

29 April 2025

Chief Executive, Hutt City Council
Private Bag 31-912
Lower Hutt 5040

By Email: district.plan@huttcity.govt.nz

Dear Ms Miller

Submission on the Proposed District Plan

This is a joint submission from Connexa Limited (Connexa), Chorus New Zealand Limited (Chorus), FortySouth Group LP (FortySouth) and Spark New Zealand Trading Limited (Spark), collectively referred to as the Telecommunication Companies, on the Proposed Lower Hutt District Plan 2025 (herein referred to as the PDP). The Telecommunication Companies provide telecommunication infrastructure across New Zealand, and work together on district plan processes. The Telecommunication Companies welcome the opportunity to make a submission on the PDP. Incite have been appointed to assist the Telecommunication Companies through the PDP.

Telecommunications infrastructure is significant and essential, and the safe, reliable and efficient functioning of telecommunication networks is vital for the national, regional and local economy and is in the public interest both in terms of allowing people and communities to provide for their wellbeing, and also for assisting to ensure their health and safety.

Chorus provide copper and fibre telecommunications lines across the Hutt Valley and New Zealand to homes and businesses, as well as owning the supporting infrastructure for telecommunications lines, including cabinets and exchanges (most of which are designated). Chorus are a requiring authority under the RMA.

Connexa are a company who own the poles (and associated cabinets) on which Spark's and 2Degrees' infrastructure is attached. Connexa are a requiring authority under the RMA.

FortySouth are also a company who own poles (and associated cabinets), with One NZ being their primary customer.

Spark are a network provider of telecommunications who erect antenna on poles, buildings and other structures to service their customers. They also have some assets at exchange sites, and are a requiring authority under the RMA.

There are a number of proposed provisions that the Telecommunication Companies support and we wish to note that the comments the telecommunications companies have provided through the Draft District Plan process have generally been accepted. There are however a number of matters that in our view require amendment prior to the PDP being made operative.

The Telecommunication Companies submissions on the PDP are set out in the attached table. In relation to the matters raised the Telecommunication Companies seek further, consequential or alternative relief as may be necessary, desirable, or appropriate to give effect to the decision sought.

The formalities of the submission are as follows:

1. This is a joint submission from Connexa, Chorus, FortySouth and Spark on the Proposed Lower Hutt District Plan 2025;
2. The email address for service for this joint submission is tom@incite.co.nz;
3. The Telecommunication Companies could not gain an advantage in trade competition through this submission;
4. The Telecommunication Companies are directly affected by an effect of the subject matter of the submission that adversely effects the environment and does not relate to trade competition or the effects of trade competition;
5. The specific provisions of the proposal that this submission relates to, the submission on those provisions, and the decisions sought are shown in the below table. The Telecommunication Companies also seek all further, alternative, necessary, or consequential relief as may be necessary to fully achieve the relief sought in this submission.
6. The Telecommunication Companies wish to be heard in support of this submission;
7. If others make a similar submission, the Telecommunication Companies will consider presenting a joint case with them at the hearing;

The Telecommunication Companies would happily discuss the submission points, either via videoconference or a workshop, and would collaborate with other infrastructure providers for this as well.

Yours sincerely,



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Telecommunications Companies

The specific submissions and the decisions sought for the Proposed Lower Hutt District Plan are as follows (note deletions sought to notified provisions are shown as ~~striketrough~~, and additions as underlined).

#	Chapter	Provision	Position	Reasons	Relief sought
1	Interpretation	Definition of <i>aboveground mounted equipment</i>	Oppose in part	<p>The definition as notified includes <i>supporting equipment for antennas</i>. It is unclear what this means. It is noted that ancillary equipment for antenna is provided for under the National Environmental Standards for Telecommunications Networks, and as such does not require regulation under the PDP.</p> <p>There are no other district plans which we are aware of which regulate ancillary equipment for antenna.</p>	<p>Amend the definition as follows:</p> <p><i>means equipment which are located above ground level on a support structure, and includes transformers, switches, capacitors, battery banks, small cell units and similar devices, and supporting equipment for antennas.</i></p> <p>Does not include:</p> <ul style="list-style-type: none"> a. <i>antennas <u>and ancillary equipment for antenna</u>,</i> b. <i>aerials, or</i> c. <i>lighting devices.</i>
2	Interpretation	Definition of <i>antenna</i>	Support	The definition is clear as to what constitutes an antenna.	Retain as notified.
3	Interpretation	Definition of <i>cabinet</i>	Support	The definition is clear as to what constitutes a cabinet.	Retain as notified.
4	Interpretation	Definition of <i>co-location benefits</i>	Support	The definition is clear as to what constitutes a co-location benefit.	Retain as notified.

#	Chapter	Provision	Position	Reasons	Relief sought
5	Interpretation	Definition of <i>customer connection line</i>	Support	The definition is clear as to what constitutes a customer connection line in the context of telecommunications.	Retain as notified, with regard to telecommunications, noting it is anticipated that other infrastructure providers also rely on customer connections and it is therefore anticipated that the definition will be widened as a result of the submission process. This would be appropriate in our view.
6	Interpretation	Definition of <i>functional need</i>	Support	The definition is clear as to what constitutes a functional need.	Retain as notified.
7	Interpretation	Definition of <i>infrastructure</i>	Support	The definition is clear as to what constitutes infrastructure.	Retain as notified.
8	Interpretation	Definition of <i>mount</i>	Oppose	Given changes sought to provisions later in this submission, a definition of <i>mount</i> is not required.	Delete the definition in full.
9	Interpretation	Definition of <i>network utility operator</i>	Support	The definition is clear as to what constitutes a network utility operator.	Retain as notified.
10	Interpretation	Definition of <i>regionally significant infrastructure</i>	Support	The definition is clear as to what constitutes regionally significant infrastructure, and aligns with the Regional Policy Statement for the Wellington Region.	Retain as notified.

