

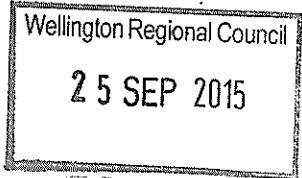
Proposed Natural Resources Plan:

Submitter:

Spark New Zealand Trading Limited

Submitter Number:

S98



25 September 2015

Freepost 3156
Wellington Regional Council
PO Box 11646
Wellington 6142

By e-mail: regionalplan@gw.govt.nz

Dear Sir/Madam

Form 5: Submission on the Proposed Natural Resource Plan for the Wellington Region

This is a submission on the Proposed Natural Resources Plan for the Wellington Region pursuant to Clause 6 of Schedule 1, Resource Management Act 1991

NAME OF SUBMITTER: Spark New Zealand Trading Limited (Spark)

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Spark New Zealand Trading Limited (Spark) welcomes the opportunity to make a submission on the Proposed Natural Resources Plan (PNRP). There are a number of matters that in the view of Spark require amendment prior to the PNRP being made operative. Equally there are a number of proposed provisions that Spark supports. These are detailed in the table attached to this submission.

Background to Spark

Spark (formerly Telecom New Zealand Limited) is now primarily a retailer of telecommunications services, both fixed and mobile, to consumers and businesses. Spark owns a mobile network and the National Transport Network linking exchanges up and down the country. Spark is New Zealand's largest provider of broadband services with 669,000 customers and 894,000 fixed line connections. As at 30 June 2013 there were more than 5.3 million mobile connections in New Zealand. Spark has more than 1.9 million connections, representing 33.7 percent market share. The New Zealand mobile market is growing at approximately 2 percent per annum, which is primarily driven by growth in mobile data and handset sales. The increase in mobile data usage has been driven by the increased uptake of smartphones.

Spark has also now launched a complimentary Wi-Fi network utilising public phone boxes around the country to supplement our mobile offering. To support the "smartphone revolution" we are recently upgrading the existing mobile sites with the deployment 4G technology throughout New Zealand including Hurunui district. More than 60 percent of mobile customers now use a smart phone, with the ability to receive and upload data. The average data use per "data-using" customer on the Spark network in April 2014 was 465MB per month, up from 411MB in March – representing a 13 percent increase. With the rapid uptake in social media messaging apps such as Whatsapp, Viber, Snapchat and Facebook. Aligned to this growth in the "macro" network, developing technological breakthroughs have enabled the deployment of micro cells, small cells and cel-fl units to provide improved in building and black spot coverage.

The purpose of the Resource Management Act 1991, as embodied in section 5, is promotion of the sustainable management of natural and physical resources. Telecommunications infrastructure is a significant physical resource, and the safe, reliable and efficient functioning of the network is vital for the regional economy and 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").

Spark is a major telecommunication network provider within Greater Wellington region. The network is utilised for a wide range of purposes that are essential to modern mobile society. Access for residents and business to quality, reliable telecommunications is a fundamental requisite for the region to be a competitive, attractive and safe place to live and work. The pivotal role of modern telecommunications as a catalyst for social and economic development is now widely recognised around the world. This includes personal and commercial communications, wireless data transfer, linking financial institutions to convey critical financial transaction data, fire and burglary monitoring and control facilities, and other emergency services communications.

The provision of resilient telecommunication networks during emergencies is critical, as has been highlighted in the case of the Canterbury earthquakes and recent flooding event within the region. Telecommunication is being recognised as Significant Infrastructure i.e. the whole network and a critical lifeline utility. The telecommunications network needs to be regularly upgraded, to respond to and provide for growth, to ensure reliability for Public Protection and Disaster Recovery (PPDR), as well as providing for technological developments. Recognising this and catering for its development will be key to ensuring Greater Wellington region retains its place as an attractive place for talent and capital to locate.

Within any Plan there is a need to provide a balance between the policy and rules framework that provides for the efficient maintenance and rollout of network utility infrastructure, while appropriately managing the effects on the environment from this infrastructure. There has been in recent years a shift in how these two issues are balanced with the provision for infrastructure historically playing a passive background role. The recent shift places significantly greater importance on the need to allow for critical infrastructure and network utilities.

