

Submission on Notified Proposal for Plan, Change or Variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Timaru District Council

Name of submitter:

Spark New Zealand Trading Limited.....

[State full name]

This is a submission on the following proposed plan or on a change proposed to the following plan or on the following proposed variation to a proposed plan or on the following proposed variation to a change to an existing plan) (the ‘proposal’):

Timaru District Council Proposed District Plan.....

[State the name of proposed or existing plan and (where applicable) change or variation].

I could not gain an advantage in trade competition through this submission.

***I am directly affected by an effect of the subject matter of the submission that—**

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

The specific provisions of the proposal that my submission relates to are: *[Give details]*

As detailed in my submission prepared by Incite dated 15 December 2022.....
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.....

My submission is: *[Include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views]*

[If your submission relates to a proposed plan prepared or changed using the collaborative planning process, you must indicate the following:

- *Where you consider that the proposed plan or change fails to give effect to a consensus position and therefore how it should be modified; or*
- *In the case that your submission addresses a point on which the collaborative group did not reach a consensus position, how that provision in the plan should be modified.]*

As detailed in my submission prepared by Incite dated 15 December 2022.....
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I seek the following decision from the local authority: *[Give precise details as this is the only part of your submission that will be summarised in the summary of decisions requested]*

As detailed in my submission prepared by Incite dated 15 December 2022

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I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.



.....
Signature of submitter (or person authorised to sign on behalf of submitter)

[A signature is not required if you make your submission by electronic means]

Date 19 December 2022

Electronic address for service of submitter: tom@incite.co.nz

Telephone: 0272310246

Postal address (or alternative method of service under s352 of the Act): Incite, PO Box 2058, Wellington 6140

.....
Contact person: *[name and designation, if applicable]* Tom Anderson

Note to person making submission

1. If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.
2. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - It is frivolous or vexatious:
 - It discloses no reasonable or relevant case:
 - It would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
 - It contains offensive language:
 - It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialist knowledge or skill to give expert advice on the matter.

15 December 2022

Timaru District Council
PO Box 522
Timaru 7940

Dear Sir/Madam

Submission on the Proposed District Plan

Spark New Zealand Trading Limited (Spark) welcome the opportunity to make a submission on the Proposed Timaru District Plan (herein referred to as the PDP). Spark provides telecommunication infrastructure across New Zealand.

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".

There are a number of proposed provisions that Spark supports, 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 the view of Spark require amendment prior to the PDP being made operative.

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

We would happily discuss the submission points, either via videoconference or a workshop, and we would be happy to collaborate with other infrastructure providers for this as well.

Yours sincerely,



Tom Anderson
Director/Principal Planner
Incite
tom@incite.co.nz
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cc. Graeme McCarrison, Environment and Engagement Manager, Spark
Graeme.McCarrison@spark.co.nz 027 481 1816

Spark New Zealand Trading Limited

The specific submissions and the decisions sought for the Timaru Proposed District Plan are as follows:

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
Part 1: Introduction and General Provisions			
Introduction			
<i>Description of the District - Infrastructure</i>	Support	Noting in the introduction that the Timaru District contains <i>Regionally Significant Infrastructure</i> which is specified as including <i>telecommunication facilities</i> is supported	Retain the <i>Description of the District – Infrastructure</i> section.
How the Plan Works			
<i>Statutory Context – Relationship with Other Planning Documents</i>	Support	Having a statement detailing that the Council is required to enforce any relevant National Environmental Standard, and that Plan rules may not duplicate National Environmental Standard provisions (unless specified) is supported.	Retain the <i>Statutory Context</i> section
Definitions			
<i>Antenna</i>	Support	The definition of <i>Antenna</i> is supported as it is the NESTF definition.	Retain the definition of <i>Antenna</i>
<i>Cabinet</i>	Support	The definition of <i>Cabinet</i> is supported as it is the NESTF definition.	Retain the definition of <i>Cabinet</i>
<i>Customer Connection</i>	Support	The definition of <i>Customer Connection</i> clearly includes part or all of any structure, pipe, equipment or cable that relates to radio communication or telecommunication	Retain the definition of <i>Customer Connection</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		lines that connect a network utility to a premises for the purpose of providing service to a customer.	
<i>Functional Need</i>	Support	The definition of <i>Functional Need</i> is supported as it is the National Planning Standards definition.	Retain the definition of <i>Functional Need</i>
<i>Height For Network Utility Structure</i>	Support	The definition of <i>Height For Network Utility Structure</i> is supported as it clearly excludes ancillary utility equipment, omni directional 'whip' antennas, GPS antennas, earth peaks and lightning rods.	Retain the definition of <i>Height For Network Utility Structure</i>
<i>Infrastructure</i>	Support	The definition of <i>Infrastructure</i> is appropriate and is supported.	Retain the definition of <i>Infrastructure</i>
<i>Land Disturbance</i>	Support	The definition of <i>Land Disturbance</i> is supported, as it clearly allows for disturbance that does not permanently alter the profile, contour or height of the land, such as trenching.	Retain the definition of <i>Land Disturbance</i>
<i>Lifeline Utilities</i>	Support	The definition of <i>Lifeline Utilities</i> is supported as it is the Civil Defence Emergency Management Act 2002 definition, and clearly includes telecommunication.	Retain the definition of <i>Lifeline Utilities</i>
<i>Line</i>	Amendment	Add a definition of Line, being the Telecommunications Act 2001 definition.	Add a definition of Line as follows: <i>line—</i> <i>(a) means a wire or a conductor of any other kind (including a fibre optic cable) used or intended to be used for the transmission or</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			<p><u>reception of signs, signals, impulses, writing, images, sounds, instruction, information, or intelligence of any nature by means of any electromagnetic system;</u> <u>and</u> <u>(b) includes—</u> <i>(i) any pole, insulator, casing, fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any of those wires or conductors; and</i> <i>(ii) any part of a line</i></p>
<i>Maintenance</i>	Support	In relation to network utilities, the definition is clear as to what is within the ambit of maintenance	Retain the definition of <i>Maintenance</i>
<i>Network Utility</i>	Support	The definition makes it clear what a Network Utility is, linking it to the definition of Network Utility Operator in the RMA	Retain the definition of <i>Network Utility</i>
<i>Network Utility Operator</i>	Support	The definition of <i>Network Utility Operator</i> is supported as it is the RMA definition of Network Utility Operator.	Retain the definition of <i>Network Utility Operator</i>
<i>Operational Need</i>	Support	The definition of <i>Operational Need</i> is supported as it is the National Planning Standards definition.	Retain the definition of <i>Operational Need</i>
<i>Pole [In Relation to Infrastructure and Energy]</i>	Support in Part	The definition of <i>Pole</i> is supported in so far as it provides for structures which support conductors, lines,	Amend the definition of <i>Pole [In Relation to Infrastructure and Energy]</i> as follows:

