

**Form 5**

**Submission on publicly notified proposal for policy statement or plan, change or variation  
Clause 6 of Schedule 1, Resource Management Act 1991**

To: Waimakariri District Council  
Private Bag 1005  
**Rangiora 7440**

Attention: Proposed Waimakariri District Plan Submission

Name of submitter: Chorus New Zealand Limited  
PO Box 632  
Wellington

Spark New Zealand Trading Limited  
Private Bag 92028  
Auckland 1010

Vodafone New Zealand Limited  
Private Bag 92161  
Auckland 1142

This is a submission on the following proposed plan, change or variation: **Proposed Waimakariri District Plan**

Chorus New Zealand Limited (Chorus), Spark New Zealand Trading Limited (Spark) and Vodafone New Zealand Limited (Vodafone) have lodged a joint submission to the Proposed Waimakariri District Plan.

Chorus, Spark and Vodafone could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that the submission relates to, the submission points, reasons and decisions sought are detailed in the attached table. Chorus, Spark and Vodafone seek that the decisions sought as set out in the attached table are adopted, or any other such relief and/or consequential amendments that achieves an equivalent outcome.

Chorus, Spark and Vodafone wish to be heard in support of their submission. If others make a similar submission, Chorus, Spark and Vodafone will consider presenting a joint case with them at a hearing.



**Signed:** .....

On behalf of Chorus New Zealand Limited

Date: 19 November 2021



**Signed:** .....

On behalf of Spark New Zealand Trading Limited

Date: 19 November 2021



**Signed:** .....

On behalf of Vodafone New Zealand Limited

Date: 19 November 2021

**Address for Service:**

Chorus New Zealand Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited

C/- Incite

P O Box 3082

Auckland 1140

**Contact Details:**

Attention: Chris Horne

Telephone: 027 4794 980

E-mail: [chris@incite.co.nz](mailto:chris@incite.co.nz)

These submissions made are to ensure that there is a practical and workable planning regime for deploying critical network utility infrastructure in the Waimakariri District. We would be open to attending workshop sessions with Council staff, telecommunications submitters and possibly other network utility submitters to develop suitable drafting responses to the matters raised in the submission. The submission requests that either:

- i. the specific relief as set out in the table below; or
- ii. Such other relief to similar effect to address the matters outlined in the submission to the submitter's satisfaction; and
- iii. In relation to i and ii above, any consequential amendments necessary as a result of the amendments to grant the relief sought.

## Part 2 – District Wide Matters: Strategic Directions

Proposed District Plan Provision	The Submission is that:		Decisions sought:
	Oppose / Support	Reasons	
Objective SD-O2 Urban Development	Oppose	<p>The objective makes reference to utilising three-waters infrastructure where available, but makes no reference to other Infrastructure such as telecommunications, broadband and electricity which are also important for a well-functioning urban environment.</p> <p>Telecommunications/broadband in particular falls within the definition of “<i>additional Infrastructure</i>” in the NPS-UD.</p> <p>NPS-UD Objective 6 seeks to deliver local authority decisions on urban development integrated with infrastructure planning and funding decisions. Policy 10 requires local authorities to engage with providers of infrastructure (telecommunications is included as “<i>additional infrastructure</i>”) to achieve integrated land use and infrastructure planning.</p> <p>NPS-UD Policy 1 recognises the need to support reductions in greenhouse gas emissions in planning decisions on urban</p>	<p><b>Amend</b> Objective SD-O3 by adding an additional clause to the objective as follows:</p> <p><i>Urban development and infrastructure that:</i></p> <p>....</p> <p><b><u>x. ensures new development and intensification is adequately served by telecommunications, broadband and electricity;</u></b></p>

		<p>environments, which supports providing for efficient and effective telecommunications as part of urban development to support work from home solutions and support travel demand management initiatives.</p> <p>NPS-UD Clause 3.11(1) in Part 3 Implementation provides direction when making plans or changing plans to ensure that development achieves well-functioning urban environments. In particular, reference to additional infrastructure NPS-UD 3.5 <i>“Availability of additional infrastructure”</i> requires that local authorities must be satisfied that the additional infrastructure to service the development capacity is likely to be available.</p>	
Objective SD-O3 Energy and Infrastructure	Support	The objective provides an appropriate framework for addressing infrastructure in the District Plan.	<b>Retain</b> Objective SD-O3 as notified.