#	Chapter	Provision	Position	Reasons	Relief sought
11	Interpretation	Definition of <i>reverse sensitivity</i>	Oppose in part	Reverse sensitivity is a well understood planning term, and can be defined much more succinctly that has been proposed. This is the case in other recent district plans, such as Wellington and Porirua, and regional consistency on the matter should be sought.	Replace the as notified definition with the following (which has been confirmed through the recently operative Porirua District Plan). <i>means the vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects may be generated by such existing activity, thereby creating the potential for the operation of such existing activity to be constrained.</i>

#	Chapter	Provision	Position	Reasons	Relief sought
12	Interpretation	Definition of <i>support structure</i>	Support in part	The definition of support structure as notified includes a pole that supports antenna. A pole that supports antenna is separately defined in the NESTF. Given national direction already provides a definition, this should be relied on rather than the PDP creating a double up, which could confusion.	<p>Amend the definition of support structure as follows</p> <p><i>means any mast, pole or similar structure used or intended to be used for the support of lighting devices, lighting rods, signs, aerials, antennas, sensing devices, beacons, lines or aboveground mounted equipment.</i></p> <p>And,</p> <p>Add a new definition of pole as follows:</p> <p><u><i>Pole</i></u></p> <p><u><i>has the same meaning as in section 4 of the NESTF (as set out below)</i></u></p> <p><u><i>means a pole, mast, lattice tower, or similar structure, of a kind that is able to be used (with or without modification) to support antennas.</i></u></p>

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13	Interpretation	Definition of <i>upgrading</i>	Support in part	The definition states that upgrading is not maintenance and repair. However there is no definition as to what constitutes maintenance and repair, and as such no way of knowing what is or is not upgrading. This is best rectified by providing a definition of maintenance and repair. The Wellington PDP has a definition of maintenance and repair which the telecommunications companies accepted. This definition is sought for the PDP as it would provide regional consistency.	Retain the definition of upgrading as notified. Add a definition of Maintenance and Repair as follows: <i>means any work or activity necessary to continue the operation or functioning of existing infrastructure. It does not include upgrading, but does include replacement of an existing structure with a new structure of identical dimensions.</i>
14	Interpretation	Abbreviations NESTF	Support	The NESTF abbreviation is accurate.	Retain the NESTF abbreviation as notified.
	National Direction Instruments	Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016	Support	The link to the NESTF works	Retain the link.
	National Direction Instruments	Resource Management (Network Utility Operations) Regulations 2016	Support	The link to the Resource Management (Network Utility Operations) Regulations 2016 works	Retain the link.

#	Chapter	Provision	Position	Reasons	Relief sought
	Strategic Direction	INSD-01 Infrastructure: Integration	Support in part	The objective requires integration between land use and infrastructure. Infrastructure is a defined term. As such, there is no need for the objective to specify certain types of infrastructure. This adds an unusual emphasis, which may be considered as placing importance on infrastructure listed in the objective over infrastructure not listed.	Amend INSD-01 as follows: <i>Land use and development is integrated with the provision of infrastructure, including transport and three waters services, and open space.</i>
	Strategic Direction	INSD-02 Infrastructure: Coordination	Support in part	The objective discusses necessary infrastructure. All development must be supported by infrastructure, as is required by INSD-01. The objective needs to be clear on this.	Amend INSD-02 as follows: <i>The nature, timing and sequencing of new development is co-ordinated with the funding, implementation and operation of necessary transport and other infrastructure.</i>
	Strategic Direction	INSD-03 Infrastructure: National and Regional Significance	Support in part	The objective appropriately recognises regionally significant infrastructure. There is no definition of national infrastructure in the PDP, so reference to this is confusing. The defined term should be used in the objective.	Amend INSD-03 as follows: <i><u>Regionally Significant</u> Infrastructure of national and regional significance is supported and protected.</i>
	Strategic Direction	UDSD-02 Urban Form and Development: Outcomes for Well-Functioning Urban Environments	Support in part	The objective appropriately requires well-functioning urban environments to be serviced by infrastructure. It states 'necessary' infrastructure, but there is no guidance in the PDP as to what 'necessary' infrastructure is.	Amend UDSD-02 as follows: <i>c. <u>Serviced by the necessary infrastructure appropriate to the intensity, scale and function of the development</u></i>

#	Chapter	Provision	Position	Reasons	Relief sought
	Strategic Direction	UDSD-O4 Urban Form and Development: Location of Urban Development	Support	The objective appropriately requires urban development efficiently uses infrastructure.	Retain as notified.
	Infrastructure	Introduction – other regulatory requirements	Support	The ‘other regulatory requirements’ section of the Introduction appropriately cross references the NESTF and Resource Management (Network Utility Operations) Regulations 2016.	Retain Introduction – other regulatory requirements as notified.
	Infrastructure	Introduction – Relationship with other chapters	Support in part	The National Planning Standards require that provisions (not rules) relating to infrastructure should be contained solely in an infrastructure chapter. As such, the statement that ‘objectives and policies in other chapters may be relevant’ is misleading and should be deleted.	Amend Introduction – Relationship with other chapters as follows: <i>The Infrastructure chapter includes provisions for operating, maintaining, repairing, developing, upgrading and decommissioning infrastructure. These infrastructure activities are excluded from most rules in other chapters of the District Plan (details on which other rules apply to infrastructure are given at the beginning of the rules section of this chapter), however objectives and policies in other chapters may be relevant.</i>
	Infrastructure	INF-O1 Benefits of infrastructure	Support	The objective appropriately requires the benefits of infrastructure to be recognised.	Retain as notified.

