

## D10 14.10 Telecommunications and radiocommunications

This report section is D10 of Part D Submissions Analysis of the section 42A report on the Infrastructure and Energy topic, Proposed Waikato District Plan. The report provides consideration of submissions on section 14.10 which contains the rules for telecommunications and radiocommunications utilities.

### I Introduction

1. The main themes in submissions on 14.10 Telecommunications and radiocommunications are:
  - a. Area and height controls for structures
  - b. Protection of Identified Areas
  - c. Dish and panel antenna dimensions
  - d. Larger satellite dishes
  - e. Location of poles, antennas and headframes.
2. The National Environmental Standards for Telecommunications Facilities (NESTF) prevails over district or regional plan rules unless expressly stated that it does not. The NESTF 2016 provides rules for the following activities:
  - a. cabinets in the road reserve, outside the road reserve and on buildings
  - b. antennas on existing poles in the road reserve
  - c. antennas on new poles in the road reserve
  - d. replacement, upgrading and co-location of existing poles and antennas outside road reserve (with different conditions in residential and non-residential areas)
  - e. new poles and antennas in rural areas
  - f. antennas on buildings (above a permitted height in residential areas)
  - g. small-cell units on existing structures
  - h. telecommunications lines (underground, on the ground and overhead).
3. Watercare Services Limited, who may have further submissions on many submission points, is intending to provide a new set of provisions. The Watercare further submissions are not shown against individual submission points nor addressed directly and should be accepted or rejected in accordance with the responses to the original submission points. The Watercare further submissions are shown in Appendix I, with recommendations. Where Watercare has made an original submission, or a further submission not in that standard format, the submission or further submission will appear in the submission tables and Analysis.

### 2 Rule 14.10.1 Permitted Activities - General

Submission point	Submitter	Decision requested
697.39	Waikato District Council	Amend Rule 14.10.1(b) Permitted Activities as follows:

		(b) Rule 14.2.1.1 will apply to the activities set out in this table unless there is a specific area, height, location and noise condition listed below.
FSI291.19	Havelock Village Limited	FSI291.19 Supports 697.39

## 2.1 Analysis

4. **Waikato District Council [697.39]** seeks consequential amendments to Rule 14.2.1.1(1), which deleted the general area and height controls to be replaced with area and height controls for specific activities. The notified PWDP had a general area and height limit for all minor infrastructure structures. As the area and height of these industry standard structures can vary across infrastructure types, Waikato District Council submitted that there should be customised area and height controls for specific activities rather than a general control. This approach is to accommodate, for example, pole-mounted transformers, pumping stations and electrical distribution switch rooms, as well as the nominal infrastructure box-like structures on the road berm.
5. **FSI291.19 Havelock Village Limited Supports 697.39:** The submitter supports amendments to the Plan that provide for a greater development potential and a wider variety of densities, zones and housing types. *Havelock Village Limited has an interest in any amendments to definitions that may affect these matters.*
6. I accept that the general area ( $10m^2$ ) and height (2.5m) controls did not adequately reflect the range of industry standard minor infrastructure structures, and support the substitution of area and height rules for specific activities.

## 2.2 Recommendations

7. For the reasons above and as a consequential amendment, I recommend the Hearings Panel:
  - a. Accept Waikato District Council [697.39]; *FSI291.19 Havelock Village Limited.*

## 2.3 Recommended amendments

8. Amend 14.10.1(b) as follows:

### 2.3.1 14.10.1 Permitted Activities

- (a) The following activities are permitted activities if they meet the activity specific conditions set out in this table. These rules apply throughout the District.
- (b) Rule 14.2.1.1 will apply to the activities set out in this table unless there is a specific area, height,<sup>1</sup> location and noise condition listed below.

## 2.4 Section 32AA evaluation

9. As this is a consequential amendment, a s.32AA re-evaluation is not required.

## 3 Rule 14.10.1.1 PI Ancillary equipment

Submission point	Submitter	Decision requested
405.57	Counties Power	Retain Rule 14.10.1.1(a) Permitted Activities relating to PI Ancillary equipment as notified.

<sup>1</sup> 697.39 Waikato District Council

559.178	Heritage NZPT	Retain Activity specific condition 14.10.1.1 (a)(I) relating to PI Ancillary equipment.
692.22	WEL Networks	Retain Rule 14.10.1 PI Permitted Activities, relating to Ancillary equipment.
697.40	Waikato District Council	Amend Rule 14.10.1.1 PI (a) Permitted Activities by adding new clauses (ii) and (iii) as follows: <u>(ii) Not exceed 10m<sup>2</sup> in area above-ground;</u> <u>(iii) Not exceed 2.5m in height.</u>

### 3.1 Analysis

10. **Counties Power** [405.57] sought the retention of Rule 14.10.1.1(a) Permitted Activities relating to PI Ancillary equipment as notified. **Heritage NZPT** [559.178] seeks to retain Activity specific condition 14.10.1.1 (a)(I) relating to PI Ancillary equipment. **WEL Networks** [692.22] seeks the retention of Rule 14.10.1 PI permitted activities relating to ancillary equipment.
11. Counties Power supports Activity specific condition 14.10.1.1 relating to Ancillary equipment. Heritage NZPT supports the permitted activity conditions as they will ensure the integrity and the historic heritage values of the Identified Areas are retained. WEL Networks supports PI as it would provide for equipment ancillary to telecommunication facilities as a permitted activity.
12. I consider that the activity and its status are appropriate to achieve Objectives 6.I.1 Development, operation and maintenance of infrastructure, and 6.I.8 Infrastructure in the community and Identified Areas. I recommend accepting in part 405.57 Counties Power; 559.178 Heritage NZPT; 692.22 WEL Networks to the extent that changes are made in response to another submission (Waikato District Council [697.40]).
13. **Waikato District Council** [697.40] seeks to amend Rule 14.10.1.1 PI (a) Permitted Activities by adding new clauses (ii) and (iii) which limit area and height.
14. The submitter seeks to include maximum area and height as a consequential amendment to Rule 14.2.1.1(I).
15. The rule application is not changed, as the area and height dimensions proposed are the same as those in the general rule which is to be deleted. I recommend accepting 697.40 Waikato District Council as a consequential amendment.

### 3.2 Recommendations

16. For the reasons above I recommend the Hearings Panel:
  - a. Accept the submissions from Counties Power [405.57]; Heritage NZPT [559.178]; and WEL Networks [692.22]
  - b. Accept the submission from Waikato District Council [697.40].

### 3.3 Recommended amendments

17. Amend 14.10.1.1 PI Permitted Activities, as follows:

PI	<b>Ancillary equipment<sup>+1</sup></b>	14.10.1.1 (a) <b>Ancillary equipment</b> that complies with the following: (i) It is not connected to an area, façade or item specifically listed in <b>Schedule 30.1</b> .
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		(ii) <u>Not exceed 10m<sup>2</sup> in area above-ground;</u> (iii) <u>Not exceed 2.5m in height.</u> <sup>2</sup>
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### 3.4 Section 32AA evaluation

18. As this change is a consequential amendment and does not change the application of the rule, a s.32AA evaluation is not required.

## 4 Rule 14.10.1.2 P2 Below ground telecommunications and radiocommunications facilities, lines, cables and ducts

Submission point	Submitter	Decision requested
692.70	WEL Networks	Retain Rule 14.10.1 P2 Permitted Activities, relating to below ground telecommunications and radio communications facilities lines, cables and ducts.
559.179	Heritage NZPT	Retain and amend Rule 14.10.1 P2 Below ground telecommunications and radiocommunications facilities, lines, cables and ducts. AND Add a specific activity condition to Rule 14.10.1 P2 Below ground telecommunications and radiocommunications facilities, lines, cables and ducts; as follows: (a) <u>Not located within an Identified Area</u>
FSI033.3; FSI032.3; FSI031.3	Spark; Vodafone; Chorus	FSI033.3 Opposes 559.179; FSI032.3 Opposes 559.179; and FSI031.3 Opposes 559.179

### 4.1 Analysis

19. **WEL Networks** [692.70] supports P2 as it would provide for below ground telecommunications and radio-communications facilities, lines, cables and ducts as a permitted activity.
20. I consider that the activity and its status are an appropriate method to achieve Objective 6.I.1 Development, operation and maintenance of infrastructure. I recommend accepting in part 692.70 WEL Networks to the extent the provision is amended in response to another submission (559.179 Heritage NZPT).
21. **Heritage NZPT** [559.179] opposes P2 as currently proposed as it enables underground works within an Identified Area. The submitter seeks inclusion of an Activity specific condition to ensure that there are not adverse effects to an Identified Area.
22. *FSI033.3 Spark; FSI032.3 Vodafone; and FSI031.3 Chorus Opposes 559.179: No reasons are provided.*
23. I agree with Heritage NZPT in respect of Heritage Items and Maaori Sites and Areas of Significance that an Activity specific condition is required for protection of Identified Area values. Underground works have the potential to affect the values of archaeological and Maaori Sites and Areas of Significance. I consider that the activity and its status are an appropriate method to achieve Objectives 6.I.1 Development, operation and maintenance of infrastructure, and 6.I.8 Infrastructure in the community and Identified Areas. Regional Policy Statement (RPS) historic

<sup>2</sup> 697.40 Waikato District Council

and cultural heritage objectives -“3.18 Historic and cultural heritage sites, structures, landscapes, areas or places of historic and cultural heritage are protected, maintained or enhanced in order to retain the identity and integrity of the Waikato region’s and New Zealand’s history and culture.”- also require a protective approach.

24. I recommend accepting 559.179 Heritage NZPT; and rejecting FS1033.3 Spark; FS1032.3 Vodafone; and FS1031.3 Chorus.

## 4.2 Recommendations

25. For the reasons above I recommend the Hearings Panel:

- a. Accept in part WEL Networks [692.70]
- b. Accept Heritage NZPT [559.179]; reject FS1033.3 Spark; FS1032.3 Vodafone; FS1031.3 Chorus.

## 4.3 Recommended amendments

26. Amend 14.10.1 P2 Permitted Activities, as follows:

P2	Below ground telecommunications and radiocommunications facilities, lines, cables and ducts	<b>Nil</b> <b>(a) Not located within an Identified Area</b> <sup>3</sup>
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As a result of this amendment, there are consequential amendments to later rules that will provide a full cascade of activity status where Identified Areas are involved.

## 4.4 Section 32AA evaluation

27. The recommended amendments are to recognise and provide for s.6 RMA matters of national importance; and to give effect to RPS Objective 3.18 “Historic and cultural heritage sites, structures, landscapes, areas or places of historic and cultural heritage are protected, maintained or enhanced in order to retain the identity and integrity of the Waikato region’s and New Zealand’s history and culture.”

### 4.4.1 Other reasonably practicable options

28. Retaining the provision as notified and requiring protection of Identified Area values by resource consent are the two principal choices.

### 4.4.2 Effectiveness and efficiency

29. The recommended amendments to below-ground telecommunications facilities, lines and ducts better give effect to RPS Objective 3.18 (as set out above). The amendments improve the effectiveness of the rule in implementing the PWDP Identified Area Objectives 6.1.8 Development, operation and maintenance of infrastructure, and 6.1.8 Infrastructure in the community and Identified Areas. Also relevant are objectives relating to 3.1.1 Biodiversity and ecosystems; 3.2.1 Significant Natural Areas; 3.3 Outstanding Natural Features and Outstanding Natural landscapes; 3.4 Significant Amenity Landscapes; 3.5 Natural Character; as well as 7.1.1 “A district that acknowledges its past by; recognising, identifying, protecting and promoting heritage”, and 2.17 “Whakapapa – Relationships with ancestral land, waters, sites, waahi tapu and other taonga are protected and enhanced”. The amendments will provide suitable guidance to plan users for the assessment of activities that affect the Identified Area values.

