk and dominance effect of a building.
65. Further, to my mind, a setback of 5m would not necessarily reduce effects of a mast on any adjoining property. Apart from in the residential and village zones, the permitted mast height is at least 22m (plus additional height for antennas and co-location). A 5m setback would not 'lessen' any effect from such a structure. It is also noted that the setback provision from a

residential or village zone boundary is controlled under 3A.4.2 b (regardless of whether it is a horizontal 20m setback as per PC55 or a 3m/45° recession plane as per the relief sought).

66. As such, the relief sought is to exempt masts from having to comply with the setback standards of 3A.4.2.d.

67. Requested Relief:

Amend Standard 3A.4.2.d as follows:

*d. No ~~mast~~, building or structure may be located closer than 5m to any site boundary. This 5m yard does not apply to utility buildings with a floor area of less than 10m², or to overhead lines and cables. **Masts are exempt from complying with this standard (compliance with 3A.4.2.b. is required).***

68. Standard 3A.4.2.h refers to radiofrequency emissions from telecommunication and radiocommunication facilities. This is provided for in the NESTF 2016 (and was provided for in the NESTF 2008).

69. I do not see a need to have a standard in the District Plan, when this matter is already covered by the NESTF 2016. It is noted in the s42A report that the reason this standard has been included in the plan is to provide greater clarity to plan users. However, the reference is incorrect (NZS2772: 1999) and therefore, if anything, provides confusion to plan users.

70. To my mind, in order to achieve the desired clarity, radiofrequency is best provided for as a guidance note to Section 3A.4.2 rather than as a standard.

71. Requested Relief:

Delete Standard 3A.4.2.h in its entirety, and include a new guidance note at end of Section 3A.4.2, being:

6. Radiocommunication and/or telecommunication facilities that emit Radiofrequency fields are required to comply with the radiofrequency regulations in the NESTF 2016

72. Similar to Standard 3A.4.2.h, Standard 3A.4.2.k should also be provided for as a guidance note rather than a permitted activity standard. The National Code of Practice for Utility Operators Access to Transport Corridors (2015) is, as I understand it, a legislated requirement under the Utilities Access Act 2010. As such, it must be complied with by utility operators who are operating within roads.
73. Including reference to the code as a permitted activity standard creates unnecessary duplication. As per the reference to the NESTF 2016 regarding radiofrequency provisions, I consider a cross reference through a guidance note would provide the certainty to plan users that the Council is seeking to achieve.
74. Requested Relief:

Delete Standard 3A.4.2.k in its entirety, and include a new guidance note at end of Section 3A.4.2, being:

7. The National Code of Practice for Utility Operators Access to Transport Corridors (2015) contains provisions for construction work in legal road that is associated with utility operators.

75. Finally, with regard to the permitted activity standards, I consider that some additional clarity is needed to Standard 3A.4.2.i, relating to antenna size. This standard is entitled 'Dish Antenna Size' yet provides for all antenna types. As such, some minor amendments are sought which will provide greater clarity to plan users.
76. Requested Relief:

Amend Standard 3A.4.2.i as follows:

Standard 3A.4.2.i [~~dish~~ antenna size]

*No ~~dish~~ antenna will exceed a diameter of **the following dimensions:***

*i. 2.5 metres in diameter **(dish antenna)**, or a face area of 1.5m² **(other antenna)** in the Residential Zone, or*

ii. 5 metres in diameter (**dish antenna**), or a face area of 2.5 m² (**other antenna**) in all other zones

