TCF Submission on the infrastructure and development national direction package
24 July 2025

Introduction

1. Thank you for the opportunity to make a submission on the infrastructure and development national direction package. This submission is provided by the New Zealand Telecommunications Forum (TCF). The TCF is the telecommunications sector's industry body which plays a vital role in bringing together the telecommunications industry and key stakeholders to resolve regulatory, technical and policy issues for the benefit of the sector and consumers. TCF member companies represent 95 percent of New Zealand telecommunications customers. Our members include network operators, the companies that build and operate cell towers, and retail service providers. Some members will be making their own submissions as well.

2. Telecommunications network operators and tower companies engage with the resource management system to maintain, upgrade and build mobile/wireless facilities, install fibre optic cables underground, lay national and international submarine cables, and build and maintain exchange facilities with backup power supply (battery, solar and wind) for resilience purposes and to serve more remote locations.

3. The sector invests significantly (approximately $1.6 billion per year[1]) in its networks to ensure New Zealanders have access to world class digital services. Resource management processes can delay deployment in underserved areas, hold back service innovation, and impact ability to meet strict regulatory or contractual timeframes for government supported rollouts.

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[1] https://comcom.govt.nz/__data/assets/pdf_file/0033/361959/2023-Telecommunications-Monitoring-Report-15-August-2024.pdf

4. The telecommunications sector welcomes the Government's decision to update national direction ahead of resource management bill three. Incremental change is needed to bring certainty and consistency, and address cost and delays, while work on the replacement for the Resource Management Act takes place.

5. We acknowledge the work of officials in developing high quality consultation materials in a tight timeframe, and thank them for engaging with us.

6. In this submission we comment on the following aspects of the packages for infrastructure, primary sector, and freshwater:

    a. The National Policy Statement for Infrastructure

    b. The National Environmental Standards for Telecommunications Facilities

    c. The National Policy Statement for Natural Hazards

    d. The National Environmental Standards for Electricity Transmission Activities

    e. The New Zealand Coastal Policy Statement

    f. The National Policy Statement for Freshwater Management and National Environmental Standards for Freshwater.

7. If you have questions about our submission please contact kim.connolly-stone@tcf.org.nz in the first instance.

A: National Policy Statement for Infrastructure

8. The TCF supports the introduction of a National Policy Statement for Infrastructure. It will help to address the everyday challenges and uncertainty that critical infrastructure faces with council discretion, conflicting national direction and reverse sensitivity issues. Uncertainty about what different councils will allow means that infrastructure is delayed or doesn't get built.

9. Ideally we need planning standards for infrastructure. While we understand this is out of scope of the current consultation we hope it will be considered in the next phase of resource management reform.

Scope and definitions

Question one: Is the scope of the proposed NPS-1 adequate

10. We think the proposed scope, which includes infrastructure as defined by the RMA (which includes telecommunications) is adequate.

Question two: Do you agree with the definitions?

11. We support the definitions, but propose changes to D10.

Definition	Issue	Proposed change
D10 Maintenance and minor upgrade	Minor upgrades can improve not just provide the same or similar level of service.	Amend para (c) as follows: *maintenance and upgrades necessary to continue to deliver the same, similar or improved level of infrastructure services ~~or to improve~~ resilience, or capacity*

Objective

Question three: does the proposed objective reflect the outcomes sought for infrastructure?

12. Yes.

Benefits of infrastructure

Question four: Does the proposed policy adequately reflect the benefits that infrastructure provides?

13. We agree with most of the benefits in the list in P1, but propose three amendments:

    a. That para (1)(a) references the well-being of *current* as well as *future* generations.

    b. That list of essential services in para (1)(c) also include "connectivity".

    c. That para (1)(d) be deleted. Enabling infrastructure activities that provide value for money is not of itself a benefit of infrastructure. Value for money is an investment consideration. If included (d) could be used by councils to oppose new infrastructure where the infrastructure owner (who has the relevant knowledge and expertise) has already determined there is value for money. This is more likely to be a concern for privately owned and funded infrastructure such as telecommunications.

Operational and functional needs

Question five: Does the proposed policy sufficiently provide for the operational and functional needs for infrastructure to be located in particular environments?

14. The proposed policy (P2) provides for operational and functional needs, with one exception. It does not cover the situation where existing infrastructure is already located in particular environments (for telecommunications this includes the sub-part 5 areas in the National Environmental Standards for Telecommunications). In such cases it is necessary and efficient for the infrastructure to remain in that environment, and essential to enable maintenance and upgrades.

