

BEFORE THE ENVIRONMENT COURT

IN THE MATTER OF an appeal under the First Schedule to the
Resource Management Act 1991

AND

IN THE MATTER OF the Proposed Waikato District Plan

BETWEEN **Chorus New Zealand Limited,
Spark New Zealand Trading Limited and
Vodafone New Zealand Limited**

Appellant

AND **Waikato District Council**

Respondent

**Notice of Appeal against Decisions on
Proposed Waikato District Plan**

February 2022

Form 7

**Notice of appeal to Environment Court against decision on proposed policy statement or plan or
change or variation**

Clause 14(1) of Schedule 1, Resource Management Act 1991

To The Registrar
Environment Court
Auckland

Chorus New Zealand Limited (Chorus), Spark New Zealand Trading Limited (Spark) and Vodafone New Zealand Limited (Vodafone) appeal against parts of the decision of the Waikato District Council in relation to the Proposed Waikato District Plan (**'Proposed Plan'**).

Chorus, Spark and Vodafone made a number of identical submissions and further submissions on the Proposed Plan.

Chorus, Spark and Vodafone are not trade competitors for the purposes of section 308D of the Resource Management Act 1991.

Chorus, Spark and Vodafone received notice of the decision on 17 January 2022.

The decision was made by the Waikato District Council.

The parts of the decision appealed by Chorus, Spark and Vodafone, reasons for the appeal and relief sought are set out below. In addition to the relief set out below, Chorus, Spark and Vodafone seek such further or consequential relief as may be necessary to give effect to the relief sought.

Part 2 District Wide Matters: Energy, Infrastructure and Transport: TEL Telecommunications and Radiocommunications: Missing rule in regard to telephone exchanges

Provisions of proposed plan change appealed:

1. Chorus, Spark and Vodafone each lodged a submission on Chapter 14 Infrastructure and Energy of the Proposed Plan as notified supporting the chapter in general aside from where other submissions from these parties sought specific changes.
2. The notified provisions included a permitted activity Rule P12 for Telephone Exchanges in Section 4.10 Telecommunication and Radiocommunication. This rule was retained in the track change version of the notified provisions attached to the Commissioners decision report for infrastructure as follows:¹

P12	Telephone exchanges, including the installation and operation of equipment inside existing telephone exchanges	<p>14.10.1.10</p> <p>(a) Telephone exchanges, including the installation and operation of equipment inside existing telephone exchanges, that comply with the following <u>conditions standards</u>:</p> <p>(i) Do not exceed 20m² in area in roads or sites zoned <u>GRZ – General Residential, MRZ – Medium Density Residential and RLZ - Rural Lifestyle Country Living</u>; or</p> <p>(ii) Do not exceed 30m² in area in all other zones;</p> <p>(iii) Comply with the <u>height and height</u> in relation to <u>boundary</u> limits for the zone in which it is located;</p> <p>(iv) Are not located within road or unformed road located adjacent to an Identified Area; and</p> <p>(v) Are not located within an Identified Area.</p>
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3. However, the rule has not been carried through to the equivalent section in the decisions version of the Proposed Plan new National Planning Framework format.

Reasons for appeal:

4. Telephone exchanges are critical strategic components of telecommunications networks and should be enabled subject to appropriate conditions which were supported by the Appellants in the notified provisions.
5. There is no commentary in the decisions report indicating any intention for this rule to be deleted, and accordingly it is assumed to be a simple translation error between the two plan formats.

¹ p104 of Decision Report 13 Infrastructure

Relief sought

6. Reinstate Rule 4.10.1 P12 and associated standards in 14.10.1.10 as attached to the Commissioners' decision into the decisions version of the Proposed Plan in the National Planning Framework format. The relevant section is *Part 2 District Wide Matters: Energy, Infrastructure and Transport: TEL Telecommunications and Radiocommunications*.

Part 2 District Wide Matters: Energy, Infrastructure and Transport: TEL Telecommunications and Radiocommunications: Rule Tel-R20 and R-21

Provisions of proposed plan change appealed:

7. Chorus, Spark and Vodafone each lodged a submission on Chapter 14 Infrastructure and Energy of the Proposed Plan as notified supporting the chapter in general aside from where other submissions sought specific changes.
8. The notified provisions included restricted discretionary activity Rule RD4 for poles, antennas and headframes not complying with regulations 26-35 of the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016* (NESTF). The rule also included permitted poles and antennas and headframes not meeting the permitted activity condition of Rule 14.10.1.7 (which covers equipment not covered by the Regulations).
9. This element of the rule relating to not complying with Regulations 26-35 of the NESTF has been retained in Rule TEL-R20, but also replicated in Rule TEL-R21.
10. For completeness, the other element of the notified rule (not complying with the conditions in 14.10.1.7) has been included under rule TEL-R9(2).

Reasons for appeal:

11. Replication of the rule in TEL-R20 and TEL-R21 appears to be a simple drafting error and one version of this rule should be deleted to avoid confusion for plan users.

Relief sought

12. Delete Rule TEL-21.

Part 2 District Wide Matters: Energy, Infrastructure and Transport: TEL Telecommunications and Radiocommunications: Rule ANIF-R6 Minor Upgrading

Provisions of proposed plan change appealed:

13. Chorus, Spark and Vodafone each lodged a submission on notified general infrastructure Rule 14.3.1.1 in regard to the permitted activity conditions for minor upgrading. Specifically, this sought amendments to the standards for permitted antenna upgrades.

14. The version of this rule included in the track change version of the notified provisions attached to the Commissioners decision report for infrastructure is as follows:²

P2 P6	Minor upgrading of existing infrastructure	14.3.1.1 14.2.1.5 (1) The applicant shall not increase the diameter of dish antennas by more than 20% of the relevant permitted standard for a new dish antenna; and
...		
		(3) The addition, replacement or relocation of existing antennas where: (a) The antennas shall not increase in the largest face area by more than 20% of the relevant permitted standard for new panel antennas and shall not increase the diameter of dish antenna by more than 20% of the relevant permitted standard for a new dish antenna; and (b) The antennas shall not increase in height by more than 20% of the relevant permitted standard for new dish and panel antennas. <u>Except that this rule shall not restrict the size of an antenna that would otherwise comply with the permitted activity rules applying to new antennas.</u>

15. This version of the upgrading provisions for antennas rule generally adopts the wording included in the s42A report. However, following expert evidence filed on behalf of the Appellants, the reporting planner revised the recommended wording of this rule in rebuttal evidence³. It appears that the Hearing Commissioners have generally adopted the original s42A report version of the rule and not the amended text agreed between the Appellants and the reporting officer before the hearing.

