

BEFORE THE WELLINGTON CITY COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Wellington District Plan:
Hearing Stream 9 in regard to
Infrastructure

Statement of evidence of **CHRIS HORNE** on behalf of Chorus New Zealand Limited, Spark
New Zealand Trading Limited, One New Zealand Group Limited and FortySouth
(Submitter 99, Further Submitter 25)

27 May 2024

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Statement of Professional Qualifications and Experience

1. My name is Chris Horne. I am a principal planner and director of the resource and environmental management consulting company Incite (Auckland) Limited. I hold the qualifications of the Bachelor of Arts (Geography), and Master of Regional and Resource Planning, both gained at the University of Otago. I am a member of the New Zealand Planning Institute.
2. I have approximately 30 years of professional experience in the field of resource management and have represented a variety of public and private clients on a range of matters that raise planning issues. A significant part of my experience relates to network utility infrastructure, including both project consenting, and planning advice and assistance on resource management documents and changes that may affect the operation or deployment of infrastructure.
3. I have previously acted or currently act for a number of infrastructure clients. This includes Chorus New Zealand Limited ("**Chorus**"), Spark New Zealand Trading Limited ("**Spark**"), One New Zealand Group Limited ("**One**") – formally Vodafone, Two Degrees Mobile Limited, new telecommunication network companies Connexa and Fortysouth, Transpower, Ultra-Fast Fibre, Vital (previously branded as Teamtalk), New Zealand Police (radio network), Powerco, KiwiRail, Vector, Watercare Services and Waka Kotahi NZ Transport Agency. Work for these clients has related to both linear infrastructure networks (e.g. lines, submarine cables, pipes and transport corridors), and site-specific facilities (e.g. radio communication facilities, exchanges, cable stations, electricity sub stations and a satellite earth station).
4. I was a member of the reference group including the Telecommunications Industry, Government Departments and Local Government New Zealand involved in the development of the *Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2008*, and later provided advice to the New Zealand Police on the subsequent update to the 2016 regulations now in force: *Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016* ("**NESTF**").
5. I assisted Chorus, Spark and One (collectively referred to hereafter as the ("*Telecommunications Companies*") in preparing their joint submission to the Proposed Plan. I have reviewed the s42A reports prepared on behalf of the

Wellington City Council to the extent that they address the matters raised in the Telecommunications Companies' submission and further submissions.

6. Fortysouth has recently acquired the fixed assets of One (poles and cabinets), whilst One operates equipment on these assets such as antennas. Fortysouth are joining these proceedings given the interest they now have in former One assets. The former budget within One for responding to planning documents has moved over to Fortysouth.

Code of Conduct

7. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts I am aware of which might alter or detract from the opinions I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
8. My evidence relates to the two s42A reports on Infrastructure prepared by Tom Anderson who is a part owner and principal planner at Incite Wellington 2012 Limited. I refer to these as s42A reports 1 and 2. Incite is a group of three separate limited liability companies with joint branding, a joint website and a cooperative relationship. However, we remain as separate companies with no financial linkages, and I have had no discussions with Mr Anderson in regard to the s42A reports for this topic, the Telecommunications Submitters' submission/further submissions or the preparation of this evidence.

Evidence Outline

9. Telecommunications infrastructure has a relatively unique regulatory framework under the RMA given the NESTF that is in force. I briefly outline this framework for context in my evidence, as this is relevant to the relief being sought.
10. In regard to addressing the particular submissions made, whilst the Telecommunications Companies made a relatively large number of submissions and further submissions, a significant proportion of these were seeking to retain provisions as notified. Accordingly, requests for changes were relatively confined.

11. In general, the recommendations of the s42A report are either supported or are accepted by the Telecommunications Companies, and accordingly there are only very limited outstanding matters where I support additional amendments or where there was no recommendation identified in the reports. These matters relate to:
 - a) Definition of *Regionally Significant Infrastructure*.
 - b) Structures in riparian margins (underground cables and ducts).
 - c) Policy flexibility in Outstanding Natural Features and Outstanding Natural Features (outside of the Coastal Environment).
 - d) Allowing for infrastructure works over piped awa.
 - e) Permitted allowances for cabinets in roads within Heritage Areas.

