

BEFORE THE FAR NORTH DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Far North District Plan:
Hearing Topic 16 in regard to
Subdivision

Statement of evidence of **CHRIS HORNE** on behalf of Chorus New Zealand Limited, Spark New
Zealand Trading Limited and One New Zealand Group Limited

(Submitters 278 and 517)

14 October 2025

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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.
2. I have been engaged by Chorus New Zealand Limited (Chorus), Spark New Zealand Trading Limited (Spark) and One New Zealand Group Limited (One NZ), referred to in this evidence as “the Companies”, to provide evidence as an independent planner in regard to their submission on the Subdivision topic.
3. In preparing my evidence I have read and where relevant rely on the Corporate Evidence prepared on behalf of the Companies in regard to telecommunications networks and connections.
4. My relevant experience and qualifications, and statement on the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note, are set out in my statement of evidence in relation to Hearing Topic 4 dated 22 July 2024.

Evidence Outline

5. I have been assisting a wider joint telecommunications submitter group also including tower companies Connexa Limited and Fortysouth Group LP to other sections of the Proposed Plan (Joint Submitter 282). However, in specific regard to the subdivision chapter, Chorus (Submitter 278) and Spark and Vodafone New Zealand Limited (since rebranded to One NZ) (Joint Submitter 517) have lodged separate submissions.
6. The submission by Chorus and Spark/One NZ are focussed on telecommunications connections to subdivisions but differ in the specific relief sought due to the different interests of these companies in fibre networks and wireless mobile networks respectively. They have since agreed a joint position for the purposes of this hearing. However, in any case the s42A Report recommendation from Mr Kenton Baxter is to completely remove the current standard requiring telecommunications connections to new lots (SUB-S6).

7. Accordingly, my evidence addresses both why in my opinion it is appropriate to have a requirement in the Proposed Plan for new lots to connect to telecommunications networks, as well as the specific relief sought by the Companies.
8. My evidence considers both the s42A report of Mr Baxter in regard to the Hearing 16 Subdivision Topic, and Ms Sarah Trinder in regard to Urban Zones from Hearing 14 which also addresses telecommunications connections.

Telecommunication company submissions

9. The Chorus submission (S278.001) addressed SUB-S6 only and sought the inclusion on one additional zone (Rural Lifestyle Zone) to the coverage of the connections rule plus reference in the rule to “open access fibre networks” which would prevent one network providing fibre and then forcing end users to only be able to use that supplier.
10. The mobile network operators (Spark and One NZ) sought that the connections rule apply to all zones, include a provision for connection to wireless services (mobile or satellite) where fibre is not available, a requirement to provide written confirmation connection can be made by a network operator, and provision of any necessary land in subdivision of more than 15 lots to accommodate any necessary equipment to serve the lots (S517.003).
11. The Companies have now reached an agreed position that jointly addresses the matters raised in both submissions. The agreed position is recorded in the Corporate Evidence.
12. Submissions S517.001 and S517.002 also supported SUB-P6 and SUB-P11 as notified. I can confirm that Spark and One NZ support the recommend versions of these policies in the s42A report.

Policy framework supporting telecommunications connections

13. As set out in the Corporate Evidence, telecommunications connections are more than just traditional phone connections and now also support internet/broadband connections that are part of everyday life for social interaction, business and education. These services are very much a part of modern life. As was put into focus during the COVID 19 pandemic, telecommunications (by either fixed line or wireless services) supported remote work solutions during social distancing and continues to

support modern working methods such as work from home which has its own benefits in terms of reducing travel demand on road networks and use of fossil fuels. These networks also fulfil an important civil defence function and support emergency services communications and 111 emergency calls.

National Policy Statement on Urban Development 2020 (NPS-UD)

14. I understand from Ms Trinder's evidence on Topic 14 that the Waipapa-Kerikeri Structure Plan Area meets the criteria for being considered a Tier 3 Urban Environment for the purposes of the NPS-UD. The NPS-UD differentiates between "*Development Infrastructure*", which includes 3-waters and land transport infrastructure, and "*Additional Infrastructure*" which includes:

additional infrastructure means:

- (a) public open space
 - (b) community infrastructure as defined in section 197 of the Local Government Act 2002
 - (c) land transport (as defined in the Land Transport Management Act 2003) that is not controlled by local authorities
 - (d) social infrastructure, such as schools and healthcare facilities
 - (e) a network operated for the purpose of telecommunications (as defined in section 5 of the Telecommunications Act 2001)
 - (f) a network operated for the purpose of transmitting or distributing electricity or gas
15. Telecommunications networks (which include fixed line such as fibre as well as wireless services), are covered by Clause (e) of the definition. I also note that electricity networks, for which the s42A report recommends retention within the rule requiring a connection for new lots to such networks in SUB-S6, is covered by Clause (f).
16. To the extent that some of the urban parts of the Far North District are Urban Environments for the purposes of the NPS-UD, the following provisions are relevant:
- **Objective 1** – *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*