## Part 2 – District Wide Matters: Urban Form and Development

Proposed District Plan Provision	The Submission is that:		Decisions sought:
	Oppose / Support	Reasons	
<p>Policy UFD-P2</p> <p>Identification/location of new Residential Development Areas</p>	<p>Oppose</p>	<p>Clause 2 of the policy addresses new residential areas not already specifically identified in the RPS. The policy makes reference to making use of existing three-waters infrastructure where available, but makes no reference to other Infrastructure such as telecommunications, broadband and electricity which are also important for a well-functioning urban environment.</p> <p>Telecommunications/broadband in particular falls within the definition of “<i>additional Infrastructure</i>” in the NPS-UD.</p> <p>NPS-UD Objective 6 seeks to deliver local authority decisions on urban development integrated with infrastructure planning and funding decisions. Policy 10 requires local authorities to engage with providers of infrastructure (telecommunications is included as “<i>additional infrastructure</i>”) to achieve integrated land use and infrastructure planning.</p> <p>NPS-UD Policy 1 recognises the need to support reductions in greenhouse gas emissions in planning decisions on urban environments, which supports providing for efficient and effective telecommunications as part of urban development to support work from home solutions and support travel demand management initiatives.</p> <p>NPS-UD Clause 3.11(1) in Part 3 Implementation provides direction when making plans or changing plans to ensure that development achieves well-functioning urban environments. In</p>	<p><b>Amend</b> Policy UFD-P2(2) by adding an additional clause to the :</p> <p><i>2. for new Residential Development Areas, other than those identified in (1) above, avoid residential development unless located so that they:</i></p> <p>....</p> <p><b><u>x. occur in a manner where they can be provided with telecommunications, broadband and electricity infrastructure;</u></b></p>

		<p>particular, reference to additional infrastructure NPS-UD 3.5 “Availability of additional infrastructure” requires that local authorities must be satisfied that the additional infrastructure to service the development capacity is likely to be available.</p> <p>The change being sought to this policy is consistent with the amendment sought on Strategic Directions Objective SD-O3.</p>	
<p>Policy UFD-P10</p> <p>Managing reverse sensitivity effects from New development</p>	Support	<p>It is appropriate for new residential development and intensification to avoid placing limits on the efficient and effective operation and upgrading of <i>critical infrastructure</i>, <i>strategic infrastructure</i> and <i>regionally significant infrastructure</i>.</p>	<p><b>Retain</b> Policy UFD-P10 as notified.</p>

## Part 2 – District Wide Matters: EI Energy and Infrastructure

Proposed District Plan Provision	The Submission is that:		Decisions sought:
	Oppose / Support	Reasons	
Other potentially relevant District Plan provisions	Oppose	<p>The structure of the District Plan does not result in a clear and largely self-contained infrastructure section. The section outlining other potentially relevant district plan provisions essentially requires all sections of the plan including zones to be reviewed to determine activity status. This is unclear and creates uncertainty for plan users. For zones in particular, district plans commonly include an infrastructure section stating that zone rules do not apply unless specifically referred to in the infrastructure section. This is because infrastructure has technical and operational requirements that require bespoke rules package and not a requirement to meet general building/structure controls in a zone. The last bullet point in the text on other relevant district plan provisions provides an unclear statement about the relevance of zones to infrastructure</p>	<p><b>Amend</b> the structure of the Proposed Plan and Infrastructure Section such that:</p> <ul style="list-style-type: none"> <li>• The bullet points in the section titled “other potentially relevant District Plan provisions” clearly states that zone chapter rules do not apply unless specifically referred in the EI chapter rules and standards.</li> <li>• Reference/Hyperlink all relevant infrastructure rules in district wide provisions from the EI rules and standards.</li> <li>• Delete all rules referring to infrastructure from the zone chapter rules and standards.</li> </ul>

