

23 January 2024

Mackenzie District Council
 PO Box 52
 Main Street
 Fairlie 7949

Dear Sir/Madam

SUBMISSION: PLAN CHANGES 26 AND 27 TO THE OPERATIVE MACKENZIE DISTRICT PLAN

Submitter Details

Submitters	Chorus New Zealand Limited (Chorus), Connexa Limited (Connexa), Aotearoa Tower Group (trading as FortySouth), One New Zealand Group Limited (One NZ) and Spark New Zealand Trading Limited (Spark)		
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Trade Competition

Chorus, Connexa, FortySouth, One NZ and Spark could not gain an advantage in trade competition through this submission.

Council Hearing

Chorus, Connexa, FortySouth, One NZ and Spark wish to be heard in support of this submission, and are prepared to present a joint case.

Submission Details

This submission on Plan Changes 26 and 27 to the Operative Mackenzie District Plan¹ is on behalf of Chorus, Connexa, FortySouth, One NZ and Spark. Each of these companies is a telecommunication infrastructure provider and network utility operator in New Zealand. Chorus and Spark are listed as a Requiring Authority by the Ministry for the Environment under the Resource Management Act 1991.

¹ For completeness, Plan Changes 23, 24 and 25 were reviewed for this submission, but there are no provisions of interest to the telecommunication companies.

Telecommunications infrastructure is significant and essential to modern society. 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 social and economic wellbeing, as well as providing for their health and safety.

There are a number of proposed provisions that telecommunications companies support, and we wish to note that the comments the telecommunications companies have provided through the drafting process for these plan changes have generally been accepted. The drafting process was a very worthwhile exercise. There are however a number of matters that in the view of the telecommunication companies require amendment prior to the plan changes being made operative.

The specific provisions, position on those provisions, reasons and decisions sought through this submission are detailed in the attached table.

Conclusion

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

Yours sincerely,



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Submissions on Plan Changes 26 and 27 to the Operative Mackenzie District Plan – January 2024

The specific provisions, submissions on those provisions and the decisions sought for Plan Changes 26 and 27 to the Operative Mackenzie District Plan are as follows.

Note, in the relief sought, deletions are shown as *strikethrough* and additional text shown in **bold and underlined>**.

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
<i>Plan Change 26 – Infrastructure</i>			
<i>Interpretation/Definitions</i>			
<i>Regionally significant infrastructure</i>	Support in part	Recognising <i>telecommunication facilities</i> is supported, however the term <i>telecommunications networks</i> is preferred. This aligns with other recently reviewed/operative district plan's nationally, and a network for telecommunications is defined in the Telecommunications Act 2001, whereas facility is not defined.	Amend as follows: <i>Regionally significant infrastructure</i> <i>Means:</i> <i>b. telecommunication facilities <u>networks</u></i>
New definition: Customer Connection	Support in Part	Rule INF-R12 permits customer connections, but there is no definition as to what a customer connection is. The NESTF has a definition of customer connection line which the District Plan should include to provide clarity to the rule.	Amend as follows: <i>Customer Connection</i> <i>Means a telecommunication line that connects a telecommunications distribution network to a premises for the purpose of enabling a facility operator to provide telecommunication services to a customer. (National Environmental Standards for Telecommunications Facilities Definition).</i>
<i>Introduction</i>			
<i>The provisions in other chapters in this District Plan do not apply to activities managed in this chapter, except as follows:</i> <ul style="list-style-type: none">• <i>Natural Hazards</i>• <i>Historical Heritage</i>• <i>Notable Trees</i>	Support	While the telecommunications companies preference is to have an out and out standalone chapter for network utilities which incorporates all overlays and other district wide matters, the rolling review structure for the Operative Mackenzie District Plan means that this is fraught.	Retain as notified.