#	Chapter	Provision	Position	Reasons	Relief sought
	Infrastructure	INF-O2 Adverse effects of infrastructure	Support	The objective appropriately requires that the functional and operational needs of infrastructure are taken into account when assessing the adverse effects of infrastructure.	Retain as notified.
	Infrastructure	INF-O3 Infrastructure availability and capacity	Support in part	The objective seeks that infrastructure is available to integrate with subdivision, use and development. However it is not clear what <i>safe, resilient, sustainable, response and efficient</i> infrastructure is. As such, it is difficult to determine how this objective could be achieved.	Amend INF-O3 as follows: <i>Enable safe, resilient, sustainable, responsive and efficient infrastructure that is well integrated with, and able to meet the needs of, subdivision, use, and development.</i>
	Infrastructure	INF-O4 Transport network	Support	The objective appropriately requires that the transport be integrated with land use and development. This is supported, as other infrastructure should be integrated with the transport network.	Retain as notified.
	Infrastructure	INF-P1 Recognise benefits of infrastructure	Support	The policy appropriately requires the benefits of infrastructure to be recognised.	Retain as notified.
	Infrastructure	INF-P2 Provide for infrastructure	Support	The policy appropriately requires infrastructure to be provided for.	Retain as notified.
	Infrastructure	INF-P3 Planning and delivery of infrastructure	Support	The policy appropriately requires subdivision, use and development to be integrated with infrastructure.	Retain as notified.

#	Chapter	Provision	Position	Reasons	Relief sought
	Infrastructure	INF-P4 Technological advances	Support	Over the life of the plan, technological advances in infrastructure will occur, and this is appropriately recognised by the policy.	Retain as notified.
	Infrastructure	INF-P5 Adverse effects of infrastructure	Support	The policy appropriately recognises the practicabilities of avoiding, remedying and mitigating adverse effects of infrastructure.	Retain as notified.
	Infrastructure	INF-P6 Consideration of the adverse effects of infrastructure	Support	The policy sets out how adverse effects should be considered, which is a useful guide which should provide consistency across the city.	Retain as notified.
	Infrastructure	INF-P7 Upgrading and developing the transport network	Support	The policy sets out that adequate space be provided in the transportation network for other infrastructure.	Retain as notified.
	Infrastructure	INF-P9 Upgrading and developing infrastructure in natural hazard overlays	Support	The policy makes it clear that infrastructure can be located in natural hazard areas provided circumstances are met.	Retain as notified.
	Infrastructure	INF-P10 Upgrading and developing infrastructure in coastal margins or riparian margins	Support	The policy makes it clear that infrastructure can be located in coastal and riparian margins provided circumstances are met.	Retain as notified.

#	Chapter	Provision	Position	Reasons	Relief sought
	Infrastructure	INF-P11 Upgrading and developing infrastructure in coastal natural character areas	Support	The policy makes it clear that infrastructure can be located in coastal natural character areas provided circumstances are met.	Retain as notified.
	Infrastructure	INF-P12 Upgrading and developing infrastructure in Outstanding Natural Features and Outstanding Natural Landscapes	Support	The policy makes it clear that infrastructure can be located in outstanding natural features and landscapes provided circumstances are met.	Retain as notified.
	Infrastructure	INF-P13 Upgrading and developing infrastructure in sites and areas of significance to Māori, heritage areas and sites containing heritage buildings or heritage structures	Support	The policy makes it clear that infrastructure can be located in sites and areas of significance to Māori, heritage areas and sites containing heritage buildings or heritage structures provided circumstances are met.	Retain as notified.
	Infrastructure	INF-P14 Upgrading and developing infrastructure in the Active Street Frontage Overlay	Support	The policy makes it clear that infrastructure can be located in the Active Street Frontage Overlay provided circumstances are met. Note, the NESTF allows for this to occur as a permitted activity in any instance.	Retain as notified.

#	Chapter	Provision	Position	Reasons	Relief sought
	Infrastructure	Rules Introduction	Support in part.	The statement regarding <i>Operating, maintaining, repairing, upgrading, developing and decommissioning of infrastructure is excluded from all provisions in area-specific and other district-wide chapter, except for...</i> Is appropriate and makes it abundantly clear which provisions in the PDP apply for infrastructure. It is noted that the Subdivision Chapter also has requirements for infrastructure, which should be referenced in this introductory statement.	A typographical error regarding the 's' on district wide chapter needs to be amended. The subdivision chapter is also relevant for the subdivision of infrastructure, and this should be referenced in the Rules introduction.
	Infrastructure	INF-R1 Operation of infrastructure involving radiofrequency fields	Support in part	While not applicable to telecommunication activities (as they are regulated under the NESTF), INF-R1 sets appropriate activity status for other activities which emit radio frequency. The applicable standard is INF-S1 which relates to radiofrequency and electric magnetic fields. As such, the rule title should be updated to recognise electric and magnetic fields.	Amend INF-R1 as follows: <i>INF-R1 Operation of infrastructure involving radiofrequency fields <u>and electric magnetic fields</u></i>
	Infrastructure	INF-R2 Operation, maintenance, repair, and decommissioning of infrastructure	Support	Providing for the operation, maintenance, repair and decommissioning as a permitted activity in all zones and overlays (noting the exceptions in the introduction) is appropriate.	Retain as notified.

#	Chapter	Provision	Position	Reasons	Relief sought
	Infrastructure	INF-R3 Upgrading of infrastructure, excluding transport network infrastructure, and gas and transmission pipelines over 110kV	Support in part	Providing for the upgrading of infrastructure as a permitted activity in all zones is appropriate. Permitted Activity Status should be applied to upgrades in Outstanding Natural Features and Landscapes outside of the Coastal Environment in the same way it is applied to ONFLs within the Coastal Environment. Non-Complying Activity status is not appropriate for upgrades. Upgrades occur to existing infrastructure which serves a purposes in an existing area. Restricted Discretionary, with consideration given to the functional and operational need of the upgrade, better reflects the existence and use of an infrastructure facility which needs to be upgraded in order to continue serving its purpose. Further, what is the purpose of Discretionary Activity status in ONFLs – the consideration in such areas is the effect on the landscape, and therefore discretion can be restricted to that. Affording Discretionary Activity status adds no additional benefit in these areas to either applicants or Council consent planners.	Amend INF-R3 as follows: <ul style="list-style-type: none"> - All NC activity status is revised to RDIS; - All DIS activity status is revised to RDIS; - Amend ONFs and ONLs Inside the Coastal Environment so that activities are PER where standards are complied with, and RDIS where they are not.