16. The equivalent rule in the decisions version of the Proposed Plan in the National Planning Standards format is ANIF-R6.

² p77 of Decision Report 13 Infrastructure

³ P32 statement of Rebuttal Evidence by Trevor Mackie for Hearing Topic 22

Reasons for appeal:

17. In rule ANIF-R6 the “%” descriptor has been omitted from Clause (c)(i) of the rule. This appears to be a simple drafting error in the translation of the rule from the old plan format to the new National Planning Standard format.
18. The wording adopted in the decision appears to be based on the original s42A report version of this rule and not the amended recommended wording in the reporting planner’s rebuttal evidence. The Appellants support the wording included in the reporting planner’s rebuttal statement. There is nothing in the Hearing Commissioners’ decision report to indicate that the wording adopted in the decision was intended or was a point in contention between the submitters and reporting planner, and accordingly it is assumed to be an unintended drafting error using the wrong version of the rule recommended by the reporting planner.

Relief sought

19. Adopt the wording in the reporting planner’s rebuttal evidence statement in clause (c) of Rule ANIF-R6 as follows (extract from reporting planner’s rebuttal evidence statement based on notified proposed plan format shown):

P2	Minor upgrading of existing infrastructure	14.3.1.1 (3) The addition, replacement or relocation of existing antennas where: (a) The antennas shall not increase in the largest face area by more than 20% of the relevant permitted standard for new panel antennas and shall not increase the diameter of dish antenna by more than 20% of the relevant permitted standard for a new dish antenna and ⁴⁴ (b) The antennas shall not increase in height by more than 20% of the relevant permitted standard for new dish and panel antennas. ⁴³ <u>Except that this rule shall not restrict the size of an antenna that would otherwise comply with the permitted activity rules applying to new antennas.</u> ⁴⁴
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Additional relief

20. In addition to the specific relief set out above, Chorus, Spark and Vodafone seek the following relief:
- a) Such further or other relief as may be just or necessary to address matters raised in this appeal.

The following documents are appended to this notice:

- A. A copy of Chorus, Spark and Vodafone's submissions on the matters raised in this notice of appeal (Appendix 1)
- B. A copy of the relevant parts of the decision (Appendix 2).
- C. A copy of the relevant section of the reporting planner's rebuttal evidence statement (Appendix 3)
- D. A list of names and addresses of persons to be served with a copy of this notice (Appendix 4).

Date: 15 February 2022



.....
Andrew Kantor
Environmental Planning and Engagement Manager

This document is filed by Chris Horne, Director, Incite (Auckland) Limited, under instruction from Chorus New Zealand Limited.

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Date: 15 February 2022



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Colin Clune
RMA Planner

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Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

How to obtain copies of documents relating to appeal

Attached to appeal notice served on all parties.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.


Appendix 1 – Copy of the submissions in relation to the matters raised in this notice of appeal

		Wellington Water, Watercare and Christchurch City. The draft National Planning Standard for Network Utilities provisions are being used as best practice by the stakeholders for discussion with councils undertaking plan reviews and the content of submissions.	and the increased the utilisation of renewable resources. Or, amend the current policy by using “or” rather than “and” to remove the conjunctive nature of the clauses.
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Chapter 14 Infrastructure and Energy

Proposed District Plan Provision	The Chorus Submission is that:		Decisions sought:
	Oppose / Support	Reasons	
Chapter 14 Infrastructure and Energy	Support	Generally, Chapter 14 is supported in regard to infrastructure and particularly sections 14.1 to 14.3 and 14.10 telecommunications except where specific amendments have been requested.	No change except where specific amendments have been requested in this submission.
14.2 Rules Applying to all Infrastructure P1 New Infrastructure 14.2.1.1 Activity Specific Conditions	Oppose	Support poles associated with service connections should be exempt from any height in relation to boundary controls either where within a road or outside of a road (e.g. along a right of way) on the basis that have very minor bulk compared with more substantial buildings and structures.	Amend the activity specific conditions in Rule 14.2.1.1 by providing an exemption for service connections including any associated support poles from all height in relation to boundary controls.
14.3 General Infrastructure P2 Minor Infrastructure Upgrading 14.3.1.1 Activity Specific Conditions	Oppose	A number of the proposed conditions relevant to telecommunications are impractical to support rapid technically changes or maintenance requirements, and are not aligned with the draft National Planning Standard for Network Utilities. The submitter seeks various amendments to seek more alignment with the National Planning Standard that is currently under development,	Amend the activity specific conditions in Rule 14.3.1.1 as follows: <ul style="list-style-type: none"> (1)(b) amend the permitted height increase for an existing pole to “the lesser of 25m or 30%”. (1)(c) amend the permitted pole or support structure width to twice the width of the



		<p>which are being designed to provide a practical envelope for typical infrastructure upgrading activity to respond with rapidly changing technology requirements and/or necessary maintenance activities.</p> 	<p>existing pole at the widest point, unless a double pole is required to replace a single pole where the permitted pole or support structure width required is three times the width of the existing pole at the widest point (double poles may be required for electricity networks).</p> <p>(3) <i>The addition, replacement or relocation of existing antennas where:</i></p> <p>(a) <i>The antennas shall not increase in <u>the face area</u> by more than 20% of the relevant permitted standard for new <u>panel</u> antennas and shall not increase the <u>diameter of a dish antenna</u> by more than 20% of the relevant permitted standard for a new <u>dish antenna</u>; and</i></p> <p>(b) <i>The antennas shall not increase in height by more than 20% of the relevant permitted standard for new <u>dish and panel</u> antennas.</i></p> <p><i>Note that the area controls are not applied to other antennas types such as those that are made up of rods and tubes, which are controlled by standard 3(b).</i></p>
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Appendix 2 – Copy of the relevant parts of the Council’s decisions

propose. However, Mr Grala also observed that no evidence has been provided by Waka Kotahi or KiwiRail to demonstrate that reverse sensitivity issues are manifesting within the Waikato District. He provided a useful example of how the rule would apply to alterations to an existing dwelling, which, regardless of the scale or nature of those alterations, would be required to be designed and constructed with acoustic insulation. He considered that the potential for reverse sensitivity effects simply does not exist in situations where the sensitive land uses are lawfully established in their current locations prior to the establishment of the adjoining transport infrastructure.³²