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
<ul style="list-style-type: none"> • <i>The objective and rules in Ecosystems and Indigenous Biodiversity</i> • <i>Activities on the Surface of Water</i> • <i>Light</i> • <i>Noise</i> • <i>Signs</i> <p><i>The provisions in the earthworks chapter do not apply to earthworks that form part of the activities managed in this chapter (unless specified within the rules in this chapter), but do apply to the construction of new roads and access tracks associated with any infrastructure.</i></p>		<p>As such, the clear wording provided in the introduction to the Infrastructure Chapter about which other chapters in the Operative District Plan.</p>	
Objectives and Policies			
INF-O1	Support	The objective is clear as to what the expectations are for infrastructure in the district.	Retain as notified.
INF-O2	Support	The objective recognises that infrastructure can have adverse effects but these are to be managed within the functional and operational needs of the infrastructure, alongside the sensitivity of the environment.	Retain as notified.
INF-O3	Support	The objective appropriately addresses reverse sensitivity effects on regionally significant infrastructure.	Retain as notified.
INF-P1	Support	A policy requiring the benefits of infrastructure are to be recognised in decision	Retain as notified.

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		making on resource consent applications is supported.	
INF-P2	Support in Part	Clear direction for the ongoing use of existing infrastructure is supported. The policy currently refers to <i>minor upgrades</i> but there is no guidance in the District Plan as to what a minor upgrade is. Upgrade is defined through the Plan Change however, and as such is a more suitable term to use in the policy.	Amend as follows: <i>Enable the operation, maintenance, replacement, reconstruction, and minor upgrades to, existing infrastructure.</i>
INF-P3	Support	Integrating infrastructure with land use, subdivision, development and urban growth is essential. Likewise, co-location of structures and facilities and technological improvements and enhancements should be encouraged. The policy achieves this.	Retain as notified.
INF-P4	Support	The policy appropriately recognises that infrastructure can have adverse effects, but requires consideration of any effects in the context of the functional and operational needs of the infrastructure. This is supported.	Retain as notified.
INF-P5	Support	The policy encourages the use of road reserve in sensitive or significant areas, which appropriately co-locates infrastructure in an already modified environment in such areas.	Retain as notified.
INF-P6	Support	The policy provides clear guidance as to what infrastructure is appropriate on highly productive land.	Retain as notified.
INF-P7	Support	The policy clearly provides for the National Policy Statement on Infrastructure	Retain as notified.

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		Biodiversity, and provides effective guidance as to how the policy interacts with INF-P5.	
INF-P8	Support	The policy is appropriate.	Retain as notified.
Rules			
INF-R1	Support	Permitted activity status for the operation, maintenance or removal of existing infrastructure, including access tracks is appropriate.	Retain as notified.
INF-R2	Support	Permitted activity status for upgrading above ground infrastructure is appropriate. The standards contained within the rule are clear, and an elevation in activity status to restricted discretionary if compliance cannot be achieved with the standards is supported.	Retain as notified.
INF-R4	Support	Temporary infrastructure as a permitted activity is appropriate. Not requiring compliance with standards is particularly supported, as given the infrastructure is temporary, its associated effects are temporary.	Retain as notified.
INF-R5	Support in Part	A rule permitting sensing and environmental monitoring equipment is supported. Often such equipment requires telecommunications equipment (aside from antennas) to transmit data collected. This can increase the height of the structure. The permitted height for such equipment should be greater than the underlying zone height, as in some instances need to be above the surrounding building heights.	<p>Amend as follows:</p> <p><i>Activity Status: PER</i></p> <p><i>Where:</i></p> <ol style="list-style-type: none"> 1. <i>Any structure does not exceed 1.8m in height 5m above the height limit otherwise applying in the zone, precinct or overlay in which the building is located and 6m² in footprint, but excluding any lightning rods, antennas, earth peak or GPS unit and their associated mounting structures.</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			<p><u>Note, 1. above does not apply to sensing and environmental monitoring equipment that is attached to a pole. In such an instance, the structures must comply with the permitted standards in INF-S3 for the relevant zone.</u></p>
INF-R6	Support in Part	<p>In general, INF-R6 is supported, however it is unclear why buildings in particular are limited to 50m² in gross floor area and limited to 4m in height in residential and rural lifestyle zones. The permitted built form standards should be the same as for other buildings in any respective zone.</p>	<p>Amend as follows:</p> <p><i>Activity Status: PER</i></p> <p><i>Where:</i></p> <ol style="list-style-type: none"> 1. Any building or structure does not exceed: <ol style="list-style-type: none"> a. 50m² in the gross floor area or site coverage standard for the zone, precinct or overlay in which the building is located; and b. 4m in height in any residential or rural lifestyle zone; or c. in other zones, the height limit otherwise applying in the zone, precinct or overlay in which the building is located. 2. Buildings more than 10m² in gross floor area or over 3.5m in height are meet the set back or height in relation to boundary provisions for the zone, precinct or overlay in which the building is located: <ol style="list-style-type: none"> a. from the road boundary by a distance of not less than half the height of the structure; and b. from any internal boundary with a residential zone by a distance of not less than half the height of the structure. 3. Any building or structure located in an ONF or ONL must be finished in materials with a maximum reflectance value of 30%.