#	Chapter	Provision	Position	Reasons	Relief sought
	Infrastructure	INF-R4 New vehicle access tracks and extensions to existing vehicle access tracks ancillary to infrastructure	Support in part	New or ancillary vehicle access tracks are appropriate as permitted activities in all areas except heritage sites, Category 1 SASM, ONFLs and Outstanding Coastal Natural Character Areas is supported. In those areas where standards are not met, or it is appropriate to require resource consent from the outset, the activity status should be restricted discretionary, as the consideration of effects should be limited to functional need and operational need, as well as effects on the overlay or plan notation applicable.	Amend INF-R4 as follows: - All NC and DIS activity status is revised to RDIS.

#	Chapter	Provision	Position	Reasons	Relief sought
	Infrastructure	INF-R5 Temporary infrastructure and temporary electricity generators and self-contained power units to supply existing infrastructure	Support in part	<p>Providing for temporary infrastructure subject to standards relating to duration, earthworks and vegetation removal is supported.</p> <p>However, as per the previous rules, non-complying activity status is not supported. Infrastructure, whether it is temporary or not, is only ever sought in a location where it is needed. As such, the activity status should be restricted discretionary, as the consideration of effects should be limited to functional need and operational need, as well as effects on the overlay or plan notation applicable.</p>	<p>Amend INF-R5 as follows:</p> <ul style="list-style-type: none"> - All NC and DIS activity status is revised to RDIS.
	Infrastructure	INF-R6 Signs associated with operating, maintaining, and repairing, or developing, upgrading and decommissioning of infrastructure, not including signs for the purpose of operating the transport network which are located in road reserve or rail corridor	Support in part	<p>Providing for signage associated with infrastructure is supported.</p> <p>However, as per the previous rules, non-complying activity status is not supported. Infrastructure, whether it is temporary or not, is only ever sought in a location where it is needed. As such, the activity status should be restricted discretionary, as the consideration of effects should be limited to functional need and operational need, as well as effects on the overlay or plan notation applicable.</p>	<p>Amend INF-R6 as follows:</p> <ul style="list-style-type: none"> - All NC and DIS activity status is revised to RDIS.

#	Chapter	Provision	Position	Reasons	Relief sought
	Infrastructure	INF-R7 New cabinets (not regulated by the NESTF)	Support in part	<p>Providing for cabinets is supported. For telecommunications, all cabinets are regulated by the NESTF.</p> <p>As per the previous rules, non-complying activity status is not supported. Infrastructure, whether it is temporary or not, is only ever sought in a location where it is needed. As such, the activity status should be restricted discretionary, as the consideration of effects should be limited to functional need and operational need, as well as effects on the overlay or plan notation applicable.</p>	<p>Amend INF-R7 as follows:</p> <ul style="list-style-type: none"> - All NC and DIS activity status is revised to RDIS.
	Infrastructure	INF-R8 New infrastructure located within existing buildings	Support	Permitted activity status for new infrastructure located within buildings is appropriate and supported	Retain as notified.

#	Chapter	Provision	Position	Reasons	Relief sought
	Infrastructure	INF-R10 New underground structures other than pipelines	Support in part	<p>Permitted activity status for new underground infrastructure is appropriate and supported. This should include in all Outstanding Natural Features and Landscapes, as provided the ground is reinstated and vegetation removal standards are met, there should be no change to the reasons an area falls within one of those landscape classifications.</p> <p>As per the previous rules, non-complying activity status is not supported. Infrastructure, whether it is temporary or not, is only ever sought in a location where it is needed. As such, the activity status should be restricted discretionary, as the consideration of effects should be limited to functional need and operational need, as well as effects on the overlay or plan notation applicable.</p>	<p>Amend INF-R10 as follows:</p> <ul style="list-style-type: none"> - PER and NC listed as activity status in all Outstanding Natural Features and Landscapes. - All other NC activity status is revised to RDIS.

#	Chapter	Provision	Position	Reasons	Relief sought
	Infrastructure	INF-R11 New antennas or aboveground mounted equipment attached to existing support structure or buildings (not regulated by the NESTF)	Support in part	<p>Permitted activity status for new antennas is appropriate and supported.</p> <p>The NESTF permits all above ground mounted equipment attached to an existing support structure or building. As such there is no need for duplication in the PDP, or inconsistency between the PDP and NESTF.</p> <p>As per the previous rules, non-complying activity status is not supported. Infrastructure, whether it is temporary or not, is only ever sought in a location where it is needed. As such, the activity status should be restricted discretionary, as the consideration of effects should be limited to functional need and operational need, as well as effects on the overlay or plan notation applicable.</p>	<p>Amend INF-R1 as follows:</p> <ul style="list-style-type: none"> - Amend the rule title as follows: INF-R11 New antennas or aboveground mounted equipment attached to existing support structure or buildings (not regulated by the NESTF) - All NC activity status is revised to RDIS.

#	Chapter	Provision	Position	Reasons	Relief sought
	Infrastructure	INF-R12 New support structures including telecommunication poles, with or without associated lines (not over 110kV), antenna or aboveground mounted equipment (not regulated by the NESTF)	Support in part	<p>Permitted activity status for new poles is appropriate and supported.</p> <p>Poles are paramount to the delivery of infrastructure. They should not be excluded for amenity reasons in the activity street front overlay. The definition of <i>support structure</i> in the PDP includes <i>any mast pole or similar structure used or intended to be used for the support of lighting devices</i>. As such, the way this rule is currently written, street lights would require resource consent, which is not appropriate. When a utility is a necessity for an area, it should be permitted.</p> <p>As per the previous rules, non-complying activity status is not supported. Infrastructure, whether it is temporary or not, is only ever sought in a location where it is needed. As such, the activity status should be restricted discretionary, as the consideration of effects should be limited to functional need and operational need, as well as effects on the overlay or plan notation applicable.</p>	<p>Amend INF-R12 as follows:</p> <ul style="list-style-type: none"> - Amend the activity status for the Active Street Frontage Overlay to PER where standards are complied with. - All NC activity status is revised to RDIS.

