

## **BEFORE WAIKATO DISTRICT COUNCIL**

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

**AND**

**IN THE MATTER** of the Proposed Waikato District Plan:  
**Topic 22: Infrastructure**

### **Summary of Key Points Planning Evidence by Chris Horne on behalf of Spark New Zealand Trading Limited (Spark), Chorus New Zealand Limited (Chorus) and Vodafone New Zealand Limited (Vodafone).**

1. I have prepared planning evidence in chief (EIC) on behalf of Spark, Chorus and Vodafone dated 20 October 2020. My relevant qualifications and experience are set out in paragraphs 1 – 5 of that statement.
2. My EIC relates to the provisions of Chapter 14 Infrastructure and Energy as they relate to telecommunications networks, provides an overview of the *Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016* (NESTF) and how this relates to the Proposed Plan provisions, and discusses the relevance of the Chapter 3 Natural Environment objectives and policies to telecommunications networks which will apply in conjunction with those in Chapter 14.
3. In the main the s42A report recommendations for Topic 22 Infrastructure and Energy and Topic 21B Landscapes adequately address the matters raised in the submissions by the Telecommunications Companies. Further, Mr Mackie's rebuttal evidence agrees with changes I recommended in regard to the advice note for the NESTF and the provisions for minor upgrading of infrastructure in regard to antennas. He has also helpfully clarified how the rules around earthworks in the Urban Expansion Area operate which has removed the initial concerns I had that earthworks in that area could have the unintended consequence of defaulting to non-complying activity status. Accordingly, this summary focusses only on three outstanding matters where an alternative relief to that included in

the Topic 22 s42A report and rebuttal is still being sought. In all other respects I support the recommendations of Mr Mackie.

#### **Service Connections to Heritage Buildings (Para 65-70 EIC)**

4. I continue to support providing for service connections to heritage buildings as a controlled activity. This supports ongoing adaptive use of these buildings which contributes to their long-term upkeep, whilst ensuring any service connections are appropriately designed and positioned via a controlled activity resource consent. As set out in the corporate evidence, the Telecommunications Companies have reached agreement on this approach with Heritage New Zealand Pouhere Taonga (HNZPT) on both the Opotiki District Plan and Marlborough Resource Management Plan, and are now seeking this approach on district plan reviews nationally.
5. Mr Mackie does not recommend adopting this amendment although he does note in Paragraph 87 of his rebuttal that HNZPT could be questioned on this matter when they present their evidence.

#### **Below Ground telecommunications facilities in Identified Areas (Para 71-77 EIC)**

6. This infrastructure would include lines, ducts and ancillary equipment such as joint pits. In my view the principle effects of these facilities in *Identified Areas* are associated with earthworks to either install or remove this equipment. Once insitu it is essentially inert in regard to the values and attributes of *Identified Areas*. As there are separate rules for earthworks for infrastructure in *Identified Areas*, in my opinion there should be no permitted activity standards applying to below ground telecommunications facilities (as per the notified version of Rule 14.10.1 P2).
7. Mr Mackie's rebuttal (Paragraphs 88-89) discusses that whilst in some *Identified Areas* undergrounding may be a preferred solution, he does not support adopting the amendment sought in my EIC (i.e. to delete the standard sought by HNZPT requiring resource consent in *Identified Areas* and relying solely on the earthworks provisions).

#### **"Other antennas" (Para 78-83 EIC)**

8. The submissions sought a number of changes to the description of Rule 14.1.10 P7 and the standards in 14.10.1.5 to provide improved clarity that the rule applies to antennas that are not dish and panel antennas and to make some workability changes to the standards. This rule covers small and/or slim profile antennas such as GPS antennas,

vertical 'whip' antennas and horizontal dipole antennas. The s42A report generally adopts the requested changes.

9. I recommended some further amendments in my EIC which have not been commented on in Mr Mackie's rebuttal. The effect of the changes to the notified version of these provisions would be as follows:

**Amend** the activity title

***Other antennas not attached to a building and/or structure***

14.10.1.5

(a) Antennas that comply with all of the following conditions **are excluded from any standards in 14.10.1 P4, P5 and P9:**

(i) GPS antennas that do not exceed the following dimensions:

A. 300mm high: and

B. 130mm in diameter.

(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.

(iii) ~~Are not located within an Identified Area.~~

(iv) Do not connect to an area, façade or item specifically listed in Schedule 30.1.

10. Compared to the s42A report version, this removes the term "height" from clause (a) for workability reasons as set out in my EIC (given the relative bulk I do not consider that compliance with any standards in the other rules referred to are necessary), and deletion of the standard in regard to *Identified Areas* (noting that connection to heritage items is still controlled). As shown in the photos and schematics in Appendix A to my EIC, these antennas have limited bulk and visual impact, and are only enabled by the rule to the extent they would be attached to other buildings or structures that in themselves would need to be existing, comply with District Plan rules to be established in *Identified Areas* or obtain a resource consent where required in their own right. Accordingly, I support the version of the rule and related standards as set out above (as per my EIC).

Chris Horne

21 October 2020