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## Submission on Proposed Kaipara District Plan

### Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

*Clause 6 of Schedule 1, Resource Management Act 1991*

**To:** Kaipara District Council - District Plan Review

**Date received:** 10/06/2025

**Submission Reference Number #:**26

This is a submission on the following proposed plan (the **proposal**): Proposed Kaipara District Plan

**Submitter:**

Chorus New Zealand Ltd, Connexa Ltd, Spark NZ Trading Ltd, Fortysouth Group LP and One NZ

**Contact person and address for service:**

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New Zealand

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**Attachments:**

26 Chorus NZ and other Telcos.pdf

**I wish to be heard:** Yes

**I am willing to present a joint case:** Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

If you have answered yes to the above question, are you 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

## Submission points

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### Point 26.1

#### Section: Definitions

#### Sub-section: DEF2 Definitions

#### Provision:

#### **REGIONALLY SIGNIFICANT INFRASTRUCTURE**

means:

- a. Main pipelines for the distribution or transmission of natural or manufactured gas or petroleum and key delivery points and storage facilities;
- b. Key facilities required for communication (including telecommunication, broadband, wireless networks and radio);
- c. The 'national grid' as defined by the Electricity Industry Act 2010 including facilities for the transmission of electricity from the 'national grid' (such as substations, grid injection points etc.) to the 'network';
- d. Network electricity lines and associated infrastructure that constitute the sub-transmission network;
- e. Electricity distribution assets which supply essential public services (such as hospitals or lifelines facilities), large (1MW or more) industrial or commercial consumers, 1000 or more consumers or are difficult to replace with an alternative supply if they are compromised";
- f. Electricity generation facilities (including Ngāwhā geothermal power station and Wairua hydroelectric power station) which supply electricity to either the national grid or the local distribution network;
- g. Regional and district council water storage, trunk lines and treatment plants;
- h. Regional and district council wastewater trunk lines and treatment plants and key elements of the stormwater network including treatment devices; or
- i. Flood management / protection schemes managed by regional and / or district councils.

Infrastructure extends also to mean the site related components that enable the asset to function.

**Support / Amend / Oppose:** Oppose

#### **Submission:**

Refer to attached emailed submission.

**Form 5**

**Submission on publicly notified proposal for policy statement or plan, change or variation  
Clause 6 of Schedule 1, Resource Management Act 1991**

To: Kaipara District Council  
Private Bag 1001  
**Dargaville 0340**

Attention: [districtplanreview@kaipara.govt.nz](mailto:districtplanreview@kaipara.govt.nz)

Name of submitter: Chorus New Zealand Limited (Chorus)  
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Auckland, 1142

One New Zealand (One NZ)  
Private Bag 92161  
Auckland, 1142

This is a submission on the following proposed plan, change or variation: **Proposed Kaipara District Plan**

Chorus, Connexa, Spark, Fortysouth and One NZ have lodged a joint submission on the Proposed Kaipara District Plan.

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

The specific provisions of the proposal that the submission relates to, the submission points, reasons and decisions sought are detailed in the attached table. Chorus, Connexa, Spark, Fortysouth and One NZ seek that the decisions sought as set out in the attached table are adopted, or any other such relief and/or consequential amendments that achieves an equivalent outcome.

Chorus, Connexa, Spark, Fortysouth and One NZ wish to be heard in support of their submission. If others make a similar submission, Chorus, Connexa, Spark, Fortysouth and One NZ will consider presenting a joint case with them at a hearing.



**Signed:** .....

On behalf of Chorus New Zealand Limited

Date: 9 June 2025



**Signed:** .....

On behalf of Connexa Limited

Date: 9 June 2025



**Signed:** .....

On behalf of Spark New Zealand Trading Limited

Date: 9 June 2025



**Signed:** .....

On behalf of Fortysouth Group LP and One New Zealand Limited

Date: 9 June 2025

**Address for Service:**

Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited, Fortysouth Group LP and One New Zealand Limited

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E-mail: [chris@incite.co.nz](mailto:chris@incite.co.nz)

These submissions made are to ensure that there is a practical and workable planning regime for deploying critical network utility infrastructure in Kaipara District. The submission requests that either:

- i. the specific relief as set out in the table below; or
- ii. Such other relief to similar effect to address the matters outlined in the submission to the submitter's satisfaction; and
- iii. In relation to i and ii above, any consequential amendments necessary as a result of the amendments to grant the relief sought.

#### Glossary of Acronyms:

*Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016 (NESTF)*

Note: Whilst not a submission, it is requested that the table of contents in the ePlan includes a hyperlink to the infrastructure rules which is currently missing.