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<sup>3</sup> 559.179 Heritage NZPT

#### 4.4.3 Costs and benefits

30. The additional costs are in the resource consent processes where the activity is no longer a permitted activity, and in the uncertainty risk that the infrastructure activity may not be able to justify sufficient functional and operational need to be located within an Identified Area. There would also be additional costs of any mitigation or offsetting required. There are benefits for the environment with the revised rule framework as it is clearer as to how effects on Identified Area values will be managed. Other benefits are clearer guidance to plan users regarding the need to protect Identified Areas. There is wider benefit to the local and regional community from infrastructure which has overriding functional and operational needs, but in many cases there will be additional costs in locating and obtaining alternative routes and sites to avoid effects on Identified Areas. Economic and social benefits of infrastructure will be weighed against the environmental and cultural costs on the values of identified areas.

#### 4.4.4 Risk of acting or not acting

31. There is sufficient information on the costs to the environment, historic heritage and cultural values, and benefits to people and communities to justify the amendment to the rule framework. There is a risk in that many Sites and Areas of Significance to Maaori have not been identified and mapped, and may be vulnerable to loss or damage by permitted activity infrastructure and development.

#### 4.4.5 Decision about most appropriate option

32. The amendment gives effect to the RPS and better implements PWDP objectives. It is a more appropriate and effective way to achieve the enabling of infrastructure objective and the Identified Area protective objectives. It is considered to be more appropriate in achieving the purpose of the RMA than the notified version of the infrastructure rules in relation to Identified Areas.

## 5 Rule 14.10.1.2 P3 Cabinets

Submission point	Submitter	Decision requested
559.180	Heritage NZPT	Retain Activity specific condition 14.10.1.2 (a)(i) relating to P3 Cabinets.
692.71	WEL Networks	Retain Rule 14.10.1 P3 Permitted Activities relating to cabinets.
697.41	Waikato District Council	Amend Rule 14.10.1.2 P3 (a) Permitted activities by adding new clauses (ii) and (iii) as follows:  <u>(ii) Not exceed 10m<sup>2</sup> in area above-ground;</u> <u>(iii) Not exceed 2.5m in height.</u>
405.58	Counties Power	Amend Rule 14.10.1.2(a) Permitted Activities relating to P3 Cabinets to provide dimensions for permitted cabinets.

### 5.1 Analysis

33. **Heritage NZPT** [559.180] seeks the retention of Activity specific condition 14.10.1.2 (a)(i) relating to P3 Cabinets. The submitter **WEL Networks Limited** [692.71] seeks the retention of Rule 14.10.1 P3 Permitted Activities relating to cabinets.

34. Heritage NZPT supports the permitted activity conditions as they will ensure the integrity of the historic heritage values of the identified areas are retained. WEL Networks supports P3 as it would provide for cabinets as a permitted activity.
35. Cabinets are provided for in the NESTF, which also allows for District Plans to protect Identified Area type values. The majority of telecommunications cabinets are on the road berm. I recommend accepting in part 559.180 Heritage NZPT; 692.71 WEL Networks to the extent that changes are made in response to other submissions.
36. **Waikato District Council [697.41]** seeks to amend Rule 14.10.1.2 P3 (a) Permitted activities by adding new clauses controlling area and height, as a consequential amendment to deletion of general height and area control from Rule 14.2.1.1(1).
37. I recommend accepting 697.41 Waikato District Council as a consequential amendment.
38. **Counties Power [405.58]** seeks amendment to Rule 14.10.1.2(a) Permitted Activities relating to P3 Cabinets to provide dimensions for permitted cabinets.
39. The submitter has given no reason for this amendment, however permitted cabinet dimensions are included in the NESTF, and Waikato District Council has submitted to provide height and area dimensions substantially greater than those. The NESTF specifies cabinet dimensions in order to enable them. The District Plan is able to be more lenient but not more restrictive than the NESTF.
40. I recommend accepting Counties Power [405.58] as the dimensions are provided in response to Waikato District Council [697.41].

## 5.2 Recommendations

41. For the reasons above I recommend the Hearings Panel:

- a. Accept in part the submissions from Heritage NZPT [559.180]; and WEL Networks [692.71].
- b. Accept the submission from Waikato District Council [697.41].
- c. Accept the submission from Counties Power [405.58].

## 5.3 Recommended amendments

42. Amend 14.10.1.2 P3 Permitted Activities, as follows:

P3	Cabinets <sup>+1</sup>	14.10.1.2 (a) Cabinets that comply with the following condition: (i) Are not located within an Identified Area. (ii) <u>Not exceed 10m<sup>2</sup> in area above-ground;</u> (iii) <u>Not exceed 2.5m in height.</u> <sup>4</sup>
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## 5.4 Section 32AA evaluation

43. As this is a consequential amendment, a further s.32AA re-evaluation is not required.

<sup>4</sup> 697.41 Waikato District Council

## 6 Rule 14.10.1.3 P4 Antennas and lines attached to structures located within the road

Submission point	Submitter	Decision requested
692.72	WEL Networks	Retain Rule 14.10.1 P4 Permitted Activities relating to antennas and lines attached to retaining walls, tunnels, bridges and other structures located within the road.
559.181	Heritage NZPT	Retain activity specific condition 14.10.1.3 (a)(i) relating to P4 Antennas and lines attached to retaining walls, tunnels, bridges and other structures located within the road. AND Delete Activity specific condition 14.10.1.3(b) relating to P4 Antennas and lines attached to retaining walls, tunnels, bridges and other structures located within the road.
644.36 646.36 648.36	Spark; Vodafone; Chorus	Amend Rule 14.10.1.3 (a)(iii) P4 Antennas and lines attached to retaining walls, tunnels, bridges and other structures located within the road as follows: (a)(iii) Dish antenna do not exceed 0.6m in <u>width diameter</u> within the Residential Zone;
680.300	FFNZ	Amend Activity specific condition 14.10.1.3 (a)(ii) relating to P4 Antennas and lines attached to retaining walls, tunnels, bridges and other structures located within the road, as follows: (a)(ii) Panel antenna do not exceed 0.7m in width, <u>except within the Rural Zone, where there is no maximum size restriction for panel antenna</u> ;

### 6.1 Analysis

44. **WEL Networks** [692.72] seeks to retain Rule 14.10.1 P4 Permitted Activities relating to antennas and lines attached to retaining walls, tunnels, bridges and other structures located within the road.
45. The submitter supports P4 as it would provide for antennas and lines attached to retaining walls, tunnels, bridges and other structures located within the road as a permitted activity.
46. For the reasons that the provision is in the notified PWDP as an efficient and effective way of achieving the objective for provision of infrastructure, and with the support of the submitter, I recommend accepting in part 692.72 WEL Networks to the extent that the provision is amended in response to other submissions.
47. **Heritage NZPT** [559.181] seeks to retain Activity specific condition 14.10.1.3 (a)(i) relating to P4 Antennas and lines attached to retaining walls, tunnels, bridges and other structures located within the road and delete Activity specific condition 14.10.1.3(b) relating to P4 Antennas and lines attached to retaining walls, tunnels, bridges and other structures located within the road.
48. The submitter states that they cannot support Rule 14.10.1 Permitted Activity P4, Activity specific condition 14.10.1.3(b) as this allows antennas and lines to be attached to a heritage item.
49. Activity P4 is only for buildings and structures within the road. I do not know of any historic buildings located within the road, although there are war memorials and monuments, and there

do not appear to be any bridges itemised within Schedule 30.I. If the rule is proposing to hide panel antennas behind the parapet of a building which fronts the road then that is not “within the fascia” which is on the outside face of the building. In my opinion there should not be panel antennas fixed to the face of a war memorial or monument. The exception in Rule 14.10.1.3(I)(a) also applies to the width of antennas and the number of antennas per site within a Residential Zone. Apart from roads not being zoned, there should not be an issue with panel antennas mounted on the fascia of a building or structure within the road reserve. Heritage Items (Schedule 30.I) require a resource consent if panel antennas are to be mounted on their façade. I am aware that the scheduled items will also include their settings. I recommend accepting 559.181 Heritage NZPT and amend 14.10.1.3(b) so that it does not apply to Schedule 30.I Heritage Items.

50. **Spark [644.36], Vodafone [646.36] and Chorus [648.36]** seek to amend Rule 14.10.1.3 (a) (iii) P4 Antennas and lines attached to retaining walls, tunnels, bridges and other structures located within the road to change the measurement from width to diameter. I recommend accepting Spark [644.36]; Vodafone [646.36]; Chorus [648.36] as a correction.
51. **FFNZ [680.300]** seeks to amend Activity specific condition 14.10.1.3 (a)(ii) relating to P4 Antennas and lines attached to retaining walls, tunnels, bridges and other structures located within the road to have no maximum size limitations for the Rural Zone.
52. The submitter conditionally supports Rule 14.10.1, provided that restrictions on telecommunication and radio communication equipment that are aimed at managing visual amenity in the Rural Zone are appropriate to reflect the wide-open space scale and rural amenity character of rural areas. FFNZ considers it is not appropriate to impose the same degree of restriction on masts and aerials and the like in rural areas as in remote rural areas, where internet connection is unavailable, farmers typically have need of farm telecommunication and radio communication equipment in order to augment the efficient and safe operation of farms. The submitter states that, imposing the same degree of constraint on masts and aerials in rural areas to that of urban areas, unfairly penalises farmers who have to rely on such equipment for what amounts to little or no environmental benefit. FFNZ considers that efficiency and safety of farm operations can be compromised if farmers are required to have a high regulatory hurdle to overcome in order to be able to install practically-sized functional aerials and masts, which are arbitrarily constrained by way of inappropriately-scaled visual amenity criteria.
53. Rule 14.10.1.3(a)(ii) relates only to the width of panel antennas and not to height. The telecommunications network utility operators consider that 0.7m is an acceptable width control. There are other infrastructure rules permitting the larger scale dish antennas required for rural areas to access rural (satellite) broadband. I recommend rejecting FFNZ [680.300].

## 6.2 Recommendations

54. For the reasons above I recommend the Hearings Panel:
  - a. Accept in part the submission from WEL Networks [692.72].
  - b. Accept the submission from Heritage NZPT [559.181].
  - c. Accept the submissions from Spark [644.36]; Vodafone [646.36]; and Chorus [648.36].
  - d. Reject the submission from FFNZ [680.300].

## 6.3 Recommended amendments

55. Amend 14.10.1.3 Permitted Activities, as follows:

P4	<b>Antennas</b> and lines attached to retaining walls, tunnels, bridges and other structures located within the road+ <sup>1</sup>	<p><b>14.10.1.3</b></p> <p>(a) <b>Antennas</b> that comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Do not connect to an area, façade or item specifically listed in <b>Schedule 30.1</b>;</li> <li>(ii) Panel <b>antenna</b> do not exceed 0.7m in width;</li> <li>(iii) Dish antenna do not exceed 0.6m in <b>width diameter</b><sup>5</sup> within the Residential Zone;</li> <li>(iv) Within the Residential Zone the maximum number of <b>antennas per site</b> is 4.</li> </ul> <p>(b) Rule 14.10.1.3(1)(a) does not apply a face-mounted panel <b>antenna</b> located within the fascia and below the roof line of an existing <b>building</b>, <u>except where the area, façade or item is specifically listed in Schedule 30.1</u><sup>6</sup></p>
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## 6.4 Section 32AA evaluation

56. The recommended amendments are to clarify that fascia mounted panel antennas are acceptable on buildings generally, but not on Heritage Items; a dish antenna is measured by diameter; and a footnote reference is corrected. These changes better give effect to RPS Objective 3.18 “Historic and cultural heritage sites, structures, landscapes, areas or places of historic and cultural heritage are protected, maintained or enhanced in order to retain the identity and integrity of the Waikato region’s and New Zealand’s history and culture.”