		<p>rules. However, taking the General Residential Zone as an example, there are two specific development standards that provide exemptions for infrastructure, these being GRZ-BFS2 (infrastructure buildings exempt from building coverage) and GRZ-BFS5 (upgrading of infrastructure exempt for building and structure setbacks). Given these are noted exemptions, it would appear therefore that all other standards apply to infrastructure. It is unclear if this is the intention or a function of zone provision being drafted in a 'siloed' manner and not properly reflecting the intended relationship within the infrastructure section.</p> <p>Another example of confusion created by the structure is different rules in different sections that may apply to infrastructure work within the drip line of protected trees. Conflicting provisions are contained in infrastructure rule EI-R10, Notable Tree rule Tree-R4, and Earthworks rule EW-S4.</p> <p>A good and recent precedent for a self-contained infrastructure section is the Proposed Selwyn District Plan, prepared on the same ePlan platform, but with all relevant zone or district wide provisions hyperlinked from the Infrastructure section. A change to the same structure in the Waimakariri District Plan would be a preferred outcome. However, at an absolute minimum the infrastructure section should clearly state zone rules do not apply unless otherwise specifically referenced/hyperlinked from the infrastructure rules, and delete all rules/standards referring to infrastructure from all zones.</p> <p>In addition, for plan workability and greater certainty it would be desirable to hyperlink all relevant district wide rules from the infrastructure rules/standards, to avoid having the reconcile</p>	
--	--	--	--

		potentially conflicting standards (such as the protected tree example given above).	
Objective EI-01, EI-02 and EI-03	Support	These provisions provide an appropriate and workable policy framework for telecommunications infrastructure.	<b>Retain</b> Objectives EI-01, EI-02 and EI-03.
Policy EI-P1, EI-P2, EI-P3 and Policy EI-P6	Support	These provisions provide a workable and appropriate policy framework for telecommunications infrastructure.	<b>Retain</b> Policies EI-P1, EI-P2, EI-P3 and EI-P6
Policy EI-P5	Support	<p>The direction of this policy recognises when managing adverse effects that locations in sensitive environments may be required in appropriate circumstances.</p> <p>However, whilst this policy helpfully and appropriately recognises that important infrastructure may need to be located in environments such as for example Outstanding Natural Landscapes (ONLs), it is unclear how this policy is to be reconciled with the policy provisions in these other chapters, particularly where policies in other chapters dealing with environments such as ONLs may use an avoid framework. Accordingly, submissions have been made on policies in the NFL chapter to ensure that Policy EI-P5 operates as intended and is not overridden by provisions in other chapters dealing with the same environments referred to in Policy EI-P5.</p>	<b>Retain</b> Policy EI-P5 and <b>amend</b> the policies for Natural Features and Landscapes (NFL-P1, NFL-P3 and NFL-P4) such that the management approach for these environments envisaged by Policy EI-P5 is not overridden by these policies (see separate submissions on these NFL policies).
Rule EI-R1, EI-R2, EI-R3, EI-R6, EI-R7, EI-R8, EI-R9, EI-R14, EI-R15, EI-R19, EI-R27, EI-R30, EI-R31 and EI-R40 as notified.	Support	These permitted activity rules which apply to telecommunications infrastructure are supported as notified.	<b>Retain</b> Rule EI-R1, EI-R2, EI-R3, EI-R6, EI-R7, EI-R8, EI-R9, EI-R14, EI-R15, EI-R19, EI-R27, EI-R30, EI-R31 and EI-R40 as notified.
Rule EI-R4 Customer Connections, and new controlled activity rule to connect to heritage building or structure.	Oppose	Clause 1 of the rule would require resource consent as RDIS where it involves the alternation of a building with heritage values. This is interpreted as applying to a customer connection being externally attached to a building that is scheduled as having historic heritage values.	<b>Amend</b> EI-R4 as necessary and add a new controlled activity rule such that a customer connection to a building or structure with heritage values is provided for as a controlled