## Part 1 – Introduction and General: Definitions

Proposed District Plan Provision	The Submission is that:		Decisions sought:
	Oppose / Support	Reasons	
Regionally Significant Infrastructure	Oppose	Whilst it is acknowledged that the clause of telecommunications replicates the equivalent clause in the Regional Policy Statement for Northland definition, a standard clause is being sought on plans nationally primarily for clarity that infrastructure such as fibre networks are included. This is considered to be consistent with the Regional Policy Statement but with improved clarity.	<p><b>Amend</b> clause (b) of the definition of <i>Regionally Significant Infrastructure</i> as follows:</p> <p><del><i>Key facilities required for communication (including telecommunication, broadband, wireless networks and radio);</i></del></p> <p><b><u>Telecommunication and Radiocommunication Networks</u></b></p>

Proposed District Plan Provision	The Submission is that:		Decisions sought:
	Oppose / Support	Reasons	
Root Protection Zone	Oppose	The definition appears to be unnecessarily complex. The equivalent definition recommended in the s42A report for notable trees in the Far North District Plan following further technical advice is preferred.	<p><b>Amend</b> the definition of <i>Root Protection Zone</i> to the following:</p> <p><u>the circular area surrounding a notable tree, measured from the centre of the trunk, with a radius calculated by multiplying the trunk diameter by 12, measured 1.5 above ground level.</u></p>
Temporary Infrastructure	Oppose	<p>The definition provides for several scenarios that may require deployment of temporary infrastructure. However, one key reason telecommunications operators may install temporary radiocommunication equipment (poles, antennas and associated radio equipment) is to provide additional coverage for popular holiday locations over peak summer periods, or for festivals and events. This scenario should be included in the definition. If necessary, the period of time for this scenario can be addressed in the associated rule in the Infrastructure Chapter. Enabling additional capacity for wireless services in peak holiday periods will better support the people and communities of Kaipara District who rely on such services.</p> <p>The telecommunications operators regularly install temporary transportable equipment typically known as a Cell on Wheels (CoW) or Cell on Platform (CoP). Examples of such deployments in Kaipara District include annual deployment by One NZ at Mangawhai for peak holiday capacity, and annual Spark</p>	<p><b>Amend</b> the definition of <i>Temporary Infrastructure</i> as follows:</p> <p><i>means <b>infrastructure</b> established on a temporary basis intended to provide services, or supplement existing services, for a defined or undefined period, where:</i></p> <ul style="list-style-type: none"> <li><i>a. there is or will be a disruption to necessary services provided by existing <b>infrastructure</b> because of unforeseen circumstances or planned maintenance or upgrading; or</i></li> <li><i>b. the <b>temporary infrastructure</b> is to provide necessary services in advance of the provision of permanent <b>infrastructure</b>.</i></li> <li><i>c. <b>Temporary wireless telecommunications and broadband</b></i></li> </ul>

Proposed District Plan Provision	The Submission is that:		Decisions sought:
	Oppose / Support	Reasons	
		deployments for events at Northern Base Mangawhai and Northern Fieldays Dargaville.	<u><b>coverage or capacity is required for an event or peak holiday demand.</b></u>

## Part 2 – Strategic Direction SD

Proposed District Plan Provision	The Submission is that:		Decisions sought:
	Oppose / Support	Reasons	
SD-VK-08	Oppose	It is unclear what the reference to <i>affordable</i> in the objective is intended to mean. The reface to “appropriate” should be sufficient and where relevant address any matters of affordability.	<p><b>Amend</b> Objective SD-VK-08 as follows:</p> <p><b>Development is supported by <del>affordable</del> appropriate infrastructure</b></p> <p><i>Development is integrated and phased with the provision of appropriate <del>and</del> affordable infrastructure.</i></p>
SD-NH-01	Support	The objective appropriately provides a suitable framework for considering necessary infrastructure in hazard areas.	<b>Retain</b> Objective SD-NH-01 as notified.
SD-UFD-03	Support	The objective appropriately addresses the need for sufficient infrastructure capacity to support urban development.	<b>Retain</b> Objective SD-UFD-03 as notified.



## Part 2 – Financial Contributions FC

Objective FC-O1 Policy FC-P2 Policy FC-P3 Policy FC-P5	Support	The objective and policies collectively support developers providing and meeting the costs of infrastructure to support development	<b>Retain</b> Objective FC-O1 and Policies FC-P2, SD-FC-P3 and SD-FC-P5 as notified.
Rule FC-R1	Support in part	The rule per se on financial contributions supported but requires some cross references to the standards to be corrected as they are incorrect provision references. In particular, FC-S6 is the correct clause for contributions to network utilities but is referred to in the rule as S8 which is not a standard.	<b>Amend</b> the cross references in FC-R1 to correctly reference standards FC-S1-S6
Standard FC-S6	Support	Including a standard setting out the circumstances where a financial contribution for network utilities may be required is supported.	<b>Retain</b> Standard FC-S6 as notified

## Part 2 – District Wide Matters: INF Infrastructure

Proposed District Plan Provision	The Submission is that:		Decisions sought:
	Oppose / Support	Reasons	
Objective INF-O1, INF-O2 and INF-O3	Support	These provisions provide an appropriate and workable framework for telecommunications infrastructure.	<b>Retain</b> Objectives INF-O1, INF-O2 and INF-O3.
Policy INF-P1, INF-P2, INF-P3, INF-P4, INF-P6, INF-P7, INF-P8 and INF-P12	Support	These provisions provide a workable and appropriate policy framework for telecommunications infrastructure.	<b>Retain</b> Policies INF-P1, INF-P2, INF-P3, INF-P4, INF-P6, INF-P7, INF-P8 and INF-P12.
Policy INF-P5	Oppose	Use of the term “ <i>best practicable option</i> ” in clause 2, is not supported. The extent of analysis of options needs to be commensurate to the scale of the work and its effects. For some minor works a best practical option approach may not be	<b>Amend</b> Policy INF-P5 as follows:  <i>Provide for new <a href="#">regionally significant infrastructure</a> within an <a href="#">Overlay</a> where:</i>