15. We propose the addition of a new clause (2) as follows:

> Planning decisions must recognise and provide for the need for existing infrastructure located in a particular environment to be operated, maintained and upgraded in that environment.

Considering spatial planning and other strategic plans

Question six: Do you support the proposed requirement for decision makers to have regard to spatial plans and strategic plans for infrastructure?

16. We support the proposed requirement. But note that P3 does not require spatial planning to be undertaken, only that it should be considered in planning decisions for infrastructure activities, if it has been undertaken. While we understand it is out of scope for the current phase of reform, we think it will be critical for RM Bill 3 to

require spatial planning, and provide a mechanism for critical infrastructure such as telecommunications to input into the spatial planning process.

17. Spatial planning is an essential tool for the telecommunications industry as it provides information on where growth is expected, which enables the sector to do network planning. However, existing spatial plans fail to recognise telecommunications as infrastructure needed to support growth, housing and business development.

Efficient and timely delivery of infrastructure

Question seven: Would the proposed policy help improve the efficient and timely delivery of infrastructure?

18. Yes. While there are detailed standards for telecommunications in the NESTF, P4 sets useful expectations for activity outside the NESTF. In particular concerning the enablement of cross boundary infrastructure, providing flexibility to use new and innovative technologies, recognising it is the role of the infrastructure providers to identify the preferred location, and using existing information and assessments undertaken by the infrastructure provider.

Assessing and managing adverse effects of infrastructure

Question nine: Do the proposed policies sufficiently provide nationally consistent direction on assessing and managing the adverse effects of infrastructure?

19. P8, as currently drafted, excludes high value areas (through the reference to section 6). This does not take into account the fact that, in some cases, infrastructure needs to exist in these high value areas to ensure the provision of essential services. It is vital that we have policy direction that enables infrastructure in high values when it needs to be there.

20. We propose the following amendment to P8:

> Planning decisions must enable new infrastructure or major upgrades of existing infrastructure, provided that adverse effects on environmental values ~~(not in section 6 or covered by national direction)~~ are avoided where practicable, remedied where practicable, or mitigated where practicable. Where new infrastructure or major upgrades of existing infrastructure are proposed to be located in areas identified as having significant values under section 6 or in other national direction, the infrastructure provider must demonstrate there is a functional or operational need for the infrastructure to be located in or traverse that particular environment.

Interface and compatibility of infrastructure and other activities

Question ten: Do the proposed policies sufficiently provide for the interface between infrastructure and other activities including sensitive activities?

21. P9 provides some useful direction, including the requirement for local authorities to engage with infrastructure providers to understand infrastructure activities and medium to long-term plans, buffers to protect infrastructure, and the strategic integration of infrastructure with land-use activities.

22. However, the language in clause 1(a) and (c) about compatibility could unintentionally enable subjective assessments about compatibility (including amenity values) to influence planning decisions. For example, infrastructure such as a mobile phone tower in a residential area could be considered by some people to be incompatible. But these towers are essential to ensure residents can make phone calls and access wireless internet.

23. While the words "as practicable" are included in (1)(a), we think the policy should acknowledge that compatibility will not always be achievable in cases where the benefits of infrastructure outweigh perceived incompatibility. To address this issue we propose replacing sub para (a) with the following:

> Activities establishing near infrastructure are as compatible as reasonably practical with the infrastructure and are avoided where they are incompatible;

24. And that sub clause (c) also be amended, as follows:

> the co-location of compatible infrastructure activities ~~while also recognising that some types of infrastructure are not compatible~~.

25. We think P9 also needs to encourage better coordination and greater efficiency where multiple infrastructure providers are maintaining, upgrading or constructing infrastructure in the same location. We propose a new clause (1)(d) to address this:

> infrastructure providers in the same location are incentivised and encouraged to co-ordinate the construction of new infrastructure and maintenance and upgrades to existing infrastructure where practicable.

26. It is not clear in P9(2) when local authorities should undertake the proposed actions. We propose this be at the stage of preparing or changing a district or regional plan or regional policy statement. We recommend this language be inserted in clause (2) as follows:

> In order to implement clause 1), at the stage of preparing or changing a district or regional plan or regional policy statement, local authorities must:

B: National Environmental Standards for Telecommunication Facilities

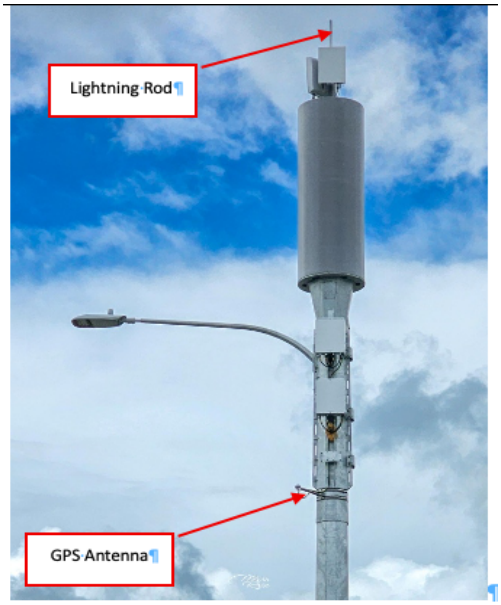
27. The TCF very much welcomes the proposed updates to the National Environmental Standards on Telecommunications Facilities (NESTF). As noted in the discussion document, NESTF has not kept pace with changes in technology and the built environment. The status quo is resulting in uncertainty and high consenting costs for telecommunications providers which is slowing down network upgrades and resilience improvements.

28. In response to question 53, the proposed provisions will (with some proposed changes) sufficiently enable the roll-out or upgrade of telecommunications facilities to meet the connectivity needs of New Zealanders. We support the proposed changes except where indicated otherwise in this submission.

Definitions

29. We propose some changes to the following definitions to align with routine industry practice and standardised specifications for equipment:

    a. Ancillary equipment: we propose some additions to the definition to cover standard ancillary equipment, including remote radio units (which increase the power of antenna but are not included in the definition of antenna), cable trays and covers, GPS antenna and lightning rods (currently treated as ancillary equipment in the NESTF user guide but not in the regulations), and structures for renewable electricity generation that are mounted on a pole or cabinet. The list should not be exhaustive.



b. Facility: we propose an amendment to the definition of facility to include "track that provides access to the facility". Access tracks are critical to build and maintain rural sites. We also propose an amendment to Regulation 5 that currently excludes access tracks from the scope of "installing and operating a facility".

c. Flange: as well as being used at the base of the pole to strengthen and secure it to the ground, flanges are also used to secure different parts of a pole together (see photo below). This means a flange can appear at any height on a pole shaft, not just at the base. We propose the definition is amended to recognise that a flange can be any projecting part attached to a pole to strengthen and secure it.

d. Headframe: a headframe is any structure that affixes antenna or antennas to a pole. The concept of notional envelope was created for the first iteration of NESTF. Our preference is to remove the definition of notional envelope and the reference to it in the definition of headframe. The relevant regulations would then enable headframe diameters dependent on the sensitivity of the underlying zone and colocation. We propose the existing definition of headframe be amended as follows:

headframe means a structure attached to a pole that—

(a) enables 1 or more ~~than 1~~ antenna to be attached to the pole; ~~and~~

~~(b) results in the notional envelope of the pole being larger than 0.7 m in diameter~~

e. Sensitive activities (D3): we understand this proposed definition has been taken from the NESETA, which has a broad definition of sensitive activities because the definition relates to a health and safety provision. Health and safety is already dealt with in NESTF through the radio frequency provisions. We think it is simpler to deal with set backs in rural areas without including a new definition of sensitive activities. To address this issue we propose deleting the proposed definition of sensitive activities.

f. Temporary telecommunications facility (D4) - we propose the following changes to this definition:

   i. Referring to “facility or facilities” to allow for the situation where more than one temporary facility may be needed to provide the same or similar coverage during an emergency event.

   ii. Allowing up to 12 months for post emergency events (para (a)), as the reinstatement or replacement of a site affected by an emergency event can take significantly longer than six months. It also takes time to find a new site or sites that provide the necessary coverage and to resolve land tenure. Finding replacement sites under (b) can also exceed six months for similar reasons.

   iii. Removing the 100 metre limit in (b), as it may not be possible for a temporary facility to be located on the same site because of space constraints or for hazard reasons.

g. Co-location: while there are proposed changes to the NESTF to better enable co-location (to reduce the likelihood of multiple single operator poles in a similar location) there is currently no definition of co-location. We propose the following definition:

Co-location is where a structure or pole is designed to carry two or more operators.

Access tracks (regulation 5(1) and 5(2))

30. Building large masts in rural areas will often require contractors to build an access track or expand an existing farm track to be able to get equipment and people to the site. During the RBI (Rural Broadband Initiative) the NESTF allowed the building of the mast, but councils had different requirements for the access trails, in many cases triggering the need for a resource consent.