		<p>There has been ongoing discussion between telecommunications operators and Heritage New Zealand Pouhere Taonga over how customer connections to heritage buildings should be addressed. Agreement has been reached on other plans that these are appropriately dealt with as a controlled activity to enable the method of connection to be controlled to minimise impacts on the heritage item whilst still allowing for reasonable and practical use of heritage listed buildings and to support the adaptive use of such buildings.</p> <p>Clause 5 of the rule requires that above ground infrastructure for a new customer connection shall comply with all other relevant EI rules. This clause is uncertain and it is submitted that the rule should be self-contained within Rule EI-R4 or relevant rules are hyperlinked from this rule. It is assumed this is intended to relate to support poles.</p>	<p>activity, with the matters of control limited to the following:</p> <ul style="list-style-type: none"> <li>• <b><u>Design and placement of the customer connection to minimise impacts on the values and attributes of the heritage building or structure.</u></b></li> </ul> <p><b>Delete</b> Clause 5 or <b>amend</b> by cross-reference/hyperlink to other specific EI rules that are intended to apply to above ground customer connections.</p>
Rule EI-R10 Underground Infrastructure (New and Upgrading)	Oppose	<p>The drafting of clauses 1 and 2 of this rule are unclear. It appears that new infrastructure in roads is exempt in clause 1 from provisions relating to root protection areas, SNAs and places adjoining the coastal marine areas, whilst in clause 2 upgrades are subject to restrictions in these areas. Redrafting to make this rule clearer is requested.</p>	<p><b>Amend</b> Rule EI-R10 such that the requirements for new underground infrastructure and upgrades of underground infrastructure are more clearly set out in relation to root protection zones, SNAs and places adjoining the coastal marine area.</p>
Rule E1-R11 Relocation of Infrastructure	Oppose	<p>The only permitted activity standard is an allowance for a 5m shift. However, there is an advisory note in regard to E1-R10(2) underground infrastructure. It is unclear how this relates to Rule EI-R11 for relocation infrastructure as it is not expressed as a standard. Therefore, it appears that two separate rules may apply to relocation of underground infrastructure which is confusing. If EI-R10(2) it is intended be a standard this should be included as such within EI-R11 for clarity rather than an advisory note. It is also unclear why there would be a limit on how far underground infrastructure can be relocated.</p>	<p><b>Amend</b> Rule EI-R11 by either deleting the advisory note or adding the requirements of Rule EI-E10(2) clearly as a standard within Rule EI-R11.</p> <p><u>And</u></p> <p><b>Amend</b> Rule EI-R11 such that the 5m shift restriction only applies to above ground infrastructure.</p>

<p>EI-R18 Attachment of pipes, cables, conductors or lines, to bridges, tunnels or culverts</p>	<p>Oppose in part</p>	<p>Clause 1(a) requires any pipes, cables or lines to be attached to the underside of a bridge or incorporated into its structure. Attaching a duct under a bridge may conflict with NZTA standards for not reducing waterway clearances so may in practice not be a suitable solution. It is unclear what <i>incorporating into its structure</i> means. These may for practical purposes need to be attached to the outside of the side of a bridge.</p> <p>Clause 1(c) requires any new conduits, ducts or pipes to be in a cluster of not more than 2 in total. This appears to limit the total number of conduits on a bridge to 2 (or possibly 2 more than what exists when the rule takes effects which would be difficult to monitor/determine over time). Different infrastructure providers will have different requirements for what needs to be attached to a bridge which may not reasonably be able to be in shared services conduits (e.g. telecommunications, electricity, 3-waters).</p>	<p><b>Amend</b> Rule EI-R18 by deleting clauses 1(a) and 1(c).</p>
<p>EI-R26 New Freestanding radio-communication and telecommunication facilities, antennas, and supporting poles and towers</p>	<p>Oppose in part</p>	<p>The provisions of this rule are generally supported. However, clarity is needed around the allowable headframe widths of poles in roads in clause 4 of the rule. Whilst sub clause 4(b) refers to all other zones and adjoining roads, subclause 4(a) refers only to specified zones but not the adjoining roads, which appears to leave a gap in the rules.</p>	<p><b>Amend</b> Rule EI-R26(4)(a) by including reference to adjoining roads.</p>
<p>EI-R28 New Overhead lines and supporting poles</p>	<p>Oppose in part</p>	<p>The provisions of this rule are generally supported. However, clarity is needed around the allowable height of poles in roads in clause 3 of the rule. Whilst sub clause 3(b) refers to all other zones and adjoining roads, subclause 3(a) refers only to specified zones but not the adjoining roads, which appears to leave a gap in the rules.</p>	<p><b>Amend</b> Rule E1-R28(3)(a) by including reference to adjoining roads.</p>