The Spark network is subject to constant maintenance, modification and upgrading as the number of customers and services increase, and changes in technology occur rapidly. Technological advances during the life of the Plan, along with more instances of telecommunications providers seeking to co-locate on each other's assets, are also likely to occur requiring existing assets to be upgraded. Therefore any new plan provisions should be

created with such technological advancements and/or provision for co-location of equipment being kept in mind.

Electronic Communication

Spark are happy to receive information about the Proposed Natural Resource Plan via email. Can all email communication please be emailed to Graeme.McCarrison@spark.co.nz and a copy sent to tom@incite.co.nz

Trade Competition

Spark could not gain an advantage in trade competition through this submission.

Submission on the Proposed Plan Provisions

Sparks' submissions on the Proposed Natural Resources Plan are set out in the attached table. In relation to the matters raised, Spark seeks further, consequential or alternative relief as may be necessary, desirable, or appropriate to give effect to the decision sought.

Attendance and Wish to be heard at Hearings

Spark wishes to speak to our submission at relevant hearings and would be willing to discuss these further with Greater Wellington staff prior to the hearings themselves. If there are any issues of clarification required please contact Graeme McCarrison of Spark on 0274 811816 or Graeme.McCarrison@spark.co.nz or Tom Anderson of Incite on 04 801 6862 or tom@incite.co.nz.

Yours sincerely



Paul Hallows
Spark New Zealand Trading Limited

25 September 2015

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

Plan Provision	Support/ Oppose/ Amend	Submission Reasons	Decision Sought
<p>General: The following submission document proposes wording changes to the Proposed Plan. This wording, or wording with the same or similar effect or resulting in or from consequential changes to other sections are supported.</p>			
<p>Chapter 2 – Interpretation (Section 2.2 Definitions):</p>			
1	Support	Spark supports the definition of Earthworks as it specifically excludes cable or pipe laying and maintenance activity, and the construction, repair or maintenance of telecommunication structures.	Retain this definition in its current form.
2	Support with amendment or delete	Spark supports a definition for Functional Need, however the definition in its current form could lead to ambiguity around what is 'dependent', and could potentially restrict Spark's core activities which occur in the CMA.	Amend the definition to provide greater clarity around what the word 'dependent' entails. The definitions of both function and operational need to be reviewed or the delete both definitions.
3	Support with amendment or delete	Spark supports a definition for Operational Requirement, however, similar to the definition for Function Need, the definition in its current form could lead to ambiguity around what is 'needs to be carried out'.	Amend the definition to provide greater clarity around what 'needs to be carried out' entails. The definitions of both function and operational need to be reviewed or the delete both definitions.
4	Oppose	There is no definition of "strategic telecommunication /radiocommunication facility" in either the Telecommunications Act or the Radiocommunications Act. Key concerns with the definition in the Proposed Plan include: <ul style="list-style-type: none"> • The confusion and uncertainty generated by the reference to 	Amend bullet point two and three of the definition as follows: <ul style="list-style-type: none"> • <i>strategie telecommunication facilities, as defined in section 5 of the Telecommunications Act 2001</i> • <i>strategie radiocommunications as defined in section 2(1) of the RadioCommunications Act 1989.</i>

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		<p>"strategic telecommunication /radiocommunication facility", with no direction provided as to what this encompasses</p> <ul style="list-style-type: none"> The lack of recognition (by trying to identify some aspects as "strategic") that telecommunication and radiocommunication facilities are interlinked, and as a whole they are essential to the region in terms of their economic and social benefits, as well as being critical in times of emergency and disaster. <p>This issue has been previously raised with the Greater Wellington Regional Council, most recently in relation to the hearing of Proposed Plan Change 16 to the Porirua City District Plan as well as in relation to this definition contained within the Regional Policy Statement.</p>	
Chapter 3 – Objectives 5	Beneficial use and development Objective O12	Spark seeks inclusion of the recognition of the potential health and safety benefits of regionally significant infrastructure. As per the submission on the "Regionally significant infrastructure" definition above, a change is sought to make it clear that all telecommunication and radiocommunication facilities (which are interlinked) are covered by the definition.	Amend Objective 012 as follows: Objective 012 (Coastal) <i>The social, economic, cultural, and environmental and health and safety benefits of regionally significant infrastructure and renewable electricity generation activities.</i> Objective 012A <u>Recognise that some existing and future regionally significant infrastructure has a functional need and/or</u>

