

## **BEFORE WAIMAKARIRI DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991  
(Act)

**AND**

**IN THE MATTER** of the Proposed Waimakariri District  
Plan: **Hearing Stream 1 and 2**

### **Summary of Key Points - Planning Evidence by Chris Horne on behalf of Spark New Zealand Trading Limited (Spark), Chorus New Zealand Limited (Chorus), Connexa Limited (Connexa), One New Zealand Limited (One NZ) and FortySouth**

1. I have prepared planning evidence in chief (EIC) on behalf of the Telecommunications Companies. Since lodging the submission Vodafone has rebranded to One NZ and Connexa and FortySouth have acquired the mobile network fixed assets of Spark and One NZ so are successor companies.
2. The evidence covers:
  - Strategic Directions Objective SD-01 (further submission on Transpower)
  - Strategic Directions Objective SD-02
  - Urban Form and Development Policy UFD-P2; and
  - Sites and Areas of Significance to Māori (SASM) rule for earthworks and disturbance (SASM-R4(1)(h))
3. The general approach by the Companies to the Proposed Plan is:
  - Seeking a greater level of consistency in planning documents nationally for telecommunications;
  - At the strategic level of the Proposed Plan – recognise the need to integrate land use with all necessary infrastructure, not just 3-waters and roading;
  - Ensure the Proposed Plan does not unnecessarily regulate infrastructure the community needs;
  - Any planning controls are practical and take account of functional and operational requirements; and
  - There is a consent pathway in sensitive environments in appropriate circumstances.

### **Strategic Directions Objective SD-01**

4. I agree with Transpower's submission that amending Objective SD-01 by referring to "*inappropriate, subdivision, use and development*" in regard to outstanding natural features and landscapes better aligns with s6 of the RMA. Where setting broad direction at the strategic level, this supports lower-level plan provisions for infrastructure that provide a pathway for consent in relation to outstanding natural features and landscapes in appropriate circumstances.
5. I note that the Companies' have submissions on the Natural Features and Landscapes section seeking better recognition of infrastructure in natural environments covered in that chapter. The proposed change to Objective SD-01 would better support the relief being sought in regard to the Natural Features and Landscapes section.

### **Strategic Directions Objective SD-02**

6. I agree with the Companies' submission to amend SD-02 such that the strategic directions objective for urban development recognises not only the role 3-waters infrastructure plays in supporting urban development, but also telecommunications, broadband and electricity. Delivery of all of these services supports well-functioning urban environments.
7. The reporting planner considers that this does not need to be recognised at a strategic directions level and is addressed in the lower order plan provisions (i.e. In the EI and SUB provisions). However, given the national level direction of the NPS-UP in regard to "*other infrastructure*", which specifically includes telecommunications, I consider that this would be appropriately addressed in SD-02 to set the higher-level district plan direction for addressing this in the EI and SUB Chapters.

### **Urban Form and Development Policy UFD-P2**

8. In a similar vein to the submission in SD-02, the Companies sought an amendment to UFD-P2 to recognise telecommunications, broadband and electricity in regard to the identification and location of new residential areas. The policy already addresses 3-waters and roading infrastructure, but not this other Infrastructure, which is also essential for well-functioning urban environments.
9. I support the changes sought in the submission to ensure for any major land use change in particular considers the full matrix of necessary infrastructure to support growth and

development and achieve well-functioning urban environments. Conversations with telecommunications companies will enable any network constraints to be understood and planning for any network upgrades to be initiated.

**Rule SASM-R4 Earthworks and disturbance associated with other activities**

10. The primary purpose of this submission point is to provide a practical framework and equal footing for routine infrastructure work to other earthworks exemptions in Wāhi Tapu and Ngā Tūranga Tūpuna Overlays, particularly given the large extent of these in eastern Waimakariri District including a number of townships and the road network (see Figure 1, p12 of my Evidence in Chief).
11. The s42A report recommendation is to accept the submission, but the fix proposed in my view does not address the submission as it appears to be limited to existing infrastructure so would not cover new equipment such as new mobile sites or new fibre lines, and is limited to the depth of existing excavations which in a road corridor environment in particular may be difficult to determine (see Paragraph 48 of my EIC for the s42A recommended edit)
12. I have proposed a rule amendment that would appear to have no greater if not less impact on the SASM areas than other exceptions provided for (e.g. building foundations up to 350m<sup>3</sup>). However, I caveat my recommended changes with a recommendation that this is tested with Ngāi Tūāhuriri to ensure it is appropriate.
13. The further exemptions I recommended are earthworks are:
  - j. telecommunications lines, poles and cabinets in formed roads.*
  - k. telecommunication poles and cabinets outside of roads.*
14. The rule already provides an exception for earthworks for customer service connections.

Chris Horne

16 May 2023