69. Mr Phil Stickney presented evidence on behalf of Kāinga Ora and opposed the relief sought by KiwiRail and Waka Kotahi as he considered that including acoustic and vibration controls for a distance of 100 metres each side of the outer boundary of a state highway or rail designation was an inappropriate and unjustified planning response. He considered that the analysis does not signal that there is indeed a significant reverse sensitivity effect that is manifesting itself through the curtailing of road or rail movements, nor that the particular noise environment within the Waikato District justifies their introduction. He opposed the inclusion of outdoor noise controls in terms of their practicalities (being onerous and unduly complicated) and costs for the landowner.³³
70. Mr Jon Styles presented acoustic evidence on behalf of Kāinga Ora and considered that the management of the issue requires an integrated approach where the noise and vibration generators are required to mitigate their effects at the source and as far as is practicable. Any controls in the receiving environment should deal with the effects that cannot be internalised following the adoption of the best practicable option. He addressed noise and vibration generated by both state highways and rail by drawing on examples and measurements, then concluded that the controls are unnecessary and inappropriate.



4 Panel Decisions

71. We note that 1316 primary submission points were received on the Infrastructure and Energy provisions and these were considered in a comprehensive section 42A report, rebuttal and closing statement prepared by Mr Mackie who recommended a number of changes. This is a substantive section of the PDP, so we have structured our decision into sections which largely reflect the structure of Chapter 14 with a separate section for the objectives and policies in Chapter 6. Given the sheer volume of submissions, we do not attempt to address every submission point individually and instead focus on them thematically by reference to the key changes sought by submitters.

³² Summary of Nicholas Grala on behalf of Cindy and Tony Young and Parkmere Farms, Paragraph 16, dated 15 October 2020.

³³ Summary statement of evidence of Phil Stickney on behalf of Kainga Ora, Paragraph 3.3-3.4, dated 15 October 2020.

allowed larger structures. We agree that the inclusion of these standards is likely to result in conflicting rules and confusing interpretation. We have therefore deleted the area and height standards from this rule and inserted it into all the permitted activity rules in sections 14.4-14.12, but only where there is no specific area or height standard. Powerco sought an exemption from the height standards for support poles associated with service connections and we agree that such an amendment will provide clarity. We have also made changes to how noise is measured as we consider that the notified wording would cause confusion.

109. Federated Farmers sought exclusions in a number of rules for the Rural Zone, on the basis that it is hugely inefficient and presents an onerous and inappropriate burden on farmers who need to install, maintain, repair, replace or upgrade infrastructure, including associated earthworks. It seems to us that this is part of the larger issue as to whether on-site infrastructure associated with farming is captured by Chapter 14 or not. It is our opinion that on-farm infrastructure to assist with the day to day running of a farm should not fall under the definition of "infrastructure" and therefore would not be subject to Chapter 14. We have inserted additional text in the Introduction to make that clear.



4.6 Section 14.3 General Infrastructure

110. The general infrastructure section covers the operation, maintenance, repair and removal, and minor upgrading of all types of existing infrastructure, temporary infrastructure, earthworks and works on and around trees. It also covers other specified activities generally associated with infrastructure works, including service connections, minor structures, signage, CCTV, and cable and pipe bridges.
111. Counties Power Ltd sought the inclusion of standards in Rule 14.3.1 P1 for the operation, maintenance, repair and removal of existing infrastructure, however we do not consider this is necessary. We are aware that the reason for this submission was to distinguish between repair and minor upgrade, but we consider the standards in Rule 14.3.1 P2 to be the more appropriate location to distinguish between the two.
112. A number of submissions addressed Rule 14.3.1 P2 which relates to minor upgrading of infrastructure. While many sought retention of the rule and to provide for minor upgrading of infrastructure as a permitted activity, a number sought amendments to the standards. In response to the submissions seeking more flexibility to increase the dimensions of an existing structure, we agree that the standards are overly restrictive. We consider that the amended standards will enable more flexibility and be more enabling of infrastructure, whilst limiting any adverse effects. We have also inserted text to clarify that the conditions for minor upgrading of infrastructure do not apply to road network activities or other lineal networks. In this regard, we agree with Council; the standards are too constraining noting the length and width of roads (particularly new roads) and they are not the most efficient approach to managing structures and activities associated with the road and transport network.



113. Mr Horne sought clarification of Standard 14.3.1.1 Minor Infrastructure Upgrading, on the 'largest face' of an antenna, the 'diameter of a dish' antenna, and the minor upgrading of height of 20 percent. In response, Mr Mackie recommended amendments to Rule 14.3.1.1 P2 and we agree that these changes provide more clarity.
114. Rule 14.3.1 P3 and Rule 14.3.4 D2 relate to temporary infrastructure. The only submission seeking changes to these rules was from Counties Power Ltd who sought to increase the allowable timeframe from 12 to 24 months. We consider 12 months is an appropriate timeframe for temporary infrastructure.
115. Rule 14.3.1 P4 sets out the standards for permitted earthworks associated with infrastructure. We have made several amendments to this rule in response to matters raised by submissions and in evidence, as follows:
- a. Firstly, we have made it clear that the rule applies to earthworks for the formation and maintenance of access tracks, as this was not clear in the notified version of the rule.
 - b. Next, we clarified that the setback requirements for earthworks near a watercourse do not apply to an artificial watercourse.
 - c. We have excluded existing rail infrastructure from the waterbody standard in recognition that KiwiRail's network already exists close to or crosses over waterbodies.
 - d. We have also excluded the land transport network from needing to comply with the standard for earthworks in an Outstanding Natural Feature or Landscape for similar reasons.
 - e. We have expanded the list of areas where earthworks are not able to be undertaken as a permitted activity to include all the Historic Heritage overlays and Significant Natural Areas, which was in response to the submission of Heritage NZPT.
 - f. In response to the evidence of Ms Butler on behalf of KiwiRail, we have excluded the land transport network from needing to comply with the aggregate / metal standard. We appreciate that this is necessary to enable operation of the land transport network.
116. Rule 14.3.1 P5 relates to the trimming, maintenance or removal of vegetation or trees associated with infrastructure and we have included a description of the circumstances when clearing vegetation is enabled by this rule. We understand that it is important for infrastructure providers to be able to trim, maintain or remove any vegetation that could affect the safe operation, maintenance or upgrade of its infrastructure. We have also clarified the level of any Significant Natural Area that can be cleared as a permitted activity in response to the concerns raised by Ms Foley on behalf of the

neighbours, but their occurrence will be relatively rare and are outweighed by the benefits. Similarly, the amendment to the definition of 'Amateur Radio Configurations' is a more efficient way of achieving the objective than what was notified.