12. Further, a large number of the Telecommunications Companies' further submissions opposed submissions from Royal Forest and Bird Protection Society of New Zealand Incorporated who are seeking that a number of provisions in the infrastructure sub-chapters become more restrictive. These changes are not supported by the reporting planner. I address in my evidence why it is reasonable that many of the sub chapter provisions provide some flexibility for infrastructure in appropriate circumstances, and accordingly why I support the recommendations to disallow a number of these primary submissions.

Overview of the *Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016* (NESTF) and their relationship to the Proposed Wellington City District Plan

13. Many elements of telecommunications Infrastructure deployed and operated by the Companies is regulated under the *Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016* (NESTF) which came into force on 1 January 2017. These replaced the 2008 regulations and broadened their scope. The 2008 regulations provided permitted activity rules for upgrading/replacement of existing poles in road reserve to enable attachment of antennas, telecommunications cabinets in road reserve, and radio frequency exposures inside and outside of roads. In summary the 2016 regulations now provide for the following as permitted activities in all district plans subject to standards:

- Telecommunications cabinets in all locations;
 - Antennas on existing poles in road reserve (including pole replacement);
 - Antennas on new poles in road reserve;
 - Antennas on existing poles outside of road reserve, including pole replacements if required (i.e. upgrades to existing telecommunication facilities outside of roads);
 - New poles and attached antennas in rural zones;
 - Antennas on buildings (this excludes any residential zones unless the point of attachment to the building is at least 15m above ground level);
 - Small cell units (integrated radio equipment and antennas not exceeding 0.11m³);
 - Customer connection lines (excluding new support poles);
 - Aerial telecommunications lines along the same routes as existing telecommunications and power lines;
 - Underground telecommunications lines;
 - Ancillary earthworks (excluding access tracks); and
 - Radio frequency exposures in all locations.
14. The regulations apply to regulated activities undertaken by a *facility operator*¹ which includes:
- A network operator (as defined in section 5 of the Telecommunications Act 2001); or
 - The Crown; or
 - A Crown agent.
15. Networks operated by entities not falling under the above criteria remain subject to the relevant district plan. This includes organisations such as district and regional councils which rely on telecommunications for activities such as digital flood monitoring, civil emergency networks or wireless streetlights and traffic management systems. Further, activities that are not regulated, such as new poles and attached antennas outside of roads in zones other than rural zones remain subject to the relevant district plan.
16. Regulated activities not complying with the relevant permitted activity standards in the NESTF remain subject to the relevant district plan. Where such an activity would otherwise be a permitted activity in the district plan (but does not meet the standards

¹ Defined in NESTF Regulation 4

in the NESTF), it requires resource consent as a controlled activity under Regulation 14. In each other case it is the same status as that included in the relevant district plan.

17. Subpart 5 of the NESTF identifies certain types of district plan rules relating to sensitive environments which still apply to regulated activities where resource consent would otherwise be required in the district plan. Poles, antennas and cabinets are subject to all of these controls, whilst customer connection lines, aerial lines following existing telecommunications or power lines and underground lines may only be subject to some of these matters depending on circumstances. The Subpart 5 matters where district plan controls still apply to regulated activities are as follows:
 - Regulation 44 – Trees and vegetation in roads reserve;
 - Regulation 45 – Significant trees;
 - Regulation 46 – Historic heritage (including cultural heritage);
 - Regulation 47 – Visual amenity landscapes (e.g. significant ridgelines, view shafts etc);
 - Regulation 48 – Significant habitats for indigenous vegetation;
 - Regulation 49 – Significant habitats for indigenous fauna;
 - Regulation 50 – Outstanding natural features and landscapes;
 - Regulation 51 – Places adjoining the coastal marine area (in regard to specific coastal protection rules such as coastal yards etc); and
 - Regulation 52 – Rivers and lakes (the regulations do not apply to works in, on, under or over the bed of any river, except that they apply to anything done over a river or a lake such as on a bridge²). Regulation 52 confirms that any relevant regional rules apply in addition to the regulations that may be relevant.
18. The sub-chapter provisions of the Infrastructure Section therefore become very important in regard to how telecommunications networks are managed in Wellington, as rules in these overlays will override the NESTF.
19. The NESTF does not include any objectives and policies. Therefore, where any resource consent is triggered, the relevant objectives and policies in the Proposed Plan apply in assessing any application.