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		<p>cables, antennas, lights or cameras, but is not a tower, and includes foundations and hardware associated with the structure such as insulators, cross arms and guy-wires. However, lattice structures should be provided for within the definition, on the basis that the NESTF definition of pole clearly provides for lattice structures, and there is no apparent reason for the PDP to differ to the NESTF in this regard. For completeness, the NESTF definition of Pole <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></p>	<p><i>In relation to Energy and infrastructure chapter, means a non-lattice structure that supports conductors, lines, cables, antennas, lights or cameras, but is not a tower, and includes foundations and hardware associated with the structure such as insulators, cross arms and guy-wires.</i></p>
<i>Radio Communication Facilities</i>	Amendment	<p>Radiocommunications remain relevant, and can be utilised by Chorus, Connexa, Spark and Vodafone. It is noted that the PDP Energy and Infrastructure chapter has rules relating to radiocommunication infrastructure. A definition of radiocommunication facilities is needed, and should be a replica of the definition included in the Radiocommunications Act 1989.</p>	<p>Add a new definition of <i>Radiocommunication</i> as follows: <i>has the same meaning as in the Radiocommunications Act 1989 (as set out in the box below)</i> <u><i>means any transmission or reception of signs, signals, writing, images, sounds, or intelligence of any nature by radio waves</i></u></p>
<i>Regionally Significant Infrastructure</i>	Support in Part	<p>The definition of <i>Regionally Significant Infrastructure</i> is generally</p>	<p>Amend the definition of <i>Regionally Significant Infrastructure</i> as follows:</p>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		<p>supported, given it includes <i>telecommunication facilities</i>. However there is no definition in any act as to what constitutes a <i>telecommunication facility</i>. The Telecommunications Act 2001 contains the following definition of <i>telecommunications service</i>, which should be used in the PDP instead of telecommunication facility, given it is statutorily defined.</p> <p><i>Telecommunications service</i> means any goods, services, equipment, and facilities that enable or facilitate telecommunication</p>	<p><i>Regionally Significant Infrastructure is:</i> ... d. <i>Telecommunication facilities service</i></p>
<i>Repair</i>	Support	The definition of <i>Repair</i> is supported as it is clear as to what is within the ambit of repair.	Retain the definition of <i>Repair</i>
<i>Replacement</i>	Support	The definition of <i>Replacement</i> is supported as it is clear as to what is within the ambit of repair.	Retain the definition of <i>Replacement</i>
<i>Reverse Sensitivity</i>	Support	<i>Reverse sensitivity</i> effects can occur on telecommunication companies, and an accurate definition of what those effects are is supported	Retain the definition of <i>Reverse Sensitivity</i>
<i>Self-Contained Power Unit</i>	Support	The definition of <i>Self-Contained Power Unit</i> is supported as it is the NESTF definition.	Retain the definition of <i>Self-Contained Power Unit</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
<i>Small Cell Unit</i>	Support	The definition of <i>Small Cell Unit</i> is supported as it is the NESTF definition.	Retain the definition of <i>Small Cell Unit</i>
<i>Structure</i>	Support	The definition of <i>Structure</i> is supported as it is the RMA definition.	Retain the definition of <i>Structure</i>
<i>Telecommunication Kiosk</i>	Support	The definition of <i>Telecommunication Kiosk</i> is supported.	Retain the definition of <i>Telecommunication Kiosk</i>
<i>Tower [In Relation to Energy and Infrastructure Chapter]</i>	Support in Part	<p>The definition of <i>Tower</i> includes <i>steel-lattice structure</i>. This conflicts with the definition of <i>Pole</i> in the NESTF and as per the suggested change in this submission. A subsequent change to the definition of <i>Tower</i> is proposed so that there is alignment between the PDP and NESTF.</p> <p>Alternatively, the definition of <i>Tower</i> can be deleted, and the definition of <i>Pole</i> solely relied on in the PDP, with effects of such structures controlled by permitted standards regarding pole height and pole diameter/width.</p>	<p>Amend the definition of <i>Tower [In Relation to Energy and Infrastructure Chapter]</i> as follows: <i>In relation to Energy and Infrastructure chapter, means a steel-lattice structure that supports conductors, lines, cables or antennas (other than telecommunication equipment). A tower includes its foundations and hardware associated with the structure such as insulators, cross arms and guy-wires.</i> OR Delete the definition of <i>Tower [In Relation to Energy and Infrastructure Chapter]</i> in its entirety.</p>
<i>Upgrading/Upgrade</i>	Support in Part	The definition of <i>Upgrading</i> is generally supported, however it should not include reference to <i>Replacement</i> as that term is separately defined in the PDP and therefore is a separate activity. The reference to <i>Replacement</i> should be deleted for clarity.	Amend the definition of <i>Upgrading</i> as follows: <i>means the replacement, renewal or improvement of infrastructure that results in an increase in carrying capacity and size, but excludes replacement, repair and maintenance.</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
Abbreviations			
<i>NESTF = National Environmental Standards for Telecommunication Facilities 2016</i>	Support in Part	The abbreviation is supported. The year that the NESTF was issued could be added for consistency with other NES's referenced in this section	Amend the reference to the NESTF as follows: <i>NESTF = National Environmental Standards for Telecommunication Facilities 2016</i>
National Direction Instruments			
<i>National Environmental Standards</i>	Support	The <i>National Environmental Standards</i> subsection of the <i>National Direction Instruments</i> section reinforces to plan users the discussion of National Environmental Standards under the <i>Statutory Context</i> subsection in the <i>How the Plan Works</i> .	Retain the National Direction Instruments section as notified
Regulations			
<i>Resource Management (Network Utility Operations) Regulations 2016</i>	Support	Reference to the <i>Resource Management (Network Utility Operations) Regulations 2016</i> is supported	Retain the reference to the <i>Resource Management (Network Utility Operations) Regulations 2016</i>
Part 2: District Wide Matters			
Strategic Direction			
<i>SD-01</i>	Support in Part	SD-01(ii) states that rural lifestyle development are capable of connecting to reticulated sewer and water infrastructure. This should be widened to be infrastructure more generally, as more than sewer and water infrastructure is necessary to service rural lifestyle development. Such a change would also provide for better alignment between SD-01 and	Amend SD-01(ii) as follows: <i>limited rural lifestyle development opportunities are provided where they concentrate and are attached to existing urban areas, achieve a coordinated pattern of development and are capable of efficiently connecting to reticulated sewer and water infrastructure</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		SD-08, which applies across the district.	
<i>SD-08</i>	Support	SD-08 clearly seeks that the benefits of regionally significant infrastructure and lifeline utilities are provided for across the district.	Retain SD-08 as notified
Urban Form and Development			
<i>UFD-01</i>	Support in Part	UFD-01, in particular clause (ii) is supported, however it is unclear what <i>efficient use of infrastructure</i> is. In our view, a consolidated and integrated settlement pattern that is integrated with infrastructure is clearer and more appropriate.	Amend UFD-01(ii) as follows: <i>is integrated with the efficient use of infrastructure</i>
Energy and Infrastructure			
<i>Introduction</i>	Support in Part	The statement <i>in the case of conflict with any other provision in the District Plan, the NESETA and NESTF prevail</i> is supported. Similar direction should be provided as to how the rules in the Energy and Infrastructure Chapter override the respective zone provisions. While such direction is provided elsewhere in the plan (as it is for NESTF direction) a reminder in the introduction is useful.	Amend the Introduction as follows: <u>The provisions in this chapter override the respective Zone provisions in Part 3 Area-Specific Matters, unless otherwise specified in this chapter</u>
<i>EI-01</i>	Support in Part	EI-01 clearly provides for regionally significant infrastructure and lifeline utilities, highlighting their positive effects. The title of the objective should include lifeline utilities, given	Amend the title of EI-01 as follows: <i>Regionally Significant Infrastructure <u>and Lifeline Utilities</u></i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		they are provided for in the body of the objectives.	