		<p>justified. Further, its definition, which is in s2 of the RMA, is focused on noise and discharges, which may cause confusion in application to other matters such as visual effects. Therefore, a change in terminology to “appropriate” is preferred, which will enable the extent of assessment of alternative options to be commensurate to the scale of what is proposed.</p>	<ol style="list-style-type: none"> <li>1. <i>There is a demonstrated functional or <a href="#">operational need</a> for the <a href="#">infrastructure</a> to be located within the <a href="#">Overlay</a>; and</i></li> <li>2. <i>It is demonstrated through an options assessment <b><u>commensurate with the extent of any expected adverse effects</u></b> that locating within an <a href="#">Overlay</a> is the <del><a href="#">best practicable option</a></del> <b><u>appropriate</u></b>, having particular regard to the financial implications, social, cultural and environmental <a href="#">effects</a> of the preferred option, compared to other alternative options.</i></li> </ol>
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New Policy Natural Hazards	Support a new provision	A new policy is requested that recognises that network utilities are appropriate in natural hazard areas where they have a functional need or operational need to be there, do not exacerbate the hazard in terms of risks to people and property, and take into account design measures where necessary and appropriate for resilience in a natural hazard event. It is noted that regulated telecommunications infrastructure is exempt from district plan hazard rules by Regulation 57 of the NESTF, reflecting the natural hazard risk profile for this type of infrastructure.	<p><b>Add</b> a new Policy as follows (or wording of like effect):</p> <p><b><u>INF-PX</u></b>  <b><u>Enable network utilities in natural hazard overlays that:</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>Do not increase the risk from the natural hazard to people, other property or other infrastructure;</u></b></li> <li>2. <b><u>Have a functional need or operational need to be located within the area subject to the hazard; and</u></b></li> <li>3. <b><u>Where necessary and appropriate include design measures to reduce the potential for damage in a natural hazard event.</u></b></li> </ol>
Introductory statement on how the infrastructure rules work	Support	The statement clearly sets out how the infrastructure rules work and their relationship to other parts of the district plan. The clear statement that zone rules do not apply is supported.	<b>Retain</b> the introductory statement on how the infrastructure rules in the INF chapter work.
Rule INF-R1, INF-R2, INF-R3, INF-R4, INF-R7, INF-R9, INF-R22, INF-R23, INF-R25, INF-R32. INF-R35 as notified.	Support	These permitted activity rules which apply to telecommunications infrastructure are considered to be workable so are supported as notified.	<b>Retain</b> Rule INF-R1, INF-R2, INF-R3, INF-R4, INF-R7, INF-R9, INF-R22, INF-R23, INF-R25, INF-R32. INF-R35 as notified.
New Rule for overhead lines	Support a new provision	There is no rule enabling overhead lines for telecommunications network in suitable zones in the same manner as above ground electricity distribution lines in INF-R14.	<b>Add</b> a new rule providing for above ground telecommunications lines in rural zones and adjacent roads in the same manner as it provided for electricity distribution lines in INF-R14. Clause (a) voltage and clause (c) colocation of operators from INF-R14 is not required for the telecommunications lines rule.
Rule INF-R5	Oppose	Whilst the rule and standards are supported for <i>Temporary Infrastructure</i> covered by the current definition, the definition	<b>Amend clause (a)</b> Rule INF-R5 as follows:

		does not cover temporary wireless telecommunications and broadband coverage solutions for events or peak holiday capacity. A separate submission seeking a change to the definition scope has been made. On that basis of that definition change, a bespoke timeframe for this additional scope of temporary infrastructure is sought. This aligns with the proposed timeframe for temporary coverage in the proposed amendments to the NESTF released for public consultation on 29 May 2025.	a. <i>The temporary network utility, temporary electricity generator or self-contained power unit operates for a maximum of 12 months, <b><u>or in the case of a temporary telecommunications facility for the purpose of event or peak holiday wireless telecommunications and broadband coverage or capacity, is operated for a maximum of 12 weeks;</u></b></i>
Rule INF-R6	Oppose	Chorus who installs open-access fibre connections to buildings has been working with Heritage NZ over various district plan reviews over appropriate rules for telecommunications connections to scheduled heritage buildings. In other jurisdictions an agreement has been reached that above ground connections are permitted if not connecting to the front face of a scheduled heritage building (e.g. consent order signed by Heritage NZ on the Opotiki District Plan). Connections to heritage buildings support their ongoing use which is consistent with the Historic Heritage policy framework (see HH-P3). This aligns with the proposed amendments to the NESTF released for public consultation on 29 May 2025.	<b>Amend</b> Rule INF-R6 such that the clause on connections to schedule heritage buildings in all zones reads:  <i>There is no connection to a structure or building identified in SCHED1 — Historic Heritage Resources, <b><u>unless the connection is to a part of a building other than the front facade. This rule prevails over Rule HH-R5 – Additions and Alterations.</u></b></i>
Rule INF-R24	Oppose	The height limit for communications kiosks of 2.5m is too low for a typical telecommunications kiosk such as a public phone/WiFi box. A height of 3.5m is required and is used in other plans.	<b>Amend</b> Rule to provide for a 3.5m height limit for <i>Communications Kiosks</i>
Rule INF-R26	Oppose	Clause (b) limited the width of a panel antenna to 0.7m. An increase in width to 1m is sought to align with proposed amendments to the NESTF released for public consultation on 29 May 2025.and  Clause (d) limits the number of antennas per site to 4 in residential zones. As this rule applies to antennas attached to	<b>Amend</b> Rule INF-R26 by amending the panel antenna width in clause (b) from 0.7m to 1m and deleting clause (d).

