

## Wellington City District Plan – Omnibus Plan Change

### SUB-S5 - Telecommunications and power supply

#### Scope of Proposed Change

To amend subdivision standards to include alternatives and exceptions for fibre optic connections in new subdivision allotments.

#### Background

SUB-P8 requires adequate and suitable servicing of all subdivisions. Specifically, that “[a]llotments in rural or other areas that are unable to connect to reticulated networks .... [s]uitable connections to telecommunications and electricity are supplied.”

To achieve this policy requirement, SUB-S5 of the [2024 District Plan](#) requires that all subdivision allotments have provisions for power supply and fibre optic cable connections.

It has been identified that some zones have limited connection to fibre optic networks, specifically the General Rural Zone (GRUZ) and Large Lot Residential Zones (LLRZ). Furthermore, many open spaces do not require an internet connection and, due to the nature of activities occurring within this zone are unlikely to do so in the future (specifically the Natural Open Space Zone (NOSZ), Open Space Zone (OSZ) and Wellington Town Belt Zone (WTBZ)).

A concern has been that there is no exception in situations where no connections for fibre optic cables are available and/or these are not required for the purpose of the site.

SUB-S2 to SUB-S4 include exemptions for when water supply, wastewater disposal and stormwater connections to the reticulated public systems are unavailable. This assessment considers whether a similar approach is appropriate with respect to telecommunication connections. The assessment focuses on the telecommunications element of SUB-S5 and does not review the power supply element.

The issue was raised by the Council’s Resource Consents Team, who noted the inconsistency between SUB-S5 and the other standards, as well as the implication of potential prohibitive costs associated with subdivision in the abovementioned zones.

No submissions on this matter were received during the Proposed District Plan (PDP) process.

Current practice has been considered in respect of this topic, with a review undertaken of the following District Plan:

<a href="#">Porirua City Council Proposed District Plan</a>	Includes telecommunication standards for different zones. With Rural Zones, Open Space Zone, Special Purpose Zone, Future Urban Zone and Māori Purpose Zone (Hongoeka) allowing alternatives to fibre optic connection with written confirmation from “a telecommunication network operator confirming that connection to a telecommunications network can be provided to all new allotments and describing how this can be achieved.”
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Other District Plans (including the Upper Hutt and Lower Hutt City Councils) do not include provisions for fibre optic connection.

## Assessment of Options

There are two options for addressing the issue, being to:

1. Retain the status quo (require telecommunications and power supply connections in all zones);
2. Amend SUB-S5 so that this relates to power supply only and include a new (amended) SUB-S5a specific to telecommunications. Within SUB-S5a include zone-based telecommunications requirements with exemptions specific to zones where fibre optic connections are not available.

### Option 1 – Retain the status quo:

In the GRUZ and LLRZ fibre optic connections are not always in place, in some cases the network providers will not provide fibre connections, and the onus would be on a landowner to provide new connections at the time of subdivision. The current provision that all new subdivision allotments must have fibre optic connections could be prohibitively expensive. It is also noted that in some locations the service providers may be unwilling or unable to provide the connections, thereby making it impossible for an applicant to meet the standard.

SUB-S5 does not align with the similar standards SUB-S2 – SUB-S4, which have provisions for situations where the reticulated public network is unavailable.

Noting that there is no Permitted Activity subdivision in the GRUZ, the implication would be that the Restricted Discretionary Activity status could not be met, and the more onerous Discretionary Activity status would apply.

### Option 2 – Amend SUB-S5 so that this relates to power supply only and include a new (amended) SUB-S5a specific to telecommunications. Within the new SUB-S5a include zone-based telecommunications requirements with exemptions specific to zones where fibre optic connections are not available.

Amending the standard would provide for subdivision where fibre optic connection is not available, and/or not required. Specifically, in the LLRZ, GRUZ, NOSZ, OSZ and WTBZ.

In the NOSZ, OSZ and WTBZ, situations where fibre optic connection is not required include walking tracks, playgrounds, and the like. In this respect, it is noted that where recreational activities involve sporting facilities (ie clubrooms) may require fibre optic connection. Hence the exemption is not recommended for the Sport and Recreation Zone (SARZ). In the GRUZ, and to an extent the LLRZ and GRUZ allotments being used rural activities' such as agricultural, pastoral, horticultural, and forestry would not require internet connection. Additionally, there will be LLRZ and other residential properties where use of the satellite network or copper VDSL network may be more appropriate. The proposed amendment takes the approach of allowing alternative internet connections in LLRZ and GRUZ, and exceptions in NOSZ, OSZ and WTBZ.

This option only considers exemptions in LLRZ, GRUZ, NOSZ, OSZ and WTBZ as it is expected that subdivision and new development in the urban areas (specifically residential and centres) will provide fibre connections as land is developed over time. The level of service that is expected and installation at the time of subdivision ensures that new housing and development meets modern living standards.