<p>EI-R55 Network Utilities within 10m of the centre line of 66kV or 33kV electricity distribution line</p>	<p>Oppose</p>	<p>An equivalent clause that that in Rule E1-R51(1)(i) for the National Grid is sought whereby resource consent is not required where the safe distances in NZECP 34:2001 are not met provided written approval has been given by the lines distribution company under clause 2.4.1 of NZECP:34 2001. This has been an agreed position with Transpower on a number of plan reviews but has not translated into the equivalent approach being sought by the lines distribution company.</p>	<p><b>Amend</b> Rule EI-R55 such that resource consent is not required where the safe distances in NZECP 34:2001 are not met provided written approval has been given by the lines distribution company under clause 2.4.1 of NZECP:34 2001.</p>
<p>EI-MD3 (Matters of Discretion) – application to further EI rules.</p>	<p>Oppose</p>	<p>EI-MD3 addresses the operational considerations of infrastructure. The matter of discretion itself is supported. However, there are a number of EI rules where EI-MD3 does not apply where permitted activity rules are not met. Operational considerations should always be a matter of discretion for telecommunications equipment not meeting permitted activity standards.</p>	<p><b>Amend</b> rules EI-R2, EI-R4, EI-R7, EI-R8, EI-R9, EI-R11, EI-R12, EI-R13, EI-R14, EI-R15, EI-R16, EI-R17, EI-R36, EI-R40 by including EI-MD3 as a matter of discretion where permitted activity standards are not met.</p>

## Part 2 – District Wide Matters: NH Natural Hazards

<p>Non-Coastal Hazards  Rule NH-R4 Below ground infrastructure and critical infrastructure  Rule NH-R5 Above ground infrastructure that is not critical infrastructure  Rule NH-R6 Above ground critical infrastructure</p> <p>Coastal Hazards  Rule NH-R17 Above ground critical infrastructure</p>	<p>Support</p>	<p>The rules as notified are considered to be practical and workable for typical telecommunications equipment.</p>	<p><b>Retain</b> Rules NH-R4, NH-R5, NH-R6, NH-R17 and NH-R18 as notified.</p>
--	----------------	--	--

Rule NH-R18 Below ground infrastructure and critical infrastructure			
---	--	--	--

## Part 2 – District Wide Matters: HH Historic Heritage

Policy HH-P7 Siting of Infrastructure	Support	The policy properly requires account to be taken of functional need or operational need in siting infrastructure.	<b>Retain</b> Policy HH-P7 as notified.
Rule HH-R3 Construction of a structure, building or addition to a building within any historic heritage setting listed in HH-SCHED 2	Oppose	Rule EI-R4 in the Energy and Infrastructure Chapter addresses customer connections to buildings with historic heritage values. For the avoidance of doubt that this activity also does not need to be considered as a building addition under HH-R3, a cross reference/hyperlink to Rule EI-R4 is required to make it clear that is where customer connections to buildings with heritage values are regulated in the district plan.	<b>Amend</b> Rule HH-R3 such that it is clearly identified that customer connections to buildings with heritage values (as identified in HH-SCHED2) are regulated under Rule EI-R4 in the Energy and Infrastructure Chapter and not under Rule HH-R3.