		structures such as retaining walls, bridges and tunnels <u>in roads</u> , it is unclear how the “site” would be determined in assessing compliance, and why antennas attached to such structures are a concern in regard to environmental effects.	
Rule INF-R27	Oppose	<p>The rule relates to structures attached to buildings and structures including antenna size dimensions. It is unclear why Clauses 1(b) and 6(b) have the proviso of being attached to an existing pole.</p> <p>Further, clauses 1(b) and 6(b) include panel and dish size restrictions that do not align with the proposed amendments to the NESTF released for public consultation on 29 May 2025 (changes to regulation 37 antennas on buildings).</p>	<b>Amend</b> Rule INF-R27(1)(b) and R27(6)(b) by deleting the words “ <i>on an existing pole</i> ” and increasing the panel and dish sizes to 3m <sup>2</sup> for panel area in all zones and 2m diameter for dish antennas in all zones except for residential zones where dish diameter can remain at 1.2m
Rule INF-R28	Oppose	The rule provides for antennas inside new or existing buildings. Clause 1(a) requires the building to comply with the relevant zone standards. This standard should be deleted as the rule is not seeking to enable buildings, only antennas inside them. A building may be established by consent without complying with the zone standards which is not relevant to the effects of any antennas inside the building.	<b>Amend</b> Rule INF-R28 by deleting clause 1(a) of the rule.
Rule INF-R29	Oppose	The rule provides for permitted antenna dimensions. In some district plans the telecommunications submitters had sought a size allowance for small Global Positioning System (GPS) antennas that could exceed height limits for poles. The Proposed Plan has adopted these dimensions as an absolute size restriction for GPS antennas in Clause 1(a) which would apply even where within the pole height and headframe width allowances. These antennas are very minor elements that do not require a size limit where within the overall permitted envelope for a pole and attached antennas.	<p><b>Amend</b> Rule INF-R29 clause 1(a) as follows:</p> <p><b>Where:</b></p> <p>a. GPS Antennas <b><u>where they exceed the height limits provided for in Rule INF-R31</u></b> that do not exceed the following dimensions:</p> <p>i. 300mm high; and</p> <p>ii. 130mm in diameter.</p>

Rule INF-R30	Oppose	<p>The rule provides for small cell units exceeding the permitted volumetric standard of 0.11m<sup>3</sup> in the NESTF up to 0.25m<sup>3</sup> as a permitted activity. An increase up to 0.33m<sup>3</sup> is sought which aligns with the permitted standard the proposed amendments to the NESTF released for public consultation on 29 May 2025.</p>	<p><b>Amend</b> Rule INF-R30 as follows:</p> <p><b><i>Small cell units <del>exceeding the permitted volumetric dimension of 0.11m<sup>3</sup></del> regulated in the NESTF</i></b></p> <p><b>1. Activity Status:</b> Permitted</p> <p><b>Where:</b></p> <p>a. The structure does not exceed a maximum volume of <del>0.25</del><b>0.33</b>m<sup>3</sup> and</p> <p>b. ....</p>
Rule INF-R31	Oppose	<p>This rule provides height limits for poles and attached antennas. The height limits are generally supported except for the General Rural Zone where the height limit is 20m for a pole and antennas (single operators) and 25m (5m height bonus) for more than one operator. This is inconsistent with the existing NESTF where the permitted height limit for a new pole is 25m (even if for a single operator), and the proposed amendments to the NESTF released for public consultation on 29 May 2025 of 35m in Rural Zones and 40m for more than one operator. Alignment with the proposed NESTF amendments is sought.</p> <p>Further, an exclusion from the requirement to meet zone height in relation to boundary controls from residential zones for poles and attracted antennas in roads is sought, subject to the headframe diameter provided for in roads of 1.2m in Clause 1(b)(iv) being met. A change to this standard for that notified is sought to align with the proposed amendments to the NESTF released for public consultation on 29 May 2025. Structures with</p>	<p><b>Amend</b> Clause 1(a)(ii)(1) of Rule INF-R31 as follows:</p> <p><b>Where:</b></p> <p>a. For poles and attached antenna (excluding lightning rods and GPS antennas, omni directional whip antenna, ancillary telecommunication devices and earth peaks):</p> <p>i. The structure complies with the height in relation to boundary limits for the zone in which it is located, <b><u>other than where it complies with b(iv);</u></b> and</p> <p>ii. The structure does not exceed the following height limits measured from the natural ground level immediately below the structure:</p>

