

## **Porirua City Council Proposed District Plan**

### **Hearing Stream 5**

#### **Speaking Notes May 18, 2022: Graeme McCarrison**

##### **Introduction**

1. The purposes for the amendments I proposed to SUB-S7 are set out in paragraph 3.11 of my Hearing 5 evidence were two-fold given the Councils focus on enabling fibre telecommunications infrastructure rather than all telecommunications networks ie wireless and mobile. Firstly, the amendments sought to provide clarification as to the term “connection” to ensure Council and applicants for subdivision were aware that a connection can include wireless and mobile. Secondly, the amendments sought a requirement for applicants for large subdivisions to talk with the telecommunication network operators. In support of the requirement, I provided a simple non-statutory process was suggested that set out how telecommunication network operators, such as Spark, Vodafone and 2degrees would have received information to support network planning and investment to provide telecommunication services in Porirua enable by the policy framework of INF - Infrastructure and SUB - Subdivision.
2. The requested amendments were rejected in supplementary planning evidence of Rory Smeaton. SUB-S7 remains contested.

##### **Policy framework**

3. Within chapter INF -Infrastructure telecommunications is recognised as regionally significant infrastructure and therefore consequently benefits from objectives INF-O1, INF-O2, INF-O3, INF-O5 and policies INF-P1, INF-P2 and INF-P3. These objectives and policies are about enabling infrastructure including being integrated, accessible and available to provide sufficient capacity to existing and planned growth which includes subdivisions. The INF objective and policy framework are inclusive of infrastructure including telecommunications and is not specific to fixed line i.e. fibre, wireless and mobile.
4. INF-P10 recognises the benefits of new technology. SUB-P5 requires the integration of infrastructure including ensuring telecommunications is provided to the lot boundary. Telecommunications technology is evolving faster than any other infrastructure sector, as previously set out in the our primary evidence for Hearing 4. Section 3 of that evidence shows how the sector is evolving, including 5G, 6G wireless networks,

satellites as well as increasing data speeds on the fibre network. Spark and Vodafone have accepted that Council in SUB-S7 in urban zones only requires provision of fibre to the new lot boundary. To enable the non-fixed wireless network operators to support the policy framework in INF and SUB we need access to development information and the opportunity to work beside Council and larger developers as the design layout and form of the development, in order to provide for the integration that the PDP seeks between urban development and our infrastructure.

5. The policy framework supports the provision of telecommunications and is non-network technology specific e.g. fibre, or mobile or other forms. Consequently, the proposed amendments to SUB-S7 can be enabled by the objectives and policies. It is only standard SUB-S7 that has network specific requirements.

### **Network Information**

6. In order to understand the availability of telecommunications to service a proposed subdivision, public query sites such as <https://broadbandmap.nz/home> are a useful starting point. However, only direct conversation with each network operator can determine capacity of their network to support a new development.

### **Threshold trigger for a conversation**

7. The purpose of the threshold was to require communication only on the significant developments that will potentially impact the existing network coverage and capacity. Mr Smeaton rightly points out that these developments maybe only be in the Future Urban Zone and that is fine. The amendment is therefore in my opinion set at the correct threshold as there is no intention of creating unnecessary work or requirements for Council and smaller developments.
8. Retrofitting telecommunications such as antennas on poles and/or buildings, especially in residential developments is difficult. Potentially this would be overcome by the requirement for communication between large developers and network operators. Spark and the other operators have no access to information that enables us to know which developments are being proposed or which are proceeding to construction.
9. We are open to exploring an alternative wording to the amendments that enable the potential to design telecommunication network solutions into large developments when the layout and form these are being designed.
10. The way we work significantly changed during covid lockdowns. This was enabled by telecommunications. Our networks and digital services are essential to New

Zealanders. Our customers increasingly want that be able to make a call, use the internet and social media, remotely turn on the home heating system from anywhere. For this to occur access to wireless and mobile networks is needed. Paragraph 3.5 of my Hearing 5 evidence sets out what choice of telecommunications means. SUB-S7 as currently drafted does not deliver these options in urban zones.

### Useful to clarify what a connection includes

11. The inclusion of the terms mobile and wireless was to assist the user to understand the connection opportunities are. These terms are not limiting but in fact gives an expansive recognition of the telecommunications network options. If there is concern about the wording I suggest adding including or for example in front of word wireless either **(including wireless and mobile)** or **(for example wireless and mobile)**.
12. As background the term “connection” is not defined in the proposed District Plan, Telecommunications Act 2001 nor the NESTF 2016. The following words are defined which do not necessary assist non-industry organisations to understand what the opportunities are for telecommunication connections.

**Telecommunications Act 2001 Section 5 Interpretation** sets out what telecommunications means or is covered under this legislation. The following are useful inclusions

**end-user**, in relation to a telecommunications service, means a person who is the ultimate recipient of that service or of another service whose provision is dependent on that service

**fibre fixed line access service**—

(a) means a telecommunications service that enables access to, and interconnection with, a regulated fibre service provider’s fibre network; ....

**fibre network** means a network structure used to deliver telecommunications services over fibre media that connects the user-network interface (or equivalent facility) of an end-user’s premises, building, or other access point to a regulated fibre service provider’s fibre handover point

**line**—

(a) means a wire or a conductor of any other kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, images, sounds, instruction, information, or intelligence of any nature by means of any electromagnetic system;

**network** means a system comprising telecommunication links to permit telecommunication

**network operator** means any person declared under—

- (a) *section 105 to be a network operator for the purposes of this Act or any provision of this Act; or*
- (b) *section 2A of the 1987 Act (as it read immediately before the commencement of this Act) to be a network operator for the purposes of that Act or any provision of that Act*

**wireless works** *means any works relating to the provision of any wireless or mobile telecommunications services*

**works** *includes—*

- (a) *a line and any instrument, furniture, plant, office, building, machinery, engine, excavation, or work, of whatever description, used in relation to, or in any way connected with, a line; and*
- (b) *a fixed radio station.*

## **Conclusion**

Amending SUB-S7 as proposed in my opinion would be a useful small step to assist the telecommunications network operators to support Porirua with the telecommunications enabled in the objectives and policies especially of INF. SUB-S7 does not enable the direction provided by INF-O1, INF-02, INF-O3, INF-O5 and policies INF-P1, INF-P2 and INF-P3.