² NESTF Regulation 8

Definitions – *Regionally Significant Infrastructure*

20. The Telecommunications Companies supported Clause (b) of the definition as notified in regard to *telecommunication and radio communications networks* which aligns with Proposed Change 1 to the Greater Wellington Regional Policy Statement (RPS) (99.1).
21. I was not able to find a recommendation in the s42A reports in regard to this definition. I understand that decisions on Proposed Change 1 to the RPS are still pending and accordingly consideration of this definition has been pushed to the Stream 10 wrap up hearing. I request that the reporting planner confirms this is the case or provides a supplementary recommendation prior to the Stream 9 hearing.

Structures in Riparian Margins

22. The Telecommunications Companies initially supported Infrastructure Standard S7 – Riparian Setbacks as notified (99.46). This was because it provided a riparian setbacks exemption for infrastructure in a formed legal road or crossing a river on a bridge.
23. However, a submission from Wellington Electricity Lines (WELL) (355.43) was subsequently supported (FS25.2) in regard to removing unnecessary regulation from underground infrastructure in riparian margins. Chorus in particular has advised me that they would like the option to install cable and ducts under waterways as an alternative to always using bridges to increase network resilience.
24. The WELL submission and Telecommunications Companies' further submission FS25.2 are recommended to be rejected by the reporting planner³. This is on the basis that underground infrastructure may have effects on river margins and the waterways themselves.
25. Whilst I agree methods like trenching could adversely affect riparian margins, I do not consider installation by trenchless means such as directional drilling would have such effects. I have been involved in several projects that have installed cables and ducts by trenchless means including under waterways. There are already rules in the

³ Stream 9 s42A report 1, Para 355

Proposed Plan including TREE-S4 that allow methods such as drilling under protected trees as a permitted activity. The Telecommunications Companies supported the recommended wording of TREE-S4⁴ in a written statement dated 12 April 2023 on the Stream 3 Heritage hearing.

26. In my opinion it is appropriate to allow for underground infrastructure in riparian margins subject to limits on the methods used and on the basis that any associated excavation such as entry or exit pits is limited.

Requested Relief

27. I support the following or a change of like affect to standard INF-S7:

INF-S7	Riparian Setbacks
All Zones	<p>1. No <u>infrastructure</u> shall be located on or in <u>land</u> within 10 metres of the <u>bed</u> of any <u>river</u>. This setback does not apply to <u>infrastructure</u> that is located within formed legal <u>road</u> or crosses a <u>river</u> along a bridge, <u>or where installed by a trenchless method such as directional drilling subject to meeting the following standards:</u></p> <p><u>a. The surface area of any associated entry or exit pit must not exceed 1m²;</u></p> <p><u>b. Any machinery shall be operated on top of paved surfaces or ground protection measures; and</u></p> <p><u>c. The directional drill depth shall be a minimum of 1m where under trees.</u></p>

Outstanding Natural Features and Outstanding Natural Features Policy Framework

28. As set out in the Corporate evidence, it is sometimes necessary for telecommunications infrastructure in sensitive environments for functional operational reasons, to serve communities.