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6	Support	Spark supports the objective that the use and ongoing operation of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible use and development occurring under, over, or adjacent to the infrastructure or activity. References to existing regionally significant infrastructure within the CMA must be enhanced.	<p><u>operational requirement to be located and/or operated in a particular environment.</u></p> <p>Amend Objective O13 as follows:</p> <p><i>The <u>existing use and ongoing operation of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible use and development occurring under, over, or adjacent to the infrastructure or activity.</u></i></p>
7	Oppose	Spark seeks recognition of a functional and operational need to provide for telecommunications in some instances within high hazard areas (e.g. cables attached to a structure across a riverbed, or cables above, or on or below a seabed or riverbed). Noting the stringent requirement to "avoid" in the objective, specific recognition is sought in the policy as to when the use and development in these areas may be appropriate.	<p>Amend Objective O21 as follows:</p> <p><i>Inappropriate use and development in high hazard areas is avoided, <u>other than</u></i></p> <p><i>(a) where it has a <u>functional need and/or operational requirement to be located there, and/or</u></i></p> <p><i>(b) where it is necessary to enable the <u>efficient operation of regionally significant infrastructure.</u></i></p>
Chapter 4 – Policies:			
8	Oppose in part	Spark considers that the policy could be improved by making it clear that "the smallest practicable amount is related to the nature and objectives of the activity. Otherwise it could be read as requiring reduction to close to nil.	<p>Amend Policy P4 as follows:</p> <p><i>Where minimisation of adverse effects is required by policies in the Plan minimisation means reducing adverse effects of the activity to the smallest amount practicable <u>having regard to the nature and objectives of the activity and shall include: . . .</u></i></p>

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9	Beneficial Use and Development Policy P7	Support with amendment	Spark supports the intent of Policy P7, but considers that Regionally Significant Infrastructure should also be given recognition when considering uses of land and water.	Amend Policy P7 as follows: <i>The cultural, social and economic benefits of using land and water for:</i> <u>(j) Regionally Significant Infrastructure</u>
10	Beneficial Use and Development Policy P9	Support with amendment	There are potential instances where, due to the installation of Regionally Significant Infrastructure, public access to and along the Coastal Marine Area and the beds of rivers and lakes is temporarily disrupted. This should be recognised as an exception in Policy P9	Amend Policy P9 as Follows: <i>Reduction in the extent or quality of public access to and along the coastal marine area and the beds of lakes and rivers shall be avoided except where it is necessary to:</i> <u>(d) protect Regionally Significant Infrastructure</u>
11	Beneficial Use and Development Policy P12	Support with amendment	Spark supports the intent of the policy in recognising the benefits of regionally significant infrastructure. However it is considered that provision (e) should also recognise the functional need of regionally significant infrastructure being located in the certain areas. The Port is not the only Regionally Significant Infrastructure provider which has a functional need to be located in the Coastal Marine Area.	Amend Policy P12 as follows: <i>(e) <u>the functional need for and the operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities, including where those activities are proposed within areas of outstanding natural character and landscapes, high hazards, sites of significant value, ecosystems and habitats with significant indigenous biodiversity value, natural features, sites significant historic heritage value, and sites with significant Mana Whenua.</u></i>
12	Beneficial Use and Development Policy P13	Support with amendment	Spark supports the intent of the policy as recognising the use, operation, and upgrade of existing regionally significant infrastructure as beneficial and generally appropriate. The removal of infrastructure should also be acknowledged in the policy framework.	Amend Policy P13 as follows: <i>The use, operation, maintenance, and upgrade, and removal of existing regionally significant infrastructure and renewable energy generation activities are beneficial and generally appropriate.</i>