		this width have minor bulk in regard to over-shadowing, privacy or dominance for width these controls are targeted.	<ol style="list-style-type: none"> <li>1. General rural zone - <del>20</del><u>35</u>m, or <del>25</del><u>40</u>m for co-location of two or more operators.</li> <li>2. ....</li> </ol> <p>b. For headframes:</p> <ol style="list-style-type: none"> <li>i. Comply with the height in relation to boundary limits for the zone in which it is located, <u>other than where it complies with b(iv)</u>;</li> <li>ii. Within General residential zone must not exceed 1.0m diameter; or</li> <li>iii. Within all other zones and unformed roads must not exceed 6.0m diameter; and</li> <li>iv. Within the Road must not exceed <del>0.7</del><u>1.2</u>m diameter; and</li> <li>v. Compliance is achieved with: <ol style="list-style-type: none"> <li>1. INF-S1 - Radio frequency fields; and</li> <li>2. INF-S2 - Electric and magnetic fields.</li> </ol> </li> </ol>
Rule INF-R33	Oppose	Whilst the dimension for lightning rods is supported, an amendment is sought to ensure it is clear this is in regard to the length of a lightning rod and not a restriction on its height above ground level.	<p><b>Amend</b> Rule INF-R33 as follows:</p> <ol style="list-style-type: none"> <li>a. The height of the lightning rod <u>above its point of attachment to a structure</u> does not exceed 1.8m; and</li> </ol>
Rule INF-R34	Oppose	This rule for antennas attached to existing poles in roads subject to NESTF Regulations 26 and 27 overlaps with Rule INF-R37. Accordingly, this rule should be deleted to avoid confusion.	<b>Delete</b> Rule INF-R34

Rule INF-R37	Oppose	<p>This rule provides a controlled activity framework for equipment not meeting the permitted standards for various regulations in the NESTF. It also overlaps with proposed controlled activity Rule INF-34 in regard to Regulation 27, and accordingly deletion of Rule INF-R34 has been sought under a separate submission.</p> <p>The standards are generally considered to be appropriate, except that an allowance for the notional envelope width of antennas on poles in a road of 1.2m is requested as this aligns with the proposed amendments to the NESTF released for public consultation on 29 May 2025.</p>	<p><b>Amend</b> Rule INF-R37 by adding a new controlled activity standard as follows:</p> <p><b><u>x. The width of the notional envelope of panel antennas mounted on a pole in a road does not exceed 1.2m</u></b></p>
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## Part 2 – District Wide Matters: Natural Hazards NH

Policy NH-P4	Support	Manging subdivision and land use to among other things avoid transfer of risks of natural hazards to infrastructure is supported.	<b>Retain</b> Policy NH-P4
Policy NH-P10	Support	The policy recognises that infrastructure may need to be located within natural hazard areas where there is a functional need or operational need to do so to service communities.	<b>Retain</b> Policy NH-P10
Policy NH-P12	Support	The policy which allows for consideration of new protection structures including where necessary to protect infrastructure that has a functional need or operational need to be located in a hazard area is supported.	<b>Retain</b> Policy NH-P12
Rule NH-R11	Oppose	There should be expectations for underground infrastructure in roads from needing to comply with the earthworks area and volume limitations. Whilst regulated activities under the NESTF such as underground lines and their ancillary earthworks are already exempt from district plan natural hazard rules under Regulation 57 of the NESTF, alignment of the plan with the NESTF would provide better consistency between the district plan and NESTF. Further, other infrastructure such as electricity	<p><b>Amend</b> Rule NH-R11(1)(a) by adding a new clause (iii):</p> <p><i>(iii) the area and volume limits in (i) and (ii) do not apply to underground infrastructure in roads.</i></p>



