

BEFORE HUTT CITY COUNCIL

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

Hutt City Council's Proposed District Plan:
Hearing Stream 7 – Other Topics

STATEMENT OF EVIDENCE TOM ANDERSON

ON BEHALF OF

**CHORUS NEW ZEALAND LIMITED, CONNEXA LIMITED, FORTYSOUTH GROUP
LP AND SPARK NEW ZEALAND TRADING LIMITED**

28 September 2026

SUMMARY STATEMENT

- i. My name is Tom Anderson. I am a Principal Planner and a Director of Incite, a resource management consulting firm.
- ii. I am providing expert evidence on behalf of Chorus, Connexa, FortySouth and Spark (the telecommunication companies) who lodged submissions on the Proposed Hutt City District Plan (PDP).
- iii. Nine of the submission points are addressed in Hearing Stream 7, one within the Notable Trees Section 42A Report and the balance in the Subdivision Section 42A Report. I agree with the Council Officer recommendations in the S42A Reports on seven of these submission points.
- iv. The first matter which remains in contention for the hearing concerns customer connections in the dripline or root protection area of notable trees (Rule TREE-R3). The submission sought that a customer connection such a location should be permitted provided a specified methodology was sought. The Council Officer recommended that this point be rejected on the basis of comments on the methodology from Council's Maintenance and Renewals Manager.
- v. I continue to seek permitted activity status for such works through this evidence, but with a revised methodology based on the comments from Council's Maintenance and Renewals Manager. Such an approach would be in line with other recent district plans, including Wellington, Porirua and the Combined Wairarapa.
- vi. The other matter which remains in contention concerns standard SUB-S8, which details how telecommunications is to be provided for new allotments. While wholesale amendments were sought to the rule through the submission, I have refined this in the evidence to what I consider is a minor amendment to the standard, making it explicit that it the mobile network operators should be consulted to determine whether there is sufficient capacity (and coverage) in their networks. In my view, such an approach aligns with Policy INF-P7 of the PDP.

EVIDENCE IN CHIEF

Professional Qualifications and Experience

1. My name is Tom Anderson. I am a Principal Planner and a Director of Incite, a resource management consulting firm. My qualifications and experience are outlined in my evidence in chief for Hearing Stream 6. As such I do not repeat that here.
2. I have read and am familiar with the Code of Conduct for Expert Witnesses (section 9 of the Environment Court Consolidated Practice Note 2023). My evidence has been prepared in compliance with that code. In particular, unless I state otherwise, this evidence is within my area of expertise, and I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

Scope and Purpose of Evidence

3. This evidence has been prepared in review of Connexa Limited, Chorus New Zealand Limited, FortySouth Group LP and Spark New Zealand Trading Limited (collectively referred to as the 'telecommunications companies') submissions on the PDP, as they relate to Hearing Stream 7 (HS7). The telecommunication companies are listed as submitter 311 to the PDP.
4. In terms of HS7, the telecommunications companies' submissions are limited to the Notable Trees and Subdivision topics.

Notable Trees

5. Submission Point 311.84 supported TREE-R3 (activities within the root protection area or dripline of notable trees) in part, but sought an amendment to permit customer connection lines to be installed, subject to a specified methodology and use of a qualified arborist.
6. From a telecommunications perspective, customer connections connect properties and land uses to the fibre network.
7. For completeness, the full amendment sought in the submission (shown as underlined) was as follows:

1. ***Activity Status Permitted***

- Where*

- a. The activity does not create impermeable surfaces,*

- b. *The activity does not involve land disturbance,*
- c. *The activity does not involve the construction or addition of a structure,*
and
- d. *The activity does not involve the storage of material, refuse, or goods.*

Or

2. **Activity Status Permitted**

Where

The activity is for a customer connection line, which achieves the following:

- a. 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
- b. the surface area of a single excavation does not exceed 1m²; and
- c. works involving root pruning are not on roots greater than 35mm in diameter at severance; and
- d. works do not disturb more than 10 percent of the protected root zone; and
- e. any machines used must operate on top of paved surfaces and/or ground protection measures.
- f. works are undertaken under the direction of a qualified arborist.

- 8. At paragraphs 59 to 66 of the Notable Tree Section 42A Report, the reporting officer recommends that the submission point be rejected on the basis of advice from Council's Maintenance and Renewals Manager. The reasons for the rejection include Council's responsibility for the ongoing monitoring and maintenance of notable trees, the need to effectively modify existing Council systems and processes, that Council's current practice around excavation activities are appropriate.
- 9. There is no detailed effect assessment of the methodology that was specified in Submission Point 311.84. I note that the matters in the Submission Point are similar to the permitted standard TREE-S4 in the Appeals Version of the Wellington City 2024 District Plan (and is not subject to appeal). I am also aware of similar permitted provisions in the Operative (or Partially Operative) Porirua, Selwyn, New Plymouth and Combined Wairarapa district plans. There are likely others as well which I am not as familiar with.
- 10. In reviewing the Council's Maintenance and Renewals Manager advice, which is attached as Appendix 5 to the Notable Tree Section 42A Report, they consider that hydro-vac is not

acceptable for undertaking excavations in a tree root zone, and that an arborist should be approved by the Council.