Temporary Activities

77. The final matter in contention relates to temporary activities. Some minor changes are sought to the Standards listed under Section 3F.4.2, to better reflect how telecommunications companies have been operating during temporary events in the Manawatu.
78. Mr McCarrison in his evidence has explained how telecommunication companies support temporary events in the Manawatu, with additional mobile capacity being provided by a 'COW' (Cell On Wheels). As I understand it, a COW is a trailer mounted mast, typically around 15m high, with antenna mounted at the top.
79. As COWs support a temporary event, my reading of the 3F.4.2 standards is that they require consideration under [a]. Using this interpretation, the installation of a COW cannot comply with standard [ii] (*Duration not exceeding 3 consecutive days*) and standard [iv] (*Temporary buildings and structures must be readily moveable, meet all yard setback requirements of this Plan and must be removed from the site upon the completion of the temporary activity*).
80. The reason a COW cannot comply with standard [ii] is that they are installed up to two weeks prior to an event, in order for them to be tested by a radiofrequency engineer and to be tweaked as necessary to achieve compliance with the NESTF radiofrequency regulations. Further, there can be a delay in taking them down dependant on staff availability.
81. A COW cannot comply with [iv], as whilst physically they are readily moveable, a specialist person is required to erect and dismantle them, and they are not necessarily moved at the completion of the temporary event they are serving. Further, event organisers generally want the COWs located away from the main event area and towards the boundaries, as such, they do not necessarily meet the yard setbacks.
82. For the reasons above, relief is requested to allow network utility infrastructure supporting an event to be in place for a duration of up to five weeks. This will ensure that an event is safely served by temporary infrastructure, while having a negligible environmental effect.
83. Effects from not meeting the setback requirements are generally negligible. As has been stated, masts are slim structures and do not create a significant bulk and dominance effect. In any case

COWs are only in place for a temporary period of time, being the event itself, plus set up and testing time before the event, and pack down after the event. As such, exempting network utility structures from the yard setback requirement will not create any significant or long term environmental effects.

84. Requested Relief:

Amend Standard 3F.4.2.a as follows:

a. For sporting events, public meetings, galas, market days, and other recreational and festive events:

i. Hours of operation occur between 7am – 10pm, and

ii. Duration not exceeding 3 consecutive days, and

iii. No more than 4 events of a similar nature on the same site, in any 12 month period, and

iv. Temporary buildings and structures (except temporary network utility structures supporting an event) must be readily moveable, meet all yard setback requirements of this Plan and must be removed from the site upon the completion of the temporary activity.

v. Temporary network utility structures supporting an event must be easily moveable, and erected for not longer than a period of five consecutive weeks.



Tom Anderson

7 December 2016

Appendix A - Summary of Spark and Chorus Submissions Points, Officer Recommendation and Further Relief Sought to Plan Changes 55 and 60

Plan Change 55

Spark/Chorus Submission Number	Proposed District Plan Provision	Relief sought through Spark/Chorus submission	Officer Recommendation	Spark/Chorus decision sought through Hearing process
Chapter 2: Definitions				
S17/001 S18/002	Definition of Earthworks	Amendment - Amend the definition of Earthworks as follows: <i>For the purposes of this Plan, earthworks excludes the following: Trenching and backfilling ancillary to the works necessary for the installation, upgrading or maintenance of network utilities and services</i>	Accepted in part	Accept Reporting Officer Recommendation.
S17/002 S18/003	Definition of Height	Support – retain as notified	Accepted	Accept Reporting Officer Recommendation
S17/003 S18/004	Definition of Infrastructure of Regional and National Importance	Support with amendment - Amend the definition of Infrastructure of Regional and National Importance as follows: <i>National Importance has the same meaning as the infrastructure of regional and national importance listed in Policy 3.1 of Manawatu-Wanganui Regional Council One Plan. Includes the following physical resources:</i> <ul style="list-style-type: none"> <i>facilities for the generation of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks</i> <i>the National Grid and electricity distribution and transmission networks defined as the system of transmission lines, subtransmission and distribution feeders (6.6kV and above) and all associated substations and other works to convey electricity</i> <i>pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas</i> <i>the road and rail networks as mapped in the Regional Land Transport Strategy</i> <i>the RNZAF airport at Ohakea</i> <i>telecommunications and radiocommunications facilities</i> <i>public or community sewage treatment plants and associated reticulation and disposal systems</i> <i>public water supply intakes, treatment plants and distribution systems</i> <i>public or community drainage systems, including stormwater systems</i> 	Accepted in part	Accept Reporting Officer Recommendation
S17/004 S18/005	Definition of Minor Upgrading	Amend the definition of Minor Upgrading as follows: <i>f. relocation and replacement of support structures, such as poles supporting electricity and telecommunication lines up to 3m from the original location.</i>	Accepted	Accept Reporting Officer Recommendation
Chapter 3A: District Wide Rules – Network Utilities				
S17/005 S18/006	3A.1 Introduction	Support and amendment - Add the following paragraph beneath Paragraph 3 of Section 3A.1: <i>Telecommunication and radiocommunication facilities are in part provided for under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 (NESTF). The NESTF provides a nationally consistent planning framework for radiofrequency fields of all telecommunication facilities, and for some telecommunication infrastructure that is located in road reserve, such as cabinets and antennas.</i> [Note – this statement will need to be amended if the proposed amendments to the NESTF are made operative prior to Plan Change 55 being made operative].	Accepted	Amend the Reporting Officer Recommendation as follows: <i>Telecommunication and Radiocommunication facilities are in part dependent on the type or location of the facility, managed under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 2016 (NESTF) or district plans. The NESTF provides a nationally consistent planning framework for radiofrequency fields of all most telecommunication facilities (noting some facilities, and aspects of some facilities, such as most heights outside of Rural zones, continue to be managed by district plans) – and for some telecommunication infrastructure that is located in the road reserve, such as cabinets and antennas</i>
S17/006 S18/007	Policy 1.2	Support and amendment - Amend Policy 1.2 as follows: <i>To encourage network utility operators to coordinate and co-locate services or to locate within the existing roading network where possible to minimise potential cumulative effects.</i>	Accepted	Accept Reporting Officer Recommendation