		lines does not have the benefit of a national environmental standard disapplying district plan natural hazard rule.																			
NH-R13	Oppose	<p>There are no permitted activities for infrastructure located in the hazard areas. In particular, telecommunications facilities not provided for in the NESTF are restricted discretionary activity.</p> <p>Regulated activities under the NESTF are already exempt from any district plan natural hazard rules under Regulation 57 (e.g. poles/antennas and ancillary earthworks in rural zones, poles and antennas in roads provided there are other utility poles in the road within 100m, underground lines, customer connection lines, cabinets in all locations, pole replacements in all zones). This was on the basis that the risk profile of this type of equipment in natural hazards areas was not considered to warrant regulation in district plans.</p> <p>However, activities that are not regulated (e.g. a new pole in a non-rural zone) would be subject to the district plan controls. Mapping of hazard areas is sufficient for telecommunications networks to appropriately take into account risks in siting and designing equipment. The risk profile on non - regulated poles and equipment they support in district plans is no different to regulated equipment and is considered to be unnecessary regulation. Poles are not considered to be sensitive to flood risks or reasonably expected to exacerbate risks to others. More sensitive equipment in cabinets is exempt under Regulation 57 of the NESTF, but operators may use solutions such as raised plinths to mitigate flood risk to them.</p> <p>This is consistent with the decision version of Plan Change 1 to the Whangarei District Plan – see Rule NH-R7 for flood zones example.</p>	<p><b>Amend</b> Rule NH-R13 by providing a permitted activity for low-risk infrastructure equipment in Coastal and River Flood Hazard Areas (including that not regulated by the NESTF) consistent with Plan Change 1 to the Whangarei District Plan (decision version) as per the below example (NH-R7(2)):</p> <table><tr><th>NH-R7</th><th>New and More Than Minor Upgrading of Infrastru</th><th></th></tr><tr><td rowspan="7"><b>All Zones and Development Areas</b></td><td>Activity status: Permitted</td><td>Ac ac</td></tr><tr><td>Where:</td><td>Ma</td></tr><tr><td>1. The infrastructure is underground and is not in or partly in a mining subsidence hazard area, or an area of moderate or high susceptibility to land instability hazards; or</td><td>1.</td></tr><tr><td>2. The new or more than minor upgrading of infrastructure is:</td><td>2. 3.</td></tr><tr><td>a. Electricity and telecommunications poles (including pole supports) and electricity and telecommunications assets mounted on the poles; or</td><td>4.</td></tr><tr><td>b. Ground mounted electricity transformers and switchgear, and electricity and telecommunications pillars; or</td><td>5. 6.</td></tr><tr><td>c. Underground electricity and telecommunications assets: or</td><td>7</td></tr></table> <p><b>And</b></p> <p>Amend <b>Clause</b> 1(i) in the restricted discretionary activity list as follows:</p> <p><i>i. Telecommunications facilities not provided for in the NES-TF, <b>other</b></i></p>	NH-R7	New and More Than Minor Upgrading of Infrastru		<b>All Zones and Development Areas</b>	Activity status: Permitted	Ac ac	Where:	Ma	1. The infrastructure is underground and is not in or partly in a mining subsidence hazard area, or an area of moderate or high susceptibility to land instability hazards; or	1.	2. The new or more than minor upgrading of infrastructure is:	2. 3.	a. Electricity and telecommunications poles (including pole supports) and electricity and telecommunications assets mounted on the poles; or	4.	b. Ground mounted electricity transformers and switchgear, and electricity and telecommunications pillars; or	5. 6.	c. Underground electricity and telecommunications assets: or	7
NH-R7	New and More Than Minor Upgrading of Infrastru																				
<b>All Zones and Development Areas</b>	Activity status: Permitted	Ac ac																			
	Where:	Ma																			
	1. The infrastructure is underground and is not in or partly in a mining subsidence hazard area, or an area of moderate or high susceptibility to land instability hazards; or	1.																			
	2. The new or more than minor upgrading of infrastructure is:	2. 3.																			
	a. Electricity and telecommunications poles (including pole supports) and electricity and telecommunications assets mounted on the poles; or	4.																			
	b. Ground mounted electricity transformers and switchgear, and electricity and telecommunications pillars; or	5. 6.																			
	c. Underground electricity and telecommunications assets: or	7																			

		<p>The requested relief is also consistent with proposed amendments to the NESTF 2016 have been publicly notified by the Ministry for the Environment, with submissions closing on 27 July 2025. Minister Chris Bishop has indicated that the amendments will be in place by the end 2025. The proposed amendments expand the permitted activities for new poles for antennas into all zones other than residential. Consequently, these poles will likely soon be regulated by the NESTF and therefore exempt from natural hazard rules via Regulation 57</p>	<p><b><u>than as provided for as a permitted activity in NH-R13(1)</u></b></p> <p>[NH-R13(1) is the assumed rule reference for the new permitted activity rule sought under this submission point]</p> <p><b><u>And</u></b> Retain matter of discretion (notified reference NH-R13(3)(a)) regarding the functional need and operational need to locate in a natural hazard area.</p>
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## Part 2 – District Wide Matters: Historic Heritage HH

Policy HH-P3	Support	<p>The Policy encourages the use, development, and adaptive reuse of scheduled items. This is consistent with making practical allowances for providing service connections to scheduled buildings so they can be viably used.</p>	<b>Retain</b> Policy HH-P3
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## Part 2 – District Wide Matters: Notable Trees TREE

TREE-R4	Support	<p>The rule includes appropriate standards for infrastructure related earthworks work within notable tree protected root zones.</p>	<b>Retain</b> Rule TREE-R4
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## Part 2 – Ecosystems and Indigenous Biodiversity ECO

Proposed District Plan Provision	The Submission is that:		Decisions sought:
	Oppose / Support	Reasons	
Policy ECO-P3	Support	The policy appropriately recognises the operational need and functional need of regionally significant infrastructure to traverse areas of indigenous vegetation and biodiversity in appropriate circumstances.	<b>Retain</b> Policy ECO-P3 as notified
Rule ECO-R1	Support	The rule provides practical provision for operating, repairing and maintaining infrastructure	<b>Retain</b> Policy Rule ECO-R1 as notified
Rule ECO-R2	Support	The rule provides practical provision for clearance and associated disturbance for new infrastructure	<b>Retain</b> Rule ECO-R2 as notified

## Part 2 – District Wide Matters: Natural Character NATC

Policy NATC-P3(1) and NATC-P5(7)	Support	These provisions provide recognition of operational need and functional need in regard to necessary structures and work within riparian margins.	<b>Retain</b> Policy NATC-P3(1) and NATC-P5(7)
Rule NATC-R3	Oppose	Include earthworks for network utility works within roads in the list for permitted activities. Approaches to bridges in particular may be located within riparian margins.	<b>Amend</b> Rule NATC-R3 by adding earthworks for network utility works within roads in the list for permitted activities.
Rule NATC-R4	Oppose	Include vegetation clearance for network utility works within roads in the list for permitted activities. Approaches to bridges in particular may be located within riparian margins.	<b>Amend</b> Rule NATC-R4 by adding vegetation clearance for network utility works within roads in the list for permitted activities.