4.13 Section 14.10 Telecommunications and radio-communications

161. While we accept that there was no specific submission addressing the status of the National Environmental Standards for Telecommunications Facilities (NESTF), we agree with Mr Mackie that clarifying that the NESTF will prevail over the PDP except where the rules are specific to an Identified Area is a useful inclusion to the Introduction of Chapter 14.37
162. There are only three remaining areas of disagreement between the planners for the telecommunications companies and Mr Mackie. With regards to Rule 14.10.1 P2, we agree with Mr Horne that there is no point in have rules to manage below ground telecommunications and radiocommunications facilities, lines, cables and ducts in an Identified Area when this can be more effectively managed by the earthworks provisions. Mr Mackie considered that the earthworks provisions may not be sufficient to manage effects, particularly those of maintenance and repair, and minor upgrading of those underground facilities.³⁸ We do not agree. We consider that the infrastructure itself is unlikely to give rise to any ongoing adverse effects as it is the earthworks that will create the effects. In addition, we note that other sections in Chapter 14 enable underground infrastructure in Identified Areas as a permitted activity, such as below ground gas pipelines (Rule 14.7.1 P2).
163. Heritage NZPT sought more restrictive activity status for telecommunication structures in Identified Areas and we agree in most cases that this is an effective approach to managing adverse effects on historic heritage and cultural values and achieving Objective 7.1.1. We have also included effects on the heritage item or area as a matter of discretion where infrastructure is proposed in an Identified Area. For these same reasons we have rejected the submissions from Federated Farmers that sought enabling provisions for telecommunications in identified areas in the Rural Zone.
164. In terms of the other amendments to section 14.10, we make the following observations:
- a. We agree that including dimensions that match the NESTF is helpful;
 - b. We agree with the inclusion of 1.6-metre Yagi antenna on an existing pole as a permitted activity in Rule 14.10.1.4 P5; and
 - c. We agree with increasing the diameter for externally-mounted telecommunication satellite dishes and ancillary components in less sensitive zones.

³⁷ Section 42A rebuttal evidence of Trevor Mackie, Paragraph 80, dated 13 November 2020.

³⁸ Section 42A rebuttal evidence of Trevor Mackie, Paragraph 89, dated 13 November 2020.

Chapter 14: Infrastructure and Energy

14.1 Introduction

- (1) The provisions within this **Infrastructure** and Energy chapter of the district plan shall apply across the district in all the zones and overlays in the district plan. The zone chapters and their associated overlays, objectives, policies and rules do not apply to **infrastructure** and energy activities unless specifically referred to within this Infrastructure and Energy chapter. The objectives and policies of Ch 2 Tangata Whenua, Ch 3 Natural Environment and Ch 7 Historic Heritage will apply to infrastructure activities within the Identified Areas of those Chapters.
- (2) This infrastructure topic includes the land transport networks, network utilities operations, and electricity generation (including renewable electricity sources) and transmission. It should be noted that this chapter also contains a number of rules (such as on-site car parking and stormwater management) relating to district-wide land development activities; and as such these particular rules should be read in conjunction with the relevant zone chapters where applicable.
- (3) The Identified ~~a~~Areas within the activity tables below ~~this chapter~~ covers the following areas and items identified within this plan:
 - a. Urban Expansion Area
 - b. Significant Natural Area
 - c. Outstanding Natural Feature
 - d. Outstanding Natural Landscape
 - e. ~~Significant Amenity Landscape~~
 - f. Outstanding Natural Character
 - g. High Natural Character
 - h. Heritage Precinct
 - i. Historic Heritage Items
 - j. Māori Sites and Areas of Significance to Māori
 - k. ~~Māori Areas of Significance~~
 - l. Notable Trees
- (4) In the activity tables ~~rules~~ within this chapter, the letters below mean the following:
 - a. ~~P = Permitted Activity~~
 - b. ~~C = Controlled Activity~~
 - c. ~~RD = Restricted Discretionary Activity~~
 - d. ~~D = Discretionary Activity~~
 - e. ~~NC = Non-Complying Activity~~
 - f. ~~N/A = Not Applicable~~
- (5) Where relevant, the requirements of the **National Code of Practice for Utility Operators' Access to Transport Corridors** will apply to the placement, maintenance, improvement and removal of utility structures in roads (or unformed roads).
- (6) The requirements of the **Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009** ("NESETA") apply directly to the operation, maintenance, upgrading, relocation or removal of transmission line(s) that were operating or able to be operated on or before 14 January 2010 and remain part of the **National Grid**. In the case of conflict with any other provision of this plan, including any provision in the activity table rules in this section, the NESETA provisions shall prevail.
- (7) The **Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016** ("NESTF") provides national consistency in the rules surrounding the deployment of telecommunications **infrastructure** across New Zealand. This means that many telecommunications facilities may potentially be deployed as a permitted activity. However, telecommunications facilities which do not comply with the conditions within the NESTF, or are not covered by the regulations of

the NESTF, will have the activity status specified in this plan. In the case of conflict with any other provision of this plan, the NESTF provisions shall prevail, unless located within an Identified Area other than the Urban Expansion Area, where the district plan rules for infrastructure may apply to regulated activities as per Regulation 56 of the NESTF.

- (8) The New Zealand Archaeological Association Archaeological sites are included on the planning maps for District Plan information purposes only. However, these sites are subject to the requirements of the Heritage New Zealand Pouhere Taonga Act 2014. Heritage New Zealand Pouhere Taonga must be contacted regarding development on or in proximity to these sites and the need to undertake an archaeological authority. The Heritage New Zealand Pouhere Taonga Act 2014 protects both recorded and unrecorded archaeological sites.
- (9) Rural land uses, such as farming activities, are generally not infrastructure when they are on-farm services and do not have a public or group infrastructure purpose. Infrastructure is defined in Chapter 13, and on-farm infrastructure to assist with the day to day running of a farm is not included in the definition of "infrastructure" and therefore is largely not subject to Chapter 14.