### 6.4.1 Effectiveness and efficiency

57. The recommended amendment to the fascia antenna rule gives effect to RPS Objective 3.18. The amendments improve the effectiveness of the rule in implementing the PWDP Identified Area Objectives 6.1.8 Development, operation and maintenance of infrastructure, and 6.1.8 Infrastructure in the community and Identified Areas; as well as 7.1.1 “A district that acknowledges its past by recognising, identifying, protecting and promoting heritage”.

### 6.4.2 Costs and benefits

58. The additional costs are in the resource consent process where the activity is no longer a permitted activity, and in the uncertainty risk that the infrastructure network utility operators may not be able to justify sufficient functional and operational need to be located within the Identified Area (heritage item). There may also be additional costs of any mitigation or offsetting required. There are benefits for the environment with the revised rule framework as it is clearer about how the effects on heritage item values will be managed. Other benefits are clearer guidance to plan users regarding the need to protect specific types of Identified Areas. There is wider benefit to the local and regional community from the provision of infrastructure which has overriding functional and operational needs, but in many cases there will be additional costs for alternative routes and sites to avoid effects on Identified Areas. Economic and social benefits of infrastructure will be weighed against the environmental and cultural costs on the values of Identified Areas.

### 6.4.3 Risk of acting or not acting

59. There is sufficient information on the costs to the environment and historic heritage, and benefits to people and communities to justify the amendment to the rule framework.

<sup>5</sup> 644.36 Spark; 646.36 Vodafone; 648.36 Chorus

<sup>6</sup> 559.181 Heritage NZPT

#### 6.4.4 Decision about most appropriate option

60. The amendment gives effect to the RPS and is a more appropriate and effective way to give effect to the enabling of infrastructure objective and the historic heritage protective objective of the PWDP. The amendment is more appropriate in achieving the purpose of the RMA than the notified version of the infrastructure rules in relation to Heritage Items.

## 7 Rule 14.10.1.4 P5 Antennas attached to a building and/or structure

Submission point	Submitter	Decision requested
405.59	Counties Power	Retain Rule 14.10.1.4 (a)(i) - (vi) Permitted Activities relating to P5 Antennas attached to a building/structure as notified.
559.182	Heritage NZPT	Retain Activity specific condition 14.10.1.4 (a)(i) and (b) relating to P5 - Antennas attached to a building and/or structure.
692.73	WEL Networks	Retain Rule 14.10.1.4 P5 Permitted Activities relating to antennas.
697.42	Waikato District Council	Amend Rule 14.10.1.4 P5 (b) Permitted Activities as follows: (b) Rule 14.10.1.4 does not apply to private television antennas and satellite dishes + <u>I2</u>
FS1107.5	Simon Upton	FS1107.5 Supports 697.42
FS1161.4	Alan Bekhuis	FS1161.4 Supports 697.42

### 7.1 Analysis

62. **Counties Power** [405.59] supports 14.10.1.4 (a)(i)-(vi) Permitted Activities relating to P5. Counties Power states that they use Yagi antenna (UHF450/500MHZ) for automation on the Counties Power network and have a similar appearance to TV aerial-boom length (1.6m and 38mm diameter), and that these are not referred to but should be a Permitted Activity on an existing pole.
63. I agree provision should be made for the Yagi antenna, also used by the telecommunications network utility operators. I recommend accepting 405.59 Counties Power Limited and to add to 14.10.1.4(a)(iii) ... , or 1.6m in length for Yagi antenna on an existing pole.
64. **Heritage NZPT** [559.182] supports the permitted activity conditions as they will ensure the integrity and the historic heritage values of the Identified Areas are retained. 692.73 WEL Networks also supports P5 as it would provide for antennas attached to a building and/or structure as a permitted activity.
65. I recommend accepting Heritage NZPT [559.182]; WEL Networks [692.73].
66. **Waikato District Council** [697.42] supports amending Rule 14.10.1.4 P5 (b) Permitted Activities to improve the notation for accuracy. The symbol “+I”means activities not provided as a permitted activity under the Resource Management (National Environmental Standards for Telecommunication Facilities (“NESTF”)) Regulations 2016. “+2” has no meaning in the context of this section.

67. *FSI 107.5 Simon Upton Supports 697.42: The zoning applying to these properties does not match the 2014/2017 Structure plan due to an apparent clerical error. (Note: The plan was drafted in 2014 but approved in 2017 so references should be to 2017); However the map accompanying the Council's submission still fails to reflect the indicative boundaries shown on the map at p33 of the Structure Plan. The most northerly parcel of land in my ownership is still incorrectly shown as being proposed for residential development. This land crosses the wetland and I oppose the extension of the residential zone to the south of the gully. FSII 161.4 Alan Bekhuis Supports 697.42 with the provision that the map is amended not to include land south of the gully system. The further submissions can only support or oppose an original submission. These two further submissions appear to relate to the zoning of land (possibly at Te Kauwhata) rather than telecommunications antennas and are referred to the Zoning Extent Hearings.*
68. I recommend accepting Waikato District Council [697.42] as a correction and referring FSI 107.5 *Simon Upton*; and FSI 161.4 *Alan Bekhuis* to the Zoning Extent Hearings.

## 7.2 Recommendations

69. For the reasons above I recommend the Hearings Panel:

- Accept the submission from Counties Power [405.59].
- Accept the submissions from Heritage NZPT [559.182]; and WEL Networks [692.73]
- Accept the submission from Waikato District Council [697.42].
- Refer FSI 107.5 *Simon Upton*; and FSI 161.4 *Alan Bekhuis* to Zoning Extent Hearings

## 7.3 Recommended amendments

70. Amend 14.10.1.4 Permitted Activities, as follows:

P5	<b>Antennas</b> <sup>+1</sup> attached to a building and/or structure	<p><b>14.10.1.4</b></p> <p>(a) <b>Antennas</b> attached to a <b>building</b> and/or structure that comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Do not connect to an area, façade or item specifically listed in <b>Schedule 30.1</b>;</li> <li>(ii) The <b>building</b> and/or structure is located within:           <ul style="list-style-type: none"> <li>A. Business Zone</li> <li>B. Business Town Centre Zone</li> <li>C. Tamahere Business Zone</li> <li>D. Te Kowhai Airpark <b>Zone</b><sup>7</sup></li> <li>E. Industrial Zone</li> <li>F. Industrial Zone <b>Heavy</b><sup>8</sup></li> <li>G. Motor Sport and Recreation Zone</li> <li>H. Rural Zone</li> <li>I. Country Living Zone</li> <li>J. Reserve Zone</li> </ul> </li> <li>(iii) The face of the antenna does not exceed 1.5m<sup>2</sup> or 1.2m in diameter for dish antennas, <b>or 1.6m in length for Yagi antenna on an existing pole.</b><sup>9</sup></li> </ul> <p>(b) <b>Rule 14.10.1.4</b> does not apply to private television antennas and satellite dishes + <b>12</b><sup>10</sup></p>
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<sup>7</sup> 697.519 Waikato District Council

<sup>8</sup> 697.518 Waikato District Council

<sup>9</sup> 405.59 Counties Power

<sup>10</sup> 697.42 Waikato District Council

#### 7.4 Section 32AA evaluation

71. The amendments are to correct an omitted type of antenna and footnote numbering. The notified provision generally covered the range of face areas and dish diameters for commonly used antennas attached to buildings but omitted the Yagi type which is in common use by Counties Power and the telecommunications providers. It would not be efficient to exclude this type of antenna as that would result in numerous resource consents being required without perceptible environmental gain. The costs would fall on the infrastructure providers while benefits could not be identified. The intention of the infrastructure rules is to efficiently and effectively provide for no or minimal-effect permitted activity status unless the potential effects warrant a resource consent. The objectives are 6.1.1 “Development, operation and maintenance of infrastructure: (a) Infrastructure is developed, operated and maintained and upgraded to benefit the enhance social, economic, cultural and environmental well-being of the district.” and 6.1.8 “Infrastructure in the community and identified areas: Infrastructure takes into account the qualities and characteristics of surrounding environments and community well-being.”

### 8 Rule 14.10.1 P6 Antennas inside new or existing buildings

Submission point	Submitter	Decision requested
692.74	WEL Networks	Retain Rule 14.10.1 P6 Permitted Activities relating to antennas.

#### 8.1 Analysis / Recommendations

72. **WEL Networks** [692.74] supports P6 as it would provide for antennas inside new or existing buildings as a permitted activity.
73. For the reasons the rule is in the PWDP, that there are no external effects requiring district plan management, and for the support of the submitter:
74. I recommend the Hearings Panel accepts the submission from WEL Networks [692.74].

#### 8.2 Section 32AA evaluation

75. As there are no amendments or changes to the PWDP proposed as a result of accepting the submission, no s32AA evaluation is required to be undertaken

### 9 Rule 14.10.1.5 P7 Antennas not attached to a building and/or structure

Submission point	Submitter	Decision requested
559.183	Heritage NZPT	Retain Activity specific condition 14.10.1.5(a)(iii) and (iv) relating to P7 Antennas attached to a building and/or structure.
680.301	FFNZ	Amend Activity specific condition 14.10.1.5 (a)(iii) relating to P7 Antennas not attached to a building and/or structure, as follows: <u>(a)(iii) Are not located within an Identified Area, except within the Rural Zone, where Antennas not attached to any building or structure are a permitted activity within any Identified Area</u>

FSI 134.61	Counties Power	FSI 134.61 Supports 680.301
644.37 646.37 648.37	Spark; Vodafone; Chorus.	<p>Amend Activity Rule 14.10.1 P7 Antennas not attached to a building and/or structure and any other rules as necessary so that the equipment covered by the activity specific conditions in Rule 14.10.1.5 may be attached to buildings, structures and poles covered in Rules P4, P5 and P9 as follows:</p> <p style="padding-left: 2em;">Activity title: <del>Other Antennas not attached to a building and/or structure</del></p> <p style="padding-left: 2em;">(a) Antennas that comply with all of the following conditions <u>are excluded from any height standards in 14.10.1 P4, P5 and P9:</u></p> <p style="padding-left: 3em;">(i) GPS antennas that do not exceed the following dimensions: A. 300mm high; and B. 130mm in diameter.</p> <p style="padding-left: 3em;">(ii) Omni-directional 'whip' or di-pole type antennas that do not exceed the following dimensions: A. 1.6m high; B. 1.5m horizontal length whip or rod; or C. Cross-section element no more than 60mm in diameter.</p> <p style="padding-left: 3em;">(iii) <del>Are not located within an Identified Area.</del></p> <p style="padding-left: 3em;">(iv) Do not connect to an area, facade or item specifically listed in Schedule 30.1.</p>
FSI 323.123	Heritage NZPT	FSI 323.123 Opposes 644.37

## 9.1 Analysis

76. **Spark [644.37]; Vodafone [646.37]; Chorus [648.37].** In summary these submitters seek, for small antenna not attached to structures, exemption from the quantity, dimensional and height in relation to boundary rules, and to be able to locate within Identified Areas as a permitted activity.
77. The three submitters find the intention of the rule is unclear as all antennas will be attached to a building or a structure (even if a purpose-built pole). They state that these types of antennas could be deployed on an existing building or structure covered by Rules P4 and P5, or on a pole as provided for under P9, and that these antennas have low visual impact, making them appropriate on top of buildings and poles or in an Identified Area.
78. *FSI 323.123 Heritage NZPT Opposes 644.37: the submitter is concerned at the unintended consequences that these amendments may have by causing adverse effects on historic heritage at the time of works, particularly the Identified Area which includes historic heritage, some of which is not covered by the reference to Schedule 30.1 that contains built heritage items.*
79. I agree with the amendments sought to enable the antenna types, except for the deletion of (a)(iii) Identified Areas. The primary Identified Areas of concern here are the heritage and cultural items. If not attached to an existing structure, these antennas would need new support structures, which would also potentially impact on other Identified Area types, such as the high value coastal environments, which are protected by NZCPS 'avoid-type' policies. Many of these small antennas are attached to existing lighting, power and phone poles, which are provided for within activities P4 and P5. I recommend retaining P7 (a)(iii) to protect Identified Areas. I recommend accepting in part 644.37 Spark; 646.37 Vodafone; 648.37 Chorus to the extent that the amendments are made except for retaining 14.10.1.5(a)(iii). I recommend accepting in part FSI 323.123 Heritage NZPT to the extent the modifications to the suggested amendments satisfy the further submission.