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			<i>And the activity complies with the following standards: INF-S1, INF-S2, INF-S3</i>
INF-R7	Support	Below ground infrastructure as a permitted standard is supported.	Retain as notified.
INF-R8	Support	Permitted provision for overhead lines is supported.	Retain as notified.
INF-R12	Support	Permitted provision for customer connections is supported.	Retain as notified.
INF-R13	Support	The rule appropriately permits telecommunications which are not regulated by the NESTF.	Retain as notified.
INF-R14	Support	The rule appropriately controls telecommunications which are regulated by, but cannot meet the permitted regulations of, the NESTF.	Retain as notified.
INF-R15	Support	The rule appropriately controls antennas attached to buildings which are regulated by, but cannot meet the permitted regulations of, the NESTF.	Retain as notified.
INF-R16	Support	The rule appropriately controls cabinets which are regulated by, but cannot meet the permitted regulations of, the NESTF.	Retain as notified.
New Rule – Infrastructure located within existing buildings	Support	A new rule, listed under the “all Infrastructure” subsection, which explicitly permits infrastructure within existing buildings should be included so it is abundantly clear such proposals are permitted.	<p>Amend as follows:</p> <p><u>All zones:</u></p> <p><u>Activity Status: PER</u></p> <p><u>Where:</u></p> <p>1. <u>The infrastructure is located entirely within an existing building.</u></p>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
Standards			
INF-S1	Support	<p>It is appropriate to encourage infrastructure in sensitive areas to be co-located in road reserve. The standard achieves this.</p>	Retain as notified.
INF-S3	Support in Part	<p>In order to provide greater national consistency, and to provide for an efficient mobile/wireless network, and encouragement of co-location on a single pole, changes to the heights are sought.</p> <p>Wording to encourage co-location of two telecommunication network operators on the same pole/tower is also proposed. This is not always appropriate in residential zones, as such the suggested wording excludes permitting additional height in these zones.</p> <p>It is noted that the NESTF states that for telecommunication purposes, rural lifestyles zones are considered rural zones not residential.</p> <p>The exclusion for lightning rods is supported. GPS antenna, which are very small structures, should also be specifically excluded from having to meet the height standards.</p>	<p>Amend as follows:</p> <ol style="list-style-type: none"> <i>The height of any pole, tower or other support structure shall not exceed:</i> <ol style="list-style-type: none"> <i>5m above the permitted height limit in any residential, commercial and mixed use, or industrial zone.</i> <i>25m-35m in any Rural Zone (<u>including Rural Lifestyle</u>) outside an ONF or ONL.</i> <i>20m in any Rural Zone within an ONF or ONL.</i> <i><u>25m in any industrial zone.</u></i> <i>20m in any other zone.</i> <i><u>The heights in 1(b) to 1(e). above can be increased by 5m when two or more telecommunication network operators are located on the same pole or tower.</u></i> <i><u>Any antennas attached to a pole or tower must not exceed 700mm in width (for panel antenna) or 1.2m in diameter (for dish antenna). No antenna can be mounted so that it projects above the heights provided in 1. or 2. (whichever is applicable).</u></i> <p><i><u>Note, the heights in 1. and 2. Do not apply to lightning rods or GPS antenna.</u></i></p> <p><i><u>Except that 1. above does not apply to any lightning rods, antennas, and their associated mounting structures, where these do not exceed:</u></i></p> <ul style="list-style-type: none"> <i><u>the maximum height in 1. above by 3.5m, and</u></i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			<ul style="list-style-type: none"> • either a width of 700mm for a penal antenna or 1.2m in diameter for a dish antenna.