31. We propose an amendment to regulation 5, concerning installing and operating a facility, to make access tracks (with permitted earthwork quantities of 2500m³ and 2500m²) part of the facility for rural sites. These quantities are permitted in the Waikato District Plan. This can be achieved by:

    a. Deleting clause 5(2)(ii)

    b. Adding "a track that provides access to the facility" to clause 5(1)(b)

    c. Amending 5(2)(a) to adopt the Government's proposal to include a self contained power unit, but to also include with this any ancillary fuel storage and use for this equipment.

Measurements

32. We propose the following changes to regulation 7 concerning measurements:

    a. We support the clarification that the <u>flange and any ancillary facilities</u> are not part of the measurement for the width of the pole. Regulation 7(2) should also recognise there may be multiple flanges on a pole (as discussed above). Clause (2) should also provide that any guy wire is not included in the pole width measurement.

    b. Regulation 7(3) should clarify that the measurement of a <u>headframe does not include any antenna attached to it</u>. Antennas need to be excluded because they are upgraded over the life of a headframe, and antennas have their own standards for dimensions that are independent of headframe size. There is currently regional inconsistency on whether headframe includes antenna and there is value in consistently excluding antennas.

    c. The measurement of <u>panel antennas</u> has also proven to be an issue for some territorial local authorities, who measure all surfaces of the antenna, not just the largest face area. This issue could be addressed by including a new sub clause 10 to regulation 7 as follows:

> The area of a panel antenna is to be measured by the height and width of its front face.

Leniency provisions

33. We support the proposed provisions for leniency concerning the definition of a temporary telecommunications facility to permit their operation for longer than the timeframe in the NESTF definition, to remove the need for a controlled activity resource consent.

34. There are other instances where leniency is needed to avoid the need for a controlled activity resource consent, in situations where NESTF provisions are not met but permitted standards in district plan are complied with. This current anomaly has required numerous resource consents to be sought, with significant time and expense, for no added value.

35. To provide an example, if the NESTF is updated to permit a 20 metre pole in a transport zone, and a District Plan permit 25 metres in that zone (as is the case in the Christchurch District Plan), a controlled activity resource consent would be required. This is a perverse outcome when a district plan that allows a higher height has been through a public engagement process and the community has had its say on suitable parameters.

36. We therefore propose that the leniency provisions be amended to specify that any provision in a district plan can be more lenient than a provision in NESTF. This should be recognised in Regulation 11 of NESTF, which should state that a regulated activity is a permitted activity if it is carried out in accordance with the standard, or any more lenient equivalent standard in the relevant district plan.

Removing limitations on the location of new or replacement poles with antennas in the road reserve (regulations 26(1)(b), 27(2)(a) , 28(1)(a) and 29(6))

37. We welcome the proposed changes to remove limitations on the location of new or replacement poles in the road reserve. However, leaving sub-part 5 areas in the road reserve subject to district plan rules will cause coverage problems. People and businesses who live and operate in these areas still need to be able to connect to telecommunications networks. The presence of roads means there is already a modified environment.

38. To address this issue we recommend the regulations are amended to:

    a. include a permitted provision for poles in formed road reserve in subpart 5 areas related to special, natural or heritage significance

    b. enable poles with antennas (including ancillary equipment) up to a maximum height of 20 metres in these areas.

39. The suggested approach enables poles to efficiently colocate with roads, emphasising the use of roads as infrastructure corridors.

Pole height rules for new and existing poles in road reserve (regulations 27(5) and 29(4))

40. We welcome the proposal to make the maximum permitted height for poles adjoining the road reserve more permissive. Of the two options we prefer option one, with some amendments which will:

    a. result in telecommunications facilities being less obstructed

    b. enable the NESTF to respond to corresponding changes in height for surrounding buildings in other pieces of national direction, including the National Policy Statement for Urban Development (where the proposal is to enable significant height increases in some areas which would make 20 metre poles insufficient).

41. Our proposal is to amend option one as follows:

> Option 1 [Government's preferred option]:
>
> a) Residential (where the permitted building height is less than 15m)~~, local centre, neighbourhood centre zones~~ – 20m .
>
> b) Residential (where the permitted building height is 15m or greater) – 20m or building height plus 5m, whichever is greater.
>
> c) Local centre - 20m or building height plus 5m, whichever is greater.
>
> d) Rural zone – 35m, increased from 25m. ~~For new poles, apply the 50 m setback from buildings used for sensitive activities on a neighbouring property (as applied for new poles outside of the road reserve in a rural zone).~~
>
> e) All other zones – 25m or building height plus 5m, whichever is greater. For clarity, this includes all other zone types specified in the national planning standards, as well as any other zone types in any district plans which are yet to align with the national planning standards ~~coastal settlement, commercial, mixed use, industrial, metropolitan, open space and special purpose zones,~~
>
> ~~but~~ noting areas identified in district plans with special, natural or heritage significance as per Subpart 5 of the NES-TF would ~~remain~~ be subject to the above regulations and not district plan rules.

