

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of the Queenstown Lakes
Proposed District Plan

AND

IN THE MATTER of Hearing Stream 5:
Chapter 30 Utilities

MINUTE REGARDING THE EFFECT OF NESTF 2016

1. Since hearing the submissions on Chapter 30 in September, the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (“NESTF 2016”) have come into effect. We understood from the evidence of Mr Barr and that of Mr McCallum-Clark that the submissions of the telecommunication companies were in large part in anticipation of the NESTF 2016 coming into effect. However, as the versions of the relevant rules proposed by Mr Barr (Reply Version) and Mr McCallum-Clark were prepared in advance of the NESTF 2016 coming into effect, we cannot be certain that the proposals are consistent with the NES and do not regulate matters that may not be regulated by the PDP.
2. I attach in Appendix 1 the relevant rules from Mr Barr’s Reply Version of Chapter 30 on the basis that in his reply Mr Barr said he adopted all of the telecommunication companies’ proposals with one minor exception.
3. We ask that Mr Barr and Mr McCallum-Clark caucus and jointly advise us whether or not these rules recommended by Mr Barr are consistent with the NESTF 2016, and where they are not, what amendments they consider would ensure consistency. Any disagreements should be identified and the reasons clearly set out.
4. If substantive changes result from this caucusing, we will consider whether other submitters on these rules need to be given the opportunity to comment by way of written submission.
5. In addition, as notified the PDP contained in provision 30.3.2.2 a description of what the NESTF 2008 provided for. We would also appreciate a revised version of this section to reflect the provisions of the NESTF 2016 being provided. As this is purely informative we do see the need to refer this to any other submitters.

6. We understand Mr Barr has several commitments with the PDP hearing process at present and presume Mr McCallum-Clark is equally busy. We therefore set the end of August 2017 as the time we expect the results of this caucusing to be provided.

For the Hearing Panel

A handwritten signature in blue ink, appearing to read "Nugent", written in a cursive style.

Denis Nugent (Chair)

24 May 2017

Appendix 1: Relevant Rules from Barr Reply Version

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30.3.2.2 Resource Management (National Environmental Standards for Telecommunications Facilities “NESTF”) Regulations 2008:

The Resource Management (National Environmental Standards for Telecommunications Facilities “NESTF”) Regulations 2008 provide for:

- The planning and operation of a telecommunication facility such as a mobile phone transmitter, that generates radio frequency fields as a permitted activity, provided it complies with the New Zealand Standard on Radiofrequency Fields Part 1: Maximum Exposure Levels 3kHz to 300 GHz (NZS 2772.1:1999).
- The installation of telecommunications equipment cabinets in the road reserve as a permitted activity, subject to specified limitations on their size and location.
- Noise from telecommunications equipment cabinets located in the road reserve as a permitted activity, subject to the specified noise limits.
- The installation or replacement of masts and antennae on existing structures in the road reserve as a permitted activity, subject to specified limitations on height and size.

The provisions of the NESTF prevail over the provisions of the District Plan, to the extent of any inconsistency. No other rules in the District Plan that duplicate or conflict with the Standard shall apply.

30.4 Rules

	<u>General Activities</u>	Activity Status
30.4.1	Utilities which are not otherwise listed in Rules x to x	D
30.4.2	<p>Buildings (associated with a Utility)</p> <p>Any building or cabinet or structure shall be is less than 10m² in total footprint or and less than 3m in height.</p> <p>Excluding masts wind electricity generation for telecommunication and radio communication , navigation or meteorological communication - or supporting structures for lines.</p>	<u>P</u>
30.4.7	<p>Buildings (associated with a Utility)</p> <p>The addition, alteration or construction of buildings greater than 10m² in area and 3m in height and not located in any of the sensitive environments identified by Rule 30.4.8.</p> <p>Excluding masts for wind electricity generation telecommunication and radio communication, navigation or meteorological communication or supporting structures for lines}.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Location • External appearance and visual effects • Associated earthworks • Parking and access 	C

