

14 October 2022

Environmental Policy  
Greater Wellington Regional Council  
PO Box 11646  
Manners Street  
Wellington 6142

ATT: Hearings Adviser

**By Email** regionalplan@gw.govt.nz

Dear Sir/Madam

**Submission: Proposed Change 1 to the Regional Policy Statement for the Wellington Region**

This submission on Proposed Change 1 to the Regional Policy Statement for the Wellington Region (RPS PC1) is on behalf of Chorus New Zealand Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited, all being telecommunication service providers and network utility operators in New Zealand. All three companies are also recognised as Requiring Authorities by the Minister for the Environment under the Resource Management Act 1991.

Telecommunications infrastructure is significant and essential. The safe, reliable and efficient functioning of telecommunication networks is vital for the national, regional and local economy. It is in the public interest both in terms of allowing people and communities to provide for their "wellbeing", and also for assisting to ensure their "health and safety".

RPS PC1 appropriately defines telecommunication networks (and radiocommunication networks) as regionally significant infrastructure. This is supported.

RPS PC1 does however appear to create a hierarchy in some policies with regard to regionally significant infrastructure, which we consider to not be appropriate. Likewise, RPS PC1 should ensure that in regard to natural hazard resilience, the direction provided to regional and district plans aligns with the direction provided in the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016* (NESTF). Submission points on these matters are included in the attached table.

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

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Anderson', with a long horizontal flourish extending to the right.

Tom Anderson

Director/Principal Planner

Incite

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04 801 6862 or 027 231 0246

The closing date for submissions is 5pm Friday 14 October 2022.

### How to make a submission:

- Online at [www.gw.govt.nz/rpschange1](http://www.gw.govt.nz/rpschange1) using the *Spoken* submission portal.
- Email your submission and this form to us at: [regionalplan@gw.govt.nz](mailto:regionalplan@gw.govt.nz)
- Post your submission and this form to us at: Environmental Policy, PO Box 11646, Manners St, Wellington 6142, ATT: Hearings Adviser
- Drop your submission and this form to reception at one of Greater Wellington's offices.

**Privacy statement** – To read our Privacy Statement please visit:

<https://www.gw.govt.nz/assets/Documents/2022/08/Privacy-Statement-RPS-Change-2022.pdf>

All submissions (including name and address for service) are published and made publicly available on our website. Your name and address for service will be used for correspondence during the submission and hearing process. All information collected will be held by Greater Wellington Regional Council and our agent managing the *Spoken* submissions portal. You have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. Please contact us at [privacy@gw.govt.nz](mailto:privacy@gw.govt.nz).

Submission on Proposed Change 1 to the Regional Policy Statement for the Wellington Region.

## 1. Details of submitter: Name(s) and Address for service

Name (First and Last) OR Organisation / Company:	Chorus New Zealand Limited Spark New Zealand Trading Limited	Phone:	0272310246
Address for service: (Physical Address OR Email)	tom@incite.co.nz		
Contact person for submission: (If different to above)	Tom Anderson, Incite		

I wish to be heard in support of my submission at a hearing:

Yes  No

I would consider presenting a joint case at the hearing with others who make a similar submission:

Yes  No

## 2. Disclosures:

I could gain an advantage in trade competition through this submission:

Yes  No

*Only answer this question if you ticked 'yes' above:*

Yes  No

I am 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

*Note: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.*

**I confirm that I have permission to provide this information,  
and that I have read and understood the Privacy Statement:**



10/20/22

### 3. Submission

The specific provisions of the proposal that this submission relates to are:

(note, changes proposed under Proposed Change 1 are shown underlined, amendments to the text sought by the submitters are shown in ~~striketrough~~ for deletions and **bold and underlined** for additions)

<b>Provision</b>	<b>Support/Oppose</b>	<b>Decision Sought</b>	<b>Reasons</b>
Chapter 3.9 Chapter Introduction	Support with amendment	Amend the introduction to Chapter 3.9 as follows:  2. <i>Sporadic, uncontrolled and/or uncoordinated development</i>  <i>Sporadic, uncontrolled and/or uncoordinated, development (including of infrastructure) can adversely affect the region's compact form. This can, among other things, result in:</i>  <i>(a) new development that is poorly located in relation to existing infrastructure (such as <b><u>telecommunications networks</u></b>, roads, <u>public transport, water supply, sewage and stormwater systems</u>) and is costly or otherwise difficult to service</i>	The existing infrastructure examples provided is too limited, and should align with the RPS definition of <i>Regionally Significant Infrastructure</i> as proposed in RPS PC1.
Policy 7	Support with amendment	Retain Policy 7, with an amendment to explain what <i>low and zero carbon regionally significant infrastructure</i> is and how this is different to defined regionally significant infrastructure in the RPS.	The amendments proposed to Policy 7 create a weighting which requires particular recognition of low and zero carbon regionally significant infrastructure above regionally significant infrastructure. The policy needs to explain what low and zero carbon regionally significant infrastructure is, and also needs to ensure that the importance of regionally significant infrastructure is not minimised if it does not meet the definition of low and zero carbon regionally significant infrastructure.
Policy 29	Support with amendment	Remove the ability for regional and district plans to regulate the resilience of infrastructure to identified natural hazards.	Policy 29 is supported in that it is entirely appropriate for regional and district plans to identify and map areas susceptible to natural hazards. Telecommunication companies rely on this identification to help understand the risk profile of their infrastructure, and influence decisions as to where new infrastructure should go, and how it should be designed to be resilient. However, there is no need for regional or district plans to regulate the resilience of telecommunications infrastructure