42. The proposed additional five metres of height for co-location would be retained.

43. To ensure coverage, and to be able to use roads as infrastructure corridors, regulations 27(5) and 29(4) on pole height should not be subject to regulations 46, 47, 48, 49 and 50 in sub-part 5.

44. The inclusion of a 50 metre set back from buildings used for sensitive activities on neighboring properties in rural zones is not needed, and would create inconsistency across zones. The existing rule concerning set backs for residential or education uses already covers several activities in the definition of sensitive. See also our submission point on the definition of sensitive activities which has been taken from another NES which uses it in a different context.

Pole width rules for new or existing poles in the road reserve (regulations 27(6) and 29(5))

45. We appreciate the proposal to amend the permitted standard for maximum pole width. However if a pole exceeds 35 metres in height (as proposed to be permitted in some circumstances) then the pole diameter will need to be 1.7 metres, to provide the necessary structural strength.

46. We propose that regulations 27(b) and 29(5) enable a diameter of 1.7 metres in rural zones.

Headframe for new or existing poles in the road reserve (regulations 27(7) and 29(2)(b))

47. We support the intent to make the permitted standards for installation of headframes on new or existing poles in the road reserve more permissive. The approach proposed in option two is our preference. However, the 1.6 metres proposed in the consultation document is not sufficient to enable co-location, except in some instances in residential areas. Enabling co-location will reduce the number of facilities in a location.

48. We propose the following headframe widths:

    a. 1.2 metres for single operators on poles in all road reserve

    b. For colocation:

        i. 1.6 metres in residential zones

        ii. 2.5 metres adjoining local centre and neighbourhood centre zones

        iii. 4.5 metres in all other zones.

49. In all cases the size of the berm will be a limiting factor, but there tends to be more space in commercial, rural, industrial and open space zones.

NESTF needs to provide for new poles on residential zone land (proposed amendment to regulations 30 and 31)

50. While not proposed in the consultation, NESTF needs to provide for new poles on residential zone land. Without this inclusion, it will be difficult for network providers to work collaboratively with developers and local government to meet the

connectivity needs for large new residential developments. New poles for antennas are needed because getting access to put antennas on a building structurally designed for residential is extremely difficult.

51. Amenity values can be protected:

    a. By integrating poles into the design of the development, rather than situating them after the fact

    b. By requiring land owner agreement to construction and location of a new pole

    c. Through the application of the set back and recession plane requirements for residential zones.

52. Our proposal is to amend regulations 30 and 31 to:

    a. Provide for new poles on residential zoned sites

    b. Apply a recession plane only to boundaries which adjoin a property zoned residential, and do not apply to:

        i. any boundary with formed road reserve

        ii. land which is in common ownership with the property

    c. Provide for a height of:

        i. 20m where the permitted building height is less than 15m

        ii. 20m or the building height plus 5m where the permitted building height is 15m or greater.

    d. Provide for a headframe of 2.5m.

New or existing poles outside the road reserve and not in a residential zone (regulations 32(1)(a) and 33(2)(a))

53. We support the intent to enable the installation of new poles with antennas outside of the road reserved in commercial, industrial, local centre, mixed use, and neighbourhood zones.

54. However, the proposed height-in-relation to boundary setback of four metres and 60 degrees is only necessary where the new pole adjoins a residential boundary. No purpose would be served in applying the set back where the facility adjoins a local centre, mixed use or neighbourhood centre zone. In most of these zones district plans do not require buildings to be subject to a recession plane.

55. When our members visit prospective sites most landowners have a preference to locate a pole in a corner of their site. What has been proposed in the discussion document would put a corner site in the recession plane.

56. It doesn't make sense for new poles outside the road reserve to require a set back from the road boundary when a new pole can be established in the road boundary without a setback.

57. The proposed height in relation to boundary provision is more restrictive than most district plans and NESTF 2016 (which doesn't have a height in relation to boundary provision).

58. We submit that regulations 32(1)(a) and 33(2)(a) be amended so that:

    a. It applies to all zones not covered by regulations 30 and 31

    b. The recession plane only applies to boundaries which adjoin a property zoned residential, are in different ownership to the site that the facility is located on, and do not apply to any boundary with formed road reserve

    c. It is clear that the height in relation to boundary does not apply to existing poles.