80. **Heritage NZPT** [559.183] seeks to retain Activity specific condition 14.10.1.5(a)(iii) and (iv) relating to P7 Antennas not attached to a building and/or structure. The submitter supports the permitted activity conditions as they will ensure the integrity and the historic heritage values of the identified areas are retained.
81. I recommend accepting in part Heritage NZPT [559.183] to the extent that changes are made in response to other submissions.
82. **FFNZ** [680.301] seeks to amend Activity specific condition 14.10.1.5 (a)(iii) relating to P7 Antennas not attached to a building and/or structure, so that the rule does not apply to the Rural Zone, to allow antennas within any Identified Area.
83. The submitter conditionally supports Rule 14.10.1, provided that restrictions on telecommunication and radio communication equipment in the Rural Zone that are aimed at managing visual amenity are appropriate to reflect the wide-open space scale and rural amenity character of rural areas. FFNZ considers it is not appropriate to impose the same degree of restriction on masts and aerials and the like in rural areas, and that in remote rural areas where internet connection is unavailable, farmers typically have need for farm telecommunication and radio communication equipment in order to augment the efficient and safe operation of farms. The submission states that imposing the same degree of constraint on masts and aerials in rural areas to that of urban areas, unfairly penalises farmers who have to rely on such equipment for what amounts to little or no environmental benefit. Further, efficiency and safety of farm operations can be compromised if farmers are required to have a high regulatory hurdle to overcome in order to be able to install practically-sized functional aerials and masts, which are arbitrarily constrained by way of inappropriately-scaled visual amenity criteria.
84. *FSI 134.6 / Counties Power Supports 680.301: The submitter seeks to amend 14.10.1.5(a)(iii) to allow for antennas not attached to a building and/or structure within the Rural Zone as a permitted activity.*
85. The values of Identified Areas are to be protected from inappropriate development. S.6 RMA matters require a protective policy approach. The RPS objectives for the Identified Area values also require a protective policy approach as well as requiring enabling of infrastructure. Even though these other antennas are relatively small in scale and usually are able to co-locate with other support structures, the resource consent process will be able to manage effects on Identified Areas.
86. I recommend accepting in part FFNZ [680.301]; *FSI 134.6 / Counties Power* to the extent that the antennas can be co-located with other building or support structures as permitted activities, except on heritage buildings, and new free-standing antenna support structures would require resource consent.

## 9.2 Recommendations

87. For the reasons above I recommend the Hearings Panel:

- Accept in part the submissions from Spark [644.37]; Vodafone [646.37]; and Chorus [648.37].
- Accept in part *FSI 1323.123 Heritage NZPT*
- Accept in part **Heritage NZPT** [559.183]
- Accept in part **FFNZ** [680.301]; and *FSI 134.6 / Counties Power*.

## 9.3 Recommended amendments

88. Amend 14.10.1.5 Permitted Activities, as follows:

P7	<b>Other Antennas not attached to a building and/or structure</b>	<p>14.10.1.5</p> <p>(a) Antennas that comply with all of the following conditions <u>are excluded from any height standards in 14.10.1 P4, P5 and P9.</u><sup>11</sup></p> <p>(i) GPS <b>Antennas</b> that do not exceed the following dimensions:</p> <ul style="list-style-type: none"> <li>A. 300mm high; and</li> <li>B. 130mm in diameter.</li> </ul> <p>(ii) Omni-directional 'whip' or di-pole type <b>antennas</b> that do not exceed the following dimensions:</p> <ul style="list-style-type: none"> <li>A. 1.6m high;</li> <li>B. 1.5m horizontal length whip or rod; or</li> <li>C. Cross section element no more than 60mm in diameter.</li> </ul> <p>(iii) Are not located within an Identified Area</p> <p>(iv) Do not connect to an area, façade or item specifically listed in <b>Schedule 30.I.</b></p>
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#### 9.4 Section 32AA evaluation

89. The Rule is adjusted to include a range of small antennas with reduced standards applying to those small antennas, for efficiency and relevance. No further s.32AA re-evaluation is required.

## 10 Rule 14.10.1.6 P8 Small cell units exceeding the permitted volumetric dimension of 0.11m<sup>3</sup> regulated in the NESTF

Submission point	Submitter	Decision requested
692.75	WEL Networks	Retain Rule 14.10.1 P8 Permitted Activities relating to small cell units.
559.184	Heritage NZPT	Retain Activity specific condition 14.10.1.6 (a)(ii) and (iii) relating to P8 Small cell units exceeding the permitted volumetric dimension of 0.11m <sup>2</sup> regulated in the NESTF.
644.38 646.38 648.38	Spark; Vodafone; Chorus	Amend Activity specific condition Rule 14.10.1.6 for P8 Small cell units exceeding the permitted volumetric dimension of 0.11m <sup>2</sup> regulated in the NESTF and related activity standards by replacing all use of m <sup>2</sup> to m <sup>3</sup> .
697.43	Waikato District Council	<p>Amend Rules 14.10.1.6 P8 (a)(i) Permitted activities as follows:</p> <p>(a)(i) Do not exceed a maximum <u>volumetric dimension volume</u> of 0.25m<sup>2</sup>;</p> <p>AND</p> <p>Amend Rule 14.10.2 C7 Controlled Activities as follows:</p> <p>C7 Small cell units located within an Identified Area exceeding the maximum <u>volumetric dimension volume</u> of 0.11m<sup>2</sup> regulated in the NESTF, up to a maximum volume of 0.25m<sup>2</sup>.</p>
644.42 646.39 648.XX	Spark; Vodafone; Chorus	Delete Activity specific condition Rule 14.10.1.6 P8 (ii) that relates to Identified Areas.

<sup>11</sup> [644.37 Spark; 646.37 Vodafone; 648.37 Chorus]

<i>FSI293.38</i>	<i>Department of Conservation</i>	<i>FSI293.38 Opposes 644.42</i>
680.144	FFNZ	<p>Amend Activity specific condition 14.10.1.6 (a)(ii) relating to P8 Small cell units exceeding the permitted volumetric dimension of 0.11m<sup>3</sup> regulated in the NESTF as follows:</p> <p>(a) Small cell units exceeding the permitted volumetric dimension of 0.11m<sup>2</sup> regulated in the NESTF that comply with all of the following conditions...</p> <p>(ii) Are not located within an Identified Area, <u>except within the Rural Zone, where small cell units are a permitted activity within any Identified Area;</u> and...</p>

## 10.1 Analysis

- 90. **WEL Networks** [692.75] supports P8 as it would provide for small cell units exceeding the permitted volumetric dimension of 0.11m<sup>2</sup> regulated in the NESTF as permitted activity.
  - 91. The PWDP is able to be more lenient than the NESTF, which mandates a minimum level of permissiveness. The NESTF also allows a District Plan to contain rules which further control telecommunication facilities for reasons of Identified Area-type values. The NESTF is currently under review, partly to determine whether new technology requires different rules, including dimensions and access to properties for fibre reticulation. I recommend accepting in part 692.75 WEL Networks to the extent the provision is amended in response to other submissions.
  - 92. **Heritage NZPT** [559.184] seeks to retain Activity specific condition 14.10.1.6 (a)(ii) and (iii) relating to P8 Small cell units exceeding the permitted volumetric dimension of 0.11m<sup>2</sup> regulated in the NESTF. The submitter supports the permitted activity conditions and considers they will ensure the integrity and the historic heritage values of the identified areas are retained.
  - 93. I recommend accepting in part 559.184 Heritage NZPT [559.184] to the extent that there are minor corrections to the rule in response to other submissions. The equipment size may be an adverse visual effect to a range of Identified Areas, as well as if it is attached to a Schedule 30.1 Heritage Item.
  - 94. **Spark** [644.38]; **Vodafone** [646.38]; **Chorus** [648.38] seek to amend Rule 14.10.1 to use m<sup>3</sup> rather than m<sup>2</sup>. The submitters draw attention to the volumetric dimension in the NESTF 2016 being 0.11m<sup>3</sup>. I recommend accepting Spark [644.38]; Vodafone [646.38]; Chorus [648.38] as a correction.
  - 95. **Waikato District Council** [697.43] seeks to amend Rules 14.10.1.6 P8 (a)(i) Permitted activities to simplify wording to refer to “volume”. The same correction is needed in the activity specific conditions of C7, included in reporting on that activity below. I recommend accepting Waikato District Council [697.43] as a correction, with m<sup>3</sup> used as a measure of volume.
  - 96. **Spark** [644.42]; **Vodafone** [646.39]; **Chorus** [648.XX] seek to delete Activity specific condition Rule 14.10.1.6 P8 (ii) that relates to Identified Areas.
  - 97. The submitters state that it is unnecessary to restrict equipment in an Identified Area given its very small scale. This rule, if not amended, would restrict connecting to a scheduled heritage item.
- FSI293.38 Department of Conservation Opposes 644.42: The Director-General considers that the*

*restrictions on small cell units in identified areas should remain to ensure these areas are adequately protected from inappropriate activities and adverse effects are appropriately avoided, remedied or mitigated.*

98. In my opinion the scale of the proposed equipment could be a threat to the values of Identified Areas and should not only be restricted in relation to the Heritage Items protected in 14.10.6(a)(iii). The  $0.11\text{m}^3$  permitted activity is a volume equivalent to approximately 3m length of a power pole.  $0.25\text{m}^3$  is more than double that volume, being equivalent volume to 6.5m length of power pole. I recommend rejecting Spark [644.42]; Vodafone[646.39]; Chorus [648.XX]; and accepting FS/293.38 Department of Conservation.
99. **FFNZ** [680.144] seeks that the Rural Zone be exempted from the small cell unit within an Identified Area rule. The submitter conditionally supports Rule 14.10.1, provided that restrictions on telecommunication and radio communication equipment in the Rural Zone that are aimed at managing visual amenity are appropriate to reflect the wide-open space scale and rural amenity character of rural areas. FFNZ considers it is not appropriate to impose the same degree of restriction on masts and aerials and the like in rural areas, and that in remote rural areas where internet connection is unavailable, farmers typically have need of farm telecommunication and radio communication equipment in order to augment the efficient and safe operation of farms. The submission states that imposing the same degree of constraint on masts and aerials in rural areas to that of urban areas unfairly penalises farmers who have to rely on such equipment for what amounts to little or no environmental benefit. Efficiency and safety of farm operations can be compromised if farmers are required to have a high regulatory hurdle to overcome in order to be able to install practically-sized functional aerials and masts, which are arbitrarily constrained by way of inappropriately-scaled visual amenity criteria.
100. This rule refers to small cell units and the submitter's reasons range across all of the various permitted activities. I am recommending that most of the Identified Area types need protection against the effects of these larger than NESTF mandated small cell units. The protection is required by s.6 RMA, by the objectives and policies of the RPS in relation to Identified Area values, and by the PWDP objectives on Identified Area values, including those relating to Heritage Items. I note that small cell units between the volumes of  $0.11\text{m}^3$  and  $0.25\text{m}^3$  are controlled activities, including within Identified Areas, and must be granted consent. The matters of control for controlled activities are intended to manage adverse effects using size, colour, design, siting and landscaping as criteria. I recommend rejecting FFNZ [680.144].

