

Form 5

**Submission on Proposed Plan Change 33 (Flooding Hazard) to the Wanganui District Plan
Under Clause 6 of the First Schedule to the Resource Management Act 1991**

To: Wanganui District Council
PO Box 637
101 Guyton Street
WANGANUI

Attention: Rachael Pull

Submission on: Proposed Plan Change 33 (Flooding Hazard)

Name: Chorus New Zealand Limited (Chorus)

Address: Chorus New Zealand Limited
PO Box 632
WELLINGTON
(Please note different address for service below)

1. Introduction:

Chorus 'demerged' from Telecom as a separate company at midnight on 30 November 2011. As part of its business activities, Chorus maintains and builds a world class network made up of local telephone exchanges, radio communications infrastructure, cabinets and copper and fibre cables.

Chorus' telecommunication and radio communication facilities and networks are essential services because of the critical role they play, both in terms of allowing people and communities to provide for their "wellbeing", and also for assisting to ensure their "health and safety". Chorus' fixed line network connects homes and businesses through an extensive network made up of fibre optic and copper cable.

Chorus works with many different retail service providers to give access to our network and develop innovative new products and services. Our customers include Actrix, Airtel, CallPlus, Compass, Digital Island, Gen-I, Orcon, TelstraClear, Telecom, Trustpower, Vodafone and WorldxChange to name a few. Chorus helps these providers connect their customers to the world.

In addition to supporting our customers to deliver fixed line services; Chorus' fibre network also underpins an extensive mobile phone network, which provides a wide range of mobile services to residents and visitors nationally. In order to satisfy customer demands, Chorus is constantly altering and developing both the fixed line and mobile network support infrastructure to ensure services meet the needs of our customers and the local community.

Within any District Plan framework there is a need to balance policy and provisions to provide for the efficient maintenance and rollout of network utilities infrastructure whilst appropriately managing the effects on the environment associated with such. 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 Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008* (NESTF) is an example of a measure put in place by Government to better provide for deployment of critical infrastructure.

2. The specific provisions of the proposed plan change that my submission relates to:

Definition of 'Critical infrastructure'; Rules RX1, RX2, RX3, RX4 and RX5.

3. Chorus submission is that:

In general, it is considered that:

- (a) PDPC 33 as currently drafted is unclear, uncertain and unworkable. Examples of this include:
- The definition of 'Critical infrastructure' includes "*c) telecommunications cabinets and cellular service infrastructure.*" It is unclear whether this definition also includes associated telecommunication lines whether underground or overhead.
 - The unclear relationship of the provision of 'new buildings and structures' in the Flood Risk Area B as a Restricted Discretionary Activity and in Flood Area A as a Non-Complying Activity; with provision for 'critical infrastructure' which (can include buildings and structures) as a Discretionary Activity.
 - Reference to standards that don't exist e.g. reference to performance standard RX5(2) in Rule RX3(b) and to performance standard RX5(1) in Rule RX4 c.; and
 - Reference to "*The following are discretionary activities:*" under the Non-Complying Activities in Rule RX4.
- (b) PCPC 33 is unreasonably restrictive in the manner in which telecommunication and radio communication facilities (which are essential services and need to be located near the customers they serve) are provided for.

While it is generally prudent to avoid siting new buildings and structures in areas subject to flooding, it is not practical for all network utility equipment, and particularly linear utilities, to avoid these areas. This is particularly noting that these facilities are generally required to be located either directly to, or close to, the customers they serve.

Lines, either below ground or above ground supported by poles, can be sited in flood hazard areas without undue risk to the equipment or the community. Further, small telecommunication cabinets, which can be sited in roads as permitted activities under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 (regardless of any flood hazard overlay), are not afforded the same permitted activity status outside of roads.

The equipment associated with telecommunications is non-habitable and Chorus is of the view that it can make its own assessment of risk as to the suitability or otherwise of siting small utility cabinets in flood hazard overlay areas, and of the design mitigation measures required. Further, any sensitive equipment associated with telecommunication masts will be sited on or within the mast well above flood levels.

As currently drafted, the permitted activity rules for the flood hazard overlay areas would not provide for the above described new telecommunication infrastructure. This is considered inappropriate in view of the essential nature of these facilities, the technical and operational

need to be close to the areas that they serve, and the nature of these facilities which can be sited in flood hazard areas without undue risk to the equipment or the community.

It is noted that the Proposed Horowhenua District Plan (as amended by decisions), which comes under the same Regional Council jurisdiction, provides as a permitted activity in the Flood Hazard zones for:

- *Maintenance or minor upgrading of existing network utilities.*
- *Installation of underground network utilities.*
- *New above ground lines including support poles.*
- *New network utility masts.*
- *New network utility cabinets/buildings.*

For the above reasons, it is considered that the PDPC 33 fails to promote the purpose of the Resource Management Act ("RMA"), and requires amendment.

4. Chorus seeks the following decision from the Council:

EITHER

- (i) Amend the definition of 'Critical infrastructure' to make it clear that it covers all telecommunications as follows:
(c) telecommunications cabinets and cellular service infrastructure; and
- (ii) Amend Permitted Activity Rule RX1 to include new item "*e. New telecommunications*";
and
- (iii) Amend Discretionary Activity Rule RX3 a. to read "*New critical infrastructure and works to critical infrastructure (including telecommunications) not provided for as a Permitted or Restricted Discretionary Activity; and*
- (iv) Make it clear that the provisions for "new buildings and structures" do not apply to telecommunications; and
- (v) That it be confirmed that no minimum freeboard is required for telecommunication facilities in Performance Standard RX5; and
- (vi) Provide amendments to correct the errors highlighted in items 3 (a) bullet points 3 and 4 above.

OR

Such other relief to like effect to remedy the concerns outlined above:

AND

Any consequential amendments necessary as a result of the amendments requested to grant the relief sought above.

5. Chorus New Zealand Limited does wish to be heard in support of its submission.

6. If others make a similar submission Chorus New Zealand Limited would be prepared to consider presenting a joint case with them at any hearing.

Signed:.....

Gretchen Joe
Head of Access and Consents
Chorus New Zealand Limited

Dated at Wellington this 10th day of April 2014

Address for Service:

Chorus New Zealand Limited
PO Box 632
Wellington
Attention: Mary Barton

Telephone: 04 8964168
E-mail: mary.barton@chorus.co.nz

Other Contact Details for planning enquires:

Attention: Louise Miles
Telephone: 04 801 6862
Fax: 04 801 6865
E-mail: louise@incite.co.nz
Address: Incite
PO Box 2058
Wellington