## Part 2 – District Wide Matters: TREE Notable Trees

TREE-R4 Activities within any root protection areas of any Notable Tree listed in TREE-SCHED 1	Oppose	There is an unclear relationship and differing provisions between TREE-R4 and notable tree root zone rules specific to infrastructure in the Energy and Infrastructure Chapter (e.g.EI-R4 and EI-R10). There is a further earthworks rule in relation to notable tree rootzones in the Earthworks Chapter relating to underground infrastructure (EW-R8/EW-S4). To avoid confusion, all rules relevant to infrastructure and ancillary earthworks should be located in the Energy and Infrastructure chapter and exemptions for infrastructure noted in TREE-R4 and	<b>Amend</b> Rule TREE-R4 and rules in the EI chapter as necessary such that any provisions relevant to infrastructure work within the root zone of notable trees are included within the EI rules in the Energy and Infrastructure Chapter. The standards need to be specific and practical for typical infrastructure work that may need to be undertaken within a notable tree rootzone.
--	--------	---	---

		EW-S4. The rules should be specific and practical for typical infrastructure work that may need to be undertaken within a notable tree rootzone.	
--	--	--	--

## Part 2 – District Wide Matters: SASM Sites and Areas of Significance to Māori

Rule SASM-R4 Earthworks and disturbance associated with other activities	Oppose	<p>The various overlays and buffer areas around silent file areas cover a substantial part of the eastern Waimakariri District including urban areas from the edge of Rangiora to the coast. It would appear that the only permitted infrastructure activity involving earthworks in this large area, including within roads, is for customer connections. It is unclear if poles and cabinets and like equipment could rely on clause (c) of the rule providing for building foundations up to 350m<sup>3</sup>. Installing all otherwise permitted infrastructure other than customer connections would appear to require resource consent as a restricted discretionary activity where any earthworks are required. The provisions as drafted may be unworkable due to the large extent of area it covers including active road corridors and the burden that would place on Ngāi Tūāhuriri's resources to be able to be engaged on such a large range of work over a large area.</p> <p>The telecommunications companies would welcome the opportunity to work with the Council and Ngāi Tūāhuriri to formulate a more practical rules framework for infrastructure that still adequately protects resources of cultural value.</p>	<p><b>Amend</b> Rule SASM-R4 to provide for further exemptions for telecommunications infrastructure works within roads, as well as exemptions outside of roads for poles, cabinets and underground lines and associated earthworks. The submitters are happy to work with the Council and Ngāi Tūāhuriri to formulate suitable and appropriate provisions.</p>
--	--------	---	---

## Part 2 – District Wide Matters: ECO Indigenous Biodiversity

ECO-MD1 Matter of discretion for vegetation clearance	Oppose	Matters of discretion in other topics such as SASM Sites and Areas of Significance to Māori have an assessment matter addressing the functional and operational need of infrastructure (see SASM-MD1, MD2 and MD3). An equivalent clause is appropriate for ECO-MD1 vegetation clearance for situations where due to functional and operational requirements some impact on indigenous vegetation protected by the district plan may be justified.	Amend the matters of discretion in ECO-MD1, by adding a further clause as follows: x. <b><u>In respect of infrastructure, the extent to which the proposed infrastructure has a functional need or operational need for its location, and whether alternative locations or layout/methodology would be suitable.</u></b>
---	--------	--	---