## 10.2 Recommendations

101. For the reasons above I recommend the Hearings Panel:

- a. Accept in part WEL Networks [692.75].
- b. Accept in part Heritage NZPT [559.184].
- c. Accept Spark [644.38]; Vodafone [646.38]; Chorus [648.38].
- d. Accept Waikato District Council [697.43].
- e. Reject Spark [644.42]; Vodafone [646.39]; and Chorus 648.XX.
- f. Accept FS/293.38 Department of Conservation
- g. Reject FFNZ [680.144].

## 10.3 Recommended amendments

102. Amend 14.10.1.6 P8 Permitted Activities, as follows:

P8	Small cell units exceeding the permitted volumetric dimension of 0.11m <sup>3</sup> regulated in the <b>NESTF</b>	<p><b>14.10.1.6</b></p> <p>(a) Small cell units exceeding the permitted volumetric dimension of 0.11m<sup>2</sup>m<sup>3</sup><sup>12</sup> regulated in the <b>NESTF</b> that comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Do not exceed a maximum <b>volumetric-volume dimension</b> of 0.25m<sup>3</sup>; <sup>13</sup></li> <li>(ii) Are not located within an Identified Area; and</li> <li>(iii) Do not connect to an area, façade or item specifically listed in <b>Schedule 30.I</b>.</li> </ul>
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#### 10.4 Section 32AA evaluation

103. The amendments are minor text corrections only and do not require a s32AA re-evaluation.

### 11 Rule 14.10.1.7 P9 Poles, antennas and headframes

Submission point	Submitter	Decision requested				
692.76	WEL Networks	Retain Rule 14.10.1 P9 Permitted Activities Poles, antennas and headframes.				
559.185	Heritage NZPT	Retain Activity specific condition 14.10.1.7(a)(i) and (iii) relating to Permitted Activities P9 Poles, antennas and headframes.				
405.60	Counties Power	Amend Rule 14.10.1.6(c) Permitted Activities P9 Poles, antennas and headframes to make the rule clear.				
644.39; 646.40; 648.39	Spark; Vodafone; Chorus	Amend Rule 14.10.1.7 (c) Poles, antennas and headframes as follows: (c) Rules 14.10.1.7(+)a does not apply to lightning rods and GPS antennas, omni directional whip antenna, ancillary telecommunication devices and earth peaks.				
FSI 134.59	Counties Power	FSI 134.59 Supports 644.39				
680.145	FFNZ	Amend Activity specific condition 14.10.1.7 P9 Poles, antennas and headframes, as follows: (a) Any poles and attached antenna that comply with the following conditions: (i) Are not located within an Identified Area, <u>except within the Rural Zone, where poles, antennas and headframes are a permitted activity within any Identified Area;</u> ... (iv) Not exceed the height limits set out in the following table: <table border="1" style="margin-left: auto; margin-right: auto;"><thead><tr><th>Zone</th><th>Permitted height</th></tr></thead><tbody><tr><td>Rural, Country Living</td><td>25m (and 30m for colocation of at least two operators)</td></tr></tbody></table>	Zone	Permitted height	Rural, Country Living	25m (and 30m for colocation of at least two operators)
Zone	Permitted height					
Rural, Country Living	25m (and 30m for colocation of at least two operators)					
FSI 134.60	Counties Power	FSI 134.60 Supports 680.145				

<sup>12</sup> 644.42 Spark; 646.39 Vodafone; 648.39 Chorus

<sup>13</sup> 697.43 Waikato District Council

### 11.1 Analysis

104. **FFNZ** [680.145] seeks that the Rural Zone be exempted from the rule for poles, antenna and headframe within an Identified Area.
105. The submitter conditionally supports Rule 14.10.1, provided that restrictions on telecommunication and radio communication equipment in the Rural Zone aimed at managing visual amenity, appropriately reflect the wide-open space scale and rural amenity character of rural areas. The submitter considers it is not appropriate to impose the same degree of restriction on masts and aerials, and the like in rural areas because in remote rural areas where internet connection is unavailable, farmers typically have need of farm telecommunication and radio communication equipment in order to augment the efficient and safe operation of farms. Imposing the same degree of constraint on masts and aerials in rural areas to that of urban areas unfairly penalises farmers who have to rely on such equipment for what amounts to little or no environmental benefit. The submitter also states that the efficiency and safety of farm operations can be compromised if farmers are required to have a high regulatory hurdle to overcome in order to be able to install practically-sized functional aerials and masts, which are arbitrarily constrained by way of inappropriately-scaled visual amenity criteria. Further, the submitter states that if the Council is prepared to permit co-located poles antennas and headframes at a permitted height of 30 metres in the Rural Zone, there is practically no visual difference between co-located devices and non-co-located devices mounted on poles up to 30 metres height in rural areas, and therefore the maximum permitted height should be simplified to 30 metres.
106. *FSI 134.60 Counties Power Supports 680.145: Amend 14.10.1.7 to allow for poles, antennas and headframes in the Rural Zone as a permitted activity.*
107. Identified Areas are to be protected, as s.6 RMA matter. The RPS requires a protective policy approach, as given effect to by the PWDP objectives on Identified Areas and infrastructure within Identified Areas. Otherwise, every zone permits poles where the activity specific conditions are met. The additional pole height for co-located utilities is an incentive to encourage co-location, and results in a co-located single network with less visual effects than two separate parallel networks. I recommend rejecting FFNZ [680.145]; *FSI 134.60 Counties Power*.
108. **WEL Networks** [692.76] seeks to retain Rule 14.10.1 P9 Permitted Activities Poles, antennas and headframes as it would provide for Poles, antennas and headframes as a permitted activity. **Heritage NZPT** [559.185] also supports Activity specific condition 14.10.1.7(a)(i) and (iii) relating to Permitted Activities P9 Poles, antennas and headframes as they will ensure the integrity and the historic heritage values of the identified areas are retained.
109. For the reasons that the provision as notified in the PWDP enable effective and efficient provision of infrastructure while protecting Identified Area values, and the support and reasons of the submitters, I recommend accepting WEL Networks [692.76]; Heritage NZPT [559.185].
110. **Counties Power** [405.60] seeks to amend Rule 14.10.1.6(c) Permitted Activities P9 Poles, antennas and headframes to make the rule clear. **Spark** [644.39]; **Vodafone** [646.40]; **Chorus** [648.39] seek to amend Rule 14.10.1.7 (c) Poles, antennas and headframes as follows:
- (c) Rules 14.10.1.7(1)(a) does not apply to lightning rods and GPS antennas, omni directional whip antenna, ancillary telecommunication devices and earth peaks.
111. The submitters state that there appears to be an incorrect reference in Rule 14.10.1.7 (c) to Rule 14.10.1.7 (1) rather than 14.10.1.7 (a), as there is no Rule 14.10.1.7 (1).

I 12. FSI 134.59 Counties Power Supports 644.39 as Rule 14.10.1.7(1) does not exist.

I 13. The submitters and further submitter have identified an error in a reference to a rule that does not exist. I recommend accepting Counties Power Limited [405.60]; 644.39 Spark [644.39]; Vodafone [646.40]; Chorus [648.39]; FSI 134.59 Counties Power as a correction.

## 11.2 Recommendations

I 14. For the reasons above I recommend the Hearings Panel:

- a. Reject FFNZ [680.145]; and FSI 134.60 Counties Power.
- b. Accept WEL Networks [692.76].
- c. Accept Heritage NZPT [559.185].
- d. Accept Counties Power [405.60]; Spark [644.39]; Vodafone [646.40]; Chorus [648.39]; and FSI 134.59 Counties Power

## 11.3 Recommended amendments

I 15. Amend 14.10.1.7 Permitted Activities, as follows:

P9	Poles, <b>antennas</b> and headframes <sup>1</sup>	<p><b>14.10.1.7</b></p> <p>(a) Any poles and attached antenna that comply with the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Are not located within an Identified Area;</li> <li>(ii) Do not connect to an area, façade or item specifically listed in <b>Schedule 30.1</b>;</li> <li>(iii) Comply with the <b>height</b> in relation to <b>boundary</b> limits for the zone in which it is located;</li> <li>(iv) Not exceed the <b>height</b> limits set out in the following table:</li> </ul> <p>(b) Headframes that comply with the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Comply with the <b>height</b> in relation to <b>boundary</b> limits for the zone in which it is located;</li> <li>(ii) Within the Residential Zone do not exceed 1.0m diameter; or</li> <li>(iii) Within all other zones and unformed roads do not exceed 6.0m diameter; and</li> <li>(iv) Within the road do not exceed 0.7m diameter.</li> </ul> <p>(c) Rules 14.10.1.7(<del>1</del>)(a)<sup>14</sup> does not apply to lightning rods and GPS antennas, omni directional whip antenna, ancillary telecommunication devices and earth peaks.</p>
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## 11.4 Section 32AA evaluation

I 16. As the minor amendment is to correct a numbering error, a Section 32AA evaluation is not required.

<sup>14</sup> 644.39 Spark; 646.40 Vodafone; 648.39 Chorus

## 12 Rule 14.10.1.8 P10 Externally-mounted telecommunication satellite dishes and ancillary components

Submission point	Submitter	Decision requested
692.77	WEL Networks	Retain Rule 14.10.1 P10 Permitted Activities relating to externally mounted satellite dishes and ancillary components.
559.186	Heritage NZPT	Retain Activity specific condition 14.10.1.8 (a)(iv) relating to P10 - Externally-mounted telecommunication satellite dishes and ancillary components.
644.40; 646.41; 648.40	Spark; Vodafone; Chorus	Amend activity Specific Standard 14.10.1.8 (a)(i) P10 Externally mounted telecommunication satellite dishes and ancillary components as follows: (a) Externally mounted telecommunication satellite dishes and ancillary components that comply with the following conditions: (i) Do not exceed 1.0m in diameter, <u>or 1.8m in diameter in industrial, rural residential and rural zones.</u> (ii) Are attached to existing buildings, <u>and/or including a pole or structure other than a building when located in the rural residential and rural zones.</u>
680.146	FFNZ	Amend Activity specific conditions 14.10.1.8 (a)(iv) relating to P10 Externally-mounted telecommunication satellite dishes and ancillary components as follows: (a) Externally-mounted telecommunication satellite dishes and ancillary components that comply with the following conditions: (iv) Are not located within an Identified Area <u>except within the Rural Zone, where externally mounted telecommunication satellite dishes and earth peaks are a permitted activity.</u>

### 12.1 Analysis

117. **FFNZ** [680.146] seeks that the Rural Zone be exempted from this rule in relation to any Identified Area.