<i>EI-02</i>	Support in Part	EI-02 appropriately acknowledges that regionally significant infrastructure and lifeline utilities can have adverse effects, and outlines that they should be avoided in sensitive areas (unless there is an operational or functional need). In other areas, there is a cross reference to <i>the relevant objectives for the underlying zone</i> . This is inappropriate, as the Energy and Infrastructure chapter should be standalone, and the objectives in the zone chapters do not provide helpful guidance for the avoidance, remediation or mitigation of adverse effects from regionally significant infrastructure.	Amend EI-02 as follows <i>Adverse effects of Regionally Significant Infrastructure and Lifeline Utilities</i> <i>and Lifeline Utilities</i> <i>The adverse effects of Regionally Significant Infrastructure and Lifeline Utilities:</i> 1. <i>are avoided in sensitive environments unless there is a functional or operational need for the infrastructure to be in that location, in which case they must be remedied or mitigated; and</i> 2. <i>are avoided, remedied or mitigated to achieve the relevant objectives for the underlying zone in other areas.</i>
<i>EI-03</i>	Support in Part	As per the above for EI-02, EI-03 should not reference the relevant objectives for the underlying zone in other areas. Further, there can be a functional and operational need which requires consideration.	Amend EI-03 as follows <i>Adverse effects of other Infrastructure</i> <i>The adverse effects of other Infrastructure:</i> 1. <i>re avoided on the identified characteristics and values of the sensitive environments the infrastructure is located within, <u>unless there is a functional or operational need for the infrastructure to be in that location, in which case they must be remedied or mitigated;</u></i> <i>and</i> 2. <i>are avoided, remedied or mitigated to achieve the relevant objectives for the underlying zone in other areas.</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
<i>EI-O4</i>	Support	EI-O4 appropriately requires the recognition of reverse sensitivity effects on Regionally Significant Infrastructure and Lifeline Utilities.	Retain EI-O4 as notified
<i>EI-P1</i>	Support in Part	EI-P1 is supported in that, like EI-O1 it recognises the benefits of Regionally Significant Infrastructure and Lifeline Utilities, and allows for considerations of new technologies (noting that the pace of technological change in the telecommunications industry is typically faster than the 10 year horizon of District Plans). Clause 2, which is to enable their removal during an emergency, is unnecessary. It is at times of emergency that lifeline utilities in particular should be operational.	<p>Amend EI-P1 as follows:</p> <p><i>Recognise the benefits of Regionally Significant Infrastructure and Lifeline Utilities by:</i></p> <ol style="list-style-type: none"> <i>1. enabling their operation, maintenance, repair, upgrade, development; and</i> <i>2. enabling their removal during an emergency; and</i> <i>3. recognising their functional needs or operational needs; and</i> <i>4. encouraging the coordination of their planning and delivery with land use, subdivision, development and urban growth so that future land use and infrastructure and Lifeline Utilities are integrated, efficient and aligned; and</i> <i>5. enabling the investigation and development of new small-scale renewable electricity generation activities to support a reduction in greenhouse gas emissions and diversifying the type and/or location of electricity generation; and</i> <i>6. allowing large scale renewable generation and non-renewable generation activities where the adverse effects can be minimised or are able to be remediated; and</i> <i>7. supporting Regionally Significant Infrastructure in adopting new technologies that:</i> <ol style="list-style-type: none"> <i>a. improve access to, and efficient use of, networks and services;</i> <i>b. allow for the re-use of redundant services and structures;</i> <i>c. increase resilience, safety or reliability of networks and services;</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			<p>d. result in environmental benefits and enhancements; or</p> <p>e. promote environmentally sustainable outcomes including green infrastructure and the increased utilisation of renewable resources.</p>
EI-P2	Support in Part	<p>EI-P2 provides a management regime for adverse effects of all infrastructure. Given that it directly discusses Regionally Significant Infrastructure and other infrastructure it should also specifically mention lifeline utilities for consistency.</p> <p>Like the objectives, the policy should not be consistent with the character of an area. For example, a new pole is not necessarily consistent with the character of a residential area.</p> <p>Infrastructure should complement such characteristics, rather than be consistent with or maintain them.</p> <p>The policy should also recognise that it is not appropriate for all infrastructure to be placed underground. An antenna for instance needs to be located above ground to provide achieve its purpose. It is primarily lineal infrastructure which should be placed underground.</p>	<p>Amend EI-P2 as follows: <i>Managing adverse effects of Regionally Significant Infrastructure, lifeline utilities and other infrastructure</i></p> <p>1. Provide for Regionally Significant Infrastructure, lifeline utilities and other infrastructure where any adverse effects are appropriately managed by:</p> <p>a. seeking to avoid adverse effects on the identified values and qualities of Outstanding Natural Landscapes and Outstanding Natural Features, Visual Amenity Landscapes, the Coastal Environment, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, historic heritage, cultural, and archaeological areas, riparian margins and notable trees; and</p> <p>b. controlling the height, bulk and location of Regionally Significant Infrastructure and other infrastructure, consistent with to complement the role, function, character and identified qualities of the underlying zone; and</p> <p>c. requiring compliance with recognised standards or guidelines relating to noise, vibration, radiofrequency fields and electric and magnetic fields; and</p> <p>d. requiring the undergrounding of network utilities utility lines in new areas of urban development; and</p>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			<p>e. <i>minimising adverse visual effects on the environment through landscaping and/or the use of recessive colours and finishes; and</i></p> <p>f. <i>allow new water infrastructure, including open drains, ponds and structures for the reticulation and storage of water for agricultural and horticultural activities in sensitive environments where the adverse effects can be minimised; and</i></p> <p>g. <i>requiring other infrastructure to adopt sensitive design to integrate within the site, existing built form and/or landform and to maintain complement the character and qualities of the surrounding area;</i></p> <p><i>while:</i></p> <p>2. <i>recognising the functional or operational need of Regionally Significant Infrastructure, lifeline utilities and other infrastructure activities, and having regard to:</i></p> <p>a. <i>the extent to which adverse effects have been addressed through site, route or method selection; and</i></p> <p>b. <i>the need to quickly repair and restore disrupted services; and</i></p> <p>c. <i>the impact of not operating, repairing, maintaining, upgrading, removing or developing the regionally significant infrastructure or other infrastructure; and</i></p> <p>d. <i>the time, duration or frequency of adverse effects; and</i></p> <p>e. <i>their location, including:</i></p> <p>f. <i>the complexity and connectedness of the networks and services;</i></p> <p>g. <i>the potential for co-location and shared use of infrastructure corridors; and</i></p>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			<i>h. for renewable energy generation, the need to locate where the natural resources occur.</i>
<i>EI-P3</i>	Support	The policy appropriately provides direction for reverse sensitivity effects management on regionally significant infrastructure and lifeline utilities	Retain EI-P3 as notified.
<i>EI-R1</i>	Support	Permitting the maintenance, repair and removal of infrastructure is necessary.	Retain EI-R1 as notified.
<i>EI-R2</i>	Support	Permitting the upgrading of underground infrastructure is necessary. It is noted that EW-R1 does not apply to earthworks for infrastructure permitted in the Energy and Infrastructure chapter. This is appropriate.	Retain EI-R2 as notified.
<i>EI-R3</i>	Support	Permitting the installation of new underground infrastructure is necessary.	Retain EI-R3 as notified.
<i>EI-R4</i>	Support	Permitting the upgrading of above ground infrastructure is necessary.	Retain EI-R4 as notified.
<i>EI-R5</i>	Support	Permitting vehicle access tracks for network utilities is appropriate. The subclauses of the rule provide for an appropriate track, and the matters of discretion are appropriate	Retain EI-R5 as notified.
<i>EI-R6</i>	Support	Permitting above ground customer connections in all zones is appropriate, and limiting the number of poles in more densely populated zone types is supported.	Retain EI-R6 as notified.