#	Chapter	Provision	Position	Reasons	Relief sought
	Infrastructure	INF-R13 New customer connection lines and support structures (not regulated by the NESTF)	Support in part	Permitted activity status should be provided for all customer connection lines in all zones. If standards cannot be met, then Controlled activity status should be provided. If there is a user in an area, regardless of what overlays apply to them, their ability to connect to infrastructure should not be able to be denied.	Amend INF-R13 as follows: <ul style="list-style-type: none"> - Amend the activity status for all overlays to PER where standards are complied with. - Amend the activity status for all overlays to CON where standards are complied with. - Add as a matter of control, that effects on the applicable overlay are mitigated to the extent practicable.
	Infrastructure	INF-R14 Cabinets, antennas and poles regulated by the NESTF that do not meet the permitted activity standards in Regulations 20, 21, 22, 27, 29, 31, 33, 35 or 37 of the NESTF	Support in part	<p>A rule clearly outlining activity status for those activities which do not meet the permitted regulations of the NESTF is supported.</p> <p>The way the NESTF works, an activity standard is needed in the PDP, so a statement of <i>as per the NESTF</i> will not work. These should be amended to RDIS as that is the most appropriate activity status for NESTF regulated activities that are not permitted.</p> <p>In saying that, there should be allowance in areas where no overlays apply for Controlled Activities for antenna which are only marginally larger than the permitted, as these will have no noticeable effects when compared to the permitted baseline.</p>	Amend INF-R14 as follows: <ul style="list-style-type: none"> - Replace the words <i>as per NESTF</i> with <i>RDIS</i>. - Add CON to the column titled <i>Where no other columns in this table apply</i> for panel antenna up to 0.8m wide and dish antenna up to 1.3m wide. - Any larger antenna are RDIS. - Add as a matter of control, the need for the infrastructure.

#	Chapter	Provision	Position	Reasons	Relief sought
	Infrastructure	INF-R25 Infrastructure not otherwise provided for or subject to any other rule in chapter	Support in part	<p>A rule for any other infrastructure is supported.</p> <p>As per the previous rules, non-complying activity status is not supported. Infrastructure, whether it is temporary or not, is only ever sought in a location where it is needed. As such, the activity status should be restricted discretionary, as the consideration of effects should be limited to functional need and operational need, as well as effects on the overlay or plan notation applicable.</p>	<p>Amend INF-R25 as follows:</p> <ul style="list-style-type: none"> - All NC activity status is revised to RDIS.
	Infrastructure	Assessment matters for Restricted Discretionary Activities	Support in part	<p>The assessment criteria have been reviewed and are generally supported. In particular the link to NESTF Regulation 15(2) is supported. However, alongside the consideration of the <i>functional needs, operational needs, and technical requirements of the infrastructure</i> as required by Assessment Matter 3, how the infrastructure achieves resilience should be considered.</p>	<p>Amend the Assessment matters for Restricted Discretionary Activities as follows:</p> <p><u>12. Any resilience benefits resulting from the proposed infrastructure.</u></p>
	Infrastructure	Standards	Support in part	<p>Make sure that matters of discretion in standard apply in addition to the assessment criteria specified in the rule framework.</p>	<p>As per reasons.</p>

#	Chapter	Provision	Position	Reasons	Relief sought
	Infrastructure	INF-S1 Radiofrequency fields and electric magnetic fields	Support	While NESTF sets the permitted regulation for all telecommunication radiofrequency, it directly aligns with what is proposed in the PDP.	Retain as notified.
	Infrastructure	INF-S2 Upgrading of infrastructure	Support in part	<p>The standard is generally clear as to what constitutes an upgrade.</p> <p>Matter 1 states that replacement structures must be within <i>5m of the existing alignment or location</i>. Typically, this is achievable. However, the telecommunication companies have experienced instances where it cannot be achieved, as the alternative locations within 5m are constrained by either other infrastructure, driveways or sight lines for driveways or intersections. A more generous allowance of 10m would in most instances alleviate these issues.</p> <p>Matter 2 refers to a <i>steel-lattice structure</i>. Lattice towers are not always made of steel. As such, the word steel should be deleted.</p>	<p>Amend INF-S2 as follows:</p> <ol style="list-style-type: none"> 1. The replacement, realignment or relocation of a line, any pipe (excluding a gas transmission pipeline), support structure, conductor, cross arm, switch, transformer or ancillary structure must be within <u>5</u>10m of the existing alignment or location. 2. A single mast pole, pi pole or similar support structure must not be replaced by a steel-lattice structure.
	Infrastructure	INF-S3 Underground infrastructure	Support	The requirements for underground infrastructure are supported.	Retain as notified
	Infrastructure	INF-S4 Cabinets located within road reserve or the rail corridor	Support	The cabinet size is supported.	Retain as notified

#	Chapter	Provision	Position	Reasons	Relief sought
	Infrastructure	INF-S5 Cabinets not located within road reserve or the rail corridor	Support	The cabinet size is supported.	Retain as notified