Pole width rules for new or existing poles outside of the road reserve and not in a residential zone (regulations 33(4) and 33(5))

59. We support a 6 metre maximum width for the replacement of *existing poles* in rural zones. *New poles* in rural areas also need a maximum width of six metres. The proposed 1.5 metre width for new poles in rural areas would not support a pole of the permitted height.

Headframe width rules for new or existing poles outside the road reserve and not in a residential zone (regulation 33(6))

60. We support the intent to allow wider headframes. The proposed 6 metres for rural, commercial and industrial zones is sufficient, but 2.5 metres (not 1.6) is needed to enable co-location in local centre and neighbourhood centre zones. This is already enabled through district plans and NESTF should not be more restrictive.

61. While co-location needs to be provided for, there are instances where poles for single operators will need headframes, so the reference to colocation needs to be removed.

Pole height rules for new or existing poles not in road reserve and in commercial, industrial, rural or mixed-use zones (regulation 33(7))

62. We support the intent to increase maximum pole heights to be able to maintain coverage. Of the two options we submit that an amended version of option one is the best approach to meet that goal. We propose the following amendments:

> Option 1 [Government's preferred option]:
>
> a) Local centre ~~or neighbourhood centre zone~~ – 20m or building height plus 5m, whichever is greater, with a height-in-relation-to-boundary setback of 4m and 60° recession plane on any boundary which directly adjoins a residential zone.
>
> ~~b) Mixed-use zone – 25 m with a height-in-relation-to-boundary setback of 4 m and 60o recession plane.~~
>
> ~~c)Industrial and commercial zones – 25 m.~~
>
> ~~d) Any other zone (excluding rural) – permit existing poles outside of the road reserve to increase by 5 m from baseline pole height (increased from 3.5 m).~~
>
> b) All other zones – including neighbourhood centre zone clarify that it is all other zones, precincts, development areas and future urban zones. – 25m or building height plus 5m whichever is the greater.
>
> c) The maximum height of a pole is 30m except when commercial or industrial zones.

63. The provision of an additional 5 metre for co-location is supported.

Minimum set back from buildings for new poles not in the road reserved and in a rural area (regulation 35(2)(d))

64. The proposed amendment, to only apply the setback to buildings on a neighbouring building, is not required to provide more flexibility, and is not supported. Our preference is to retain the existing approach, which is a 50-metre set-back from buildings within the property where the pole is being installed.

65. However, we would appreciate a small amendment to clarify that the 50 metres is to be measured from the closest point of a facility (excluding any guy wires or cabinets) and the facade of the subject building (removing uncertainty around steps, decks and patios).

66. We note the proposed definition of sensitive areas would result in places in rural areas that aren't dwellings receiving greater visual amenity consideration than in other environments. The definition would also cause problems for hospitals and marae that are seeking improved connectivity. In the definition section we propose the removal of the definition.

Size rules for panel antenna (regulation 37(3)(a))

67. We do not support the proposed amendment concerning the size of antenna panels on *buildings not in residential zones*.

68. Regulation 37(3)(a) currently provides a 1.5m² area *per panel* antenna, not *per group* of panel antenna as suggested in the discussion document.

69. We submit the 1.5m² measurement per panel be retained and not be reduced to 1.0 metre per antenna. Reducing the width would not address the issue that newer antenna models have wider panels.

70. We support the proposed increase for *residential zones*.

Attachment rules for the top of the antenna (regulation 37(4)(a))

71. We support increasing the permitted height for antennas on buildings in a residential zone to address problems caused by housing intensification initiatives that cause coverage problems where taller permitted buildings are next to existing buildings with antennas.

72. We prefer option one, but note that neither option encourages developers of medium density residential developments to design and engineer for the opportunity for antennas, cabinets, and ancillary equipment to be attached to residential structures.

Customer connection lines to heritage buildings (regulations 39 and 40)

73. We support the inclusion of a new permitted activity for the installation and operation of customer connection lines to a heritage building or structure, and propose an amendment to enable connections to heritage buildings that cannot be accessed from all four sides.

74. Heritage buildings are often situated in a row of adjoining heritage buildings, also with buildings attached to the rear. This is demonstrated in the photo below of heritage buildings on Tory Street in Wellington. Residents and tenants of these buildings should have certainty that they can connect to fibre if it is available.

75. To enable access to heritage buildings in this situation we will need to amend sub clause (c), which does not allow conduit to be attached to a front facade, as follows:

> c) a customer connection line and any conduit must not be attached to a primary feature or front façade of an identified heritage building or structure (unless it is using an existing customer connection point to the building, or there is no alternative available due to the buildings construction).