Spark/Chorus Submission Number	Proposed District Plan Provision	Relief sought through Spark/Chorus submission	Officer Recommendation	Spark/Chorus decision sought through Hearing process
S17/007 S18/008	Policy 1.3	Oppose and amendment - Amend Policy 1.3 as follows: <u>To require that encourage all new cables and lines, including electricity distribution lines are be installed underground.</u>	Accepted	Accept Reporting Officer Recommendation
S17/008 S18/009; S17/009 S18/010; and S17/010 S18/011	Objective 2[S17/008,S18/009], Policies 2.2 [S17/009,S18/010] and 2.3 [S17/010,S18/011].	Support - Retain Objective 2 and Policies 2.2 and 2.3	Accepted	Accept Reporting Officer Recommendation
S17/011 S18/012	Objective 3	Support with amendment - Amend Objective 3 as follows: <u>To restrict, except within an existing road carriageway, the development of network utilities within areas of significant heritage and landscape value recognising the values of these important areas, alongside economic, cultural and social benefits derived from the network utilities being located in those areas, as well as the adverse effects of not providing those network utilities, and the technical requirements and functional need for network utilities to be located in those areas.</u>	Rejected	Amend the Reporting Officer Recommendation as follows: <u>To protect the values that are important to significant heritage and landscape areas from the development of network utilities, unless there is a specific technical requirement or function need for network utilities to be located in those areas.</u>
S17/012 S18/013	Policy 3.2	Support with amendment - Amend Policy 3.2 as follows: <u>To restrict the development of network utilities, except within an existing road carriageway, within areas of significant heritage and landscape value in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1C (Outstanding Natural Features), 1D (Trees with Heritage Value) and 1F (Sites with Heritage Value) unless there is no alternative location.</u> <u>Consider the following matters where new network utilities or major upgrades to network utilities are proposed within areas of significant heritage and landscape value in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1C (Outstanding Natural Features), 1D (Trees with Heritage Value) and 1F (Sites with Heritage Value):</u> <u>(a) the economic, cultural and social benefits derived from the network utility and the adverse effects of not providing the network utility;</u> <u>(b) whether the network utility has a functional or operational need to be located in or traverse the proposed location;</u> <u>(c) the need for utility connections across or through such areas to enable an effective and efficient network;</u> <u>(d) whether there are any practicable alternative locations, routes or designs, which would avoid, or reduce adverse effects on the values of those places, while having regard to Policy 3.2(a) - (c);</u> <u>(e) the extent of existing adverse effects and potential cumulative adverse effects;</u> <u>(f) how the proposed network utility contributes to the strategic form or function of the Manawatu;</u> <u>(g) the type, scale and extent of adverse effects on the identified values of the area</u> <u>(h) whether adverse effects on the identified values of the area must be avoided pursuant to any national policy statement, national environmental standard, or regional policy statement.</u>	Rejected	Amend the Reporting Officer Recommendation as follows: Policy 3.1 <u>To protect the values that cause an Outstanding Natural Feature and Landscape to be scheduled in Appendix 1C (Outstanding Natural Features) or a site of historic heritage scheduled in Appendix 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value) from inappropriate subdivision, use and development.</u> Policy 3.2 <u>To restrict the development of network utilities, except within an existing road carriageway, within areas scheduled in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1C (Outstanding Natural Features), 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value) unless there is a specific technical requirement or function need.</u>