	Infrastructure	INF-S6 Height – Support structures not regulated by the NESTF	Support in part	<p>A standard for height is supported.</p> <p>Mobile telecommunication facilities rely on line of sight to be able to perform their function. The higher an antenna height is, the better outdoor and indoor coverage for end users is achieved, as the higher antenna height extends above local 'clutter' to provide line of sight. Clutter is commonly created by buildings, topography and trees. Essentially, the proposed height provisions for some zones in the PDP allow for buildings to be constructed that 'block' existing and any future permitted mobile telecommunication facilities. As well as these provisions affecting potential future facilities, they also create a potential reverse sensitivity effect on existing facilities.</p> <p>Part of the effect of greater building height is changes it creates for radiofrequency exposures. All proposed antennas must be assessed against New Zealand Standard 2772.1:1999 Radiofrequency fields - Maximum exposure levels. This document sets out limits for exposure to the radiofrequency radiation produced by all types of radio</p>	<p>Retain INF-S6 heights in the Light, Heavy and General Industrial Zones, as well as General Rural Zone. Add Rural Lifestyle Zone to this row of the table (delete it from its current position).</p> <p>Amend the row of the table for Large Lot Residential, Natural Open Space, Open Space and Sport and Active Recreation and Marae Zones to 15m for one provider and 20m for two or more.</p> <p>Amend the High Density Residential, Local Centre, Neighbourhood Centre, Mixed Use, Metropolitan Centre, City Centre, Hospital, Tertiary Education, Quarry and Seaview Marina Zones to 28m for a single provider and 33m for two or more.</p> <p>Amend the row of the table for Outstanding Natural Features, Outstanding Natural Landscapes, High and Very High Coastal Natural Character and Outstanding Coastal Natural Character overlays to 15m.</p>
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				<p>transmitters, for people exposed at work and for the general public.</p> <p>Essentially, radiofrequency engineers use a compliance software to establish and maintain safety compliance. Principally, the software requires inputs including antenna height, antenna model, transmit powers, nearby building heights and areas accessible to the public. The output graphically displays distances, both horizontally and vertically, that meet compliance including areas between 25% and 100% of the public limit and areas above occupational limits.</p> <p>Through enabling the permitted building heights without enabling a corresponding increase in mobile telecommunication facility height potentially allows people to be exposed to greater levels of radiofrequency, and changes the activity status of an existing or permitted facility from permitted to non-complying under the NESTF.</p> <p>The telecommunications companies recognise and support the densification of cities that is promoted through the NPSUD.</p>	
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				<p>However this does come with a need to upgrade the existing telecommunication networks. Such upgrades, where they occur as part of achieving the objectives of the NPSUD, and as such the PDP, should be provided for within the PDP provisions.</p> <p>The need for increased mobile telecommunication facility heights as part of the densification of cities in New Zealand was recognised in the Natural and Built Environment (Transitional National Planning Framework) Regulations from the Ministry for the Environment, and was in place under the Natural and Built Environment Act 2023. In relation to mobile telecommunication facility heights, draft Regulation 13.2.33 proposed a height of 17m in areas zoned for residential and local centre activities, 20m in areas zoned for neighbourhood centre activities, and 25m in other zones. These heights were generally supported by the telecommunication companies.</p> <p>However, the preferred approach which the telecommunication companies have found to be effective in other cities and districts in New Zealand is to enable a mobile facility</p>	
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				<p>height which is 5m greater than the permitted building height in any given location. The 5m of clearance mitigates the local clutter effect and radiofrequency effects explained above, without being significantly taller than the anticipated building height in the surrounding environment. A further 5m to enable co-location is also provided for. This would require the High Density Residential Zone, which allows buildings up to 23m to be 1m higher than what is permitted.</p> <p>Such an approach has been accepted by New Plymouth District Council through their Proposed District Plan (currently in the appeal resolution stage, with no appeals received relating to telecommunication facility height), and is up for consideration in other current processes, including the Proposed Wellington City District Plan and Proposed Timaru District Plan.</p> <p>Finally, again in order to ensure radiofrequency standards under NZS2772 are met, typically a height of at least 15m is needed. Lower heights mean people at the base of the tower are likely to be exposed to higher levels of radiofrequency. This therefore affects the pole heights in the Large Lot</p>	
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#	Chapter	Provision	Position	Reasons	Relief sought
				<p>Residential, Natural Open Space, Open Space, Sport and Active Recreation and Marae Zones, as well as the Outstanding Natural Features, Outstanding Natural Landscapes, High and Very High Coastal Natural Character and Outstanding Coastal Natural Character overlays need to be at least 15m.</p> <p>The NESTF states that Rural Lifestyle Zones are to be treated as Rural Zones, and therefore these zones should be treated on the same basis.</p>	
	Infrastructure	INF-S7 Size – Support structures not regulated by the NESTF	Support in part	<p>The diameters of poles is supported. However the title of the standard is confusing. It refers to <i>size</i> which could mean height, yet does not state height. It would be better if it said width or diameter, which is the aspect that the standard is regulating. To ensure there is no cross over with INF-S9, this should be noted in the rule.</p>	<p>Amend INF-S7 as follows:</p> <p><i>INF-S7 Size <u>width or diameter</u>– Support structures not regulated by the NESTF</i></p> <p><i><u>Note – this standard does not apply to any antenna or headframe provided for under INF-S9.</u></i></p>
	Infrastructure	INF-S8 Location – Support structures	Support	The standard is clear and appropriate.	Retain as notified

	Infrastructure	INF-S9 Size – Antennas and aboveground mounted equipment	Support in part	<p>The standard is clear and appropriate for antenna size. Above ground mounted equipment (ancillary equipment) is excluded from consideration for NESTF regulated activities. The only activities not regulated under the NESTF are new poles and antenna outside of road reserve in urban areas. Through not aligning the NESTF and PDP, there is an incongruency between above ground mounted equipment in urban areas. This should be avoided.</p> <p>There has also been a situation in another part of the country where the panel antenna width has been disputed. The 0.7m width provided for is for the front face of the antenna, and the standard should state that.</p>	<p>Amend INF-S9 as follows:</p> <ol style="list-style-type: none"> 1. A panel antenna: <ol style="list-style-type: none"> a. Must not exceed a <u>front face</u> width of 0.7m, and b. When in a road reserve, must fit within an envelope of 3.5m in length and 0.7m in width. 2. A dish antenna must not exceed a diameter of 1.2m. 3. Omni directional ‘whip’ or dipole antenna must not exceed: <ol style="list-style-type: none"> a. 1.6m in vertical length, b. 60mm in diameter, and c. 1.5m in horizontal length. 4. A headframe must not exceed: <ol style="list-style-type: none"> a. 2.5m in diameter in Residential Zones (except when located in a road), or b. 6m in diameter in all other zones.
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#	Chapter	Provision	Position	Reasons	Relief sought
					<p>5. In residential zones, aboveground mounted equipment associated with antennas must be located within the antenna mounts.</p> <p>6. Aboveground mounted equipment must not exceed 1m in length.</p> <p>7. The area when measured in plan view of aboveground mounted equipment not associated with antennas must not exceed:</p> <p style="padding-left: 40px;">a. 0.5m² if unenclosed, and</p> <p style="padding-left: 40px;">b. 1.0m² if enclosed in a three dimensional easing.</p>
	Infrastructure	INF-S10 Height – Building mounted antennas not regulated by the NESTF	Support	The standard is clear and appropriate.	Retain as notified
	Infrastructure	INF-S11 Temporary Infrastructure - Duration	Support	The standard is clear and appropriate.	Retain as notified