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	<u>General Activities</u>	Activity Status
	<ul style="list-style-type: none"> Landscaping 	
30.4.8	<p>Buildings (associated with a Utility)</p> <p>Any addition, alteration or construction of buildings and structures, in:</p> <ul style="list-style-type: none"> Any Significant Natural Areas The Arrowtown Residential Historic Management Zone. <p>Excluding masts for wind electricity generation telecommunication and radio communication, navigation or meteorological communication or supporting structures for lines)</p>	<u>D</u>
	<u>General Standards</u>	Non-compliance status
30.4.9	<p>Setback from internal boundaries and road boundaries</p> <p>Where the utility is a building, it shall be set back in accordance with the internal and road boundary setbacks for accessory buildings in the zone in which it is located.</p>	D
30.4.10	<p>Buildings (associated with a Utility) in Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF)</p> <p>Any building within an ONL or ONF shall be less than 10m² in area and less than 3m in height-</p> <p>Excluding masts for wind electricity generation, telecommunication and radio communication , navigation or meteorological communication - or supporting structures for lines.</p>	D
30.4.11	<p>Height</p> <p>All buildings or structures, shall comply with the relevant maximum height provisions for buildings of the zone they are located in.</p> <p>Excluding masts and antennae for wind electricity generation, telecommunication and radio-communication, navigation or meteorological communication.</p>	D

	Telecommunications, radio communication, navigation or meteorological communication activities:	Activity Status
30.4.41	Minor Upgrading	P
30.4.42	Overhead Lines and Supporting Structures within formed legal road	P
30.4.43	The construction, alteration, or addition to underground lines providing:	P

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	Telecommunications, radio communication, navigation or meteorological communication activities:	Activity Status
	the ground surface is reinstated to the state it was prior to works commencing. -	
30.4.44	<p>Overhead Lines and Supporting Structures</p> <p>Not located in any of the sensitive environments identified by Rule 30.4.45</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Location • Route • Appearance, scale and visual effects •- 	C
30.4.45	<p>Overhead Lines and Supporting Structures</p> <p>Any line or support structure within: any Outstanding Natural Feature or Outstanding Natural Landscape or Significant Natural Areas.</p>	D
30.4.46	<p>Masts:</p> <p>With a maximum height no greater than:</p> <p style="padding-left: 40px;">15m in the Queenstown Business Mixed Use zone and Rural Zone;</p> <p style="padding-left: 40px;">18m in the High Density Residential Queenstown – Flat Sites, Queenstown Town Centre, Wanaka Town Centre (Wanaka Height Precinct) or Airport Mixed Use zones;</p> <p style="padding-left: 40px;">13m in the Local Shopping Centre, Wanaka Business Mixed Use or Jacks Point zones;</p> <p style="padding-left: 40px;">11m in any other zone; and</p> <p style="padding-left: 40px;">8m in any identified Outstanding Natural Landscape.</p> <p>Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Landscape Classification, masts shall be finished in colours with a light reflectance value of less than 16%.</p>	P
30.4.47	<p>Masts:</p> <p>Exceeding the maximum height for the zones identified in Rule 30.4.46 OR any mast located in</p> <ul style="list-style-type: none"> • any identified Outstanding Natural Feature;7 • the Arrowtown Residential Historic Management Zone;7 • Arrowtown Town Centre;7 	D

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	Telecommunications, radio communication, navigation or meteorological communication activities:	Activity Status
	<ul style="list-style-type: none"> • Queenstown Special Character Area;,- • Significant Natural Areas;,- and • Sites containing a Heritage,- Features; and • Heritage Landscapes. 	
30.4.48	<p>Antennas</p> <p>Provided the maximum surface area is no greater than 1.5m² and for whip antennas, less than 4m in length.</p> <p>Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Landscape Classification, antennae shall be finished in colours with a light reflectance value of less than 16%.</p>	P
30.4.49	<p>Antennas</p> <p>Subject to Rule 30.4.50, provided the surface area is between 1.5m² and 4m² and for whip antennas, more than 4m in length.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Location • Appearance, colour and visual effects 	C
30.4.50	<p>Any antennas located in the following:</p> <ul style="list-style-type: none"> • any identified Outstanding Natural Feature, • the Arrowtown Residential Historic Management Zone, • Arrowtown Town Centre, • Queenstown Special Character Area, • Significant Natural Areas and • Heritage, Features and Landscapes. 	D
30.4.51	<p>Microcells</p> <p>A small cell and associated antennae, with a volume of no greater than 0.11m³</p>	P
30.4.52	<p>Microcells</p> <p>A small cell and associated antennae, with a volume of between 0.11m³ and 2.5m³.</p> <p>Control is reserved to all the following</p> <ul style="list-style-type: none"> • Appearance, • Colour, and • Visual effects 	C
30.4.53	<p>Microcells</p> <p>A small cell and associated antennas, with a volume more than 2.5m³ OR located:</p> <ul style="list-style-type: none"> • within a Heritage precinct; 	D

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Small Cells	Means a low-powered radio access node that provides improved cellular coverage or capacity and is operated by a telecommunications operator.
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