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13	Beneficial Use and Development Policy P14	Support	Spark supports the intent of the policy in providing protection from reverse sensitivity effects for regionally significant infrastructure. However effects from incompatible activities can be more than just reverse sensitivity type effects, and this should be recognised in the policy.	Amend Policy P14 as follows: <i>Regionally significant infrastructure and renewable energy generation activities shall be protected from new incompatible use and development occurring under, over or adjacent to it, by locating and designing any new use and development to avoid, remedy or mitigate any adverse effects, including any reverse sensitivity effects.</i>
14	Natural Character Policy P24	Support with amendment	Spark supports the intent of the policy, in protecting outstanding natural character in the coastal marine area, however use of the word 'avoid' without the sequential words remedy or mitigate is not appropriate.	Amend Policy P24 as follows: <i>Areas of outstanding natural character in the coastal marine area will be preserved by:</i> <i>(a) avoiding avoid, remedy or mitigate adverse effects of activities on natural character in areas of the coastal marine area with outstanding natural character, and</i> <i>(b) requiring use and development to be of a type, scale and intensity that will maintain the natural character values of the area, and</i> <i>(c) requiring built elements to be subservient to the dominance of the characteristics and qualities that make up the natural character values of the area, and</i> <i>(d) maintaining the high levels of naturalness of these areas, and</i> <i>(e) avoiding avoid, remedy or mitigate the adverse effects of activities, including those located outside the area, that individually or cumulatively detract from the natural character values of the outstanding natural character area.</i>
15	Natural Character Policy P25	Support with amendment	Spark supports the intent of the policy, in protecting outstanding natural character in the coastal marine area, however use of the	Amend Policy P25 as follows:

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		word 'avoid' without the sequential words remedy or mitigate is not appropriate.	<p>Use and development shall avoid, remedy or mitigate significant adverse effects on natural character in the coastal marine area (including high natural character in the coastal marine area) and in the beds of lakes and rivers, and avoid, remedy or mitigate other adverse effects of activities, taking into account:</p> <p>(a) the extent of human-made changes to landforms, vegetation, biophysical elements, natural processes and patterns, and the movement of water, and</p> <p>(b) the presence or absence of structures and buildings, and</p> <p>(c) the particular elements, features and experiential values that contribute significantly to the natural character value of the area, and the extent to which they are affected, and</p> <p>(d) whether it is practicable to protect natural character from inappropriate use and development through:</p> <p>(i) using an alternative location, or form of development that would be more appropriate to that location, and</p> <p>(ii) considering the extent to which functional need or existing use limits location and development options.</p>
16	Support with amendment	Spark supports the intent of the policy, in limiting the extent of hard engineering mitigation methods. However there are instances when these are necessary, and the use of the word avoid within the policy is not appropriate.	<p>Amend Policy P28 as follows:</p> <p>Hard engineering mitigation and protection methods shall be avoided-except only be implemented where it is necessary to protect existing development from unacceptable risk, assessed using the risk-based approach, and the works either form part of a hazard management strategy or the environmental effects are considered to be no more than minor</p>
17	Support with amendment	Spark supports the intent of the policy, however use of the word avoid within the policy is not appropriate.	<p>Amend Policy P39 as follows:</p> <p>The adverse effects of use and development on outstanding water bodies and their significant values</p>