76. Using existing customer connection points would not have any additional impact.

77. Where permitted activity standards cannot be met the default should be a controlled activity (option two).

Location of replacement support structures for aerial telecommunications lines (regulation 42(2)(c))

78. We support the amendment to permit relocation of replacement telecommunication support structures up to 10 metre from their original position. This change provides essential flexibility for network operators, particularly in response to urban intensification where pole relocation is often required to maintain access to newly subdivided properties.

Height of replacement support structures for aerial telecommunications lines (regulation 42(3)(a)

79. We support the amendment to increase the permitted height of replacement support structures to 3 metres. The current 1 metre limit does not align with standard telecommunication pole manufacturing specifications.

Earthworks (regulation 53)

80. Our requested change to regulation 5 to make access tracks part of the facility for rural sites will require a change to 53(2)(b), which currently limits the volume of earthworks in rural areas to 450m^3. This is more restrictive than many district plans

(including the Waikato District PLan and the Auckland Unitary Plan), which allow 2500$m^{3.}$

81. We request that the limit in 53(2)(b) be increased to 2500m^3. There are sufficient controls in the management plan requirements under 53(4) to appropriately address any effects from earthworks of this scale in rural zones.

Temporary telecommunications facilities (new regulated activity 1)

82. We welcome the introduction of a new regulated permitted activity for temporary telecommunications facilities, and propose the following changes to the proposed standard:

    a. To enable more than one temporary facility per site, as more than one temporary facility may be needed to:

        i. replicate the coverage (where the height of the temporary site is lower)

        ii. accommodate more than one operator at a site (as temporary facilities can only provide for one network operator so cannot provide for co-location).

    b. To enable temporary facilities in subpart five areas, not just in emergencies. Temporary facilities should be permitted when works are done to existing facilities in subpart 5 areas, provided that no damage is done to the area when installing and removing the facility.

83. To achieve these outcomes we propose:

    a. deleting sub clause (a) in its entirety

    b. amending clause (d) so it applies in all instances, not just emergencies.

Renewable electricity generators (new regulated activity 2)

84. We support including a new regulated activity for renewable electricity generators. For resilience reasons we also support the permitted installation and operation of non-renewable generators as back-up. Backup generators are typically diesel and will need associated fuel storage.

85. We propose amending the new regulated activity 2 to permit any back up emergency supply equipment, including associated fuel storage. For safety reasons, any fuel storage tank should be double skinned, self-bundled, have mechanical overfill protection, and not exceed 3000 litres. Tanks should be installed in accordance with the Health and Safety at Work Act.

View shafts (request for new provision)

86. We are seeking the inclusion in NESTF of a provision that will enable telecommunications infrastructure to be located in view shafts identified in district plans. This would provide consistency with the proposed amendments to the NESETA (regulation 14) which includes an exclusion for electricity infrastructure. Telecommunications infrastructure has similar or fewer effects than electricity infrastructure.

Notification clause (request for new provision)

87. Some district plans include requirements to publicly notify activities, which trigger significant consenting costs. For example, in Auckland there are height sensitive area controls which would require the notification of a cabinet at ground level.

88. These costly notification requirements, for activities with minor effects, have caused operators to not proceed with a number of proposed projects. A recent example is Spark's South Auckland densification project.

89. We request that the NESTF include a provision that overrides mandatory notification clauses in plans and instead applies the relevant notification tests of the RMA. This would enable notification requirements to be assessed on a case by case basis, based on the level of effects.

C: National Policy Statement for Natural Hazards

90. We support the introduction of a National Policy Statement for Natural Hazards (NPS-NH) and its application to new subdivision, new use and new development. This is needed to stop new developments being built in hazard areas, which creates flow-on problems for infrastructure as houses need utilities.

91. We note the NPS-NH does not apply to infrastructure (as defined in the RMA) or any ancillary activities. This exclusion is supported and is consistent with regulation 57 of NESTF.

D: National Environmental Standards for Electricity Transmission Activities

92. While we support the update of the National Environmental Standards for Electricity Transmission Activities (NESTEA), we propose some changes to the proposals concerning activities in the National Grid Yard and subdivision corridor and the construction of structures near overhead lines. These concern:

    a. R12 (re buildings and structures): we appreciate and support the exclusion of network utilities as they may need to be located in the National Grid Yard. However we propose an amendment to the permitted standard requiring all buildings and structures to comply with the safe distance standards. If a dispensation is approved by Transpower it is unnecessary to also require a resource consent for the same work. This could be achieved by amending the first condition for permitted activities as follows:

> All buildings and structures must also comply with ~~the safe distance standards in~~ NZECP 34 2001
> Or
> All buildings and structures must also comply with the safe distance standards in NZECP 34 2001, unless subject to a dispensation from Transpower

    b. R12[2] (re earthworks, land disturbance and vertical holes): we support permitted standard (b) that provides an exemption from the standards for earthworks, land disturbance and vertical holes that are subject to a dispensation from Transpower.

    c. R13 (re national grid subdivision corridor): we propose that lots for network utilities that maintain vehicle access to national grid assets are excluded from the proposed restricted discretionary rule. This shouldn't be necessary if requirements under R12 are met and vehicle access is maintained.

    d. R15 (re construction of buildings for structures near overhead EDN lines (discretionary): we propose this rule should provide for dispensations for the same reasons as mentioned in relation to R12.

[2] Note: The proposal number in Attachment 1.4 (R12) is the same as the previous proposal number (R12) for buildings and structures

E: New Zealand Coastal Policy Statement (policy six)

93. Telecommunications networks sometimes need to be located in the coastal environment in order to provide essential services to people living in those areas, or to traverse the area in order to connect communities and provide a national network. We therefore welcome the proposed changes to policy six in the New Zealand Coastal Policy Statement (NZCPS) to make it more enabling of infrastructure.

Language more enabling of infrastructure

94. We support the more directive language in policy six. This will provide a pathway for infrastructure, in appropriate circumstances, that may otherwise by contrary to the various avoid policies in the NZCPS (including policies 11, 13 and 15).

The inclusion of operational need

95. We support the addition of operational needs, alongside the existing functional needs test. Linear infrastructure, such as submarine cables, may need to traverse sensitive coastal environments to connect communities.

Recognising that infrastructure may be required

96. Proposed changes to clause 6(1) to better recognise the critical role that infrastructure plays in the social, economic and cultural wellbeing of people and communities, are welcomed. This will provide helpful enabling direction to consider alongside the avoid policies (11, 13 and 15).

97. We propose some small amendments to better reflect the role of infrastructure, and to achieve consistency with other clause changes:

    a. Amend sub para (a) to acknowledge that infrastructure is required for wellbeing (not just "may be required"), as follows:

        > a) recognise that the provision of infrastructure, the supply and transport of energy, including the generation and transmission of electricity, and the extraction of minerals are activities ~~important to~~ <u>which</u> ~~may be~~ <u>are required</u> for the social, economic and cultural well-being of people and communities;

    b. Add "operational need" to clauses 6(1)(e), 6(2)(c) and 6(2)(d) to achieve consistency across clauses and to acknowledge linear infrastructure may have an operational need to traverse the coastal environment to connect communities.

    c. Amend the proposed 6(2)(f) to ensure the new enabling provisions will have practical effect, by adding the following underlined text.

(f) in relation to (2)(c) and (d), recognise that infrastructure, renewable electricity, electricity transmission, aquaculture and resource extraction activities may have a functional need or operational need to locate in the coastal marine area and enable such activities where that is the case.

F: National Policy Statement for Freshwater Management and National Environmental Standards for Freshwater

Excluding induced wetlands from the National Policy Statement for Freshwater Management and National Environmental Standards for Freshwater

98. We support a better definition of induced wetlands and excluding these from the wetlands provisions, except where they are regionally significant. This would remove the need for costly assessments where infrastructure work is undertaken near such areas. For example where there may be run off from work in the roadside.

99. We propose that road runoff in relation to induced wetlands be excluded from the wetland provisions.

Removal of the pasture exclusion

100. We have some concerns about the proposed removal of the pasture exclusion from the definition of natural inland wetland and instead permitting farming activities that can occur in and around wetlands. If this approach is taken it may impact infrastructure on rural land that currently may not need consent due to the pasture exclusions.

101. If the pasture exclusion is removed then we propose the following infrastructure activities be allowed in and around wetlands:

    a. Utility trenches and bore holes

    b. Poles for lines and antennas

    c. Utility cabinets.

We are seeking a road reserve exclusion in the National Environmental Standards for Freshwater

102. Telecommunications and other network utility infrastructure needs to be located in roads that may pass by wetlands, in order to be able to provide essential connectivity to surrounding areas or to enable connection to the national network. When this happens unnecessary consent requirements are triggered for trenching and drilling works in the road corridor, in situations where sediment is able to be managed.

103. We are seeking a new provision in the National Environmental Standards for Freshwater which would exempt network utility infrastructure from set back controls for earthworks and vegetation clearance when doing work in the road corridor. This would be subject to employing sediment control measures during service installation, to protect any adjacent wetland.