11. As such, rather than rejecting the Submission Point, I seek alternative relief which may appease the concerns raised by Council's Maintenance and Renewals Manager, being removal of the ability to hydrovac, and ensuring that the arborist appointed to oversee the works is pre-approved by the Council. Ultimately, the key matter in my view is to ensure the health of the notable tree alongside provisioning infrastructure to all land users in Hutt City. I consider an appropriately worded permitted activity rule can achieve this.
12. As such, I seek amended relief to Submission Point 311.84. It should be noted that for all relief sought in my evidence, recommended amendments as per the Section 42A Reports are shown in red, with my recommended amendments shown in blue (and in both instances, underline is used for text sought through the submission point, double underline or ~~double strikethrough~~ is additional or deleted text sought through this evidence, and strikethrough for ~~deleted text~~):

Amend the TREE-R3 as follows:

1. *Activity Status Permitted*

Where

- a. The activity does not create impermeable surfaces,*
- b. The activity does not involve land disturbance,*
- c. The activity does not involve the construction or addition of a structure, and*
- d. The activity does not involve the storage of material, refuse, or goods.*

Or

2. Activity Status Permitted

Where

The activity is for a customer connection line, which achieves the following:

- a. 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

b. the surface area of a single excavation does not exceed 1m²; and

c. works involving root pruning are not on roots greater than 35mm in diameter at severance; and

d. works do not disturb more than 10 percent of the protected root zone; and

e. any machines used must operate on top of paved surfaces and/or ground protection measures.

f. works are undertaken under the direction of a Council approved qualified arborist.

Subdivision

13. The telecommunication companies' submissions have six points which are considered in the Subdivision Section 42A Report. Four of the points have been recommended to be accepted or accepted in part (Submission Points 311.85, 311.87, 311.90 and 311.91). These recommendations are accepted by the telecommunication companies. Submission Points 311.88 and 311.89 are identified in the Subdivision Section 42A Report as not being in contention.
14. Submission Point 311.86 sought amendments to SUB-P7 (Servicing and access). The policy requires all allotments created by subdivision to be adequately serviced. Subclause 1 requires infrastructure to meet relevant Council standards. This is not relevant to telecommunication infrastructure. Subclause 2 requires sufficient infrastructure capacity to accommodate development in accordance with the planned purpose of the zone.
15. Ultimately, Submission Point 311.86 alongside Submission Point 311.92 (on SUB-S8 which is also recommended to be rejected) both concern infrastructure capacity to accommodate development.
16. The genesis of the two submission points really concern the integration of mobile and wireless infrastructure with new development. I am informed by Mr Graeme McCarrison of Spark as well as Mr Ross Langford of FortySouth, that often for new greenfield and large brownfield development that the mobile network and wireless broadband companies often find out about new development after it has been approved or built, requiring them to retrofit their infrastructure into new development, which is inefficient as it results in additional work and

therefore costs for telecommunications providers, as well as not providing integration between land use and infrastructure from the outset of a subdivision.

17. As an aside, there are well-established processes for Chorus New Zealand Limited to be able to deploy their infrastructure.
18. In my experience, there appears to be an assumption that capacity or coverage for mobile and wireless broadband networks will be available for new developments. However often new network infrastructure is required due to either capacity constraints or because there is no coverage.
19. While the NESTF and the PDP both permit new telecommunication facilities, securing the tenure for suitable land, particularly after a development has commenced, can be fraught.
20. What Submission Points 311.86 and 311.92 were ultimately trying to achieve was earlier communication between developers and the mobile telecommunication operators, so that the capacity and coverage issues can be determined at that stage.
21. On review of Policy INF-P7, subclause 2 does direct that infrastructure (which mobile network operators are defined as), requires there to be sufficient capacity in their networks for new allotments. As such, I am no longer seeking the relief to that policy and not pursuing the wording that was sought in Submission Point 311.86.
22. In my view, the key matter then turns to how the mobile network operators are given effect to under INF-P7.
23. SUB-S8 details how telecommunications are to be provided for in subdivisions. Submission Point 311.92 sought the replacement of SUB-S8 with the telecommunication companies (and in particular the mobile network operators) preferred standard.
24. However, in reviewing the reasoning for recommending rejection of the point in the Subdivision Section 42A Report and in discussing the matter with the mobile network operators, I consider that the outcome the mobile network operators seek can be provided for, and the standard give effect to INF-P7 by making the following amendment to SUB-S8 as notified.
25. In my view, the amendment sought will ensure that the mobile network operators confirm that there is capacity to service the subdivision, and if there is not, then there is consultation that can occur between the subdivider and the mobile network operators so that adequate capacity (and therefore coverage) is provided.

Amend SUB-S8 as follows:

SUB-S8 Telecommunications

1. *Open access telecommunication connections with sufficient capacity (as confirmed by both the fibre and mobile network operators) must be ~~provided~~ available to service each new allotment.*
2. *All new allotments must have provision for suitable telecommunication connections as follows:*
 - a. *Where a connection to a fixed telecommunication line (fibre broadband) is available, all new allotments must be provided with a connection at the allotment boundary.*
 - b. *Where no connection to a fixed telecommunication line (fibre broadband) is available, sufficient wireless network capacity (as confirmed by the mobile network operators) must be available to serve all new allotments.*

Matters of discretion if the standard is breached:

1. *The extent to which the proposed telecommunications supply is sufficient for the development or activity it serves.*
2. *Alternative provision of telecommunications services.*
3. *Any site constraints that make compliance impracticable*

Concluding Comments

26. There are no further matters which I consider require consideration for this hearing.



Tom Anderson

28 September 2026