This chapter is organised into the following rule sections:

14.2 Rules applying to all **infrastructure**

14.3 General **infrastructure**

14.4 National Grid

14.5 Electrical distribution

14.6 Electricity generation

14.7 Liquid fuels and gas

14.8 Meteorological

14.9 Amateur radio

14.10 Telecommunications and radiocommunications

14.11 Water, wastewater and stormwater

14.12 Transportation

Advice Notes for 14.1 Introduction:

(10) Transpower or a suitably qualified engineer should be contacted for assistance with clearance requirements in NZECP 34:2001. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34:2001, including buildings, structures, earthworks and the operation of mobile plants must comply with that regulation. Activities should be checked for compliance even if they are permitted by the District Plan.

(11) The Electricity (Hazards from Trees) Regulations 2003 applies to vegetation planted within the National Grid Corridor or near sub-transmission or distribution electricity lines and must be complied with. Vegetation to be planted within the National Grid Yard as shown on the District

Plan Maps should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003 or prevent access to support structures. To discuss works, including tree planting near any electricity line especially works within the National Grid Yard, contact the relevant network utility operator.

(12) Any zoning (including precinct provisions) ceases to have effect from the time the land is vested or dedicated as a road.

(13) In the case of stopped roads, the zoning reverts to that of the adjoining land at the time when the road is stopped, and where there are two different zones, the adjacent zone extends to the centre line of the former road.

14.2 Rules applying to all infrastructure


14.2.1 Permitted Activities

- (a) The following activities are permitted activities if they meet the activity specific conditions standards set out in this table. These rules apply to all infrastructure throughout the District.
- (b) The Activity and activity specific standards in 14.2 apply to all infrastructure except where a provision in the specific infrastructure type section 14.4 to 14.12 deals with the same matter, in which case the specific infrastructure type provision shall prevail. Where compliance with Rules 14.2 would contravene Rules 14.4, 14.5, 14.6, 14.7, 14.8, 14.9, 14.10, 14.11, or 14.12, then the requirements of Rules 14.4, 14.5, 14.6, 14.7, 14.8, 14.9, 14.10, 14.11, or 14.12 shall prevail.

Activity		Activity specific conditions standards
PI	New infrastructure	<p>14.2.1.1</p> <p>(1) Any new infrastructure activity and associated structures listed as a permitted activity within Chapter 14 must meet all of the following conditions standards:</p> <ul style="list-style-type: none"> (a) Not exceed 10m² in area above ground; (b) Not exceed 2.5m in height; (c) Comply with the height in relation to boundary limits for the zone in which it is located; (d) Comply with the height in relation to boundary limits for the adjoining zone, if located in road or unformed road; (e) Not exceed the relevant noise limits that are applicable to that zone, when measured at the nearest boundary of the site, and any adjacent zone; and (f) Any other relevant conditions standards applying to that activity listed within Rules 14.3, 14.4, 14.12. <p>(2) The conditions standards in Rule 14.2.1.1(1) do not apply to:</p> <ul style="list-style-type: none"> (a) Activities with specific conditions standards relating to area, height, location and noise listed elsewhere within Rules 14.3, 14.4 – 14.12; (b) Roads or other lineal transport networks; (c) Road network activities, which include lighting and signage structures; and (d) Activities subject to National Environmental Standards Telecommunication Facilities 2016; and

		(e)Support poles associated with service connections are exempt from height in relation to boundary rules
P2	Construction noise	14.2.1.2 (1) Construction, maintenance, repair, replacement, upgrading or removal of infrastructure or the installation of new infrastructure must comply with NZS 6803:1999 Acoustics – Construction noise .
P3	Any activity emitting electric and magnetic fields	14.2.1.3 (1) Compliance with the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz – 100kHz) (Health Physics, 2010, 99(6), 813-836) and the recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007) .
P4	Any activity emitting radio frequency fields	14.2.1.4 (1) Radio frequency fields must not exceed the maximum exposure level of the general public in the New Zealand Standard for Radiofrequency Fields Part 1: Maximum Exposure Levels 3 kHz to 300GHz (NZS 2772.1: 1999) , measured at all places reasonably accessible to the general public.
P4 P5	The operation, maintenance, repair and removal of existing infrastructure	Nil
P2 P6	Minor upgrading of existing infrastructure	14.3.1.1 14.2.1.5 (1) The realignment, configuration, relocation or replacement of infrastructure and associated structures that meet all of the following conditions standards: (a) Are within 5m of the existing alignment or location; (b) Do not increase the height of any existing pole or support structure by more than 15% 40% to a maximum height of 20m in all zones except the GRUZ – General Rural Zone, GIZ – General Industrial Zone, HIZ - Heavy Industrial Zone and MSRZ - Motor Sport and Recreation Zone; (c) Do not increase the diameter (width) of any existing pole or support structure by more than 15-50% , or 100% increase in the case of a double pole, in ALL zones; (d) Do not increase the diameter of any existing above-ground pipe by more than 15% 300mm; and (e) Do not increase the area of any existing above-ground structure by more than 15% 25% (2) Alterations and additions to overhead electricity and telecommunication lines on existing poles or support structures involving any of the following: (a) The addition of conductors to form a twinned or duplex-pairing; (b) The reconductoring of the line with higher capacity conductors; (c) The resagging of conductors; (d) The addition of longer, more efficient insulators; (e) The addition of earth wires (which may contain telecommunication lines), earthpeaks and lightning rods; (f) The addition, replacement or relocation of transformers <u>or visually similar fixtures</u> ;



