



POWER, TELECOMMUNICATIONS & SUBDIVISIONS

Workshop with Councillors

5th June 2024

CURRENT APPROACH

- ▶ District Plan Zones sets requirements

SUB-S4	Energy supply, telephone systems, and high voltage electricity transmission lines	
	<p>1. All new <i>allotments</i> in the Residential, Settlement, and Commercial Zones and Ocean Ridge and Kaikōura Peninsula Tourism Development Areas shall be provided with connections to electric supply and telecommunications systems to the boundary of the <i>allotment</i> except where <i>allotments</i> are for <i>access, roads, utilities, or reserves</i>. Refer to the EI - Energy and Infrastructure chapter for standards relating to lines.</p>	<p>Matters of discretion:</p> <p>The effects of not meeting the standard.</p> <p>Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>

- ▶ SUB-S4 address by resource consent conditions
- ▶ If another zone (eg rural zone) and application states condition also included.
- ▶ Typical Condition:

Telecom and Power Connection

Written confirmation shall be submitted to the Kaikoura District Council that a separate connection for power and telecommunications has been installed to the boundary of each lot.



KAIKŌURA
DISTRICT COUNCIL

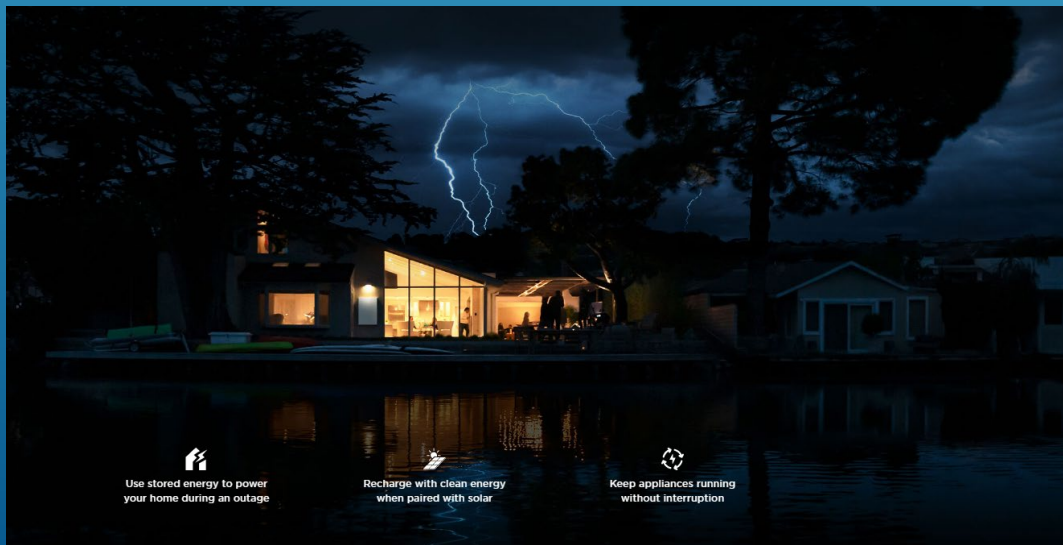
DISRUPTIVE TECHNOLOGY

- ▶ Chorus have confirmed no extension of the copper network
- ▶ High Cost of Fiber - "A high-level estimate to extend our fibre network to your development is in excess of \$100,000 Incl. GST"
- ▶ Star Link - \$159/month
- ▶ Wireless Broadband – One NZ \$65/month
- ▶ What about other services - Solar , Wind, Hydro Ocean Ridge?– Tesla?