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
<i>EI-R7</i>	Support	Permitting temporary network utilities for a period of up to 12 months operation is supported.	Retain EI-R7 as notified.
<i>EI-R9</i>	Support	Making it clear that new network utilities enclosed within existing buildings are permitted is supported.	Retain EI-R9 as notified.
<i>EI-R10</i>	Support	Telecommunications, by facilitating the "Internet of Things" (IoT). At its most basic, IoT describes physical objects with sensors, processing ability, software and other technologies that connect and exchange data with other devices and systems over the internet. As such, matters such as sensing and environmental monitoring are greatly assisted by IoT.	Retain EI-R10 as notified.
<i>EI-R13</i>	Support in Part	Permitting new overhead lines in the general rural, general industrial and port zone is supported. These zone types should be expanded to include commercial and mixed use zones, as these zones tend to have larger buildings which comfortably assimilate overhead lines. The matters of discretion are appropriate.	Amend EI-R13 as follows: <ol style="list-style-type: none"> 1. <i>General Rural Zone, General Industrial Zone Port Zone <u>and Commercial and Mixed Use Zones</u>.</i> 2. <i>All Zones other than the General Rural Zone, General Industrial Zone and Port Zone <u>and Commercial and Mixed Use Zones</u></i>
<i>EI-R14</i>	Support in Part	Permitting new telecommunication kiosks in all zones is supported. Clause 2, regarding setbacks, should be amended so that setbacks only apply to side and rear boundaries. As notified, a telecommunication kiosk is permitted in legal road without the need for setbacks. This is supported.	Amend EI-R14 as follows: <i>PER-2</i> <i>If not located within a road reserve, the telecommunication kiosk is setback no less than 2m from all <u>side and rear</u> site boundaries;</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		<p>However it does mean such a structure can be established with no setback from the front boundary in legal road, but if it were to be on the other side of that boundary it would require a 2m setback. This should be aligned as per the relief sought.</p>	
<p><i>EI-R15</i></p>	<p>Support in Part</p>	<p>Having a catch all rule for telecommunication or radiocommunication activities is supported. The provisions within the rule generally align with the NESTF. However some minor amendments are sought which only have a negligible difference in terms of environmental effects, but create a better 'fit' with existing telecommunications componentry.</p>	<p>Amend EI-R15 as follows: <i>Telecommunications or radiocommunication activities (not otherwise listed in rules EI-R15 to EI-R22 and not regulated by the NESTF)</i> <i>All Zones <u>Residential, Commercial and Mixed Use, General Industrial, Open Space and Recreation and Special Purpose Zones</u></i> <i>Activity status: Permitted</i> <i>Where:</i> <i>PER-1</i> <i>All telecommunications poles and antenna (except those located on the road reserve) do not project above a 45° height in relation to boundary recession plane that is measured from any point 3m above the site boundary when the adjoining property is zoned Residential (but not a road boundary); and</i> <i>PER-2</i> <i>A panel antenna:</i> <ol style="list-style-type: none"> <i>1. does not exceed a width of 0.70.9 metres;</i> <i>and</i> <i>2. when in a road reserve, fits within an envelope of 3.5 metres in length and 0.70.9 metres in width; and</i> <i>PER-3</i> <i>A dish antenna does not exceed a diameter of 1.2 metres; and</i> <i>PER-4</i></p>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			<p><i>Omni directional 'whip' or dipole antenna do not exceed:</i></p> <ol style="list-style-type: none"> 1. 1.6 metres in vertical length; and 2. 60mm in diameter; and 3. 1.5 metres in horizontal length; and <p><i>PER-5</i></p> <p><i>A headframe does not exceed:</i></p> <ol style="list-style-type: none"> 1. 2.5 metres in diameter in Residential zones (except when located in a road as provided for by PER-2b. above); or 2. 6 metres in diameter in all other zones; and <p><i>PER-6</i></p> <p><i>For antenna attached to a building, the antenna does not exceed a height for network utility structures of 5 metres above the point of attachment to the building; and</i></p> <p><i>PER-7</i></p> <p><i>A telecommunications cabinet does not exceed:</i></p> <ol style="list-style-type: none"> 1. within a road corridor, a footprint of 2m² or height for network utility structures of 2 metres; 2. outside of a road corridor, a footprint of 2.5m² or height for network utility structures of 2 metres; <p><i>PER-8</i></p> <p><i>A group of telecommunications cabinets does not exceed a footprint of 3m².</i></p>
<i>EI-R16</i>	Support	Permitting small cell units in all zones is supported.	Retain EI-R16 as notified.
<i>EI-R17</i>	Support in Part	The rule is supported for new buildings/structures not otherwise addressed. However, rather than PER-2 restricting footprint size, the footprint should be consistent with the underlying zone provisions in the	Amend EI-R17 as follows: <i>Activity status: Permitted</i> <i>Where:</i> <i>PER-1</i> <i>The building or structure complies with the building height for network utility structures, setback,</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		manner that setback and height in relation to boundary standards is under PER-1.	<p><i>footprint or site coverage (whichever is relevant) and height in relation to boundary standards for the zone; and</i> <i>PER-2</i> <i>The building or structure does not exceed a maximum footprint of:</i> <i>1.—20m² in a Residential Zone or Open Space and Recreation Zone; or</i> <i>2.—50m² in any other zone, except the General Industrial Zone, which has no maximum footprint;</i> <i>and</i> <i>PER-3</i> <i>EI-S1 is complied with.</i></p>
<i>EI-R19</i>	Support	EI-R19 aligns with the radiofrequency regulations of the NESTF	Retain EI-R19 as notified.
<i>EI-R21</i>	Support	Rule EI-R21 provides clarity for any NESTF regulated activities which cannot meet the permitted regulations of that document.	Retain EI-R21 as notified.
<i>EI-S1</i>	Support in Part	The permitted pole heights in all zones, being 5m above the permitted building height limit in the relevant zone, is supported. The standard title refers to <i>poles</i> and <i>telecommunication poles</i> . The definitions in the PDP does not differentiate. Therefore the term <i>telecommunication poles</i> should be removed from the standard.	Amend the title to EI-S1 as follows: <i>Maximum structure height for network utility structures of poles, antenna, towers and telecommunications poles (including the combined height of poles and antenna)</i>
<i>EI-S2</i>	Support	Standard EI-S2 provides directive parameters for the permitted upgrading of infrastructure. The parameters are appropriate for telecommunications infrastructure	Retain EI-S2 as notified.

