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Horowhenua District Council  
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31 October 2011

**Attention: David McCorkindale**

Dear David,

**Telecom New Zealand Limited - Letter to be tabled for hearing: Proposed Plan Change 22 to the Horowhenua District Plan (Outstanding Natural Features and Landscapes)**

Telecom New Zealand Limited (Telecom) has opted not to attend the hearing on 14, 15, 16 and 17 November 2011, regarding the above proposed plan change. We request that this letter be tabled for the Commissioners' consideration in lieu of Telecom's attendance.

The Officer's report for the above proposed plan change has been received. It is largely correct in its summary of Telecom's submission points.

Telecom's response to the recommendations made by the Officer's report in regards to their submission points are outlined below:

Submission points 032A, 032B, 032C, 032E, 032F and 032K

Telecom appreciates that the Officer's report has partially accepted the requested policy and rule changes within these submission points. This clarifies the wording of the Plan in relation to development of utilities and definitions of outstanding landscapes and features.

It is noted that the Officer's report has recommended rejection of Telecom's submission point 032C on Policy 4.14C but has included Telecom's requested wording of Policy 4.14C in the recommended changes. Telecom requests that this recommended change is retained.

Submission points 032G, 032H, 032I and 032J

These submission points by Telecom relate to the proposed rules on network utility building and mast height within High Amenity Landscapes and Outstanding Natural Landscapes and on Outstanding Natural Features (ONFLs).

Given the broad coverage of the District with the proposed High Amenity Landscapes and Outstanding Natural Landscapes and Features overlay, including the majority of the Hill Country and Tararua Ranges, it is highly likely that Telecom will find it necessary to place their utilities within these areas. In particular, this is because of the line of sight requirements for wireless telecommunications that for functional and operational reasons will most likely be limited to areas of higher topography. These areas are often those subject to special landscape protection in district

plans. Accordingly, a degree of flexibility is necessary to allow consideration of telecommunications facilities in such areas where there are no other feasible alternatives for providing necessary services. To this end, non-complying activity status is not reasonable or acceptable.

The proposed rules relating to the height of network utilities located within both the Rural Zone Chapter and the Utilities Chapter are confusing and appear to conflict with each other. A summary of these rules is outlined below (this includes the recommended changes to Rule 19.6(c) and Rule 19.9.3 as given in the Officer's report):

Plan Chapter	Rule	Landscape	Threshold	Activity Status
Rural Zone	Rule 19.6(b)	High Amenity	8 metres	Discretionary
	Rule 19.6(c)	Outstanding	3-7 metres	Discretionary
	Rule 19.9.3	Outstanding	Over 7 metres	Non-complying
Utilities Zone	Rule 22.1.7 (buildings)	High Amenity	8 metres	Non-complying
		Outstanding	3 metres	Non-complying
	Rule 22.1.10 (masts)	High Amenity	8 metres	Non-complying
		Outstanding	3 metres	Non-complying

With these rules in place, applicants for resource consent could easily be confused as to which rules they are required to follow. If the rules within the Utilities Chapter override the rules within the Rural Chapter, then all network utilities are only able to be a maximum of 3 metres in height, causing the Rural rules to become redundant.

#### Implications of rules on provision of telecommunication utilities

The effect of these restrictions adds unnecessary compliance to the activities of Telecom. The cost will have impacts on operational costs of the networks operated by Telecom. These costs will either result in no future services for the people of Horowhenua or increase costs to people using telecommunications in the district. We are likely to see investment directed to other places where business is easier and a delay for the district in rolling out new services, as resources used in additional compliance requirements are diverted from new investment.

These are unfortunate outcomes, but they are avoidable with more forethought into what constraints are necessary to maintain the quality of the environment, at the same time as providing for the economic growth of the district.

#### Reiteration of submission points and Officer's report recommendations

In its submission, Telecom requested that the Rural rules be amended so that height thresholds are made more practical to allow for essential activities such as telecommunications masts, and that masts exceeding height limits are assessed as a restricted discretionary activity, given that the effects can be limited to design, siting, external appearance and visual impact. Telecom continues to request these alterations, given the importance of telecommunications utilities as stated above and the significant barrier to development that a non-complying status poses. The Officer's report accepted that there is some merit to these requests (Section 193 and 194), and that the height threshold for an activity to become restricted discretionary could be set at the rural zone permitted limit of 20 metres. This approach is much more acceptable in meeting Telecom's needs.

Telecom also requested that the proposed amendments to the Utilities rules above be deleted, and that the current rules continue to be in place (continuing the maximum height limit of 20 metres). This would provide more consistency between the two chapters, and would remove the inappropriate restriction of 3 metres. The Officer's report however firmly rejected these requests on the basis that ONFLS should have a greater degree of protection (Section 213). This position is confusing, given the willingness to discuss more appropriate rules as discussed in the previous paragraph. Telecom understands that it is often a fine balance between recognising the importance and need for telecommunications sites and any potential effects on the local area. Telecom believes that the assessment criteria within the restricted activity status as described above would appropriately balance protection of ONFLs with the necessity of telecommunication utilities provision.

#### Summary

Planning Maps 32 and 33 show somewhere between 40% and 50% of the Horowhenua District is considered to be High Amenity and Outstanding Natural Landscape. That means for 50% of the district the regulatory cost of compliance of the proposed plan change requires a resource consent – highly likely to be publicly notified if non-complying.

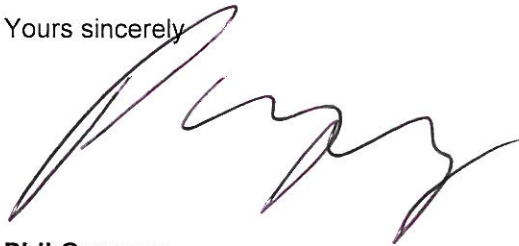
We advocate that the noncomplying activity status for telecommunications utilities should be seen as unduly restrictive. RMA costs are the biggest single obstacle to the roll-out operations to the increasing of cellular coverage and providing for growth in capacity. Estimates indicate that RMA requirements can add between 5% and 12% of the cost of installations. For a services provider's and consumer's perspective it is therefore necessary to ensure compliance costs are fully justified. We do not think they have been in this case, as evident from the material contained in the section 32 report.

Relief Sought

Telecom requests that the Commissioners consider both Telecom's submission points 032G, 032H, 032I and 032J as well as the further points made above when considering their decision on height rules for network utilities within Plan Change 22 to the Horowhenua District Plan, specifically:

- That the non-complying status of telecommunications buildings and masts is unduly restrictive on these activities
- That the height trigger for masts be set at 20 metres rather than 8, 7 and 3 metres
- That the activity status of masts exceeding 20m be set at restricted discretionary rather than non-complying

Yours sincerely

A handwritten signature in black ink, appearing to read "Phil Gurnsey".

**Phil Gurnsey**  
Associate - Planning

on behalf of

**Beca Carter Hollings & Ferner Ltd**

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