Spark/Chorus Submission Number	Proposed District Plan Provision	Relief sought through Spark/Chorus submission	Officer Recommendation	Spark/Chorus decision sought through Hearing process
S17/013 S18/014	3A.4 Rules [Introduction]	Amendment - Amend the introduction to 3A.4 Rules as follows: <u>Rules in this chapter apply District-wide. The zone based objectives, policies and rules do not apply to network utilities, and the chapter needs to be read in conjunction with the District Plan maps, relevant appendices and provisions of the applicable zone</u>	Rejected	Amend the Reporting Officer Recommendation either as per the relief sought through the submission: <u>Rules in this chapter apply District-wide. The zone based objectives, policies and rules do not apply to network utilities, and the chapter needs to be read in conjunction with the District Plan maps, relevant appendices and provisions of the applicable zone</u> OR <u>Rules in this chapter apply District-wide and the chapter needs to be read in conjunction with the District Plan maps, relevant appendices and provisions of the applicable zone. Note, in the event of conflict between a zone based provision and a District-wide provision, the District Wide provision shall override the zone based provision.</u>
S17/014 S18/015	Rule 3A.4.1 c.	Support and amendment - Amend Rule 3A.4.1 c. as follows: <u>c. The construction, operation, maintenance and upgrading of Radiocommunication and/or telecommunication facilities, cables and lines, including those underground.</u>	Accepted	Accept Reporting Officer Recommendation
S17/015 S18/016	Rule 3A.4.1 Guidance Note 1	Amendment - Amend the guidance note by improving clarity that NES provisions override District Plan provisions if there is a conflict between them. [Also note that if the second generation NESTF is made operative before Draft Plan Change 55, then the reference to the NESTF (2008) will need to be amended.]	Accepted	Amend the Reporting Officer Recommendation. <u>The provisions of the National Environmental Standard for Telecommunications Facilities (2016) (2008) apply and resource consent may be required under those Standards. In the event of a conflict between them the provisions of the National Environmental Standard override the District Plan.</u>
S17/016 S18/017; and S17/017 S18/018	Standard 3A.4.2 a. [height]	Amendment - Amend Standard 3A.4.2 a. as follows: a. New network utilities must not exceed a maximum height of i. 9m within the Residential or Village Zone, or ii. <u>25m within the Rural 1 and Rural 2 Zones, or</u> iii. <u>20m, 22m</u> for all other zones. Guidance Note: Antennas (including any ancillary equipment) or lightning rods that do not extend 3m above the height of the building or mast are excluded from the 9m, 22m or 25m or 40m limit above. The mast heights provided in i, ii and iii above can be increased by 5m if the mast is used by more than one telecommunications provider. <u>Lightning rods may exceed the maximum height. Refer also to Clause f relating to transmission line requirements.</u>	Accepted	Accept Reporting Officer Recommendation
S17/018 S18/019	Standard 3A.4.2 b. [setback from residential and village zones]	Amendment - Amend Standard 3A.4.2 b. as follows: b. Any mast with a height of more than 9m must <u>not be located within 20m of</u> <u>comply with a maximum height in relation to boundary of 3m and 45° when adjoining any site zoned Residential or Village.</u>	Rejected	Amend the Reporting Officer Recommendation as per the relief sought through the submission: b. Any mast with a height of more than 9m must not be located within 20m of <u>comply with a maximum height in relation to boundary of 3m and 45° when adjoining any site zoned Residential or Village</u>
S17/019 S18/020	Standard 3A.4.2 c. [setback from a road in Rural or Flood Channel Zones]	Amendment - Delete Standard 3A.4.2 c. in its entirety.	Rejected	Amend the Reporting Officer Recommendation as follows: Delete Standard 3A.4.2 c in its entirety
S17/020 S18/021	Standard 3A.4.2 d. [5m site boundary]	Amendment - Amend Standard 3A.4.2 d. as follows: d. No mast , building or structure may be located closer than 5m to any site boundary. <u>This 5m yard does not apply to utility buildings with a floor area of less than 10m², or to overhead lines and cables. Masts are exempt from complying with this standard (compliance with 3A.4.2 b. is required).</u>	Rejected	Amend the Reporting Officer Recommendation as per the relief sought through the submission: d. No mast , building or structure may be located closer than 5m to any site boundary. <u>This 5m yard does not apply to utility buildings with a floor area of less than 10m², or to overhead lines and cables. Masts are exempt from complying with this standard (compliance with 3A.4.2 b. is required).</u>
S17/021 S18/022	Standard 3A.4.2 e. [Telecommunication cabinet footprint]	Amendment - Amend Standard 3A.4.2 e. as follows: e. Telecommunication cabinets must not exceed 10m² in area in all zones, except in Flood Channel Zone where cabinets must not exceed 5m² in area.	Rejected	Accept Reporting Officer Recommendation
S17/022 S18/023	Standard 3A.4.2 h. [radiofrequency levels]	Amendment - Delete Standard 3A.4.2 h. in its entirety	Rejected	Amend the Reporting Officer Recommendation as follows: Delete Standard 3A.4.2 h in its entirety, and include a new guidance note at end of Section 3A.4.2, being:

Spark/Chorus Submission Number	Proposed District Plan Provision	Relief sought through Spark/Chorus submission	Officer Recommendation	Spark/Chorus decision sought through Hearing process										
S17/023 S18/024	Standard 3A.4.2 i. [dish antenna size]	Amendment - Amend Standard 3A.4.2 i. as follows: i. No dish antenna will exceed a diameter of: i. 2.5 metres in diameter, or a face area of 1.5m ² in the Residential Zone, or ii. 5m in diameter, or a face area of 2.5m ² in all other zones.	Accepted	6. Radiocommunication and/or telecommunication facilities that emit Radiofrequency fields are required to comply with the radiofrequency regulations in the NESTF 2016 Amend the Reporting Officer Recommendation as follows: Standard 3A.4.2.i [dish antenna size] No dish antenna will exceed a diameter of the following dimensions: i. 2.5 metres in diameter [dish antenna], or a face area of 1.5m ² [other antenna] in the Residential Zone, or ii. 5 metres in diameter [dish antenna], or a face area of 2.5 m ² [other antenna] in all other zones Amend the Reporting Officer Recommendation as follows: Delete Standard 3A.4.2 h in its entirety, and include a new guidance note at end of Section 3A.4.2, being: 7. The National Code of Practice for Utility Operators Access to Transport Corridors (2015) contains provisions for construction work in legal road that is associated with utility operators. Amend the Reporting Officer Recommendation as follows: Works associated with any network utility, except within an existing road-carriageway, must not be located within the areas scheduled in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1C (Outstanding Natural Features), 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value) of this Plan. Note, this standard does not apply to any network utilities located within legal road in the aforementioned areas.										
S17/024 S18/025	Standard 3A.4.2 k. [Compliance with National Code of Practice]	Amendment - Delete Standard 3A.4.2 k. in its entirety	Rejected	Accept Reporting Officer Recommendation										
S17/025 S18/026	Standard 3A.4.2 l. [Heritage and ONLs]	Amendment - Rewrite Standard 3A.4.2 l. to avoid use of the term adverse effects on, in or around and provide absolute clarity as to what can occur as a permitted activity.	Accepted in Part	Accept Reporting Officer Recommendation										
S17/026 S18/027	Standard 3A.4.2 q. [Vibration]	Amendment - Delete Standard 3A.4.2 q. in its entirety, or rewrite it to determine what level of vibration is appropriate, measured at the site boundary, rather than being a subjective 'discernible' vibration beyond the site boundary.	Accepted in Part	Accept Reporting Officer Recommendation										
S17/027 S18/028	Standard Guidance Note 4	Amendment - Delete Guidance Note 4 in its entirety	Rejected	Accept Reporting Officer Recommendation										
S17/028 S18/029	Table 3C.1 – Noise Levels	Amendment - Amend Table 3C.1 as follows: <table><tr><td rowspan="4">Residential/ Village</td><td>7am-10pm</td><td>45dB L_{eq} (5min) 50dB L_{eq} (5min)</td></tr><tr><td>10pm-7am</td><td>35dB L_{eq} (5min) 40dB L_{eq} (5min)</td></tr><tr><td>10pm-7am</td><td>55dB L_{max} 65dB L_{max}</td></tr><tr><td></td><td></td><td></td></tr></table>	Residential/ Village	7am-10pm	45dB L_{eq} (5min) 50dB L _{eq} (5min)	10pm-7am	35dB L_{eq} (5min) 40dB L _{eq} (5min)	10pm-7am	55dB L_{max} 65dB L _{max}				Rejected	Accept Reporting Officer Recommendation
Residential/ Village	7am-10pm	45dB L_{eq} (5min) 50dB L _{eq} (5min)												
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	10pm-7am	55dB L_{max} 65dB L _{max}												
S17/029 S18/030	Chapter 3D: District Wide Rules – Earthworks Rule 3D.4.1 Permitted Activities	Amendment (dependent on acceptance of submitted 'Definition of Earthworks') - Amend Rule 3D.4.1 as follows (only if definition of Earthworks is not amended as submitted) The following Earthworks are Permitted Activities in the all zones, except the Rural and Flood Channel zones provided that they comply with the standards in Rule 3D.4.2 below. a- Earthworks b- Any earthworks within the National Grid Yard undertaken i- by a network utility operator, or ii- as part of agricultural or domestic cultivation, or iii- repair, sealing or resurfacing of a road, footpath, driveway or farm track [Consequential changes to the standard are necessary]	Rejected	Accept Reporting Officer Recommendation										
S17/030 S18/031	Chapter 3F: District Wide Rules – Temporary Activities Rule 3F.4.1 Permitted Activities	Amendment - Amend the standards for Rule 3F.4.1 as follows:	Rejected	Amend the Reporting Officer Recommendation as follows:										