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		and generally align with the NESTF. This is supported.	
Natural Hazards			
<p><i>NH-O2, NH-P5, NH-P6, NH-P11, NH-R5, and NH-R6</i></p>	Support in Part	<p>Regulation 57 of the NESTF specifically disapplies District Plan natural hazard area rules from telecommunication structures which are regulated under the NESTF. For completeness, the regulation is as follows:</p> <p><i>57 District rules about natural hazard areas disapplied</i></p> <p><i>(1) A territorial authority cannot make a natural hazard rule that applies to a regulated activity.</i></p> <p><i>(2) A natural hazard rule that was made before these regulations came into force, does not apply in relation to a regulated activity.</i></p> <p><i>(3) In this regulation, natural hazard rule means a district rule that prescribes measures to mitigate the effect of natural hazards in an area identified in the district plan as being subject to 1 or more natural hazards.</i></p> <p>The reason for Regulation 57's inclusion in the NESTF is because resilience is already factored into telecommunication industry practice, with telecommunication companies either avoiding hazard areas, or engineering structures to be resilient to the hazard risk. In addition the</p>	<p>Amend NH-O2, NH-P5, NH-P6, NH-P11, NH-R5, and NH-R6 so that they are not applicable to telecommunications infrastructure. This can be achieved by adding the words <i>(excluding telecommunication infrastructure)</i> after each mention of Regionally Significant Infrastructure in the aforementioned provisions.:</p>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		<p>other telecommunication providers have obligations to build resilient infrastructure as they are lifeline utilities under the Civil Defence Emergency Management Act 2002 (CDEMA).</p> <p>By requiring telecommunication facilities which are in natural hazard areas but are not regulated by the NESTF (primarily being new poles in urban zones outside of legal road), essentially it is setting up a significant inconsistency in the planning framework whereby a new pole in legal road in a natural hazard area can be constructed as a permitted activity under the NESTF, but across the boundary line to an allotment, that same pole needs assessment against the District Plan natural hazard provisions. There is no change in effect as a result of the change in location.</p> <p>Consistency between the District Plan and the NESTF is a sensible outcome.</p>	
Historic Heritage			
<i>HH-P3 Benefits of active protection and use of Historic Heritage Items</i>	Support	Telecommunications can provide for the adaptive reuse of historic heritage items.	Retain HH-P3 as lodged.
<i>New Permitted Activity Rule – HH-RX Customer connections to Historic Heritage Items</i>	Amend	A new rule is sought in order to ensure that customer connections to heritage buildings are permitted, as	Add a new Permitted Activity Rule as follows: <i>HH-RX Customer connections to Historic Heritage Items</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		<p>opposed to falling under HH-R14 and require restricted discretionary consent. New customer connections provide for the adaptive reuse of buildings, and by having appropriate permitted activity standards, adverse effects on the heritage item can be avoided, remedied or mitigated. Please note, the wording is proposed is the wording which has been agreed with Heritage New Zealand in other instances.</p>	<p><u>Activity Status: Permitted</u> <u>Where:</u> <u>PER-1</u> <u>Customer connections to heritage resources identified in SCHED3 – Schedule of Historic Heritage Items where the customer connection shall not be attached to a primary feature or front façade of the heritage building or structure.</u> <u>Activity status where not achieved: Controlled</u></p>
Notable Trees			
<p><i>TREES-R1 Minor pruning and trimming of branches less than 50mm diameter associated with the maintenance of Notable Trees</i></p>	<p>Amend</p>	<p>The proposed rule does not provide for the pruning or trimming of notable trees other than for the maintenance of the tree. There are established obligations under the Telecommunications Act 2001 and the Electricity (Hazards from Trees) Regulations 2003, and the rule should be amended so these obligations are met. Restriction to the bottom third of the tree is also unhelpful if that is not necessarily where the interference with infrastructure is. Standard D13.6.1 of the Auckland Unitary Plan provides appropriate provisions.</p>	<p>Amend TREE-R1 as follows: TREES-R1 Minor pruning and trimming of branches less than 50mm diameter associated with the maintenance of Notable Trees <i>Activity status: Permitted</i> <i>Where:</i> <i>PER-1</i> It involves minor pruning and trimming of branches in the bottom third of the notable tree only and is undertaken using non-mechanical means only (handsaw, secateurs or loppers). <ol style="list-style-type: none"> 1. <i>The maximum branch diameter must not exceed 50mm at severance.</i> 2. <i>No more than 10 per cent of live growth of the tree may be removed in any</i> 3. <i>one calendar year.</i> 4. <i>The works must meet best arboricultural practice.</i> 5. <i>All trimming or alteration must retain the natural shape, form and branch habit of the tree.</i> </p>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
<p><i>TREES-R3 New activity and development within the root protection area of a notable tree</i></p>	<p>Amend</p>	<p>The proposed rule does not allow for minor excavations such as those required for customer connections that have a functional or operational need to be located within the root protection area of notable trees. It is unclear if PER-1 (1) allows trenchless construction methods. As such, amendments are sought to provide for suitable provision for minor works within the root protection area of notable trees consistent with the Auckland Unitary Plan:</p>	<p>Amend TREE-R3 as follows: <i>New activity and development within the root protection area of a notable tree</i> <i>Activity Status: Permitted</i> <i>Where:</i> <i>PER-1</i></p> <ol style="list-style-type: none"> <i>1. <u>Excavation must be undertaken by drilling machines at a depth of 1m or greater, hand-digging, air spade, or hydro vac, within the root protection area.</u></i> <i>2. <u>The surface area of a single excavation must not exceed 1m².</u></i> <i>3. <u>Works involving root pruning must not be on roots greater than 35mm in diameter at severance.</u></i> <i>5. <u>Works must not disturb more than 10 per cent of the protected root zone.</u></i> <i>6. <u>Any machines used must operate on top of paved surfaces and/or ground protection measures.</u></i> <i>8. <u>Any machines used must be fitted with a straight blade bucket.</u></i> <i>9. <u>All works must be undertaken under the direction of a qualified arborist.</u></i> <p><i>And</i> <i>The activity or development is not for any of the following:</i></p> <ol style="list-style-type: none"> <i>1. any earthworks including trenching; or</i> <i>2. establishment of new impervious surface; or</i> <i>3. new buildings; or</i> <i>4. new above ground structures including fences and signs (temporary and permanent).</i>
<p>Ecosystems and Indigenous Biodiversity</p>			

