

Matthew McCullum-Clark for Vodafone New Zealand Limited (“Vodafone”), Spark New Zealand Trading Limited (“Spark”) and Chorus New Zealand Limited (“Chorus”)

Opening Statement and Summary of Evidence, 15 September 2016

Energy & Utilities (Chapter 30) – Hearing Stream 5

1. This is a summary statement to my primary evidence dated 02 September 2016.
2. I am appearing today with Mr McCarrison for Spark and Mr Clune for Vodafone who have provided a Joint Statement of Evidence, and Mr Ratuszny and Mr Holding, both of Spark, who have also provided a Joint Statement of Evidence. Ms Barton for Chorus has provided a Statement of Evidence but is unable to be present today.
3. Spark, Vodafone and Chorus lodged identical submissions, and are presenting here as a “single voice” of the industry. I am a resource management consultant, and I prepared the submissions and further submissions for this group of submitters. I have also lodged a brief of planning evidence in relation to their submissions and the section 42A report.
4. I have listened to the audio and questions asked of Mr Barr on Day 1 of this Hearing and read his supporting Summary of Evidence and note that Mr Barr has agreed with the suggested modifications to Rule 30.4.14 pertaining to telecommunication and radio masts, and the modifications to Rule 30.4.19 to rationalise the controls for antennas. These are important provisions for the telecommunications industry. The Officer’s support for the changes sought is welcome and on that basis we will not be labouring these subjects today.

Objectives and Policies

5. In my opinion, the objective and policy mix recommended by Mr Barr shows a more appropriate balance between enabling and protection compared to the notified version of the proposed plan, in light of the Regional Policy Statement, proposed Regional Policy Statement, and the Council’s revised positions with respect to the Strategic Directions Chapter. In particular, I note and support the recommended changes to Objectives 30.2.5 and 30.2.6, and Policies 30.2.5.1 and 30.2.5.4.

6. Further amendments continue to be sought to Objective 30.2.7 and Policy 30.2.7.1, to recognise that it is not always possible to fully avoid, remedy or mitigate adverse effects within the very large outstanding natural landscape areas in the district. As the Outstanding Natural Landscapes identified in the Proposed Plan cover a range of existing, modified environments, in my opinion, it is important that the objective and policy mix does not assume that some further development of infrastructure is inappropriate.

Rules for Lines

7. It is positive that Mr Barr's recommendations specifically address the 'gap' in the notified version of the plan that did not provide for underground lines as a permitted activity and includes improvements to the definition of "minor upgrading" and the permitted activity status, both of which, in my opinion, are appropriate and are low risk in terms of resulting in more than minor adverse environmental effects.

Small Cells

8. The evidence of Mr McCarrison and Mr Clune outlines the changing nature of telecommunication infrastructure and particularly identifies the move towards "small cells" which are not clearly provided for in the Energy and Utilities Chapter. I suggest a permitted activity framework for these facilities, up to a volume measure (0.11m³). This is consistent with the proposed NESTF. A controlled activity status is suggested up to a larger volume (2.5m³), with default discretionary above that.

Drafting Issues

9. I have sought a number of changes to the drafting of certain provisions throughout the proposed plan, which if left unchecked, could have unintended consequences. These include uncertain references to 'building' throughout the Energy and Utilities Rules, obscure matters of control, conflicting Rules and some Rules with multiple activity status that conflict. We would welcome an opportunity to further work through these issues with Council Officers.
10. Overall, it is my opinion that the suggested amendments, along with the proposed amendments from Mr Barr, and further directions given by the Hearing Panel in relation to this Chapter, will strike a better balance between protection of the of the environment from adverse effects and enabling the benefits of network utilities to the social and economic wellbeing of the community.