		<p>(g) The addition, replacement or relocation of circuits and conductors;</p> <p>(h) The addition or replacement of telecommunication lines and fittings;</p> <p>(i) The replacement of existing crossarms with crossarms of an alternative design;</p> <p>(j) The increase in voltage of electric lines up to 110kV; or</p> <p>(k) The installation of mid-span electricity poles in existing networks to address clearances in New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 (NZIECP34:2001).</p> <p>(3) The addition, replacement or relocation of existing antennas where:</p> <p>(a) The antennas shall not increase in the largest face area by more than 20% of the relevant permitted standard for new panel antennas and shall not increase the diameter of dish antenna by more than 20% of the relevant permitted standard for a new dish antenna; and</p> <p>(b) The antennas shall not increase in height by more than 20% of the relevant permitted standard for new dish and panel antennas.</p> <p><u>Except that this rule shall not restrict the size of an antenna that would otherwise comply with the permitted activity rules applying to new antennas.</u></p> <p>Earthworks activities associated with the minor upgrading of existing infrastructure must comply with the conditions standards of Rule 14.3.1.3 14.2.1.7.</p>
		<p>(4) The minor upgrading of existing infrastructure must not remove any tree identified in Schedule 30.2.</p> <p>(5) Any trimming of a tree identified in Schedule 30.2 associated with the minor upgrading of existing infrastructure must be undertaken in accordance with the conditions standards of Rule 14.3.1.4 14.2.1.8.</p> <p>(6) <u>The standards in Rule 14.2.1.5(1) do not apply to road network activities or other lineal transport networks.</u></p>
<p>P3 P7</p>	<p>Temporary infrastructure</p>	<p>14.3.1.2 14.2.1.6</p> <p>(1) Installation and operation of temporary infrastructure that meets all of the following conditions standards:</p> <p>(a) Any buildings and/or structures must be removed from the site on completion of the works;</p> <p>(b) The ground must be reinstated on completion of works; and</p> <p>(c) The activity, including the requirements of Rule 14.3.1.2 14.2.1.6(1) (a) and (b), must not exceed 12 months in total.</p>
<p>P4 P8</p>	<p>Earthworks activities associated with infrastructure</p>	<p>14.3.1.3 14.2.1.7</p> <p>Any earthworks associated with infrastructure, <u>including formation and maintenance of access tracks</u>, must comply with all of the following conditions standards:</p> <p>(a) Do not exceed a volume of more than 2,500m³ for any single activity;</p>

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.


		<p><u>Industrial Zone, RLZ - Rural Lifestyle Zone and GRUZ - General Rural Zone;</u></p> <p>(ii) Are attached to existing buildings; and/or including a pole or structure other than a building when located in the RLZ - Rural Lifestyle and GRUZ – General Rural Zones;</p> <p>(iii) Do not connect to an area, façade or item specifically listed in Schedule 30.1; and</p> <p>(iv) Are not located within an Identified Area.</p>
P11	Telecommunication kiosk	<p>14.10.1.9</p> <p>(a) Telecommunication kiosks that comply with all of the following conditions <u>standards</u>:</p> <p>(i) Are not located within road or unformed road located adjacent to an Identified Area;</p> <p>(ii) Do not connect to an area, façade or item specifically listed in Schedule 30.1; and</p> <p>(iii) Are not located within an Identified Area; and</p> <p>(iv) Not exceed 10m² in area above-ground; and</p> <p>(v) Not exceed 2.5m in height measured from the <u>natural ground level immediately below the structure.</u></p>
P12	Telephone exchanges, including the installation and operation of equipment inside existing telephone exchanges	<p>14.10.1.10</p> <p>(a) Telephone exchanges, including the installation and operation of equipment inside existing telephone exchanges, that comply with the following conditions <u>standards</u>:</p> <p>(i) Do not exceed 20m² in area in roads or sites zoned <u>GRZ – General Residential, MRZ – Medium Density Residential and RLZ - Rural Lifestyle Country Living</u>; or</p> <p>(ii) Do not exceed 30m² in area in all other zones;</p> <p>(iii) Comply with the height and height in relation to boundary limits for the zone in which it is located;</p> <p>(iv) Are not located within road or unformed road located adjacent to an Identified Area; and</p> <p>(v) Are not located within an Identified Area.</p>
P13	Self-contained power units	<p>14.10.1.11</p> <p>(a) Self-contained power units that comply with all of the following conditions <u>standards</u>:</p> <p>(i) Do not connect to an area, façade or item specifically listed in Schedule 30.1;</p> <p>(ii) Are not located within an Identified Area.</p> <p>(iii) Not exceed 10m² in area above-ground; and</p> <p>(iv) Not exceed 2.5m in height measured from the <u>natural ground level immediately below the structure.</u></p>
P14	Aerial telecommunication lines and associated support structures, including those not complying with regulations 41-42 of the NESTF	<p>14.10.1.12</p> <p>(a) Aerial telecommunication lines and associated support structures, including those not complying with regulations 41-42 of the NESTF, that comply with all of the following conditions <u>standards</u>:</p> <p>(i) Do not exceed 20m in height measured from the <u>natural ground level immediately below the structure;</u> and</p>



	Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz – 100kHz) (Health Physics, 2010, 99(6); 818-836) and the recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007).	
AINF-R4	Any activity emitting radio frequency fields	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Compliance with the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz – 100kHz) (Health Physics, 2010, 99(6); 818-836) and the recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007).</p>	<p>(2) Activity status where compliance not achieved: NC</p>
AINF-R5	The operation, maintenance, repair and removal of existing infrastructure	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
AINF-R6	Minor upgrading	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) The realignment, configuration, relocation or replacement of infrastructure and associated structures that meet all of the following standards:</p> <p>(i) Are within 5m of the existing alignment or location;</p> <p>(ii) Do not increase the height of any existing pole or support structure by more than 40% to a maximum height of 20m in all zones except the GRUZ – General rural zone, GIZ – General industrial zone, HIZ – Heavy industrial zone and MSRZ – Motor sport and recreation zone;</p> <p>(iii) Do not increase the diameter (width) of any</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) The functional and operational needs of, and benefits derived from, the infrastructure;</p> <p>(b) Visual, streetscape and amenity effects;</p> <p>(c) Transport network safety and efficiency;</p> <p>(d) Management of sediment and dust, including the staging of works;</p> <p>(e) The location of the earthworks activities, taking into account any effects on the values, qualities and characteristics of the site; and</p>