⁴ Stream 3 s42A report, para 1444-1445

29. In my opinion it is appropriate to apply an effects management hierarchy approach to the provision of infrastructure in such areas, to test if it is reasonably necessary in that location, the level of effects weighed against the values of the area, the level of benefit to the community and the extent to which effects can be avoided, remedied or mitigated. I accept that in the Coastal Environment, there is national policy direction in the New Zealand Coastal Policy Statement 2010 (**NZCPS**) where in certain locations adverse effects must be avoided and in other location significant adverse effects must be avoided. Accordingly, I agree there needs to be a different policy approach for the Coastal Environment under the current framework.
30. This approach is reflected in the examples I have attached in **Appendix A** from the Proposed Otago Regional Policy Statement 2021 and Proposed Waimakariri District Plan which I am involved in as an independent planning expert for the same Telecommunications Companies. The Proposed Otago Regional Policy Statement is at the appeals stage, and the Proposed Waimakariri District Plan has had infrastructure matters heard and is awaiting decisions.
31. The two example approaches attached achieve a similar conceptual approach with different solutions. Whilst the Proposed Otago Regional Policy statement has specific references to policies in other chapters managing particular environments, the Waimakariri example is self-contained in regard to setting out the management considerations for infrastructure in sensitive natural and built environments within the one provision.
32. As drafted, I have concerns that the policy test in INF-NFL-P45 and P49 may be difficult to meet in some cases for necessary infrastructure that may have a functional and operational need to be located in a particular environment. Clause 1 of each policy requires activities to be of a scale that **protects** (my emphasis) the identified values as per the relevant schedule. As I discuss below, the policy framework in the RPS uses *protect* in the context of inappropriate development, so not necessarily all development such as necessary infrastructure needing to locate in a particular area. Further, outside of the Coastal Environment, it is conceivable that infrastructure could have significant adverse effects that could be justified in limited circumstances where there are no reasonable alternatives and there is a major community benefit (e.g. regional or national benefit).
33. The Telecommunications Companies' submission on sub-chapter policies has sought a similar conceptual approach for Policies INF-NFL-P45 (99.55) and INF-NFL-P49

(99.56) that address upgrading and new infrastructure respectively in Outstanding Natural Features and Outstanding Natural Landscapes. The intent of these submissions was to provide some flexibility for infrastructure in these environments in appropriate circumstances. The proposed solution included a link back to infrastructure policy INF-P6 which includes consideration of other factors to weigh against the values and attributes of the Outstanding Natural Features and Outstanding Natural Landscapes.

34. The reporting planner does not favour this approach on the basis that the sub-chapters are intended to be standalone⁵. In my opinion the sub-chapter specific policies are likely to be given higher weight than the general infrastructure provisions if there is no specific cross linkage. However, if a cross referencing solution is not favoured, in my view there are other solutions to achieve an effects management hierarchy approach. The most obvious would be rework policies INF-NFL-P45 and INF-NFL-P49 so any further considerations are direct inserted into the policies.
35. An effects management hierarchy approach outside of the Coastal Environment is in my opinion consistent with the policy framework in the RPS. RPS Policy 26 requires policies, rules or methods to protect outstanding natural features and outstanding natural landscapes from inappropriate subdivision, use or development.

Policy 26: Protecting outstanding natural features and landscape values – district and regional plans

Where outstanding natural features and landscapes have been identified in accordance with policy 25, district and regional plans shall include policies, rules and/or methods that protect outstanding natural features and landscape values from inappropriate subdivision, use or development.

Explanation

Appropriate subdivision, use and development respects those values identified within the *landscape or natural feature*. Planning for, developing and undertaking activities within an identified outstanding landscape or natural feature must be done with a full understanding of its value.

Policy 26 is not intended to prevent change, but rather to ensure that change is carefully considered and is appropriate in relation to the landscape values identified in policy 25.