118. The submitter conditionally supports Rule 14.10.1, provided that restrictions on telecommunication and radio communication equipment in the Rural Zone aimed at managing visual amenity, appropriately reflect the wide-open space scale and rural amenity character of rural areas. The submitter considered it not appropriate to impose the same degree of restriction on masts and aerials, and the like, in rural areas as in remote rural areas where internet connection is unavailable, farmers typically have need of farm telecommunication and radio communication equipment in order to augment the efficient and safe operation of farms. Imposing the same degree of constraint on masts and aerials in rural areas to that of urban areas, unfairly penalises farmers who have to rely on such equipment, for what amounts to little or no environmental benefit. The submitter also states that the efficiency and safety of farm operations can be compromised if farmers are required to have a high regulatory hurdle to overcome in order to be able to install practically-sized functional aerials and masts, which are arbitrarily constrained by way of inappropriately-scaled visual amenity criteria.

119. Identified Areas are to be protected, as a s.6 RMA matter. The RPS requires a protective policy approach, as given effect to by the PWDP objectives on Identified Areas and infrastructure within

Identified Areas. Otherwise, every zone permits externally-mounted telecommunication satellite dishes and ancillary components where the Activity specific conditions are met. I recommend accepting in part 680.146 FFNZ, not in relation to Identified Areas, but to the extent that larger telecommunication satellite dishes are permitted in Rural Zones, to assist in access to rural broadband.

- I20. **WEL Networks** [692.77] seek to retain Rule 14.10.1 P10 Permitted Activities relating to externally mounted satellite dishes and ancillary components as it would provide for externally mounted telecommunication satellite dishes and ancillary components as a permitted activity. 559.186 Heritage NZPT seek to retain Activity specific condition 14.10.1.8 (a)(iv) relating to P10 - Externally-mounted telecommunication satellite dishes and ancillary components as they will ensure the integrity and historic heritage values of the identified areas are retained.
- I21. For the reasons the provision is in the notified PWDP, to enable effective and efficient provision of infrastructure while protecting Identified Area values, and with the support of the submitters and for the reasons provided by Heritage NZPT, I recommend accepting in part WEL Networks [692.77]; Heritage NZPT [559.186], to the extent that the provision is amended by other submissions.
- I22. **Spark** [644.40]; **Vodafone** [646.41]; **Chorus** [648.40] seek to amend Activity specific condition 14.10.1.8 (a)(i) P10 Externally-mounted telecommunication satellite dishes to enable larger structures in industrial, rural residential and rural zones, and make the applicability of the rule to a pole or structure other than a building clear for the rural residential and rural zones.
- I23. The submitters state as part of the Rural Broadband Initiative Phase 2 Project, which includes parts of Waikato District, some rural communities may need to be connected to broadband via satellite link. Higher capacity links may require a satellite dish up to 1.8m in diameter.
- I24. I agree with the flexibility proposed to allow larger satellite dishes in the Industrial Zone, Industrial Zone Heavy, Country Living Zone and Rural Zone, and particularly for access to satellite broadband. This flexibility will support the efficient and effective provision of infrastructure. I recommend accepting Spark [644.40]; Vodafone [646.41]; Chorus [648.40].

## 12.2 Recommendations

- I25. For the reasons above I recommend the Hearings Panel:

- Accept in part the submission from FFNZ [680.146].
- Accept in part the submissions from WEL Networks [692.77]; and Heritage NZPT [559.186].
- Accept the submissions from Spark [644.40]; Vodafone [646.41]; Chorus [648.40]

## 12.3 Recommended amendments

- I26. Amend 14.10.1.8 Permitted Activities P10, as follows:

P10	Externally-mounted telecommunication satellite dishes and ancillary components	14.10.1.8 (a) Externally-mounted telecommunication satellite dishes and ancillary components that comply with the following conditions: (i) Do not exceed 1.0m in diameter, <u>or 1.8m in diameter in Industrial Zone, Industrial Zone Heavy</u> <sup>15</sup> , <u>Country Living Zone and Rural Zone</u> .
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<sup>15</sup> 697.518 Waikato District Council

		<ul style="list-style-type: none"> <li>(ii) Are attached to existing buildings; <u>and/or including a pole or structure other than a building when located in the Country Living and Rural Zones.</u><sup>16</sup></li> <li>(iii) Do not connect to an area, façade or item specifically listed in <u>Schedule 30.I</u>; and</li> <li>(iv) Are not located within an Identified Area.</li> </ul>
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## 12.4 Section 32AA evaluation

127. The objectives of Chapter 6 Infrastructure and Energy seek to enable infrastructure (6.1.1 “Development, operation and maintenance of infrastructure: Infrastructure is developed, operated and maintained to benefit the social, economic, cultural and environmental well-being of the district.”), and to manage adverse effects of infrastructure within the community (6.1.8). The Industrial Zone, Industrial Zone Heavy, Country Living Zone and Rural Zone are in my opinion capable of absorbing the visual impact of satellite dishes of up to 1.8m in diameter, and certainly more so than the more compact and high amenity residential and town centre business zones. The costs are in my opinion minor increases in visual environmental impact, and the benefits of enabling high-quality satellite broadband are substantial. The amendments will be more efficient and effective in achieving the objectives than the notified provisions.

## 13 Rule 14.10.1.9 P11 Telecommunication kiosk

Submission point	Submitter	Decision requested
559.187	Heritage NZPT	Retain Activity specific condition 14.10.1.9 (a)(ii) and (iii) relating to P11 Telecommunication kiosk.
697.44	Waikato District Council	Amend Rule 14.10.1.9 P11 Permitted Activities by adding new clauses (iv) and (v) as follows: <u>(iv) Not exceed 10m<sup>2</sup> in area above-ground;</u> <u>(v) Not exceed 2.5m in height</u>

### 13.1 Analysis

128. **Heritage NZPT [559.187]** supports the permitted activity conditions as they will ensure the integrity and the historic heritage values of the identified areas are retained.

129. For the reasons provided by the submitter, I recommend accepting in part Heritage NZPT [559.187], to the extent that changes are made in response to other submissions.

130. **Waikato District Council [697.44]** seeks to include maximum height and area standards, as a consequential amendment to the deletion of the general height and area controls from Rule 14.2.1.1(1) in favour of specific activity heights and areas.

131. I recommend accepting Waikato District Council [697.44] as a consequential amendment and consider it is appropriate that the height and area limits are to be included in the individual rules.

<sup>16</sup> 644.40 Spark; 646.41 Vodafone; 648.40 Chorus

### 13.2 Recommendations

132. For the reasons above I recommend the Hearings Panel:

- a. Accept in part the submission from Heritage NZPT [559.187].
- b. Accept the submission from Waikato District Council [697.44].

### 13.3 Recommended amendments

133. Amend 14.10.1.9 P11 Permitted Activities, as follows:

P11	Telecommunication kiosk	<p>14.10.1.9</p> <p>(a) Telecommunication kiosks that comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Are not located within road or unformed road located adjacent to an Identified Area;</li> <li>(ii) Do not connect to an area, façade or item specifically listed in Schedule 30.1; and</li> <li>(iii) Are not located within an Identified Area.</li> <li><b>(iv) Do not exceed 10m<sup>2</sup> in area above-ground;</b></li> <li><b>(v) Do not exceed 2.5m in height</b><sup>17</sup></li> </ul>
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### 13.4 Section 32AA evaluation

134. As the recommended change is a consequential amendment, a s.32AA re-evaluation is not required.

## 14 Rule 14.10.1.10 P12 Telephone exchanges

Submission point	Submitter	Decision requested
559.188	Heritage NZPT	Retain Activity specific condition 14.10.1.10 (a)(v) relating to P12 Telephone exchanges, including the installation and operation of equipment inside existing telephone exchanges.

### 14.1 Analysis/Recommendation

135. **Heritage NZPT [559.188]** supports the permitted activity conditions as they will ensure the integrity of historic heritage values of the identified areas are retained.

136. For the reasons the provision is already in the notified PWDP to protect the values of Identified Areas, and for the reasons provided by the submitter, I recommend the Hearings Panel:

137. Accept Heritage NZPT [559.188].

## 15 Rule 14.10.1.11 P13 Self-contained power units

Submission point	Submitter	Decision requested
559.189	Heritage NZPT	Retain Activity specific condition 14.10.1.11 (a)(i) and (ii) relating to P13 Self-contained power units.

<sup>17</sup> 697.44 Waikato District Council

692.78	WEL Networks	Retain Rule 14.10.1 P13 Permitted Activities relating to self-contained power units.
697.45	Waikato District Council	Amend Rule 14.10.1.11 P13 Permitted Activities by adding new clauses (iii) and (iv) as follows: <u>(iii) Not exceed 10m<sup>2</sup> in area above-ground;</u> <u>(iv) Not exceed 2.5m in height.</u>

## 15.1 Analysis

138. **Heritage NZPT** [559.189] seeks to retain Activity specific condition 14.10.1.11 (a)(i) and (ii) relating to P13 Self-contained power units as they will ensure the integrity and the historic heritage values of the identified areas are retained. **WEL Networks** [692.78] seeks to retain Rule 14.10.1 P13 Permitted Activities relating to self-contained power units as it would provide for self-contained power units as a permitted activity.

139. The Rule is efficient and effective in achieving the infrastructure objectives, including enabling the establishment of infrastructure and for protecting Identified Area values. I recommend accepting in part Heritage NZPT [559.189]; and WEL Networks [692.78], to the extent that changes are made in response to other submissions.

140. **Waikato District Council** [697.45] seeks to amend Rule 14.10.1.11 P13 Permitted Activities by adding new clauses (iii) and (iv) to control area and height, as a consequential amendment to Rule 14.2.1.1(1), which deleted general height and area controls in favour of specific activity area and height controls.

141. I recommend accepting Waikato District Council [697.45] as a consequential amendment and consider it appropriate that the area and height of structures be controlled in the individual rules for specific activities.

## 15.2 Recommendations

142. For the reasons above I recommend the Hearings Panel:

- Accept in part Heritage NZPT [559.189]; and WEL Networks [692.78]
- Accept Waikato District Council [697.45].

## 15.3 Recommended amendments

143. Amend 14.10.1.11 P13 Permitted Activities, as follows:

P13	Self-contained power units	14.10.1.11 (a) <b>Self-contained power units</b> that comply with all of the following conditions: (i) Do not connect to an area, façade or item specifically listed in <b>Schedule 30.1</b> ; (ii) Are not located within an Identified Area. <u>(iii) Do not exceed 10m<sup>2</sup> in area above-ground;</u> <u>(iv) Do not exceed 2.5m in height.</u> <sup>18</sup>
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<sup>18</sup> 697.45 Waikato District Council

## 15.4 Section 32AA evaluation

144. As this is a consequential amendment, a s.32AA re-evaluation is not required.

## 16 Rule 14.10.1.12 P14 Aerial telecommunication lines and associated support structures, including those not complying with regulations 41-42 of the NESTF

Submission point	Submitter	Decision requested
692.79	WEL Networks	Retain Rule 14.10.1 P14- Permitted Activities relating to aerial telecommunication lines and associated structures.
680.147	FFNZ	Amend Activity specific condition 14.10.1.12 (a)(i) relating to P14 Aerial telecommunication lines and associated support structures, including those not complying with regulations 41-42 of the NESTF as follows: (a) Aerial telecommunication lines... (i) Do not exceed 230m in height; and...

### 16.1 Analysis

145. **FFNZ** [680.147] seeks to increase the height of aerials from 20 to 30m.

