

23 January 2024

Hearings Panel  
Proposed Te Tai Poutini Plan

By Email

[Tayla.mehrtens@wrcr.govt.nz](mailto:Tayla.mehrtens@wrcr.govt.nz)



**Submitter S663 Chorus New Zealand Limited (Chorus), Spark New Zealand Trading Limited (Spark), One New Zealand Group Limited (One NZ and FortySouth) Natural Features and Landscapes s42A Recommendations**

We act for Chorus, Spark, One NZ and FortySouth (the Telecommunications Companies<sup>1</sup>) who lodged submissions in regard to this topic.

The Telecommunications Companies (“the Companies”) wish to record their support for the s42A recommendations in regard to all of their submissions on this topic and will not be filing any evidence.

The submission points and how they have been addressed in the s42A report are as follows:

**Policy NFL-P1**

S663.046: an amendment was sought to Policy NFL-P1 to ensure the wording does not require full avoidance of adverse effects on values that contribute to a natural feature or landscape. The reporting planner agrees with the submission at Paragraph 102. The redrafted Policy at Paragraph 132 makes the change requested by the Companies along with other amendments as the result of other submissions. The Companies have no objection to the other amendments to the policy that are recommended.

**Policy NFL-P3**

S663.047: the policy as notified was supported which recognises that activities including infrastructure exist or may need to be located within Outstanding Natural Landscapes and Features. A number of changes to the policy in response to other submissions are recommended in Paragraph 149 of the s42A report. The Companies have no objection to the other amendments to the policy being recommended.

**Rule NFL-R6**

S663.048: An amendment to Rule NFL-R6 was sought in regard to earthworks in Outstanding Natural Landscapes and Features. The permitted activity rules included a standard for earthworks ancillary to infrastructure requiring them to meet the permitted activity (land use) rules for INF-R7 which applies to minor upgrading of infrastructure. Removal of this standard was requested as the earthworks standards are sufficient on their own and are separate to the control of land use activities. The reporting planner agrees with the submission at Paragraph 263 and has recommended the amendment requested which appears in the track change in the Recommendations under Paragraph 280 and in Appendix 1 to the s42A report.

**Rule NFL-R8**

S663:049: The Companies sought provision for additional low impact works – underground lines and cabinets, to be included in the permitted activity rule. The reporting planner agrees with the submission in

---

<sup>1</sup> One NZ was formally known as Vodafone NZ, and FortySouth is a successor company in regard to their recent purchase of the fixed mobile network assets of One NZ.

Paragraph 274. However, the change does not flow through the Paragraph 280 and Appendix 1 Track Change which we assume to be a typographical error.

**Submission:**

Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663)	S663.049	Oppose in part	Amend Rule NFL-R8 as follows: Activity Status Permitted Where the structure is: 1. A fence; or 2. Associated with stock water reticulation including tanks, pipes and water troughs; or 3. For parks facilities or parks furniture in any Open Space Zone; or 4. For a network utility (including customer connections) in accordance with the Permitted Activity standards for Infrastructure in Rule INF - R7, <u>underground lines or small network utility structures not exceeding 3m in height and 5m<sup>2</sup> in area</u> ; or ...
-------------------------------------------------------------	----------	----------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**S42A Assessment and Recommendation:**

274. Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.049) seek to include underground lines or small network utility structures not exceeding 3m in height and 5m<sup>2</sup> in area. I support this as these are minor structures that are unlikely to generate more than minor adverse effects on ONFLs.

**Recommendations**

280. That the following amendments be made to the Permitted Activity Rules in the NFL Chapter:

**NFL - R8** Erection of a building or structure not otherwise provided for as a Permitted Activity within an Outstanding Natural Landscape described in Schedule Five

Activity Status Permitted

Where the structure is:

1. A fence; or
2. Associated with stock water reticulation including tanks, pipes and water troughs; or
3. For parks facilities or parks furniture in any Open Space Zone; or
4. For a network utility (including customer connections) in accordance with the Permitted Activity standards for Infrastructure in Rule INF - R7 and for energy network utilities Rule ENG – R4; or
5. For a single small-scale renewable electricity generation activity per allotment with a maximum height above ground level of 5m where;
  - a. The maximum height is 5m above ground level; and
  - b. The gross floor area of any building does not exceed 100m<sup>2</sup>
6. For agricultural, pastoral and horticultural activities and mahinga kai activities or any accessory building where:
  - a. The maximum height is 3m above ground level; and
  - b. The gross floor area of any building does not exceed 100m<sup>2</sup>;
7. A bridge constructed as part of a Temporary Military Training Activity

On the basis of the above, the Companies request that the Hearings Panel in its decision adopt the change requested to NFL-R8 in the submission which was supported in the s42A Report. The Companies request that the reporting planner confirm that NFL-R8 is missing the recommended amendments prior to 19 February. If this is not the case the Companies may still wish to be heard on this matter.

Please do not hesitate to contact us if you have any queries regarding the above.

Yours sincerely

**Incite**

A handwritten signature in blue ink, appearing to read 'Chris Horne', with a horizontal line underneath.

Chris Horne

**Director**

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

File: A50322.00