

10 October 2016

Kapiti Coast District Council  
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Attention: Sally Matich – Planning Technician  
Delivered by email to: [sally.matich@kapiticoast.govt.nz](mailto:sally.matich@kapiticoast.govt.nz)

Dear Sally

### Chapter 11 Infrastructure: Chorus and Spark Submissions – Matters remaining in Contention

Further to the direction of the Hearings Panel, Rebecca Lloyd and I have worked to resolve the matters in contention in relation to the Chorus and Spark submissions as far as possible. The opportunity to work with Rebecca to do this is appreciated.

While a great deal of progress has been made, a number of areas of disagreement remain. These are highlighted in the table below, with the issues and reasons for the changes requested included in the attached track change (closing) version.

#### Matters that Remain in Contention

Provision	Page(s)	Issue
Section 1.4 Definitions Regionally significant infrastructure	11-6	Retain telecommunications and radiocommunications in the list of regionally significant infrastructure – with deletion of the reference to “strategic”. Also minor changes to correct the reference to the Radiocommunications Act.
Policy 11.4 – Managing adverse effects	11-15	Include qualifier “ <i>to the extent practicable</i> ” to make it clear that not all adverse effects of network utilities are able to be avoided, remedied or mitigated due to the technical and operational constraints.
Policy 11.9 – Proximity to planning features	11-18	Remove the inclusion of areas of “high” natural character from this policy, as out of scope and unnecessary. Subsequent changes to delete references in the rules and matters of discretion throughout section 11A.
Rule 11A.1.4 –Upgrading and Minor Upgrading	11-40	Rule 11A.1.4 standard 1. Add in the requirements to comply with the permitted mast standards in Rule 11A.1.8 – unclear why this has been deleted.
	11-41	Rule 11A.1.4 standard 3. Amend standard 3 to give effect to the relief sought by Chorus and Spark which is to make provision for additional antennas (that can meet the antenna size requirements) to be attached to existing over height masts.

Provision	Page(s)	Issue
Rule 11A.1.5	11-41, 11-42	Change required to the rule to make it clear that provision for overhead lines in terms of the identified areas in which they are restricted is separately provided for in Rule 11A.1.12.
Rule 11A.1.8 Freestanding Masts	11-45	Rule 11A.1.8 standard 4. Increase the horizontal circle in which antenna can be located in the District Centre zone from 2m to 5m, consistent with the Industrial and Airport zones.
Rule 11A.1.10 Aboveground cabinets	11-47, 11-48	Amend the wording of the rule in relation to the reference to Historic heritage so it is consistent with the new wording elsewhere in this chapter.
Rule 11A.3.1 Minor upgrading or upgrading as a Restricted Discretionary Activity (RDA)	11-61	Remove standard 1 which duplicates the radiofrequency Rule 11A.1.2.
Rule 11A.3.2 Aboveground cabinets as a RDA	11-62	Remove standard 1 relating to compliance with the permitted noise rules, to allow for non-compliance as a RDA, rather than DA if the standard remains.
Rule 11A.3.3 Aboveground lines as a RDA	11-63	Remove standard 1 which duplicates the radiofrequency Rule 11A.1.2.
Rule 11A.4.3	11-70	Recommend delete Rule 11A.4.3 and rely on Rule 11A.4.1 as the catch all default for telecommunications.
Rule 11A.4.5 default for above ground cabinets as a Discretionary Activity	11-70	Delete reference to aboveground cabinets as this is already covered elsewhere.
Rule 11A.5.2 Network utility structures over 13m in the Outstanding Natural Landscapes	11-72	Delete Non-complying status for network utility structures over 13m in ONL areas – this would mean they default to Discretionary Activity.

I would be happy to discuss these further if required.

Yours sincerely



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