Planning Maps

Planning Maps	Support in Part	<p>It is efficient from an NESTF perspective for district plan maps to show the zoning of legal road. As detailed in the screenshot below, Plan Change 26 shows the zoning of some parts of legal road within the district, but not all.</p> 	Amend the Planning Maps so that the zoning for all legal roads in the district is shown.
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Plan Change 27 Earthworks, Subdivision, Public Access and Transport

Subdivision			
SUB-O1	Support	The objective makes it clear that subdivision needs to integrate with infrastructure. This is supported.	Retain as notified.
SUB-P7	Support in Part	The integration intent of the policy is supported, however the title of the policy should reflect its direction to provide integration.	<p>Amend as follows:</p> <p><i>SUB-P7 Infrastructure <u>Integration</u></i></p>
SUB-R3	Support in Part	A specific rule to provide for subdivision that creates infrastructure sites is supported. Such subdivision generally has a very low impact, and as such it is the telecommunication companies preference that the activity status	<p>Amend as follows:</p> <p><i>Activity Status: RDISCON</i></p> <p>Where:</p> <p>1. The subdivision is to create:</p>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		<p>is as Controlled rather than Restricted Discretionary.</p>	<p><i>a. An allotment to be used to provide legal access (including roads).</i></p> <p><i>b. A reserve that will vest in a local authority or the Crown.</i></p> <p><i>c. An allotment to be used solely to house infrastructure.</i></p> <p><i>2. And any balance allotment complies with the requirements set out in the SUB - Standards relevant to the allotment so that no new non-compliance with the standards is created by the subdivision.</i></p> <p><i>And the activity complies with the following standards:</i></p> <p><i>SUB-S2 Property Access</i></p> <p><i>SUB-S10 Stormwater Disposal</i></p> <p><i>Matters of <u>control</u> are <u>discretion</u> are restricted to:</i></p> <p><i>a. If legal access is to be to a State Highway:</i></p> <p><i>i. Any adverse effects, including cumulative effects on traffic safety, and flow;</i></p> <p><i>ii. Whether access can be obtained from an alternative road that is not a State Highway; and</i></p> <p><i>iii. The design and siting of any accessway or vehicle crossing.</i></p> <p><i>b. Whether the allotment needs to be supplied with infrastructure or services, and if so:</i></p> <p><i>SUB-MD2 Infrastructure</i></p> <p><i>SUB-MD3 Water Supply</i></p> <p><i>SUB-MD4 Stormwater Disposal</i></p> <p><i>SUB-MD6 Easements</i></p> <p><i>SUB-MD9 Wastewater Disposal</i></p> <p><i>c. SUB-MD7 Reverse Sensitivity.</i></p>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			<p><i>d. Where all or part of the site is within a SASM: SASM-MD1 Activities in a SASM</i></p> <p><i>Activity status when compliance with standard(s) is not achieved with R3.1-R3.2: <u>RDIS</u></i></p>
Earthworks			
<i>Introduction</i>	Support in part	<p>It is stated in the introduction to the Infrastructure chapter that <i>the provisions in the earthworks chapter do not apply to earthworks that form part of the activities managed in this chapter (unless specified within the rules in this chapter), but do apply to the construction of new roads and access tracks associated with any infrastructure.</i></p> <p>A similar statement should be included in the earthworks chapter so that it is abundantly clear.</p>	<p>Amend as follows:</p> <p><i>This earthworks chapter covers general earthworks provisions in all rural, residential, commercial and mixed use and industrial zones. Additional earthworks provisions may apply within overlays such as Outstanding Natural Landscapes and Sites and Areas of Significance to Māori. These earthworks provisions have been included in the respective Overlay chapters because they address the overlay related effects of earthworks on the identified values, characteristics, risks, or features. The earthworks provisions within overlays apply in addition to the provisions of this chapter unless specified otherwise. <u>The chapter does not cover earthworks associated with infrastructure activities, unless it is specified within the rules in the infrastructure chapter that earthworks provisions apply.</u></i></p>