- **Policy 2** - *Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.*
 - **Implementation Clause 3.5** - *Local authorities must be satisfied that the additional infrastructure to service the development capacity is likely to be available.*
17. Accordingly, as part of meeting its obligations for urban capacity at least in its Tier 3 urban environments, the NPS-UD requires the Council to be satisfied that “*additional infrastructure*” to serve the development capacity, which includes telecommunications networks, is likely to be available. In my opinion, in addition to requirements under the NPS-UD, it is good practice for the overall social, economic and cultural wellbeing of people and communities to have to same requirements for all urban environments in the District.
18. The NPS-UD does not address non-urban environments. However, the Proposed Plan itself via its policy framework for Strategic Directions and Subdivision addresses this on the District-Wide basis and provides a framework supporting telecommunications connectivity in urban and rural environments as I set out below.

Northland Regional Policy Statement

19. The Northland Regional Policy Statement recognises the role of good infrastructure services connections in regional form and supporting community wellbeing work solutions close to where people live. Objective 3.11 is:

3.11 Regional form

Northland has sustainable built environments that effectively integrate infrastructure with subdivision, use and development, and have a sense of place, identity and a range of lifestyle, employment and transport choices.

20. The explanation to the Objective is:

Explanation:

Well planned, coordinated development and good urban design can lead to higher levels of amenity, lower infrastructure costs and greater community wellbeing.

Under section 30 of the Resource Management Act (RMA), the regional council must achieve the strategic integration of infrastructure with land use. Under section 7 of the RMA, councils are required to have particular regard to maintaining and enhancing amenity values and maintaining and enhancing the quality of the environment (this includes all natural and physical resources).

Good urban and infrastructure design and well planned, coordinated development throughout the region can lead to higher levels of amenity, lower infrastructure costs and greater community wellbeing.

This objective seeks to achieve a regional form that enhances the quality of life for Northland's residents by creating sustainable communities that have:

- Good physical connections;
- An adequate range of transport choices (including public transport in urban areas); and
- Vibrant, safe and cohesive town centres with a range of residential and business opportunities.

Developing sustainable built environments means consolidating new urban development⁸ within and adjacent to existing settlements.

There are significant opportunities that arise through consolidated development including:

- Avoiding unplanned 'overloading' of essential infrastructure;
- Improved energy efficiency through the integration of land-use and infrastructure;
- Creating opportunities for residents to work within close proximity to their homes;
- Protecting areas of high natural character and sensitive landscapes; and
- Promoting the ongoing viability of existing town centres by creating a sense of place and identity with sufficient levels of services.

It is acknowledged that rural settings are largely made up of businesses (including but not limited to primary production and their support industries). The objective seeks development that is compatible with surrounding uses and values, is served by an appropriate level of infrastructure and is appropriate within the context of the surrounding environment.

Proposed Far North District Plan

21. The relief sought by the Companies is internally consistent with the Proposed Plan including s42A recommendations on Strategic Directions and the Subdivision Chapter policy framework.
22. In regard to urban zones, the Strategic Directions s42A report recommends Objective SD-UFD-O3 is amended as follows¹:

SD-UFD-O3	Adequate development infrastructure <u>and additional infrastructure is</u> in place or planned to meet the anticipated demands for housing and business activities.
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23. Of significance, the objective has been amended to include the term *additional infrastructure* in regard to the infrastructure that should be in place to support anticipated demand for housing and business activities. As per the NPS-UD definition, *additional infrastructure* includes telecommunications networks. The notified Proposed Plan does not have its own definition of *additional infrastructure*. I am unsure if any submission or s42A reports have recommended that the NPS-UD definition be added to the Proposed Plan.
24. In the Subdivision Chapter, relevant provisions (as per the recommendations in the s42A report) are:

SUB-O3	Infrastructure is planned to service the proposed subdivision and development where: a. there is existing infrastructure connection, infrastructure should <u>is</u> provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and b. where no existing connection is available infrastructure should be <u>is</u> planned and consideration be given to connections <u>made</u> ⁷ with the wider infrastructure network.
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SUB-OY	<u>Subdivision occurs in a sequenced and coherent manner in locations and at a rate that enables growth and development to be supported by additional infrastructure.</u> ¹¹
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¹ Para 183, Strategic Directions s42A Report