			<p>where it is located in natural hazard areas. In some instances, avoiding a natural hazard area is not possible for technical and operational reasons. The telecommunication companies have obligations under the Civil Defence Emergency Management Act 2002 (CDEMA) to provide resilient infrastructure. This is regulated under the CDEMA, and adding another layer of regulation of resilience through regional and district plans is not necessary.</p> <p>This is also recognised in Regulation 57 of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF). Regulation 57 of the NESTF is as follows, and clearly exempts regulated activities under the NESTF from having to comply with District Plan rules about natural hazards:</p> <p><b>57 District rules about natural hazard areas disapplied</b></p> <p><i>(1) A territorial authority cannot make a natural hazard rule that applies to a regulated activity .</i></p> <p><i>(2) A natural hazard rule that was made before these regulations came into force, does not apply in relation to a regulated activity.</i></p> <p><i>(3) In this regulation, natural hazard rule means a district rule that prescribes measures to mitigate the effect of natural hazards in an area identified in the district plan as being subject to 1 or more natural hazards.</i></p> <p>Section 6.11 of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 Users' Guide, published by the Ministry for the Environment (August 2018) confirms the exemption of regulated telecommunications activities from having to comply with District Plan natural hazard rules, via the following statement:</p> <p><i>Regulation 57 makes it clear that natural hazard rules in district plans do not apply to a regulated activity under the NESTF. It also makes clear that territorial authorities cannot</i></p>
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			<p><i>make natural hazard rules that apply to regulated activities under the NESTF. This is because resilience is already factored into industry practice, and they will either avoid hazard areas or engineer structures to be resilient to the hazard risk. Natural hazards encompass the full breath of hazards including flooding, instability, earthquake and climate change.</i></p> <p>Given this direction is provided at a national level, it would be appropriate for regional and district statutory planning documents to be consistent.</p> <p>It is entirely appropriate for district and regional plans to regulate infrastructure in natural hazards whereby that regulation is to ensure that the development on infrastructure does not exacerbate the effect of the natural hazard on any other party.</p>
Policy 39	Support with amendment	Retain Policy 39, with an amendment to explain what is meant by the statement <i>in particular where it contributes to reducing greenhouse gas emissions.</i>	<p>The amendments proposed to Policy 39, similar to the amendments proposed to Policy 7, create a weighting which requires particular recognition of regionally significant infrastructure which contributes to reducing greenhouse gas emissions above regionally significant infrastructure as defined in the RPS.</p> <p>The policy needs to ensure that the importance of regionally significant infrastructure is not minimised if it does not make a quantifiable contribution to the reduction of greenhouse gas emissions.</p>
Policy 51	Support with amendment	Remove the ability for regional and district plans to regulate the resilience of infrastructure to identified natural hazards.	See reasoning for Policy 29.
Policy 52	Support	Retain as notified	Clause(c) specifically allows structural protection or hard engineering methods to protect regionally significant infrastructure from hazards. Whilst this is not necessarily a preferred method of the telecommunications companies, provision to allow such methods to be employed if necessary is supported.
Policy 58	Support with amendment	Amend as follows: <i>Policy 58 requires development to be sequenced such that</i>	Infrastructure is critical to a successful urban development, and this is recognised in the policy. In particular,

		<p><i>infrastructure that is necessary to service the development will be provided before the development occurs. This includes <del>both</del> <u>all</u> <b>regionally significant</b> <del>three waters infrastructure and transport infrastructure that would be necessary to support the development.</del></i></p>	<p>the requirement in the policy to be sequenced so that infrastructure is provided before development, is supported. The explanation that <i>this includes three waters infrastructure and transport infrastructure that would be necessary to support the development</i> should be widened to include all aspects of regionally significant infrastructure needed to support the development, rather than solely highlighting only two of a myriad of necessary infrastructure matters.</p>
<p>Definition of Regionally Significant Infrastructure</p>	<p>Support</p>	<p>Retain as notified</p>	<p>The definition of regionally significant infrastructure as amended in Proposed Change 1 appropriately recognises statutory definitions of both telecommunications and radiocommunications.</p>