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18	Sites with Significant Values Policy P49	Support with amendment	Spark supports the overall intent of the policy but considers that the policy could be improved by focusing on inappropriate use and development. Otherwise it could be read as requiring absolute protection and avoidance of all adverse effects from all activities.	identified in Schedule A (outstanding water bodies) shall be avoided, <u>remedied or mitigated</u> . Amend Policy P49 as follows: <i>Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by <u>seeking to:</u></i> <i>(a) protecting visual and biophysical linkages between the site and the outstanding natural feature or landscape, and</i> <i>(b) avoiding adverse cumulative effects <u>from inappropriate use and development on the values of an outstanding natural feature or landscape.</u></i>
19	Primary Coastal Policies Policy P132	Support with amendment	Spark supports the policy as it recognises regionally significant infrastructure as having a functional and operational need to be located in the coastal marine area. The term where practicable in clause (g) is also supported as there are situations where locating development in existing areas (e.g. siting marine cables) may not be practical Recognition of the location of existing infrastructure should also permeate through this policy.	Amend Policy 132 as follows <i>Use and development in the coastal marine area shall...</i> <i>(h) recognise the <u>location, operation and function of existing regionally significant infrastructure.</u></i>
Chapter 5 – Rules				
20	Emergency Power Generators Rule R12	Support with amendment	Spark supports the use of emergency power generators as a permitted activity. However a further situation needs to be recognised within the rule, being load shedding (also known as Peak Load	Amend Rule R12 as follows: <i>The discharge of contaminants into air from combustion equipment not exceeding a maximum generating capacity of 300kW, but up to 2MW in (e) applies from the</i>

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		<p>Generation). From time to time, Spark is approached by electricity generation companies and lines companies to make generators available for load shedding. This only occurs at times when the electricity network is under extreme pressure (crisis peak demand) and is facing the likelihood of area supply cuts.</p>	<p>combustion of diesel, petrol, natural gas or liquefied petroleum gas, to provide emergency power generation, when:</p> <p>(a) the electricity network is disrupted through weather, accidents, or any unforeseen circumstances, or</p> <p>(b) the person operating the equipment is undertaking necessary maintenance or testing of the device, or</p> <p>(c) the electricity connection is not available is a permitted activity; <u>or</u></p> <p><u>(d) load shedding/peak load generation is required.</u></p>
21	<p>Contaminated Land Rule R54</p> <p>Oppose but support with a significant rewrite and amendment</p>	<p>Spark supports the need to manage works in contaminated environments. The use of site investigations to assess hazardous substances that may be present in soil are an important tool. The proposed rules R54, R55 and R69 appear to impose a regulatory regime that is excessive and contrary to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. The need to provide a Site Investigation Report should be set at the same threshold as the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, in order to avoid situations where an investigation report may be necessary under one document but not the other.</p> <p>The rules related to contaminated land and discharges need a full and comprehensive</p>	<p>In the current form Rules 54, R55 and R69 should be deleted and rewritten with at least the amendments proposed below in submission points 21, 22 and 23.</p> <p>Consideration should be given to the introduction of a accidental discovery protocol for contamination as a management tool.</p> <p>Amend Rule 54 as follows:</p> <p><i>The use of land to assess the concentration of hazardous substances that may be present in the soil and any associated discharge into air is a permitted activity, provided the following conditions are met:</i></p> <p><i>(a) the assessment is undertaken in accordance with Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (2011), and</i></p> <p><i>(b) if more than 25m³ per 500m² of soil is disturbed, the assessment is reported in accordance with the</i></p>

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22	Oppose but support with a significant rewrite and amendment	<p>review and rewrite to recognise and provide for works undertaken by infrastructure providers. Given the changes sought to Rule R55 around when regionally significant infrastructure providers should be excluded, a note should be added to Rule R54 to ensure consistency.</p>	<p>Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Land (2011), and</p> <p>(c) a copy of the report is provided to the Wellington Regional Council two months after the completion of the assessment.</p> <p><u>Note, regionally significant infrastructure providers are specifically excluded from requiring to comply with Rule R54, provided the exclusion parameters listed under Rule R55 (and any subsequent provisions) are met.</u></p>
		<p>For the same reasons as outlined above for Rule R54 and R69 Spark supports the intent of Rule R55, however there are concerns that there are no thresholds set as to when provisions (a) and (b) must be complied with. The implementation of some of Spark's below ground linear infrastructure through contaminated land utilising 'trenchless' methods (i.e. drilling, boring and thrusting) can lead to negligible discharges of contaminants. As such, Spark seek that implementation of trenchless method linear infrastructure is excluded from Rule R55. A further permitted rule is required to establish the thresholds as to when the provisions of Rule R55 are necessary.</p>	<p>In the current form Rules 54, R55 and R69 should be deleted and rewritten with at least the amendments proposed below in submission points 21, 22 and 23.</p> <p>Consideration should be given to the introduction of a accidental discovery protocol for contamination as a management tool.</p> <p>Amend Rule R55 as follows:</p> <p><i>The discharge of contaminants onto or into land from contaminated land where the discharge may enter water is a permitted activity provided the following conditions are met:</i></p> <p>(a) a site investigation has been completed in accordance with Rule R54 with a copy of the report provided to the Wellington Regional Council within two years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015), and</p> <p>(b) the site investigation report concludes that:</p>