146. The submitter conditionally supports Rule 14.10.1, provided that restrictions on telecommunication and radio communication equipment in the Rural Zone aimed at managing visual amenity and appropriately reflect the wide-open space scale and rural amenity character of rural areas. Further, the submitter states that if the Council is prepared to permit co-located poles antennas and headframes at a permitted height of 30 metres in the Rural Zone, there is practically no visual difference between co-located devices and non-co-located devices mounted on poles up to a height of 30 metres in rural areas, and therefore the maximum permitted height should be simplified to 30 metres.

147. Taller poles or support structures should not be required except for very long span overhead lines. The effects of taller poles can be significant within the visual landscape. The additional pole height for co-located utilities is an incentive to encourage co-location, and results in a co-located single network with less visual effects than two separate parallel networks. I recommend rejection of FFNZ [680.147].

148. **WEL Networks** [692.79] seeks to retain Rule 14.10.1 P14 Permitted Activities relating to aerial telecommunication lines and associated structures as it would provide for aerial telecommunication lines and associated support structures, including those not complying with regulations 41-42 of the NESTF as a permitted activity.

149. The permitted activity and Activity specific conditions provided in the notified PWDP are an efficient and effective way of achieving the infrastructure objectives of the Plan. Therefore, with the support of the submitter, I recommend accepting WEL Networks [692.79].

## 16.2 Recommendations

150. For the reasons above I recommend the Hearings Panel:

- a. Reject FFNZ [680.147].
- b. Accept WEL Networks [692.79].

## 17 Rule 14.10.1.13 P15 Lightning rods

Submission point	Submitter	Decision requested
559.190	Heritage NZPT	Retain Activity specific condition 14.10.1.13 (a)(ii) relating to P15 Lightning rods.
692.80	WEL Networks	Retain Rule 14.10.1 P15 Permitted Activities relating to lightning rods.

## 17.1 Analysis

151. **Heritage NZPT** [559.190] supports the permitted activity conditions as they will ensure the integrity and the historic heritage values of the Identified Areas are retained. **WEL Networks** [692.80] supports P15 as it would provide for lightning rods as a permitted activity.

152. The rule is an effective approach for protecting the values of historic heritage features in accordance with the RPS and Objective 7.1.1 of the PWDP.

## 17.2 Recommendations

153. For the reasons above I recommend that the Hearings Panel:

- a. Accept Heritage NZPT [559.190]; WEL Networks [692.80].

## 18 Rule 14.10.2 Controlled activities - General

Submission point	Submitter	Decision requested
559.191	Heritage NZPT	Amend matters of control 14.10.2 (a)(iv) relating to Controlled Activities C1, C2, C5, C6, C7 as follows: <u>(iv) Effects on the values, qualities and characteristics of the site and/or items in Schedule 30.1.</u>

## 18.1 Analysis

154. The controlled activities listed in the rule are some of the permitted activities which do not meet the Activity specific conditions but are considered amenable to mitigation by matters of control.

155. **Heritage NZPT** [559.191] supports the controlled activity status of the activities C1, C2, C5, C6, C7 and supports in part the associated matters of control.

156. For the reasons the rules are in the notified PWDP and to provide protection to Heritage Items in Schedule 30.1, as required by the RPS and PWDP historic heritage objectives, the relief sought

can be considered a clarification, as in my opinion “the values, qualities and characteristics of the site” would encompass those of the items in Schedule 30.1 (Heritage Items).

## 18.2 Recommendations

157. For the reasons above I recommend that the Hearings Panel:

- a. Accept Heritage NZPT [559.191].

## 18.3 Recommended amendments

158. Amend 14.10.2 Controlled Activities, as follows:

C1	<b>Ancillary equipment</b> that do not comply with the conditions of Rule 14.10.1.1	(a) Control is reserved over: <ul style="list-style-type: none"> <li>(i) The size, colour and design of the proposed facility, equipment or structure;</li> <li>(ii) The location of the proposed facility, equipment or structure;</li> <li>(iii) The ability to provide screening or landscaping; and</li> <li>(iv) Effects on the values, qualities and characteristics of the site <u>and/or items in Schedule 30.1.</u><sup>19</sup></li> </ul>
C2	<b>Cabinets</b> that do not comply with one or more of the conditions of Rule 14.10.1.2	
C3	(a) <b>Cabinets</b> not meeting the <b>NESTF</b> regulations 19, 20, and 21 that are located within: <ul style="list-style-type: none"> <li>(i) Business Zone</li> <li>(ii) Business Town Centre Zone</li> <li>(iii) Business Zone Tamahere</li> <li>(iv) Te Kowhai Airpark <b>Zone</b><sup>20</sup></li> <li>(v) Industrial Zone</li> <li>(vi) Industrial Zone <b>Heavy</b><sup>21</sup></li> <li>(vii) Motorsport and Recreation Zone</li> <li>(viii) Rural Zone</li> <li>(ix) Country Living Zone</li> <li>(x) Reserve Zone</li> </ul>	

## 18.4 Section 32AA evaluation

159. Although I consider the amendment to be a clarification rather than a substantive change, it more efficiently and effectively achieves the PWDP objectives for enabling infrastructure while protecting the values of Identified Areas. There are no additional costs, but there is a benefit in raising awareness of the environmental implications of providing for this form of infrastructure in relation to Heritage Items. This lessens the risk of not having sufficient information about potential effects on historic heritage.

<sup>19</sup> 559.191 Heritage NZPT

<sup>20</sup> 697.519 Waikato District Council

<sup>21</sup> 697.518 Waikato District Council

## 19 Rule 14.10.2 C5 Dish antennas not complying with regulations of the NESTF that are located within ... [referred zones].

Submission point	Submitter	Decision requested
697.46	Waikato District Council	Amend Rule 14.10.2 Controlled Activities by renumbering C5 (a) Dish antennas... as <u>C6</u> AND Consequentially renumber the remaining controlled activities.

### 19.1 Analysis

160. **Waikato District Council** [697.46] highlights that there are two C5 activities and requests renumbering for improved clarity.

161. As a numbering correction, I recommend the Hearings Panel:

- a. Accept Waikato District Council [697.46].

### 19.2 Recommended amendment

162. This is a numbering correction only.

## 20 Rule 14.10.2 C7 Small cell units located within an Identified Area exceeding the maximum volumetric dimension...

Submission point	Submitter	Decision requested
644.41; 648.41; 646.42	Spark; Chorus; Vodafone	Amend activity Rule 14.10.1 C7 Controlled Activities relating to Small cell units by replacing m <sup>2</sup> with m <sup>3</sup> , deleting “located in an Identified Area” and adding “that connect to an area, facade or item specifically listed in Schedule 30.1” as follows: <u>C7C8 Small cell units located in an Identified Area that connect to an area, facade or item specifically listed in Schedule 30.1</u> exceeding the maximum volumetric dimension of 0.11m <sup>23</sup> regulated in the NESTF, up to a maximum volume of 0.25m <sup>23</sup> .

### 20.1 Analysis

21 **Spark** [644.41]; **Chorus** [648.41]; and **Vodafone** [646.42]. Each submitter states that the rule uses m<sup>2</sup> rather than m<sup>3</sup> in referring to volume activity rules and standards and needs to be amended to m<sup>3</sup>. The submitters consider it is unnecessary to restrict the location of equipment in an Identified Area given its very small scale, and that the rule should instead only cover equipment connecting to a scheduled heritage item, which would not be a permitted activity under amended Rule P7.

- 22 As discussed in relation to the Permitted Activity Small cell unit P8, it is recommended that the non-heritage Identified Areas also require protection, at least to the extent that can be provided by the controlled activity status.
- 23 For the reasons that the submitters' amendment is not consequential to the permitted activity status, and a consent activity status is required for small cell units within Identified Areas, and to correct measurement of volume, I recommend the Hearings Panel:
- Accept in part Spark [644.41]; Chorus [648.41]; and Vodafone [646.42], only to the extent of the area to volume correction.

## 20.2 Recommended amendments

- 24 Amend 14.10.1 C7 Controlled Activities, as follows:

C7	Small cell units located in an Identified Area exceeding the maximum <b>volumetric dimension</b> <b>volume</b> <sup>22</sup> of 0.11m <sup>23</sup> regulated in the <b>NESTF</b> , up to a maximum volume of 0.25m <sup>23</sup> . <sup>23</sup>	<p>(a) Control is reserved over:</p> <ul style="list-style-type: none"> <li>(i) The size, colour and design of the proposed facility, equipment or structure;</li> <li>(ii) The location of the proposed facility, equipment or structure;</li> <li>(iii) The ability to provide screening or landscaping; and</li> <li>(iv) Effects on the values, qualities and characteristics of the site <u>and/or items in Schedule 30.1</u>.<sup>24</sup></li> </ul>
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## 20.3 Section 32AA evaluation

- 25 The only recommended amendment is an area to volume correction. No further s32AA re-evaluation is required.

## 21 Rule 14.10.2 C8 and C9 Poles, antennas and headframes; and externally mounted telecommunication satellite dishes; located within an Identified Area

Submission point	Submitter	Decision requested
559.192	Heritage NZPT	Amend Rule 14.10.2 Controlled Activities C8 activity status to become a restricted discretionary activity status.
559.193	Heritage NZPT	Amend Rules to ensure that identified areas are not included as part of the controlled activity

### 21.1 Analysis

- 26 **Heritage NZPT** [559.192] cannot support the controlled activity status of activity C8 as it is considered that compliance with the Rule 14.10.1.7, which would allow poles and headframes of a height of between 15-30m, dependant on the zone, within an Identified Area has the potential to cause adverse effects on historic heritage and cultural values. While there are relevant assessment criteria, the submitter considers the activity should have restricted discretionary activity status to ensure that the activity could be refused, if inappropriate.

<sup>22</sup> 697.43 Waikato District Council

<sup>23</sup> 644.41 Spark; 648.41 Chorus; 646.42 Vodafone

<sup>24</sup> 559.191 Heritage NZPT

- 27 For the reasons provided by the submitter, including protection of Identified Areas against effects of structures up to 15 to 30m high and 6m width or diameter, which would otherwise be allowed as permitted or controlled activities, I recommend accepting Heritage NZPT [559.192]. Consequential amendments would include:
- C8 qualified to exclude poles, antennas and headframes within in Identified Areas;
  - A new RD8 Poles, antennas and headframes not complying with 14.10.1.7 and located within an Identified Area; and
  - Common matters of discretion with other RDs.
- 28 **Heritage NZPT [559.193]** cannot support the inclusion of the Identified Areas within the controlled activity status of activity C9 as the activity has the potential to cause adverse effects on historic heritage and cultural values. While there are relevant assessment criteria relating to effects, the submitter considers the activity should have restricted discretionary activity status to ensure that the activity could be refused, if inappropriate. An amendment is sought to ensure that Identified Areas are not included as part of the controlled activity.
- 29 I agree that, for the reasons provided by the submitter, including protection of Identified Areas against effects of externally-mounted telecommunications satellite dishes and their ancillary components, it is appropriate to recommend acceptance of Heritage NZPT [559.193]. Consequential amendments include: C9 to exclude Identified Areas, create a new RD9 for C9 type activities that are within an Identified Area; and common matters of discretion with the other restricted discretionary activities.
- C9 qualified to exclude Identified Areas;
  - A new RD9 for C9 type activities within an Identified Area; and
  - Common matters of discretion with other RDs.

## 21.2 Recommendations

- 30 For the reasons above I recommend the Hearings Panel:

- Accept Heritage NZPT [559.192]
- Accept Heritage NZPT [559.193].