#	Chapter	Provision	Position	Reasons	Relief sought
	Infrastructure	INF-S12 Customer Connection Lines	Support	The standard is clear and appropriate.	Retain as notified
	Infrastructure	INF-S13 Signs	Support	The standard is clear and appropriate.	Retain as notified
	Infrastructure	INF-S14 Buildings and structures, other than cabinets or support structures	Support	The standard is clear and appropriate.	Retain as notified
	Infrastructure	INF-S15 Road design	Support in part	While INF-P7 requires adequate space is allocated in the road corridor for infrastructure, the requirements of INF-S15 do not have such a space. This needs to be amended.	Amend INF-S15 as follows: <u>10. Provide a berm at least 1m wide for infrastructure to be located.</u>
	Infrastructure	Table 1: Street tree specifications	Support in part	Street tree roots can interfere with infrastructure. It is recognised in the table that street trees should be setback 5m from street lights. This would be appropriate for any telecommunications infrastructure.	Amend Table 1 as follows: Horizontal setback distances from structures <u>Telecommunications Infrastructure – 5m (for all trees).</u>
	Infrastructure	INF-S16 Earthworks – Slope, height, depth, and location	Support	The standard is clear and appropriate.	Retain as notified
	Infrastructure	INF-S17 Earthworks – Area limit, including trenching	Support	The standard is clear and appropriate.	Retain as notified

#	Chapter	Provision	Position	Reasons	Relief sought
	Infrastructure	INF-S19 Earthworks – In relation to Sites and Areas of Significance to Māori	Support in part	The standard is reasonable in that it is clearly seeking that earthworks in SASMs are only undertaken where disturbance to ground has previously occurred – hence matter 2 which says <i>the earthworks must be located directly above existing underground infrastructure</i> . However, for the same reason, any earthworks in formed legal road should be permitted, as roads require ground disturbance, and any subsequent earthworks within road are likely to only be disturbing previously disturbed ground.	Amend INF-S19 as follows: <u>1. The earthworks are located in formed legal road; or.</u> 2 The earthworks must not exceed 600mm in width; <u>or</u> 3 The earthworks must be located directly above existing underground infrastructure.
	Infrastructure	INF-S20 Removal of indigenous vegetation	Support	The standard is clear and appropriate.	Retain as notified
	Protection of Infrastructure	PINF-O1 Adverse effects on infrastructure	Support	The objective appropriately seeks that subdivision, use and development does not compromise the operation and development of infrastructure.	Retain as notified
	Protection of Infrastructure	PINF-P1 Protecting regionally significant infrastructure	Support in part	Telecommunications is defined as regionally significant infrastructure. However, it is not mentioned in the detail provided in PINF-P1. As outlined above, building height is a reverse sensitivity issue for mobile phone facilities. This should be recognised in the policy.	Amend PINF-P1 as follows: <i>Regionally significant infrastructure is protected from incompatible new subdivision, use and development by:</i> <u>6. Controlling buildings in close proximity to existing telecommunication antenna.</u>

#	Chapter	Provision	Position	Reasons	Relief sought
	Natural Hazards	Introduction	Support in part	The network utility chapter makes it clear that the Natural Hazard Chapter does not apply to infrastructure. This should be equally recognised in the Natural Hazard Chapter. This approach is supported, given that the NESTF makes it clear through Regulation 57 that natural hazard rules in district plans are to be disapplied to telecommunication activities.	Amend the introduction to include a statement that the provisions of this chapter do not apply to infrastructure activities.
	Historic Heritage	HH-O2 Sustainable long-term use	Support	The objective requires that heritage items are well-maintained, resilient and kept in sustainable long-term use. Telecommunications assist with building use.	Retain as notified.
	Historic Heritage	HH-P4 Continued use and adaptive re-use	Support	Telecommunications assist with building use.	Retain as notified.
	Historic Heritage	HH-R2 Alterations and additions to heritage buildings, heritage structures, and buildings and structures in heritage areas	Support	Permitting customer connections where they are not to the street-facing elevation of a building with controlled activity status if this is not met is supported.	Retain as notified.

	Notable Trees	TREE-R3 Activities within the root protection area or dripline of notable trees	Support in part	<p>Activities that do not involve <i>land disturbance</i> are permitted in the dropline of notable trees. <i>Land disturbance</i> is defined in the PDP as <i>the alteration or disturbance of land (or any matter constituting the land including soil, clay, sand and rock) that does not permanently alter the profile, contour or height of the land.</i></p> <p>Trenching for a network utility line does not result in an alteration of the profile, contour or height of land.</p> <p>However, such an activity does involve the construction or addition of a structure, and therefore, would not be permitted.</p> <p>There are a number of district plan's across New Zealand which permit lines in the dripline of trees, where certain methods are undertaken that limit the impact on trees. These have been suggested in the requested relief.</p>	<p>Amend TREE-R3 as follows:</p> <ol style="list-style-type: none"> Activity Status Permitted Where <ol style="list-style-type: none"> <i>The activity does not create impermeable surfaces,</i> <i>The activity does not involve land disturbance,</i> <i>The activity does not involve the construction or addition of a structure, and</i> <i>The activity does not involve the storage of material, refuse, or goods.</i> <p><u>Or</u></p> Activity Status Permitted Where <u>The activity is for a customer connection line, which achieves the following:</u> <ol style="list-style-type: none"> <u>the excavation is undertaken by drilling machines at a depth of 1m or greater, hand-digging, air spade, or hydro vac, within the root protection area; and</u> <u>the surface area of a single excavation does not exceed 1m²; and</u>
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#	Chapter	Provision	Position	Reasons	Relief sought
					<p>c. <u>works involving root pruning are not on roots greater than 35mm in diameter at severance; and</u></p> <p>d. <u>works do not disturb more than 10 percent of the protected root zone; and</u></p> <p>e. <u>any machines used must operate on top of paved surfaces and/or ground protection measures.</u></p> <p>f. <u>works are undertaken under the direction of a qualified arborist.</u></p>
	Subdivision	SUB-03 Servicing of allotments	Support	The objective requires that subdivision is adequately serviced by infrastructure.	Retain as notified.