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			<p>(i) the concentration of contaminants in groundwater meets the Drinking-Water Standards New Zealand 2005 (Revised 2008) for potable water for 90% of species, and</p> <p>(ii) the concentration of contaminants in groundwater, at the property boundary, or at the location of existing bores, or at any point where the groundwater exits to the surface meets the Australian and New Zealand Environment and Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality (2000) for the protection of 95% of species</p> <p><u>The use of trenchless methods to install infrastructure is a permitted activity and does not need to comply with provisions (a) and (b) but subject to manage discharges to the environment from trenches acting as migration pathways for contaminants.</u></p> <p><u>Note that if the provisions in Rule R55B are compiled, compliance with Rule R55 is not necessary.</u></p> <p><u>Rule R55B</u></p> <p><u>Disturbance of soil or fill material containing elevated levels of contaminants must not exceed</u></p> <p><u>(a) 200m³ per site, or</u></p> <p><u>(b) 200m³ per project on one site with multiple projects occurring concurrently where the volume of all disturbances of soil within 100 metres of one another does not exceed 200m³, or</u></p> <p><u>(c) A depth up to 2m and width of 1m where the works comprise linear trenching by infrastructure providers, are above the groundwater table and are located in the road, motorway or state highway, or railway corridor. For the purposes of this rule the railway corridor does not include rail workshops, stabling yards and rail depots or land more than 10m from the rail tracks.</u></p>

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23	Oppose but support with a significant rewrite and amendment	<p>For the same reasons as outlined above for Rule R54 and R55, Spark supports the intent of Rule R69, however there are concerns that there are no thresholds set as to when provisions (a), (b) and (c) must be complied with. The implementation of some of Spark's below ground linear infrastructure through contaminated land utilising 'trenchless' methods (i.e. drilling, boring and thrusting) can lead to negligible discharges of contaminants. As such, Spark seek that implementation of trenchless method linear infrastructure is excluded from Rule R69. A further permitted rule is required to establish the thresholds as to when the provisions of Rule R69 are necessary.</p>	<p><u>(d) The duration of soil disturbance on a site should not exceed 3 months, or on one site with multiple projects occurring concurrently, each separate project should not exceed 3 months.</u></p> <p>In the current form Rules 54, R55 and R69 should be deleted and rewritten with at least the amendments proposed below in submission points 21, 22 and 23.</p> <p>Consideration should be given to the introduction of a accidental discovery protocol for contamination as a management tool.</p> <p>Amend Rule R69 as follows:</p> <p><i>The discharge of contaminants onto or into land that is not permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited under any other rule in this Plan is a permitted activity provided the following conditions are met:</i></p> <p>(a) the contaminant shall not enter water, and (b) the contaminant shall not cause an adverse effect beyond the boundary of the property, and (c) the contaminant is not a hazardous substance</p> <p><u>The use of trenchless methods to install infrastructure is a permitted activity and does not need to comply with provisions (a) and (b) but subject to manage discharges to the environment from trenches acting as migration pathways for contaminants.</u></p> <p><u>Note that if the provisions in Rule R69B are complied, compliance with Rule R69 is not necessary.</u></p> <p><u>Rule R69B</u></p>