SUB-P5	<p>Manage subdivision design and layout in the General Residential, Mixed Use, <u>Medium Density Residential, Town Centre</u>¹⁶ and Settlement zone to provide for safe, connected and accessible environments by:</p> <ul style="list-style-type: none"> a. minimising vehicle crossings that could affect the safety and efficiency of the current and future transport network; b. avoid cul-de-sac development unless the site or the topography prevents future public access and connections; c. providing for development that encourages social interaction, neighbourhood cohesion, a sense of place and is well connected to public spaces; d. contributing to a well connected transport network that safeguards future roading connections; and e. maximising accessibility, <u>(including for emergency response)</u> and¹⁷ connectivity by creating walkways, cycleways and an interconnected transport network; and f. <u>providing additional infrastructure where required</u>¹⁸.
SUB-P6	<p>Require infrastructure to be provided in an integrated and comprehensive manner by:</p> <ul style="list-style-type: none"> a. demonstrating that the subdivision will be appropriately serviced <u>(including telecommunications)</u>¹⁹ and integrated with existing and planned infrastructure if available; and b. ensuring that the infrastructure is provided is in accordance <u>with the planned environment purpose, characteristics and qualities</u>²⁰ of the zone.

25. The provisions cover subdivision generally and are not specific to just urban areas. They promote services connections to infrastructure as well as specific reference to *additional infrastructure*, and in the case of SUB-P6, specific reference to telecommunications.
26. Accordingly, in my opinion the policy framework supports the relief being sought by the Companies in regard to provision for suitable connections to telecommunications networks at the time of subdivision.

Discussion on s42A recommendations

27. The s42A report recommendation is to reject the submissions of the Companies to make amendments to the current connections rule, and further recommends the existing notified rule be completely removed².
28. The reporting planner considers that requiring telecommunications connections in all zones is overly onerous (para 464). There is no recommendation to provide such connections in any zones. The recommended amended rule in the s42A report is:

² Para 460-462, 464, 473 Subdivision s42A report

SUB-S6	Telecommunications and power supply	
General Residential zone Medium Density Residential zone Town Centre zone⁸⁹ Kororāreka	<p>Connections shall be provided at the boundary of the site area of the allotment for:</p> <ol style="list-style-type: none"> 1. telecommunications <ol style="list-style-type: none"> i. Fibre where it is available; or ii. Copper where fibre is not available; and⁹⁰ 2. Eelectricity supply through the local electricity distribution network. <p>Note: This standard does not apply to allotments for a utility, road, reserve or for access purposes.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. alternative provision of telecommunication and electricity supply.
Russell Township zone Mixed Use zone Light Industrial zone Heavy Industrial zone Settlement zone Rural Residential zone Horticulture Processing Facility zone		

29. The recommendation appears to be based in part on providing consistency with recommendations in the Urban Zones s42A report prepared for Hearing 14 by Ms Trinder. In that report the Ms Trinder considers that the Proposed Plan should not include rules in regard to connections to private infrastructure due to a number of risks involved as set out below³:

³ Para 254, Urban Zones s274 Report

The inclusion of private infrastructure in urban zones lacks certainty, is not consistent with the requirements of the NPS-UD and would go against this premise. There are several risks involved with the requested amendment including:

- a. **Limited Oversight & Maintenance:** Private infrastructure may not meet public standards, leading to long-term maintenance issues that the council may eventually need to address.
- b. **Equity & Accessibility Concerns:** Private infrastructure can create disparities in service quality, potentially disadvantaging certain residents.
- c. **Integration Challenges:** Coordinating private infrastructure with public systems (e.g., roads, water supply, drainage) can be complex and costly.
- d. **Legal & Liability Issues:** If private infrastructure fails, councils may face pressure to intervene, even if they were not responsible for its development.
- e. **Financial Risks:** Future costs may arise if private infrastructure deteriorates and requires public investment for upgrades or replacement.
- f. **Economic inefficiency:** private systems can rely on a low capital cost high maintenance cost model, which is unfavourable if ratepayers are required to take over the system. In addition, where reticulated systems or capacity becomes available landowners may be required to connect and pay contributions to do so, increasing costs and making existing systems redundant.

- 30. Dealing with the specific issue of private infrastructure, the core telecommunications networks were traditionally government provided services and later delivered via state owned enterprise Telecom New Zealand Limited. These are now privatised but in my view are still public good infrastructure services required by people and communities. Electricity distribution networks are provided by lines companies that have a mixed ownership model. Whilst most are owned by consumer trust or local councils, some are fully private⁴.
- 31. Electricity and telecommunications networks are public good services that the community relies on for modern living regardless of the ownership model. SUB-S6 has retained electricity connections even though there is no presumption that an electricity distribution network cannot be privately owned.