	<p>existing pole or support structure by more than 50%, or 100% increase in the case of a double pole, in all zones</p> <p>(iv) Do not increase the diameter of any existing above-ground pipe by more than 300mm; and</p> <p>(v) Do not increase the area of any existing above-ground structure by more than 25%</p> <p>(b) Alterations and additions to overhead electricity and telecommunication lines on existing poles or support structures involving any of the following:</p> <p>(i) The addition of conductors to form a twinned or duplex-pairing;</p> <p>(ii) The reconductoring of the line with higher capacity conductors;</p> <p>(iii) The resagging of conductors;</p> <p>(iv) The addition of longer, more efficient insulators;</p> <p>(v) The addition of earth wires (which may contain telecommunication lines), earthpeaks and lightning rods;</p> <p>(vi) The addition, replacement or relocation of transformers or visually similar fixtures;</p> <p>(vii) The addition, replacement or relocation of circuits and conductors;</p> <p>(viii) The addition or replacement of telecommunication lines and fittings;</p> <p>(ix) The replacement of existing crossarms with crossarms of an alternative design;</p> <p>(x) The increase in voltage of electric lines up to 110kV; or</p> <p>(xi) The installation of mid-span electricity poles in existing networks to address clearances in New Zealand Electrical Code of Practice for Electrical Safe Distances</p>	<p>(f) Whether alternative methodologies avoiding the need to affect any tree identified in SCHED2 – Notable trees have been adequately considered.</p>
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	<p>34:2001 ISSN 0114-0663 (NZECP34:2001).</p> <p>(c) The addition, replacement or relocation of existing antennas where:</p> <p>(i) The antennas shall not increase the largest face area by more than 20 for new panel antennas and shall not increase the diameter of dish antenna; and</p> <p>(ii) The antennas shall not increase in height by more than 20% of the antennas.</p> <p>(iii) Except that this rule shall not restrict the size of an antenna that would otherwise comply with the permitted activity rules applying to new antennas.</p> <p>(d) Earthworks activities associated with the minor upgrading must comply with the standards of Rule ANIF-R8.</p> <p>(e) The minor upgrading must not remove any tree identified in SCHED2 – Notable trees.</p> <p>(f) Any trimming of a tree identified in SCHED2 – Notable trees associated with the minor upgrading must be undertaken in accordance with the standards of Rule ANIF-R9.</p> <p>(g) The standards in Rule ANIF-R6(1) do not apply to road network activities or other lineal transport networks.</p>	
<p>AINF-R7</p>	<p>Temporary infrastructure</p>	

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	<p>(b) The bulk, form, scale, location of the structure;</p> <p>(c) Visual, landscape, streetscape and amenity effects;</p> <p>(d) Where located within a road, the operation and function of road network activities; and</p> <p>(e) Effects on the values, qualities and characteristics of the site, heritage item or area.</p>	
TEL-R19	<p>Dish antennas not complying with regulations 26-35 of the NESTF that are located within:</p> <p>(a) GRZ – General residential zone;</p> <p>(b) MRZ – Medium density residential zone;</p> <p>(c) RPZ – Rangitahi Peninsula zone;</p> <p>(d) LLRZ – Large lot residential zone;</p> <p>(e) SETZ – Settlement zone; or</p> <p>(f) Road and unformed road.</p>	
All zones	<p>(1) Activity status: RDIS</p> <p>Activity-specific standards: Nil.</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) The functional and operational needs of, and benefits derived from, the infrastructure;</p> <p>(b) The bulk, form, scale, location of the structure;</p> <p>(c) Visual, landscape, streetscape and amenity effects;</p> <p>(d) Where located within a road, the operation and function of road network activities; and</p> <p>(e) Effects on the values, qualities and characteristics of the site, heritage item or area.</p>	<p>(2) Activity status: n/a</p>
	<p>(a) The functional and operational needs of, and benefits derived from, the infrastructure;</p> <p>(b) The bulk, form, scale, location of the structure;</p> <p>(c) Visual, landscape, streetscape and amenity effects;</p> <p>(d) Where located within a road, the operation and function of road network activities; and</p> <p>(e) Effects on the values, qualities and characteristics of the site, heritage item or area.</p>	
TEL-R20	<p>Poles, antennas and headframes not complying with regulations 26-35 of the NESTF</p>	
All zones	<p>(1) Activity status: RDIS</p> <p>Activity-specific standards: Nil.</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) The functional and operational needs of, and benefits derived from, the infrastructure;</p> <p>(b) The bulk, form, scale, location of the structure;</p>	<p>(2) Activity status: n/a</p>



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	<p>(c) Visual, landscape, streetscape and amenity effects;</p> <p>(d) Where located within a road, the operation and function of road network activities; and</p> <p>(e) Effects on the values, qualities and characteristics of the site, heritage item or area.</p>	
 TEL-R21	Poles, antennas and headframes not complying with regulations 26-35 of the NESTF	
All zones	<p>(1) Activity status: RDIS</p> <p>Activity-specific standards: Nil.</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) The functional and operational needs of, and benefits derived from, the infrastructure;</p> <p>(b) The bulk, form, scale, location of the structure;</p> <p>(c) Visual, landscape, streetscape and amenity effects;</p> <p>(d) Where located within a road, the operation and function of road network activities; and</p> <p>(e) Effects on the values, qualities and characteristics of the site, heritage item or area.</p>	(2) Activity status: n/a
TEL-R22	Cabinets not meeting the NESTF regulations 19, 20, and 21 that are located within an Identified Area	
All zones	(1) Activity status: DIS	
TEL-R23	Antennas attached to a building and/or structure located within an Identified Area	
All zones	(1) Activity status: DIS	
TEL-R24	Dish antennas not complying with regulations 26-35 of the NESTF that are located within an Identified Area.	
All zones	(1) Activity status: DIS	
TEL-R25	Poles, antennas and headframes located within an Identified Area not complying with regulations 26-35 of the NESTF	
All zones	(1) Activity status: DIS	
TEL-R26	Aerial telecommunication lines and associated support structures located within an Identified Area	
All zones	(1) Activity status: DIS	

Appendix 3 – Copy of relevant part of reporting planner’s statement of rebuttal evidence

on apparent agreement by Heritage New Zealand Pouhere Taonga within other district plans (Spark [644.35]; Vodafone [646.35]; Chorus [648.35]).

87. My recommendation remains unchanged, that the service connections should be restricted discretionary activities. However, Heritage NZPT could perhaps be questioned on the matter, when presenting their evidence.
88. Mr Horne on behalf of Spark, Vodafone and Chorus, seeks that newly amended Rule 14.10.1 P2, Below Ground Telecommunications Facilities in Identified Areas, be either narrowed to only apply to Heritage Precincts, Heritage items, Maaori Sites and Areas of Significance, or be deleted and rely on the earthworks rules to manage below ground effects (*Spark [FS1033.3]; Vodafone [FS1032.3]; Chorus [FS1031.3]*).
89. I do not agree that the below ground activity rule can be deleted, as the earthworks provisions may not be sufficient to manage effects, particularly of maintenance and repair, and minor upgrading of those underground facilities. However, in relation to certain types of Identified Areas, undergrounding would be a preferred solution, including low impact thrusting and horizontal boring, and the effects can be managed by resource consent.