#	Chapter	Provision	Position	Reasons	Relief sought
	Subdivision	SUB-P7 Servicing and access	Support in part	<p>The policy requires that subdivision is serviced by infrastructure that meets Council engineering standards. Council does not hold standards for all infrastructure. Therefore, this policy should be expanded to meet Council and Network Utility Provider standards.</p> <p>Network utilities often require allotments within the subdivision design. This should also be recognised in SUB-P7.</p>	<p>Amend SUB-P7(1) as follows:</p> <p>1. <i>Require new infrastructure and upgrades to existing infrastructure to meet the relevant Council engineering standards or Network Utility Standards, as relevant.</i></p> <p>...</p> <p>8. <i>In discussion with the network utility providers, provide allotments for infrastructure service providers as necessary.</i></p>
	Subdivision	SUB-P9 Subdivision for Infrastructure	Support	The policy requires that subdivision is appropriately sized when it is for infrastructure.	Retain as notified.
	Subdivision	SUB-R1 Boundary Adjustments	Support	The rule requires that SUB-S8 regarding the need for a telecommunication be met	Retain as notified.
	Subdivision	SUB-R3 Unit title subdivision and subdivision that does not result in the creation of any new vacant allotments	Support	The rule requires that SUB-S8 regarding the need for a telecommunication be met	Retain as notified.
	Subdivision	SUB-R4 Subdivision that creates any vacant allotments	Support	The rule requires that SUB-S8 regarding the need for a telecommunication be met	Retain as notified.

#	Chapter	Provision	Position	Reasons	Relief sought
	Subdivision	SUB-R5 Subdivision that creates a new allotment for infrastructure	Support	The rule is clear as to what would be a Controlled Activity.	Retain as notified.

	Subdivision	SUB-S8 Telecommunications	Support in part	Requiring all new allotments to be serviced with open access to telecommunications is supported. However, the delivery of telecommunications should be more nuanced in order to better recognise how different parts of Hutt City are currently serviced by different methods of telecommunications. All lots should be subject to telecommunications.	<div>Delete SUB-S8 as notified, and replace it with the following:</div> <table><tr><td><u>Residential Zones</u> <u>Commercial and Mixed Use Zones</u> <u>Industrial Zones</u> <u>Sport and Recreation Zone</u> <u>Special Purpose Zones</u></td><td>1. <u>All new allotments must have provision for connections to an open access fibre network to the legal boundary of the allotments</u></td></tr><tr><td><u>Rural Zones</u> <u>Natural Open Space Zone</u> <u>Open Space Zone</u></td><td>2. <u>All new allotments must have provision for connection to telecommunications infrastructure. This may be achieved by either:</u> <div>a. <u>Connections to an open access fibre network to the legal boundary of the allotments; or</u></div><div>b. <u>Provision with any subdivision consent application of</u></div></td></tr></table>	<u>Residential Zones</u> <u>Commercial and Mixed Use Zones</u> <u>Industrial Zones</u> <u>Sport and Recreation Zone</u> <u>Special Purpose Zones</u>	1. <u>All new allotments must have provision for connections to an open access fibre network to the legal boundary of the allotments</u>	<u>Rural Zones</u> <u>Natural Open Space Zone</u> <u>Open Space Zone</u>	2. <u>All new allotments must have provision for connection to telecommunications infrastructure. This may be achieved by either:</u> <div>a. <u>Connections to an open access fibre network to the legal boundary of the allotments; or</u></div> <div>b. <u>Provision with any subdivision consent application of</u></div>
<u>Residential Zones</u> <u>Commercial and Mixed Use Zones</u> <u>Industrial Zones</u> <u>Sport and Recreation Zone</u> <u>Special Purpose Zones</u>	1. <u>All new allotments must have provision for connections to an open access fibre network to the legal boundary of the allotments</u>								
<u>Rural Zones</u> <u>Natural Open Space Zone</u> <u>Open Space Zone</u>	2. <u>All new allotments must have provision for connection to telecommunications infrastructure. This may be achieved by either:</u> <div>a. <u>Connections to an open access fibre network to the legal boundary of the allotments; or</u></div> <div>b. <u>Provision with any subdivision consent application of</u></div>								

						<p><u>written</u> <u>confirmation from a</u> <u>telecommunication</u> <u>network operator</u> <u>confirming that</u> <u>connection to a</u> <u>telecommunications</u> <u>network can be</u> <u>provided to all new</u> <u>allotments and</u> <u>describing how this</u> <u>can be achieved.</u></p> <p>3. <u>The</u> <u>written</u> <u>confirmation that</u> <u>connection to a</u> <u>telecommunications</u> <u>network can be</u> <u>achieved which is</u> <u>required under SUB-</u> <u>S8.2.b must include</u> <u>that the connection can</u> <u>be achieved to:</u></p> <p>a. <u>A broadband mobile</u> <u>and wireless</u> <u>network, including a</u> <u>satellite network, if</u> <u>connection to such a</u> <u>network is available;</u> <u>or</u></p> <p>b. <u>A copper VDSL</u> <u>network as a</u> <u>minimum if no</u></p>
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						<u>broadband mobile or wireless networks are available.</u>
					<u>All Zones</u>	<p>4. <u>At the time of subdivision, sufficient telecommunication network infrastructure and associated ancillary services for telecommunications must be set aside. Any subdivision consent application must include:</u></p> <p>a. <u>Identification of the land on any subdivision scheme plans; and</u></p> <p>b. <u>Written confirmation that the land identified is sufficient for the intended purpose from a relevant network operator or other suitably qualified and experienced professional.</u></p>

#	Chapter	Provision	Position	Reasons	Relief sought
					In all instances, where the standard is not met, the matter of discretion should be restricted to <u>an alternative provision of telecommunication supply.</u>