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on a 12 month term



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GO

SPARK – TYPES OF BROADBAND

ADSL	4G fixed wireless	VDSL	Home Fibre Starter 50	Home Fibre 300	Home Fibre 920	Hyperfibre
<p>Average speed Mbps*</p> <p>9.8 0.7 Download Upload</p>	<p>Average speed Mbps*</p> <p>30.5 17.3 Download Upload</p>	<p>Average speed Mbps*</p> <p>42.5 11 Download Upload</p>	<p>Average speed Mbps*</p> <p>50 10 Download Upload</p>	<p>Average speed Mbps*</p> <p>314.6 109.6 Download Upload</p>	<p>Average speed Mbps*</p> <p>870.7 497.7 Download Upload</p>	<p>Average speed Mbps*</p> <p>2000** 2000 Download Upload</p>
<p>29.1 ms Average latency</p>	<p>49.1 ms Average latency</p>	<p>19.8 ms Average latency</p>	<p>7 ms Average latency</p>	<p>6.3 ms Average latency</p>	<p>5.4 ms Average latency</p>	<p>5.4 ms Average latency</p>
<p>Retails from \$64 per month⁺</p>	<p>Retails from \$45 per month⁺</p>	<p>Retails from \$64 per month⁺</p>	<p>Retails from \$50 per month⁺</p>	<p>Retails from \$65 per month⁺</p>	<p>Retails from \$80 per month⁺</p>	<p>Retails from \$125 per month⁺</p>
<p>0% Netflix streaming reliability⁺⁺</p>	<p>60% Netflix streaming reliability⁺⁺</p>	<p>60% Netflix streaming reliability⁺⁺</p>	<p>Not measured in MBNZ report</p>	<p>100% Netflix streaming reliability⁺⁺</p>	<p>100% Netflix streaming reliability⁺⁺</p>	<p>100% Netflix streaming reliability⁺⁺</p>
<p>ADSL</p> <p>Suitable for traditional online services like web browsing and email plus some basic video streaming.</p>	<p>4G WIRELESS</p> <p>Suitable for web browsing, email and basic video streaming in small to medium households.</p>	<p>VDSL</p> <p>Good for web browsing, email and basic video streaming in small to medium households.</p>	<p>HOME FIBRE STARTER 50</p> <p>Entry level fibre connection. Great for web browsing, email and basic video streaming in small to medium households.</p>	<p>HOME FIBRE 300</p> <p>Great for medium to large households for browsing, streaming and playing on multiple devices at the same time.</p>	<p>HOME FIBRE 920</p> <p>Great for larger households or high data users. All the performance benefits of fibre plus plenty of capacity to do more online.</p>	<p>HYPERFIBRE</p> <p>Great for large households or those using large amounts of data at the same time and want it all to happen fast.</p>
<p>Choose</p>		<p>Choose</p>	<p>Choose</p>	<p>Choose</p>	<p>Choose</p>	<p>Choose</p>



RESOURCE MANAGEMENT ACT

DIRECTION ?

- ▶ Newbury Principles -House of Lords in *Newbury District Council v Secretary of State for the Environment*– for conditions to be valid a condition must:
 - ▶ Be for a resource management purpose, not for an ulterior one
 - ▶ Fairly and reasonably relate to the development authorised by the consent to which the condition is attached
 - ▶ Not be so unreasonable that a reasonable planning authority, duly appreciating its statutory duties, could not have approved it; and
 - ▶ Not involve an unlawful delegation of the consent authority's duties
- ▶ Other caselaw
 - ▶ *Cookie Muncher Charitable Trust v Christchurch City Council* (NZEnvC W090/08, 22 December 2008) - Is unenforceable (e.g. **relies on compliance by third parties** where consent had not been obtained)
 - ▶ *Dart River Safaris Ltd v Kemp* [2000] NZRMA 440 - Frustrates the consent (a condition of consent cannot negate the consent granted). However, a condition that requires an applicant to carry out significant works whose expenditure calls the viability of the activity into question is not necessarily invalid and may be the price an applicant must bear.


SERVICE PROVIDERS DIRECTION

- ▶ Mainpower and Chorus Contacted:
 - ▶ Mainpower Email 13th May 2024
 - ▶ Power needed by end consumers not developers
 - ▶ High costs to retro fit which consumer would need to meet
 - ▶ Not same “non-network” option as telecommunications
 - ▶ Intention of minimising overall cost to consumers
 - ▶ What about water and sewage?
 - ▶ Chorus Email 28th May 2024
 - ▶ Subdivision Standards should require connections to an open-access fibre network to all new allotments in urban Residential, Commercial and Industrial zones.
 - ▶ Fibre should be provided wherever practicable
 - ▶ Chorus is currently working on establishing some guidance to assist developers and Council’s to determine the circumstances where fibre may not be the preferred option
 - ▶ Examples of requirements for fibre in Porirua DC and Wellington CC.