## Part 2 – District Wide Matters: NFL Natural Features and Landscapes

Policies NFL-P1, NFL-P3 and NFL-P4	Oppose	Whilst intent of Policy EI-P5 in the Energy and Infrastructure chapter is to recognise that in some instances infrastructure may need to locate in sensitive environments and provides the framework for considering where they may be appropriate, some of the more directive policy provisions in the NFL policy framework could have the effect of overriding Policy EI-P5, especially where terms such as “avoid” are used. The same issue was encountered and raised with the recent Selwyn District Plan hearings, and legal advice taken by the Council as part of the Council’s right of reply concurred that this was an issue that that should be resolved within the NFL chapter to avoid unintended consequences and to ensure internal consistency in the plan and consistency with higher order documents such as the Regional Policy Statement. This material is available on the Selwyn District Council website or can be supplied on request.	<b>Amend</b> Policies NFL-P1, NFL-P3 and NFL-P5 as necessary such that these policies must be considered in the context of Policy EI-P5 in regard to infrastructure. The submitter would be happy to engage with the Council over possible drafting solutions. One option would be to add a new clause to each policy as follows:  x. <b><u>in regard to infrastructure, the matters outlined above shall be subject to a consideration of the extent to which the infrastructure may be appropriate under Policy EI-P5.</u></b>
------------------------------------	--------	---	--

		To this end, amendments are sought to Policies NFL-P1, P3 and P5 such that it is clear in applying these policies that this must be considered in the context of Policy EI-P5.	
Rule NFL-S1 Building and structures reflectivity	Oppose	Equipment deployed in roads in particular may include concrete, wooden or galvanised utility poles that weather to a dull finish. It would be difficult to calculate the reflectivity at install date and after reasonable weathering. To address this it is requested that the exemptions in the rule are extended to utility poles in road corridors that are finished such that they will weather to a non-reflective colour without specifying a specific reflectivity standard.	<b>Amend</b> Rule NFL-S1 such that the following additional exemption to NFL-S1(1) is included (or an amendment of like effect): <ul style="list-style-type: none"> <li>• <b><u>Infrastructure poles and attached equipment in road reserve that are finished in materials that will naturally weather to a not reflective colour.</u></b></li> </ul>
Rule NFL-S2 Building Coverage	Oppose	Where small scale network utility equipment with a footprint of no more than 10m <sup>2</sup> is proposed on a site within the ONL, ONF or SAL overlay, it is unnecessary and unreasonable to need to calculate the overall building coverage on the site to confirm compliance with the 5% building coverage standard. This equipment will be of small enough scale to have less than minor effects in relation to building coverage regardless of the existing extent of coverage.	<b>Amend</b> Rule NFL-S2 by provision an exemption from the 5% building coverage standard for infrastructure with a footprint not exceeding 10m <sup>2</sup> .

## Part 2 – District Wide Matters: EW Earthworks

Rule EW-R8 Earthworks for Underground Infrastructure	Oppose	The rule permits earthworks that comply with Rule EI-R10 underground infrastructure in the Energy and Infrastructure Chapter. However, this would not cover underground customer connections covered by Rule EI-R4 or relocation of underground infrastructure under Rule EI-R11. The rule should be expanded to apply to all rules providing for underground infrastructure in the EI Chapter.	<b>Amend</b> Rule EW-R8 such that to applies to all relevant rules in the EI chapter providing for underground infrastructure.
--	--------	---	--