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
<i>ECO-P2 Appropriate indigenous vegetation clearance in significant natural areas</i>	Support	Recognising that indigenous vegetation clearance in SNAs when it is causing danger to infrastructure is appropriate	Retain ECO-P2 as notified
<i>ECO-P5 Protection of Significant Natural Areas</i>	Support	Specially recognising the clearance of indigenous vegetation and earthworks within SNAs if it is for regionally significant infrastructure, is supported.	Retain ECO-P5 as notified
Natural Features and Landscapes			
Introduction	Support	The introduction is supported as it is clear that the objectives and policies of the Energy and Infrastructure Chapter are applicable to any resource consent application sought for infrastructure in an ONL, ONF or VAL	Retain introduction as notified.
Extent of ONF, ONLs and VALs	Amendment	Roads should be excluded from the provisions, as they are a modified environment. Rural residential areas should be excluded from Visual Amenity Landscapes as they are defined as rural areas under the NESTF.	An amendment is sought to the extent of the ONF, ONL and VAL mapped areas, so it is clear that no roads are within these areas. The extent of the VAL should exclude any areas zoned for rural residential land use.
NFL-R3	Support	Providing clear that network utilities, including earthworks, are permitted in ONF, ONL and VAL overlays is supported. It is noted that there are no permitted standards relating to the size of network utility infrastructure maintenance or upgrading. Consequently, it is assumed that the underlying zone provisions apply.	Amend NFL-R3 as follows:

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
Subdivision			
<i>SUB-O2</i>	Support	An objective requiring the integration of subdivision and infrastructure is supported	Retain SUB-O2 as notified.
[New objective – Reverse Sensitivity]	Amendment	Reverse sensitivity should be a consideration for all subdivisions. As such an objective providing direction on this matter is warranted, and supports SUB-5 as notified.	Add a new objective as follows: <u>SUB-O[X] Reverse sensitivity. Reverse sensitivity effects of subdivision on existing lawfully established activities (including network utilities) are avoided where practicable or mitigated where avoidance is not practicable.</u>
<i>SUB-P5</i>	Support	A policy which provides direction on reverse sensitivity is supported.	Retain SUB-P5 as notified.
<i>SUB-P6</i>	Support	A policy requiring the integration of subdivision and infrastructure is supported	Retain SUB-P6 as notified.
<i>SUB-R2</i>	Support	Controlled Activity status for new network utility allotments is supported.	Retain SUB-R2 as notified.
<i>SUB-S5</i>	Support with amendment	A standard requiring connections to telecommunications in all zones (except General Rural) is supported. However, all new subdivisions, regardless of zoning, should be required to provide a telecommunications connection. All new subdivisions within the Rural Lifestyle and urban zones should require a connection to an open access fibre network. If the relevant type of connection is not provided or the purpose of the subdivision does	Amend SUB-S5 as follows: <i>All zones except General Rural Zone</i> <i>All allotments, other than allotments for access, roads, utilities or reserves, must be provided with connections at the boundary of the net area of the allotment to an electricity supply and telecommunication service system networks, unless evidence is provided that a suitable alternative supply can be provided, and a consent notice is proposed alerting future purchasers.</i> <u>In all zones except General Rural, the connection to a telecommunication service must be through an open access fibre network.</u>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		<p>not require a connection, then that can be explained through a resource consent application and evaluated on its merit. Further, telecommunications are provided not just by telecommunications lines, they can also be provided wirelessly. This should be recognised in the standard</p>	<p><u>In the general rural zone the applicant shall provide written confirmation from a telecommunication network operator confirming that a telecommunications connection (fibre, mobile or wireless including satellite) can be provided to all new allotments and describing how this can be achieved.</u></p> <p><u>In all zones, at the time of subdivision, sufficient land for telecommunications, and any associated ancillary services must be set aside. For a subdivision that creates more than 15 lots, consultation with telecommunications network utility operators will be required.</u></p> <p><u>All necessary easements for the protection of telecommunications network utility services must be duly granted and reserved.</u></p> <p><i>This standard does not apply to allotments for a utility, road, reserve or for access purposes</i></p>
Coastal Environment			
CE-R5	Support	Permitting earthworks in the coastal environment for the purpose of installation of underground network utilities and ancillary structure and an allowance for above ground structures is supported.	Retain CE-R5 as notified.
CE-R7	Support	Permitting the maintenance and upgrade of regionally significant infrastructure in the coastal environment is supported.	Retain CE-R7 as notified.