⁴ Electricity Authority Website

32. The Corporate evidence addresses points (a) to (f) as set out above.
33. Accordingly, I disagree that the ownership model for the core telecommunications network should disqualify telecommunications from SUB-S6 requiring a connection to new lots for subdivision.
34. Provision of telecommunications to lot boundaries at the time of subdivision, particularly in urban areas, is in my opinion more effective and less disruptive than individual owners subsequently having to extend services such as underground fibre retrospectively after subdivision, including breaking up potentially newly constructed roads and footpaths.
35. I acknowledge that people may chose not to have a telecommunications service to their site. However, as ownership and tenancies change over time, in my opinion there should be a requirement for a connection at the time of subdivision, with a consent process followed where other solutions such as a consent notice making it clear on a title that there is no suitable connection, so buyers of land are aware of any constraints. People then have a choice and awareness, whether they want to connect to a service or not.
36. The proposed rule agreed by Chorus and Spark/One NZ also provides an alternative to a fibre connection where this is not available, such as wireless or satellite. The Corporate evidence addresses what a suitable wireless service would entail in regard to determining compliance or otherwise with the rule.
37. Given that new lots in non-urban zones may be intended for commercial or business activity, and other zones may be introduced to the Proposed Plan over time, in my opinion it is better to apply the rule to all zones rather than listing specific zones. If there are any particular zones the Commissioners don't consider would justify requiring a telecommunication connection, these can be listed as exceptions in the rule.

Proposed Relief

38. I generally support the rule agreed between Chorus and Spark/One but with removal of the clause regarding copper/VDSL which is old technology that Chorus advises will not be provided to customers in the future in areas they serve. I have also suggested some general editorial changes to the Spark/One NZ submission version of the rule.

39. I recommend the following amendments to SUB-S6:

SUB-S6	Telecommunications and power supply
<p><u>All zones and all Special Purpose Zones</u> <u>General</u> <u>Residential zone</u> <u>Kororāreka Russell</u> <u>Township zone</u> <u>Mixed Use zone</u> <u>Light Industrial zone</u> <u>Heavy Industrial zone</u> <u>Settlement zone</u> <u>Rural Residential zone</u> <u>Horticulture</u> <u>Processing Facility zone</u></p>	<p>Connections shall be provided at the <u>boundary</u> of the <u>site</u> area of the <u>allotment</u> for:</p> <ol style="list-style-type: none"> 1. telecommunications <ol style="list-style-type: none"> i. <u>Through an open access fibre network where it is reasonably practicable to do so</u>; Fibre where it is available; or ii. <u>Where connection to an open access fibre network is not reasonably practicable available Mobile/Wireless, which includes satellite; or and</u> iii. <u>The applicant shall provide with any subdivision consent application of written confirmation from a telecommunication network operator confirming that a suitable connection can be made; and</u> iv. <u>At the time of subdivision, sufficient land for telecommunications, transformers and any associated ancillary services must be set aside. For a subdivision that creates more than 15 lots, proof of consultation with the telecommunications network utility operators may will be required.</u> 2. Electricity supply through the local electricity distribution network. <p>Note: This standard does not apply to <u>allotments</u> for a utility, <u>road</u>, reserve or for access purposes.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. alternative provision of telecommunication and electricity supply. b. <u>Consent notice on title where service is not reasonably able to be provided</u>

Green = wording from Chorus submission

Red = wording from Spark/submission

Blue – Chris Horne additional suggestions

s32AA Assessment

40. No changes are proposed to any objectives and policies, so only changes to SUB-S6 require consideration.
41. The relevant provisions in the NPS-UD, Regional Policy Statement and relevant sections of the Proposed Far North District Plan in regard to infrastructure connections in urban and non-urban areas as set out in this evidence support the relief sought.
42. In terms of Part 2 of the RMA, the proposal supports the well-being and health and safety of people and communities. The proposal also supports work solutions near where people live and reduces the need to travel. Physical effects of infrastructure are addressed through the network utilities rules in the Proposed Plan.
43. The risk of acting is some additional costs to applicants or buyers in the subdivision process, but noting these costs may simply be borne later by owners if there are no available services to lots. The risk of not acting (and adopting the s42A recommendation) is less connected communities and poor alignment with policy directions.
44. The proposal is considered to be effective in delivering the directions of the policy framework which support providing telecommunications infrastructure connections to new lots which is not delivered by the s42A recommendation. There will be some costs in applicants needing to liaise with network providers and where open access fibre is available costs of providing these connections which would likely be passed on in the lot values. There are possible additional legal costs of implementing consent notices where there are no available services (noting there are already legal costs associated with creation of new titles). These costs are considered marginal to the overall subdivision process costs.
45. However, there are benefits to providing well connected communities and in the case to fixed line fibre serves avoiding needing to retrofit these into newly developed streets after titles are created. Overall, the proposal is considered to be more efficient in achieving the policy direction of the relevant planning documents and achieving the purpose of the Act than the recommended s42A version of SUB-S6.