Spark/Chorus Submission Number	Proposed District Plan Provision	Relief sought through Spark/Chorus submission	Officer Recommendation	Spark/Chorus decision sought through Hearing process
		<p>a. For sporting events, public meetings, galas, market days, and other recreational and festive events:</p> <p>i. Hours of operation occur between 7am – 10pm, and</p> <p>ii. Duration not exceeding 3 consecutive days, and</p> <p>iii. No more than 4 events of a similar nature on the same site, in any 12 month period, and</p> <p>iv. Temporary buildings and structures <u>except temporary network utility structures</u> must be readily moveable, meet all yard setback requirements of this Plan and must be removed from the site upon the completion of the temporary activity.</p> <p>b. Temporary buildings and structures <u>except temporary network utility structures</u> must:</p> <p>i. be readily moveable</p> <p>ii. meet all yard setback requirements of this Plan</p> <p>iii. be removed from the site within 6 months of the commencement of the activity</p> <p>iv. not occupy a site for more than one 6 month period in any 12 months.</p> <p><u>f. temporary network utility structures must</u></p> <p>i. be readily moveable</p> <p>ii. be removed from the site within 12 months of the commencement of the activity.</p>		<p>3F.4.2 Standards for Permitted Activities Temporary activities must comply with the following standards:</p> <p>a. For sporting events, public meetings, galas, market days, and other recreational and festive events:</p> <p>i. Hours of operation occur between 7am – 10pm, and</p> <p>ii. Duration not exceeding 3 consecutive days, and</p> <p>iii. No more than 4 events of a similar nature on the same site, in any 12 month period, and</p> <p>iv. Temporary buildings and structures <u>(except temporary network utility structures supporting an event)</u> must be readily moveable, meet all yard setback requirements of this Plan and must be removed from the site upon the completion of the temporary activity.</p> <p>v. <u>Temporary network utility structures supporting an event must be easily moveable, and erected for not longer than a period of five consecutive weeks.</u></p>

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Chorus Submission Number	Proposed District Plan Provision	Relief sought through Chorus submission	Officer Recommendation	Spark/Chorus decision sought through Hearing process
S18/001	Appendix 7A – Schedule of Designations	Chorus noted that their designations have been correctly recorded however under “Designation Site”, each of Chorus’s designation included the site and then in brackets an internal Chorus reference number. Chorus to have the internal Chorus reference number removed.	Accepted	Accept Reporting Officer Recommendation