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
<i>CE-R8</i>	Support	Permitting new regionally significant infrastructure in the coastal environment (outside of the high natural character area overlay) is supported.	Retain CE-R8 as notified.
Earthworks			
<i>Introduction</i>	Support	The introduction exempts earthworks associated with infrastructure from the rules within this chapter. This approach is supported.	Retain the introduction and exemptions as notified.
Noise			
<i>Table 24</i>	Support	The permitted noise standards in Table 24 generally align with the NESTF and are supported	Retain Table 24 as notified.
Signs			
<i>SIGN-R4</i>	Support	Sign R4 clearly permits signs associated with network utilities	Retain SIGN-R4 as notified.

Jane Marine

From: Tom Anderson <Tom@incite.co.nz>
Sent: Monday, 19 December 2022 9:56 am
To: PDP
Subject: RE: Connexa Submission on the Timaru Proposed District Plan
Attachments: Chorus Submission on the TDC Proposed District Plan - incl Form 5.pdf; Connexa Submission on the TDC Proposed District Plan - incl Form 5.pdf; Spark Submission on the TDC Proposed District Plan - incl Form 5.pdf; Vodafone Submission on the TDC Proposed District Plan - incl Form 5.pdf

Hi There

As requested and discussed, attached please find the Chorus, Connexa, Spark and Vodafone Submissions with Form 5 included.

Ngā mihi nui

Tom Anderson
Director/Principal Planner



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From: PDP <pdp@timdc.govt.nz>
Sent: Monday, 19 December 2022 8:49 AM
To: Tom Anderson <Tom@incite.co.nz>
Subject: RE: Connexa Submission on the Timaru Proposed District Plan
Importance: High

Hi Tom,

Apologies for the late response but we're currently wading through all the submissions placed. As such please can I ask that you complete a Submission form for each of the applications submitted: Please see attached. Please complete and resend with each of the submissions ASAP.

I.e. Connexa, Vodafone and Chorus.



Timaru District Council | PO Box 522 | Timaru 7940
P: 03 687 7200 | W: www.timaru.govt.nz

From: Tom Anderson [<mailto:Tom@incite.co.nz>]
Sent: Thursday, 15 December 2022 3:57 pm
To: PDP <pdp@timdc.govt.nz>
Cc: Fiona Matthews <Fiona.Matthews@connexa.co.nz>
Subject: Connexa Submission on the Timaru Proposed District Plan

Kia Ora

Attached please find a submission from Connexa Limited on the Timaru Proposed District Plan.
Please contact me if there are any issues.

Ngā mihi nui

Tom Anderson
Director/Principal Planner



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