## 21.3 Recommended amendments

- 31 Amend 14.10.2 C8 Controlled Activities, as follows:

C8	<del>Poles, antennas and headframes located within an Identified Area that comply with Rule 14.10.1.7</del> <sup>25</sup>	Control is reserved over: <ol style="list-style-type: none"> <li>The size, colour and design of the proposed facility, equipment or structure;</li> <li>The location of the proposed facility, equipment or structure;</li> <li>The ability to provide screening or landscaping; and</li> <li>Effects on the values, qualities and characteristics of the site.</li> </ol>
C9	(a) Externally-mounted telecommunication satellite dishes and ancillary components that: <ol style="list-style-type: none"> <li>Do not exceed 1.0m in diameter;</li> <li>Are attached to existing buildings; and</li> </ol>	

<sup>25</sup> 559.193 Heritage NZPT

	Are <u>not</u> located within an Identified Area. <sup>26</sup>	
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32 Add 14.10.3 R8 Restricted Discretionary Activities, as follows:

RD8	<u>Poles, antennas and headframes located within an Identified Area that comply with Rule 14.10.1.7</u> <sup>27</sup>	Discretion is restricted to: <ul style="list-style-type: none"> <li>(a) The functional and operational needs of, and benefits derived from, the infrastructure;</li> <li>(b) The bulk, form, scale, location of the structure;</li> <li>(c) Visual, landscape, streetscape and amenity effects;</li> <li>(d) Where located within a road, the operation and function of road network activities,</li> <li>(e) Effects on the values, qualities and characteristics of the site, <u>heritage item or area</u>.<sup>28</sup></li> </ul>
RD9	<u>(a) Externally-mounted telecommunication satellite dishes and ancillary components that:</u> <ul style="list-style-type: none"> <li>(i) <u>Are located within an Identified Area.</u><sup>29</sup></li> </ul>	

#### 21.4 Section 32AA evaluation

33 The amendments are for protection of Identified Area values, a RMA s.6 matter and as required to give effect to the RPS objectives and policy framework. The PWDP objectives require enabling of infrastructure while also requiring protection of Identified Areas. Controlled activity status is not an efficient and effective way of achieving these objectives, and some parts of the activities need to be restricted discretionary. There are costs in the added uncertainty of whether consent will be granted, but the benefits are that the effects of the activities on Identified Area values can be managed.

## 22 Rule 14.10.2 C10 Telecommunication kiosks, located within road or unformed road adjacent to an Identified Area

Submission point	Submitter	Decision requested
559.194	Heritage NZPT	Retain Rule 14.10.2 C10 Telecommunication kiosks, located within road or unformed road adjacent to an Identified Area, that complies with the conditions for a new infrastructure activity and associated structures under Rule 14.2.1.1.

<sup>26</sup> 559.193 Heritage NZPT

<sup>27</sup> 559.192 Heritage NZPT

<sup>28</sup> 559.195 Heritage NZPT

<sup>29</sup> 559.193 Heritage NZPT

## 22.1 Analysis/Recommendation

- 34 **Heritage NZPT [559.194]** supports this controlled activity and the need to comply with the conditions for new infrastructure.
- 35 For the reasons the provision is already in the notified PWDP as an efficient and effective way to achieve the enabling of infrastructure, together with the submitter's support for the provision, and there being no opposing submission, I recommend the Hearings Panel:
- Accept Heritage NZPT [559.194]

## 23 Rule 14.10.3 Restricted Discretionary Activities - General

Submission point	Submitter	Decision requested
559.195	Heritage NZPT	<p>Amend matters of discretion 14.10.3 (e) relating to RD1, RD2, RD3, RD4, RD6, RD7, as follows:</p> <p>(e) Effects on the values, qualities and characteristics of the <u>site heritage item or area</u>.</p>

### 23.1 Analysis

- 36 **Heritage NZPT [559.195]** supports the restricted discretionary status of the activities in Rule 14.10.3. The submitter supports in part only the matters of discretion, as it considers that the matters of discretion need to reflect the values that are part of the Identified Areas, to provide for the protection required under s.6 RMA.
- 37 I agree “the site” will cover other Identified Areas, but heritage items and heritage areas need more specific attention. Because the provision is within the notified PWDP, the submitter’s part support for the provision and reasons for the amendment to protect historic heritage values, I recommend accepting in part Heritage NZPT [559.195] to the extent that “heritage item or area” is added, but “site” is not deleted, as follows:

(e) Effects on the values, qualities and characteristics of the site and heritage item or area.

### 23.2 Recommendations

- 38 For the reasons above I recommend the Hearings Panel:

- Accept in part Heritage NZPT [559.195].

### 23.3 Recommended amendments

- 39 Amend 14.10.3 Restricted discretionary Activities as follows:

Activity		Matters of Discretion
RD1	<p>(a) Cabinets not meeting the <b>NESTF</b> regulations 19, 20, and 21 that are located within:</p> <ul style="list-style-type: none"> <li>(i) Residential Zone</li> <li>(ii) Rangitahi Peninsula Zone</li> <li>(iii) Village Zone</li> <li>(iv) Road and unformed road</li> </ul>	<p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>(f) The functional and operational needs of, and benefits derived</li> </ul>

RD2	(a) <b>Antennas</b> attached to a <b>building</b> and/or structure that comply with all of the following conditions: <ul style="list-style-type: none"> <li>(i) Are located within:               <ul style="list-style-type: none"> <li>A. Residential Zone</li> <li>B. Rangitahi Peninsula Zone</li> <li>C. Village Zone</li> <li>D. Road and unformed road</li> </ul> </li> <li>(ii) The face of the <b>antenna</b> does not exceed 1.5m<sup>2</sup> or 1.2m in diameter for dish <b>antennas</b>.</li> </ul>	from, the infrastructure; (g) The bulk, form, scale, location of the structure; (h) Visual, landscape, streetscape and amenity effects; (i) Where located within a road, the operation and function of road network activities, (j) Effects on the values, qualities and characteristics of the site, <b>heritage item or area</b> . <sup>30</sup>
RD3	(a) <b>Dish antennas</b> not complying with regulations 26-35 of the <b>NESTF</b> that are located within: <ul style="list-style-type: none"> <li>(i) Residential Zone</li> <li>(ii) Rangitahi Peninsula Zone</li> <li>(iii) Village Zone</li> <li>(iv) Road and unformed road</li> </ul>	
RD4	Poles, <b>antennas</b> and headframes not complying with regulations 26-35 of the <b>NESTF</b> or <b>Rule 14.10.1.7</b>	
RD5	(a) Aerial telecommunication lines and associated support structures, including those not complying with regulations 41-42 of the <b>NESTF</b> , that: <ul style="list-style-type: none"> <li>(i) Do not comply with one or more conditions of Rule 14.10.1.12; and</li> <li>(ii) Are not located within an Identified Area.</li> </ul>	
RD6	<b>Telecommunication kiosks</b> that do not comply with one or more conditions of <b>Rules 14.10.1.9</b> or <b>14.10.2(C10)</b>	
RD7	Self-contained power units that do not comply with the conditions for a new <b>infrastructure</b> activity and associated structures under <b>Rule 14.2.1.1</b>	
RD8	<b>Poles, antennas and headframes located within an Identified Area that comply with Rule 14.10.1.7</b> <sup>31</sup>	
RD9	(a) <b>Externally-mounted telecommunication satellite dishes and ancillary components</b> that: <ul style="list-style-type: none"> <li>(i) <b>Are located within an Identified Area.</b><sup>32</sup></li> </ul>	

### 23.4 Section 32AA evaluation

- 40 The submission only provides clarification that the values, qualities and characteristics of a site include the heritage item and heritage area values. This is an effective and efficient way of achieving the historic heritage objectives, even though it does not fundamentally change the matters of discretion. As the amendment is to provide consistency and a complete cascade of activities, no further s.32AA evaluation is required.

<sup>30</sup> 559.195 Heritage NZPT

<sup>31</sup> 559.192 Heritage NZPT

<sup>32</sup> 559.193 Heritage NZPT

## 24 Rule 14.10.3 RD5 Aerial telecommunication lines not complying with conditions

Submission point	Submitter	Decision requested
680.148	FFNZ	<p>Amend Rule 14.10.3 (a)(ii) RD5 Restricted Discretionary Activities, as follows:</p> <p>(a) Aerial telecommunication lines and...</p> <p>(ii) Are not located within an Identified Area (<u>except within the Rural Zone, where aerial telecommunication lines and associated support structures complying with regulations 41-21 of the NESTF are a permitted activity within Identified Areas</u>).</p>

### 24.1 Analysis

- 41 **FFNZ** [680.148] opposes Rule 14.10.3 and submits that aerial telecommunication lines and associated support structures complying with regulations 41-21 of the NESTF should be permitted activities within Identified Areas in the Rural Zone, for the same reasons as given in relation to the relief sought in respect of Rule 14.10.1.
- 42 I disagree, for the reason that the Identified Areas are mainly s.6 RMA matters of national importance, with the exception of Urban Expansion Areas (which are related to the NPSUD), and Heritage Precincts and Notable Trees (s.7 RMA Other Matters). These areas require protection against adverse effects. The NZCPS and the RPS implement the s.6 RMA matters and the PWDP is required to give effect to the RPS.

### 24.2 Recommendations

43 For the reasons above I recommend the Hearings Panel:

- a. Reject FFNZ [680.148].

## 25 Rule 14.10.4 Discretionary Activities - General

Submission point	Submitter	Decision requested
559.196	Heritage NZPT	Retain Rule 14.10.4 Discretionary Activities D1, D2, D3, D4, D5, D6, D7, D8.
680.149	FFNZ	<p>Amend Rule 14.10.4 D3 Discretionary Activities as follows: Antennas attached to a building and /or structure located within an Identified Area, <u>except within the Rural Zone, where antennas attached to a building and/or structure located within an Identified Area are a permitted activity.</u></p> <p>AND</p> <p>Any consequential changes needed to give effect to this relief</p>
680.150	FFNZ	Amend Rule 14.10.4 D8 Discretionary Activities, as follows: Aerial telecommunications lines and associated support structures located within an Identified Area, <u>except within the Rural Zone, where these are a permitted activity.</u>

## 25.1 Analysis

- 44 **Heritage NZPT** [559.196] supports the discretionary activity status of the activities at 14.10.4, as these activities are located within the Identified Areas, which include Heritage Items, Maori Sites and Areas of Significance. The submitter considers this is an appropriate level of resource consent activity providing the appropriate level of protection and assessment as required under s.6 RMA.
- 45 **FFNZ** [680.149 and 680.150] considers that within the Rural Zone, antennas and telecommunications lines and support structures located within an Identified Area should be a permitted activity.
- 46 I agree with the submitter Heritage NZPT that the discretionary activities are appropriately classified. I also consider that in the Rural Zone, Identified Areas require protection, including for an antenna being attached to a Heritage Item building or structure or for aerial telecommunications lines and their support structures traversing an Identified Area. The Identified Areas are mainly s.6 RMA matters of national importance, with the exception of Urban Expansion Areas (NPSUD), and Heritage Precincts and Notable Trees (s.7 RMA Other Matters). These areas require protection against adverse effects. The NZCPS and the RPS implement the s.6 RMA matters and the PWDP is required to give effect to the RPS. For these reasons the activities are included in the PWDP as discretionary activities.

## 25.2 Recommendations

- 47 For the reasons above, the provisions give effect to higher order policy statements, and for the reasons provided by the submitter Heritage NZPT, I recommend the Hearings Panel:
- Accept Heritage NZPT [559.196]
  - Reject FFNZ [680.149 and 680.150].