CHORUS – FIBRE

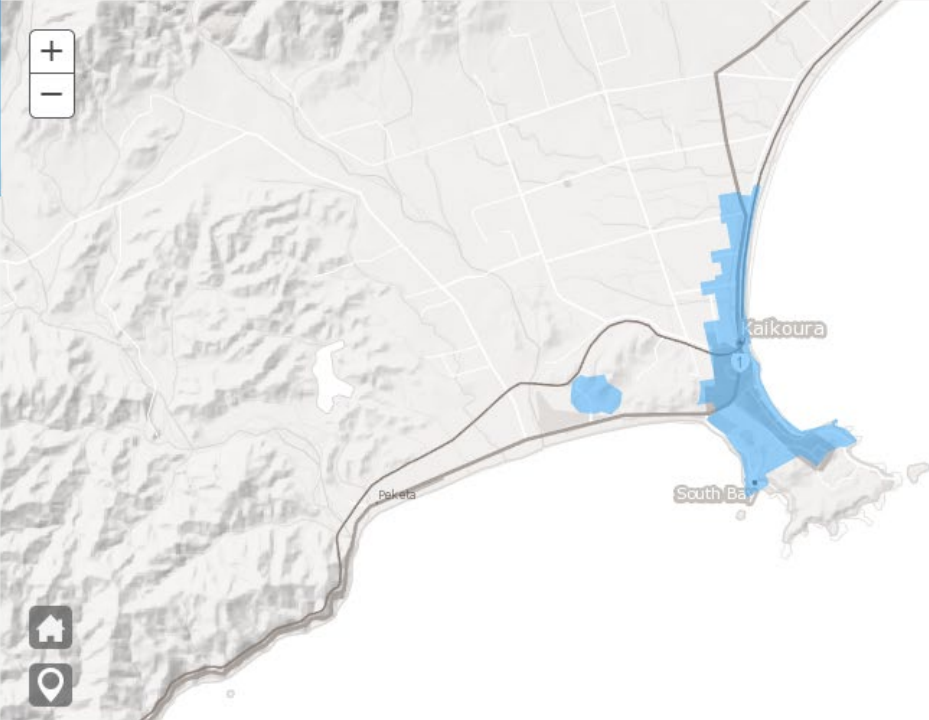
- ▶ [Broadband Map](#) | [Internet Areas Map](#) | [Chorus](#)

Broadband availability map


Enter a location 

ADSL VDSL **FIBRE** HYPERFIBRE RURAL

 Fibre



Map showing fibre availability in the Kaikoura region, including labels for Paketi, Kaikoura, and South Bay.

CoreLogic NZ POWERED BY 

APPROACH OF CANTERBURY COUNCILS

A REASONABLE PLANNING AUTHORITY?

- ▶ Kaikoura – as discussed
- ▶ Hurunui – Matter of control – Ability to connect in rural zone and physical connection within urban areas.
- ▶ Waimakariri – Minimum of 4G – evidence must be provided that hard-wired is impractical - (mechanism for buyers – consent notice)
- ▶ Christchurch – Residential, Business All lots must have telecommunications and electrical supply laid to the net site area of each lot. Do accept wireless but require evidence. Letters required from network providers. Rural ability to connect and letters required of evidence.
- ▶ Selwyn – District Plan currently under appeal - new plan direction sees power and telco conditions to be 3rd party conditions and therefore not required as part of the Council process
- ▶ Ashburton - Residential, Settlement aquatic park requires power and telecommunication – require ducting for fibre if service cannot be provided. Other zones is ability to connect.
- ▶ Timaru -Generally case by case – regard given to peak time use and civil defence requirements
- ▶ Mackenzie - all new allotments in the Residential, Rural-Residential and Business Zones, other than allotments for access, roads, utilities and reserves, shall be provided with connections to electric supply and telephone systems to the boundary of the net area of the allotment. Impose consent notices informing prospective purchasers that a telecommunication connection is not available and that it is to be provided via the cellular network
- ▶ Waimate - Required in settlement area – non-connection technically non-complying activity – but happy to rely on a wireless connection (currently no consent notices)
- ▶ Waitaki - Allows wireless provided evidence of sufficient cell coverage

DISCUSSION / DIRECTION

- ▶ Discussion
- ▶ Questions