36. For functional and operational reasons some infrastructure such as telecommunications infrastructure may need to be located in these environments (e.g. for line-of-sight radio links). Therefore, it is important that the policy framework allows for this in appropriate circumstances, particularly where a facility may have significant

⁵ See paragraphs 213, 214 and 228, s42A report 2

community benefits, cannot be reasonably located elsewhere and adverse effects are mitigated to the extent practicable.

Requested Relief

37. Amend Policies INF-NFL-P45 and INF-NFL-P49 as requested in submission points 99.55 and 99.56, or in the alternative rework these policies with an effects management hierarchy approach incorporating the matters in Policy INF-P6 to ensure these are appropriately weighed in decision making on infrastructure within Outstanding Natural Features and Outstanding Natural Landscapes.

Allowing for Infrastructure Works over Piped Awa

38. There are a number of piped awa identified in the Sites and Areas of Significance to Māori (SASM) overlay. They are within existing urban areas including roads where regular 'business as usual' work by network utilities is likely to be undertaken.
39. The Telecommunications Companies lodged a submission seeking that Other Overlays rules relating to SASM are amended as necessary such that it is clarified that work not directly affecting a piped awa (e.g. infrastructure work in roads above) is not affected by the overlay and related rules.
40. I did not identify any specific assessment of this submission point in the s42A report, but there is an assessment of the equivalent Powerco submission (127.37) that seeks the same relief⁶. The reporting planner states that he agrees with this requested relief and this it is addressed [in the s42A report] below. However, I was unable to find any recommendation or an amendment to the provisions in the Proposed Plan, or any relevant track change in the appendices. This may be a simple oversight. It would be helpful for the reporting planner to address this in a supplementary statement prior to the Stream 9 hearing.

299. I agree with Powerco (127.37) that the rules relating to Sites and Areas of Significance to Māori as necessary to clarify that work not directly affecting a piped awa (e.g. infrastructure work in the roads above) is not affected by the overlay and related rules. I address this below.

41. Where an awa is piped in an urban area and is not physically altered by works above, I am not aware of any specific adverse effects including cultural effects that would

⁶ Paragraph 299, s42A report 2.

arise. There was no further submission from mana whenua against this submission point identified in the s42A report assessment of this matter.

Requested Relief

42. Amend SASM rules as necessary such that it is clarified that work not directly affecting a piped awa (e.g. infrastructure work in roads above) is not affected by the overlay and related rules.

Permitted allowances for cabinets in roads within Heritage Areas

43. Rule INF-OL-R66 is a restricted discretionary activity catch all rule in Other Overlays for above ground infrastructure and temporary infrastructure not otherwise permitted in these overlays. The Telecommunications Submitters (99.61) sought that the rule be amended to include a permitted activity allowance for some equipment in roads on the basis they would have minimal impact as follows:

Amend Rule INF-OL-R66 by adding a new permitted activity clause are follows:

Activity status: Permitted

Where:

- a. **The infrastructure is located on a site identified in SCHED3 (Heritage areas) and is within a road; and**
- b. **Complies with the permitted activity standards (size, footprint area and group rules) of the NESTF.**

44. The intent was to provide for telecommunication cabinets meeting the various controls in the NESTF, and not other equipment such as poles and antennas. This is not clearly set out in the proposed amendment to the rule so would benefit from

further clarity. I also note that Powerco (127.40) seeks a similar amendment for its roadside cabinets of 2m high and 2m². A more generic envelope based on dimensions rather than the NESTF that only applies to Telecommunications cabinets would be more helpful in my view to address both submissions. The proposed envelope requested by Powerco is the same as cabinets in non-residential zones in the NESTF.