Rule EW-SI/Table EW-1 General Standards for Earthworks	Oppose	Exemptions should be provided from the cumulative 12 month permitted limits and areas per site for underground services, infrastructure poles and cabinets due to the localised nature of trenches or foundation works for poles and structures and given that work may be located in roads where it is difficult to calculate cumulative earthworks per site.	<b>Amend</b> Rule EW-1/Table EW-1 by providing an exemption from maximum volume and area standards for services trenches and foundations for infrastructure poles and cabinets.
Rule EW-S2 General setbacks	Oppose	The requirement for earthworks more than 300mm in depth or height requiring a setback of 2m from any boundary of a site in different ownership is opposed for infrastructure in roads and minor earthworks for service trenches, utility poles and cabinets.	<b>Amend</b> Rule EW-S2 by providing an exemption for infrastructure within roads, and earthworks associated with services trenches or customer connections, utility poles and cabinets outside of roads.
Rule EW-S3 Setback from waterbodies	Oppose	Infrastructure equipment in roads that cross waterways may need to be constructed within these setbacks. Regional rules requirements and Rule EW-S7 can ensure any temporary sediment mobilisation for work undertaken by network utility operators in roads is properly controlled for work near waterways.	<b>Amend</b> Rule EW-S3 by providing an exemption for infrastructure within roads.
Rule EW-S4 Setback from root protection area.	Oppose	There is an unclear relationship and differing provisions between EW-S4, TREE-R4 and notable tree root zone rules specific to infrastructure in the Energy and Infrastructure Chapter (e.g.EI-R4 and EI-R10). To avoid confusion, all rules relevant to infrastructure and ancillary earthworks should be located in the Energy and Infrastructure chapter and exemptions for infrastructure noted in TREE-R4 and EW-S4. The rules should be specific and practical for typical infrastructure work that may need to be undertaken within a notable tree rootzone.	<b>Amend</b> Rule EW-S4 and rules in the EI chapter as necessary such that any provisions relevant to infrastructure near or within the rootzone of notable trees are included within the EI rules in the Energy and Infrastructure Chapter. The standards need to be specific and practical for typical infrastructure work that may need to be undertaken within a notable tree rootzone.
Rule EW-S5 Excavation and filling	Oppose	The 2m maximum depth standard should exclude pile foundations for utility poles which may exceed this depth but not result in land stability issues that may be associated with larger scale earthworks.	<b>Amend Rule EW-S5</b> by providing an exemption from the maximum depth standard for utility pole pile foundations.



### Part 3 – New Development Areas

<p>Certification for West Rangiora, NER North East Rangiora, SER South East Rangiora and K Kaiapoi - Criteria DEV-WR-S1 DEV-NER-S1 DEV-SER-S1 DEV-K-S1</p>	<p>Oppose</p>	<p>Telecommunications/broadband falls within the definition of “<i>additional Infrastructure</i>” in the NPS-UD.</p> <p>NPS-UD Objective 6 seeks to deliver local authority decisions on urban development integrated with infrastructure planning and funding decisions. Policy 10 requires local authorities to engage with providers of infrastructure (telecommunications is included as “<i>additional infrastructure</i>”) to achieve integrated land use and infrastructure planning.</p> <p>NPS-UD Policy 1 recognises the need to support reductions in greenhouse gas emissions in planning decisions on urban environments, which supports providing for efficient and effective telecommunications as part of urban development to support work from home solutions and support travel demand management initiatives.</p> <p>NPS-UD Clause 3.11(1) in Part 3 Implementation provides direction when making plans or changing plans to ensure that development achieves well-functioning urban environments. In particular, reference to additional infrastructure NPS-UD 3.5 “<i>Availability of additional infrastructure</i>” requires that local authorities must be satisfied that the additional infrastructure to service the development capacity is likely to be available.</p>	<p><b>Amend</b> the criteria in DEV-WR-S1, DEV-NER-S1, DEV-SER-S1 and DEV-K-S1 by adding a new clause as follows:</p> <p>1. <i>The following criteria must be demonstrated to be met for the District Council’s Chief Executive Officer or their delegate to certify to enable urban development (subdivision and land use activities) in the [XYZ] Development Area:</i></p> <p>.....</p> <p><b><u>x. all network utility companies providing telecommunications (fibre or mobile networks), electricity distribution and gas reticulation) to the development area have been advised of the expected timing and enabled capacity of development.</u></b></p>
--	---------------	---	--

		<p>The criteria for certification by the Chief Executive of new development areas focuses on transport and 3-waters infrastructure, but not additional infrastructure including telecommunications/broadband, and accordingly this is not considered to properly implement Clause 3.5 in Part 3 of the NPS-UD. The telecommunications companies are seeking an operational procedure as part of the criteria for certifying new development areas by the Chief Executive to ensure telecommunications network operators (and ideally other non-public infrastructure operators such as electricity and gas distribution) have been advised so they have the opportunity to plan for serving new growth.</p>	
--	--	---	--