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24			<p><u>Disturbance of soil or fill material containing elevated levels of contaminants must not exceed</u></p> <p><u>(a) 200m³ per site, or</u></p> <p><u>(b) 200m³ per project on one site with multiple projects occurring concurrently where the volume of all disturbances of soil within 100 metres of one another does not exceed 200m³, or</u></p> <p><u>(c) A depth up to 2m and width of 1m where the works comprise linear trenching by infrastructure providers, are above the groundwater table and are located in the road, motorway or state highway, or railway corridor.</u></p> <p><u>For the purposes of this rule the railway corridor does not include rail workshops, stabling yards and rail depots or land more than 10m from the rail tracks.</u></p> <p><u>(d) The duration of soil disturbance on a site should not exceed 3 months, or on one site with multiple projects occurring concurrently, each separate project should not exceed 3 months.</u></p>
25	Support	Spark supports the definition of earthworks in excluding cable or pipe laying and maintenance activity, and the construction, repair or maintenance of telecommunication structures.	Retain Rule R99 in its current form
25	Oppose in part	Spark seeks an amendment to specifically provide for the repair, replacement, upgrade or use of telecommunication lines as a permitted activity.	<p>Amend Rule R112 as follows:</p> <p><i>The maintenance, repair, replacement, upgrade or use of a structure or a part of a structure (excluding the Barrage Gates and Telecommunications Lines) that is fixed in, on, under, or over the bed of a river or lake, including any associated:</i></p> <p><i>(a) disturbance of the river or lake bed, and</i></p> <p><i>(b) deposition on the river or lake bed, and</i></p> <p><i>(c) diversion of water, and</i></p> <p><i>(d) discharge of sediment to water</i></p>

Plan Provision	Support/ Oppose/ Amend	Submission Reasons	Decision Sought
			<p>is a permitted activity, provided the following conditions are met:</p> <p>(e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and</p> <p>(f) the resulting structure is contained within the form of the existing structure, or</p> <p>(g) the resulting structure, excluding any cable, pipe or duct and including any deposition, adds no more to the existing structure than whichever is the lesser of:</p> <p>(i) 5% of the plan or cross-sectional area of the structure in the river or lake bed, or</p> <p>(ii) 1m in horizontal projection and 1m in vertical projection measured from the structure as it was on the date of public notification of the Proposed Natural Resources Plan (31.07.2015) in the river or lake bed.</p> <p><u>Note, while Telecommunication Lines are expressly excluded from the provisions of Rule R112, their maintenance, repair, replacement, upgrade or use are subject to compliance with the general conditions in section 5.5.4.</u></p>
26	New Structures – Rule R117	Spark supports the rule and the specific exclusion in clause (f) for adding pipes or cables to an existing structure.	Retain Rule R117 in its current form.
27	Coastal Management general conditions – 5.7.2(c)	Spark have telecommunications cables which cross the foreshore and seabed within the Hutt Valley Aquifer Zone. All Spark cables which cross the seabed are buried within the bed material. The 0.5m depth restriction is overly restrictive in the Hutt Valley Aquifer Zone, and as such a depth of 2.0m is sought.	Amend Coastal Management General Condition 5.7.2 (c) as follows: (c) there is no disturbance of the foreshore or seabed to a depth greater than <u>0.5m 2.0m</u> below the seabed or foreshore within the Hutt Valley Aquifer Zone shown on Map 30, and

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28	New Structure, Addition or Alteration outside sites of significance Rule R161	Oppose in part	Spark seeks amendment to the proposed rule in order to clarify the differentiation between minor additions or alterations to structures (R150) and new structures or alterations to structures outside sites of significance.	Amend Rule R150 and R161 to clearly define thresholds for minor additions or alterations to structures.
29	New Structure, Addition or Alteration inside an identified site Rule R162	Oppose	Spark considers the rule should not apply to additions or alterations to existing structures.	Amend Rule R162 as follows: <i>A new structure, addition or alteration to a structure and the associated use of the structure outside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated...</i>