45. The reporting planner does not support this change given that Rule INF-OL-R66 is intended to be a catch all rule for above ground infrastructure not otherwise provided for⁷. I agree that this is not the best location to address this matter, but the submission provides scope to simply provide for this as a separate permitted activity Rule for Other Overlays.
46. The s42A report does not assess the merits of the submission other than its incompatibility with proposed insertion in the catch all rule. Infrastructure cabinets are small-scale built elements that are common street furniture. Heritage Areas still require infrastructure services to be viable as residential or commercial areas. In my view equipment of this nature in existing formed roads would not unreasonably impact on the heritage values of any heritage areas that extend across adjacent roads. Examples of such areas in central Wellington including those extending over roads is shown in the figure below snipped from the online planning maps:

⁷ Paragraphs 332 and 224, s42A report 2

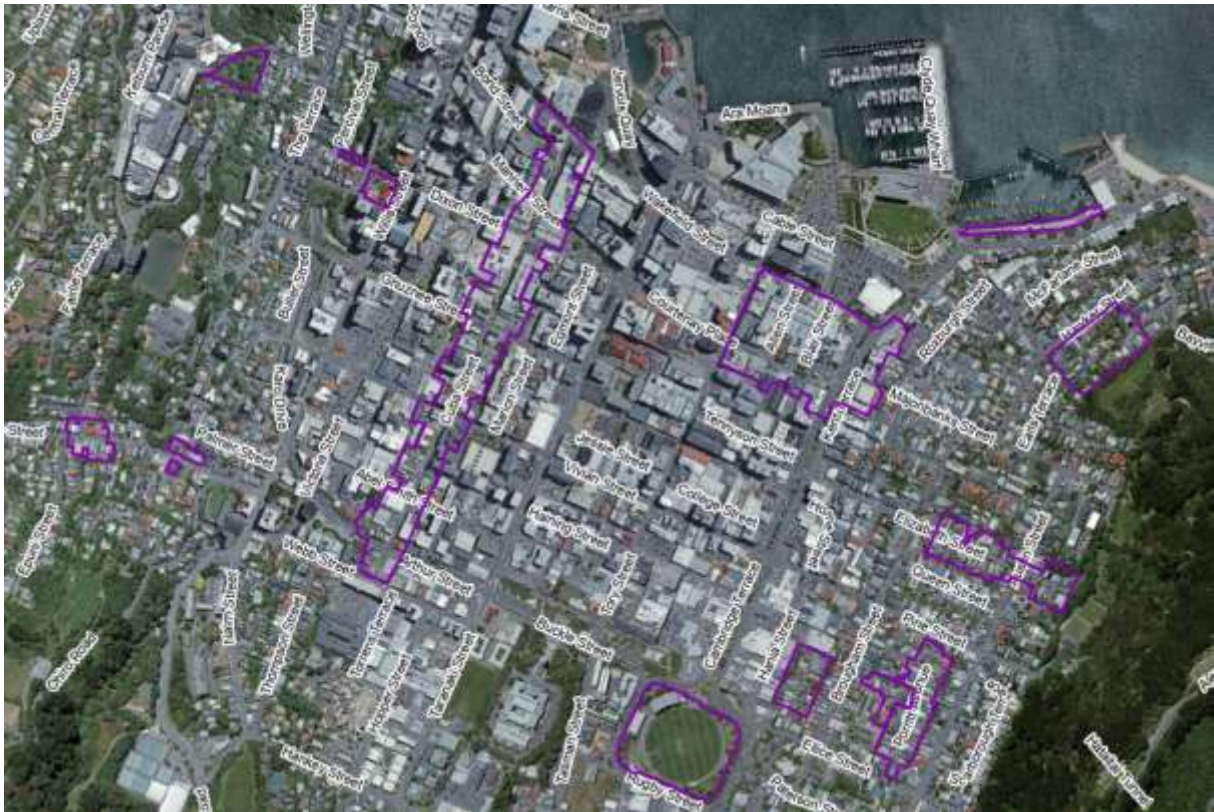


Figure 1: Extent of Heritage Areas (Purple Outline) in Central Wellington

Requested Relief

47. Add a new permitted activity rule for Other Overlays that provides for utility cabinets within Heritage Areas identified in Schedule 3 where located within roads, subject to not exceeding the NESTF permitted envelope and grouping provisions for cabinets, or, in the alternative, the Powerco requested relief of 2m high and a footprint of 2m².