## Part 2 – District Wide Matters: Natural Features and Landscapes NFL

Policy NFL-P4	Oppose	<p>Notified policy is generally consistent with Policy 4.6.1 of the Regional Policy Statement in regard to managing effects on the characteristics and qualities of natural features and landscapes. However, Policy 5.3.3(1) includes a framework for new Regionally Significant Infrastructure which includes recognition of the constraints that limit the design and location of the activity. This element is not reflected in Policy NFL-P4.</p> <p>Regionally Significant Infrastructure may need to be located in these environments due to functional need or operational need.</p>	<p><b>Amend</b> Policy NFL-P4 as follows:</p> <p>....</p> <p><i>c. Having regard to:</i></p> <p><i>i. Integration of development into the Outstanding Natural Feature or Outstanding Natural Landscape, maintenance of low development density, and retention of predominant vegetation cover;</i></p> <p><i>ii. The location, design, scale, prominence and visibility of any buildings, structures, access, earthworks and indigenous vegetation clearance;</i></p> <p><i>iii. Methods and timelines for restoring or reinstating earthworks and revegetating land; <del>and</del></i></p> <p><i>iv. The finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing; <b><u>and</u></b></i></p> <p><i>v. <b><u>For new Regionally Significant Infrastructure, the constraints on form and location due to operational need or functional need.</u></b></i></p>
Policy NFL-P5	Support	<p>This policy Provides a framework for enabling the operation, maintenance and upgrading of Regionally Significant Infrastructure in ONLs and ONFs which is consistent with Policy 5.3.3 of the Regional Policy Statement for Northland.</p>	<p><b>Retain</b> Policy NFL-P5</p>

Rule NFL-R2	Oppose	<p>Under clause 1 there is no permitted activity allowance for Regionally Significant Infrastructure in ONFs and ONLs. A permitted activity allowance in accordance with the standards in NFL-S1, S2 and S3 is sought, which is consistent with avoiding significant adverse effects from new structures outside of the Coastal Environment in NFL-P2. A new standard to allow provide an allowance for antennas on existing buildings and poles and attached antenna in road reserves is also sought to provide some practical provision for telecommunications in ONL/ONF areas outside the coastal environment. Existing roads traversing ONL/ONF areas and where there are existing buildings already modify the value and attribute of these areas in those locations.</p> <p>Under clause 6, Regionally Significant Infrastructure is a permitted activity in the Coastal Environment, without standards. Standards NFL-S1, S2 and S3 should be applied to provide a permitted envelope. Further, clause 7 appears to have a cross-referencing error as it attributes non-complying activity standards where NFL-R2.4 is not met. That cross-referred standard relates to matters of discretion for structures and buildings outside the coastal environment.</p>	<p><b>Amend</b> Rule NFL-R2(1) by adding a new clause for permitted buildings and structures (subject to standards NFL-S1, S2 and S3) as follows:</p> <p><b><i>iii. Regionally Significant Infrastructure</i></b></p> <p><b>And</b></p> <p><b>Amend</b> Standard S1 such that there are exceptions to the general height standards as follows:</p> <ul style="list-style-type: none"> <li>i. Antennas attached to existing buildings not exceeding the highest point of the roof by more than 5m; and</li> <li>ii. Telecommunications poles and attached antennas in formed roads not exceeding 20m in height and a diameter including all antennas of 1.2m.</li> </ul> <p><b>Amend</b> Rule NFL-R2(6) by adding in Standards to be complied with NFL-S1, S2 and S3</p> <p><b>And</b></p> <p><b>Amend</b> Clause 7 as necessary to allow the correct cross-reference in regard to when non-complying activity status applies.</p>
Rule NFL-R3	Oppose	<p>Clause 1 of this rule allows for indigenous vegetation clearance outside the coastal environment (subject to meeting Standard NFL-S5) for a list of activities that does not include clearance for</p>	<p><b>Amend</b> Rule NFL-R3(1) by adding:</p> <p><b><i>c. The indigenous vegetation clearance is associated with Regionally</i></b></p>

		Regionally Significant Infrastructure (only clearance around existing infrastructure).  Clause 4 of this rule for indigenous vegetation clearance inside the coastal environment for Regionally Significant Infrastructure, but with no standards. Standard NFL-S5 should apply.	<b><u>Significant Infrastructure including access.</u></b>  <b>And</b>  <b>Amend</b> Rule NFL-R3(4) by adding in Standard NFL-S5 to be complied with.
Rule NFL-R4	Oppose	Clause 4 provides for earthworks for Regionally Significant Infrastructure in the Coastal Environment as a discretionary activity. A small, permitted activity allowance is considered to be appropriate that would not materially adversely affect the values and qualities of ONLs and ONFs.	<b>Amend</b> Rule NFL-R4 by adding in a permitted earthworks allowance for Regionally Significant Infrastructure in the Coastal Environment. of 20m <sup>3</sup> .