To resolve the issue it is recommended that SUB-S5, which currently covers both power supply and telecommunications, is divided into two separate standards with a new SUB-S5a to cover telecommunications. This change will enable the new telecommunications standard to provide an exemption from the requirement to provide fibre optic connections in specific zones, while ensuring the power supply standard continues to apply in all zones. While the same outcome could be achieved solely through the amendment of SUB-S5 it is considered that splitting the standard will ensure clarity and improve the Plan user experience. It will also align with the other subdivision standards.

This approach is considered appropriate for the Wellington context as the Plan seeks to achieve the same outcomes, being a more permissive planning framework for specific zones. In the zones that the exemption is not applied to, if the standard is not met then the Discretionary Activity consent pathway and ability to assess the non-compliance through the resource consent application is an appropriate outcome.

This option brings the standard in line with similar standards (SUB-S2 – SUB-S4) and addresses the issue of situations where connection is unavailable and not needed.

### **Costs/benefits**

#### **Option 1**

Option 1, being the status quo, is a more open-ended option that has the risk of compromising the application of the policy. This option will impose additional costs at the resource consent stage and, if connections are required, significant costs for landowners – in fact these may be prohibitive to the subdivision from occurring in some instances. As well as the environmental costs of unnecessary use of materials to install fibre optic cables. The status quo has some social and economic benefits of fast and reliable internet.

#### **Option 2**

Option 2 allows for more efficient use of resources, reduces unnecessary costs, aligns with similar standards and is specific enough to comply with the policy. The disparities in infrastructure, potentially hindering future development if demand for fibre optic growth, is limited as this option focuses on rural and open space areas.

### **Risk of not acting**

The risk of not acting is that the standard would impose additional restrictions on subdivision of land, particularly in the GRUZ. In terms of consenting, the activity status would increase from Restricted Discretionary to Discretionary. This may not be a significant implication insofar as there may be other requirements that elevate the activity status. However, the requirement to install fibre connections to remote locations may in fact prevent subdivision from occurring in locations where this is otherwise appropriate. This is not an outcome that was intended or foreseen under the 2024 District Plan. Therefore, retaining the status quo is not appropriate.

Additionally, there would be inconsistencies within the other SUB standards.

### **Risk of implementing changes**

While offering flexibility, the changes could create risks related to future telecommunication needs. In this respect, it is noted that developers still have the ability to supply connections if they choose to do so.

### Recommended Option

SUB-P8 lays out the requirement that suitable connections to telecommunications and electricity are supplied. With respect to power and telecommunications the SUB-P8.3 requires that *“Suitable connections to telecommunications and electricity are supplied”*.

SUB-S5 as written is more restrictive than the policy than the outcome the provides for, as it requires that all new allotments have new power and fibre optic cable connections and leaves no scope for alternatives. The proposed changes seek to recognise that in urban areas new connections will be suitable and will need to be provided; whereas in more remote areas and those used for open space purposes, these may not be necessary and are arguably not *‘suitable’*.

To address this issue, Option 2 is the preferred option.

As demonstrated in the assessment above, for the most part there are limited costs and benefits associated with the recommended changes. Nevertheless, the costs of not acting will be greater than the costs of amending the standard as recommended, with respect to costs imposed on rural landowners.

### Consultation

The Council’s Parks, Sport and Recreation Team they advised that park and reserve land is sometimes subdivided, and requiring internet connection to these sites is unnecessary. Therefore they have no concerns with the proposed change.

The Council’s Resource Consents Team has the same view, noting that it was this team who initially raised the issue that SUB-S5 is currently too restrictive.

### Recommended Change

#### 1. Amend SUB-S5

#### SUB-S5 ~~Telecommunications and~~ power supply

- ~~1. All new allotments must have provision for fibre optic cable connections to the legal boundary of the allotments; and~~
1. ~~2.~~ All new allotments must have provision for electricity connections to the legal boundary of the allotments.

Assessment criteria where the standard is infringed:

1. The extent to which the proposed ~~telecommunications and~~ power supply is sufficient for the development or activity it serves;
2. Where any ~~reticulated telecommunications and~~ power supply system is not immediately available but is likely to be in the near future, the appropriateness of temporary supply solutions; and
3. Whether any site constraints make compliance impracticable.

## 2. New SUB-R5a

### SUB-S5a - Telecommunications

#### Telecommunications

Large Lot Residential Zone

General Rural Zone

Natural Open Space Zone

Open Space Zone

Wellington Town Belt Zone

1. All new allotments must have provision for fibre optic cable connection to the legal boundary of the allotments; or
2. Provided fibre optic cable connection is not available;
  - a. Access to a mobile or wireless network, including a satellite network, if connection to such a network is available; or
  - b. A copper VDSL network as a minimum if no broadband mobile or wireless networks are available.

#### All other zones

1. All new allotments must have provision for fibre optic connection to the legal boundary of the allotments.

Except in the Natural Open Space Zone, Open Space Zone and Wellington Town Belt Zone where there is no fibre optic. connection available and is not required for the purpose of the site.

Assessment criteria where the standard is infringed:

1. The extent to which the proposed telecommunications is sufficient for the development or activity it serves;
2. Where any reticulated telecommunications system is not immediately available but is likely to be in the near future, the appropriateness of temporary supply solutions; and
3. Whether any site constraints make compliance impracticable.