Infrastructure Framework in Overlays

48. As previously noted, a large number of the Telecommunications Companies' further submissions opposed submissions from Royal Forest and Bird Protection Society of New Zealand Incorporated who are seeking that a number of provisions in the infrastructure sub-chapters become more restrictive. In general, I consider the policy framework in the overlays, aside from where I have outlined changes I support, are workable for telecommunications networks or reflect national policy direction such as the NZCPS in regard to the Coastal Environment.

49. I have been involved in a range of projects which demonstrate that both linear and site-specific infrastructure are often required in sensitive environments. Examples of projects I have been involved with where this has been the case include:

- a) Ultra-Fast Broadband fibre rollouts in heritage areas and areas of significance to mana whenua in Auckland, and in regard to work around trees in a heritage area in Arrowsdown.
- b) Submarine cable from Maraetai Auckland to Waiheke Island traversing a Significant Ecological Area Marine overlay.
- c) Numerous cell phone/wireless broadband projects in outstanding natural landscapes (due to the need for elevated topography).
- d) Realigning Transpower transmission lines across Tauranga Harbour in an area classified as Outstanding Natural Landscape, High Natural Character and Significant Cultural Value.
- e) Antennas on heritage buildings including a Police Station in a heritage precinct in Arrowsdown.
- f) Antennas on buildings within volcanic cone view protection areas in Auckland.
- g) KiwiRail culvert replacement work within a Māori heritage overlay.
- h) Road widening and rail maintenance work including associated stormwater discharges near natural wetlands.

50. Accordingly, whilst I do not consider that infrastructure should have a 'free ride' in such sensitive areas, in my opinion it is important that the benefits to communities, reasonable alternatives outside of areas valued by communities and the ability to mitigate adverse effects are all properly weighed in the circumstances, to the extent this does not conflict with national direction such as the NZCPS. To this end, I support the various recommendations by the reporting planner to disallow a number of submissions from the Royal Forest and Bird Protection Society of New Zealand Incorporated seeking a more restrictive framework. In particular, I support disallowing the following submissions:

Provision and Submission ref	Further Submission	S42A report reference
INF-CE-P15 345.46	FS25.3	Para 27, report 2
INF-CE-P16 345.47	FS25.4	Para 31, report 2
INF-CE-P18	FS25.5	Para 43, report 2

345.49		
INF-CE-P19 345.50	FS25.6	Para 47, report 2
INF-CE-P20 345.51	FS25.7	Para 51, report 2
INF-CE-P21 345.52	FS25.8	Para 57, report 2
INF-CE-P22 345.53	FS25.9	Para 61, report 2
INF-CE-P23 345.54	FS25.10	Para 65, report 2
INF-CE-P24 345.55	FS25.11	Para 74, report 2
INF-CE-P25 345.56	FS25.12	Para 82., report 2
General INF-NFL 345.78	FS25.17	Para 176, report 2
INF-NFL-P40 345.84	FS25.19	Para 193, report 2
INF-NFL-P42 345.86	FS25.20	Para 200, report 2
INF-NFL-P43 345.87	FS25.21	Para 204, report 2
INF-NFL-P45 345.89	FS25.22	Para 214, report 2
INF-NFL-P48 345.92	FS25.23	Para 224, report 2
New Policy INF-NFL-PX 345.81	FS25.18	Para 264, report 2

Appendix A: Effects Management Hierarchy Policy Examples

Proposed Otago Regional Policy Statement 2021 (decisions version)

EIT-INF-P13 – Locating and managing effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure outside the coastal environment

When providing for new infrastructure, nationally significant infrastructure and regionally significant infrastructure outside the coastal environment:

- (1) avoid, as the first priority, locating infrastructure in all of the following:
 - (a) significant natural areas,
 - (b) outstanding natural features and landscapes,
 - (c) wetlands,
 - (d) outstanding water bodies,
 - (f) areas or places of significant or outstanding historic heritage, and
 - (g) wāhi tupuna, and
- (2) if it is not reasonably practicable to avoid locating in the areas listed in (1) above because of the functional needs or operational needs of the infrastructure, nationally significant infrastructure and regionally significant infrastructure manage adverse effects as follows:
 - (a) for nationally or regionally significant infrastructure:

- (i) in significant natural areas, in accordance with ECO-P4, and ECO-P6,
 - (ii) in wetlands, in accordance with the relevant provisions in the NESF,
 - (iii) in outstanding water bodies, in accordance with LF-FW-P12,
 - (iiia) in relation to wāhi tūpuna, in accordance with HCV-WT-P2,
 - (iv) in other areas listed in EIT-INF-P13 (1) above, the adverse effects of the infrastructure on the values that contribute to the area's importance shall be:
 - (I) remedied or mitigated to the extent practicable,
 - (II) where they cannot be practicably remedied or mitigated, regard shall be had to offsetting and/or compensation of more than minor residual adverse effects.
- (b) for all infrastructure that is not nationally significant infrastructure or regionally significant infrastructure, avoid adverse effects on the values that contribute to the area's outstanding nature or significance except in relation to historic heritage which is not significant or outstanding, then HCV-HH-P5(3) will apply.

EIT-INF-P13A – Managing the effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure within the coastal environment

When managing the effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure within the coastal environment the provisions of the CE – Coastal environment chapter apply.

Proposed Waimakariri District Plan (Status, awaiting Council decisions)

EI-P5	<p>Manage adverse effects of energy and infrastructure</p> <p>Manage adverse effects of energy and infrastructure, including by the following:</p> <ol style="list-style-type: none">1. enabling or providing for the ongoing operation, maintenance, repair, renewal, removal and minor upgrade of existing energy and infrastructure;2. avoiding, remedying or mitigating adverse effects of more than minor upgrades to existing energy and infrastructure, including effects on:<ol style="list-style-type: none">a. natural and physical resources;b. amenity values;c. sensitive activity;d. the safe and efficient operation of other infrastructure;e. the health, safety and well-being of people and communities;3. new energy and infrastructure, or major upgrades to existing energy and infrastructure, should, to the extent considered practicable, ensure that the route or site is located outside of the following types of sensitive environments to protect such environments from significant adverse effects, taking into account the constraints imposed by the functional need or operational need of the energy and infrastructure:<ol style="list-style-type: none">a. ONF, ONL and SAL;b. areas of ONC, VHNC and HNC, and natural character of scheduled freshwater bodies setbacks;c. SNAs;d. buildings, other structures and settings with heritage values, and archaeological sites;e. SASM;f. places adjoining the coastal marine area;4. where new energy and infrastructure, or major upgrades to existing energy and infrastructure, cannot locate outside of the sensitive environments in (3) above, the energy and infrastructure should, to the extent considered practicable, ensure that the proposed route, site, structure and construction method demonstrate the following, taking into account the constraints imposed by the functional need or operational need of the energy and infrastructure:<ol style="list-style-type: none">a. energy and infrastructure will be located in more compromised parts of the areas in (3) above where that reduces adverse effects on the values of those areas;b. techniques (such as structure selection or construction methodology) will be used to mitigate adverse effects on the areas in (3) above;c. adverse effects on the areas in (3) above will be remedied or mitigated;5. consider biodiversity offset for residual adverse effects on indigenous biodiversity that cannot otherwise be avoided, remedied or mitigated;6. avoiding or mitigating potential significant adverse effects of the generation of radio frequency fields and electric and magnetic fields by requiring compliance with recognised standards or guidelines; and7. promoting the undergrounding of new energy and infrastructure where it is:<ol style="list-style-type: none">a. technically feasible;b. economically viable;c. justified by the extent of adverse visual effects if not placed underground.
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