## Part 2 – District Wide Matters: Subdivision SUB

SUB-S5	Oppose	The servicing requirements for new lots in all zones only requires three-waters infrastructure and the option to connect to an electrical supply network. There is no requirement to connect to or be able to connect to a telecommunications network, even where open access fibre is available. This is inconsistent with Objective Sub-O4 that requires subdivision to be integrated with infrastructure services in an efficient, effective and coordinated manner, and Policy Sub-P2 requiring infrastructure to be installed at the time of subdivision.	<b>Amend</b> Standard SUB-S5 or include a new standard for telecommunications infrastructure. A proposed rule generally based on that agreed and adopted for the Porirua District Plan is as follows (format to be amended as necessary to meet the structure and clause numbering of Kaipara District Plan):  <b><u>Residential, Commercial, Industrial, Specific Purpose Zone</u></b>  <u>[X]. All new allotments must have provision for open access fibre optic cable connections to the legal boundary of the allotments.</u>
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			<p><b><u>All Other Zones</u></b></p> <p><u>[XX]. All new allotments must have provision for connection to telecommunication infrastructure. This may be achieved by either:</u></p> <p>a. <u>Provision for open access fibre optic cable connections to the legal boundary of the allotments; or</u></p> <p>b. <u>Provision with any subdivision consent application of written confirmation from a telecommunication network operator confirming that connection to a telecommunications network can be provided to all new allotments and describing how this can be achieved.</u></p> <p><u>[XXX]. The written confirmation that connection to a telecommunications network can be achieved which is required under [XX. B] must include that the connection can be achieved to:</u></p> <p>a. <u>A mobile and wireless network, including a satellite network, if connection to such a network is available.</u></p> <p><b><u>[XXXX] Activity status where compliance not achieved with [X]-[XXX]: Restricted Discretionary Activity</u></b></p> <p><u>Matters if discretion restricted to:</u></p>
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			<p><u>1. The extent to which the proposed telecommunications services is sufficient for the development or activity it serves;</u></p> <p><u>2. Where any reticulated telecommunications system is not immediately available but is likely to be in the near future, the appropriateness of temporary supply solutions; and</u></p> <p><u>3. Whether any site constraints make compliance impracticable.</u></p>
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## Part 2 – District Wide Matters: Coastal Environment CE

Policy CE-P5	Support	The policy appropriately seeks to enable operation, maintenance and upgrading of Regionally Significant Infrastructure in the Coastal Environment.	<b>Retain</b> Policy CE-P5.
Policy CE-P6	Support	Clause 7 requires regard to be had to the functional need or operational need of an activity or development in the Coastal Environment where assessing a resource consent application.	<b>Retain</b> Policy CE-P6(7)
Rule CE-R2	Oppose	The rule is considered to provide too stringent a framework in combination with the cross-referenced standards for Infrastructure such as poles and attached antennas in urban zones (e.g. an 8.5m height limit would apply in Commercial Zones). The Coastal Environment overlaps some urban zones, including parts of Mangawhai. Infrastructure within urban zones otherwise meeting the permitted standard of the Infrastructure Chapter would not be expected to have a significant adverse effect on the natural character of the Coastal Environment.	<b>Amend</b> Rule CE-R2 such that infrastructure meeting the permitted standards of the Infrastructure Chapter in urban zones is a permitted activity.



## Part 2 – District Wide Matters: Earthworks EW

Rule EW-S2	Oppose	The cut depth standard is not suitable for a utility pole pile foundation that may be deeper than 1.5m. Utility poles are not authorised by building consents so the 2.5m depth does not apply but would also not be insufficient for many pile foundation designs. An exemption for utility pole foundations from the depth standards in EW-S2 is sought.	<b>Amend</b> Rule EW-S2 such that utility pole foundations are exempt from any earthwork's depth controls.
Rule EW-S3	Support	The exemption of utility connections and infrastructure from earthworks set back controls from boundaries is appropriate and supported.	<b>Retain</b> Rule EW-S3(2)(a)

## Part 3 – Zone Rules: CMA Setback for Infrastructure

All Zone rules referring to set back not applying to infrastructure	Oppose	Many of the zones include setback rules from the CMA or natural features stating that they do not apply to infrastructure and network utilities. As the Infrastructure Chapter states that no zone rules apply to Infrastructure, these zone standards (even as exemption clauses) may cause confusion and are inconsistent with the intent of the plan structure.	<p><b>Delete</b> the following zone standards referring to infrastructure:</p> <ul style="list-style-type: none"> <li>• GRZ-S9(2)(d)</li> <li>• GRUZ-S3(2)(d)</li> <li>• RLZ-S3(2)(d)</li> <li>• COMZ-S11(2)(d)</li> <li>• HIZ-S4(2)(d)</li> <li>• LIZ-S5(2)(c)</li> <li>• NOSZ-S3(2)(d)</li> <li>• OSZ-S4(2)(d)</li> <li>• SARZ-S4(2)(d)</li> <li>• MPZ-S5(2)(d)</li> <li>• MHSPZ-S7(2)(d)</li> </ul>
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