11.3 Recommendations

90. I recommend the clause 16(2) amendment of advice note 7 of the Introduction be made as requested, and as recorded in Recommended Amendments below. The alteration is of minor effect, and will correct an error.
91. I agree with the amendments to Rule 14.3.1.1 Minor Infrastructure Upgrading, for clarification, and as recorded in Recommended Amendments below. The earlier recommendation was to accept in part Spark [644.33]; Vodafone [646.33]; Chorus [648.33], and that is not changed, although further parts are amended.
92. Recommendations in relation to the other matters of submission remain unchanged.
93. The recommended further amendments supported are not substantial but matters of clarification, and I do not consider a s32AA evaluation is required.

11.4 Recommended Amendments

94. Amend Chapter 14 Introduction advice note 7, as follows:
- (7) The **Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016** ("NESTF") provides national consistency in the rules surrounding the deployment of telecommunications **infrastructure** across New Zealand. This means that many telecommunications facilities may potentially be deployed as a permitted activity. However, telecommunications facilities which do not comply with the conditions within the NESTF, or are not covered by the regulations of the NESTF, will have the activity status specified in this plan. **In the case of conflict with any other provision of this plan, the NESTF provisions shall prevail.**⁴² **unless located within an Identified Area other than the Urban Expansion Area, where the district plan rules for infrastructure may apply to regulated activities as per Regulation 56 of the NESTF.**⁴³
95. Amend Rule 14.3.1.1 (3), as follows:

⁴² 697.524 Waikato District Council

⁴³ RMA Schedule 1 clause 16(2) alteration



P2	Minor upgrading of existing infrastructure	14.3.1.1 (3) The addition, replacement or relocation of existing antennas where: (a) The antennas shall not increase in the largest face area by more than 20% of the relevant permitted standard for new panel antennas and shall not increase the diameter of dish antenna by more than 20% of the relevant permitted standard for a new dish antenna; and ⁴⁴ (b) The antennas shall not increase in height by more than 20% of the relevant permitted standard for new dish and panel antennas. ⁴⁵ <u>Except that this rule shall not restrict the size of an antenna that would otherwise comply with the permitted activity rules applying to new antennas.</u> ⁴⁶
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12 Waahi Tapu and Waahi Tapu Areas

12.1 Documents referred to in this section

Evidence	Paragraph, page	Relevant submission(s)
Carolyn McAlley on behalf of Heritage New Zealand Pouhere Taonga	Waahi Tapu and Waahi Tapu Areas – para 4.1 – 5, page 4-5	Heritage NZPT [559.59]
s42A report	D13 section 13 para 298 – 300	

12.2 Analysis

96. Carolyn McAlley on behalf of Heritage New Zealand Pouhere Taonga, seeks that Policy 6.1.10 refer to Waahi Tapu and Waahi Tapu Areas and that the submission remains alive until a decision is made on whether such a schedule is to be included within the PWDP.
97. I recommended in the s42A report that the submission should be rejected, as I considered Waahi Tapu would fall within the ambit of Maaori Sites and Areas of Significance. Maaori Sites of Significance are delineated pa and Maaori Areas of Significance are property boundaries which may contain pa, borrow sites and urupa. However, I erroneously recorded Waahi Tapu and Waahi Tapu Areas in the Appendix 3 - Recommended Amendments to Chapter 6 Objectives and Policies, and those references should be removed if no schedule is created.

⁴⁴ 648.33 Chorus; 646.33; Vodafone; 644.33 Spark

⁴⁵ 648.33 Chorus; 646.33; Vodafone; 644.33 Spark

⁴⁶ 644.33Spark; 646.33 Vodafone; 648.33 Chorus

Appendix 4 – Names and addresses of persons to be served with a copy of this notice

Ref	Submitter Number	Submitter	Organisation	Agent	Agent Organisation	Postal Address	Email Address
A	924	Alice Barnett	Genesis Energy Limited			Tokaanu Power Station Private Bag 36 Turangi 3353	alice.barnett@genesisenergy.co.nz
A	FS1198	Alison Brown	Bathurst Resources Limited and BT Mining Limited		Lane Neave	PO Box 5963 Wellington 6145	alison.brown@bathurst.co.nz ; joshua.leckie@laneneave.co.nz ; Kelsey.barry@laneneave.co.nz
A	836	Simon Roach	Powerco Limited			Private Bag 2065 New Plymouth 4340	simon.roche@powerco.co.nz
A	FS1211		First Gas Limited	Teina Malone	Beca Limited	PO Box 264 New Plymouth 4340	teina.malone@beca.com
A	749		Kainga Ora	Alex Devine	Ellis Gould Lawyers	PO Box 1509 Auckland 1140	adevine@ellisgould.co.nz
A/B	576		Transpower Limited	Pauline Whitney	Boffa Miskell Limited	PO Box 11340 Wellington 6142	pauline.whitney@boffamiskell.co.nz
B	742	Kim Harris-Cottle (has left organisation)	New Zealand Transport Agency			PO Box 973 Waikato Mail Centre Hamilton 3240	consentsandapprovals@nzta.govt.nz
B	986	Pam Butler	Kiwi Rail Holdings Limited			PO Box 593 Wellington 6140	pam.butler@kiwirail.co.nz
B	580	Andrew Feierabend	Meridian Energy Limited			PO Box 2146 Christchurch 8140	andrew.feierabend@meridianenergy.co.nz ; christine@cfconsulting.co.nz
B	FS1134		Counties Power Limited	Bridget Murdoch (understood to have left organisation)	Align	C/- Suite 5 399 New North Road Kingsland Auckland 1021	jmichalakis@align.net.nz
A/B		Colin Clune	Vodafone NZ Ltd	Chris Horne	Incite	C/- PO Box 3082 Auckland 1140	colin.clune@vodafone.com ; chris@incite.co.nz
A/B		Andrew Kantor	Chorus New Zealand Limited	Chris Horne	Incite	C/- PO Box 3082 Auckland 1140	Andrew.kantor@chorus.co.nz ; chris@incite.co.nz
A/B		Graeme McCarrison	Spark NZ Trading Limited	Chris Horne	Incite	Private Bag 92028 Auckland 1010	Graeme.mccarrison@spark.co.nz ; chris@incite.co.nz
NA	NA	Respondent	Waikato District Council			Waikato District Council Private Bag 544 Ngaruawahia 3742	districtplan@waidc.govt.nz

A = General retain of rules in 14.3 or 14.3.1

B = Minor Upgrading 14.3.1 P2 (3)