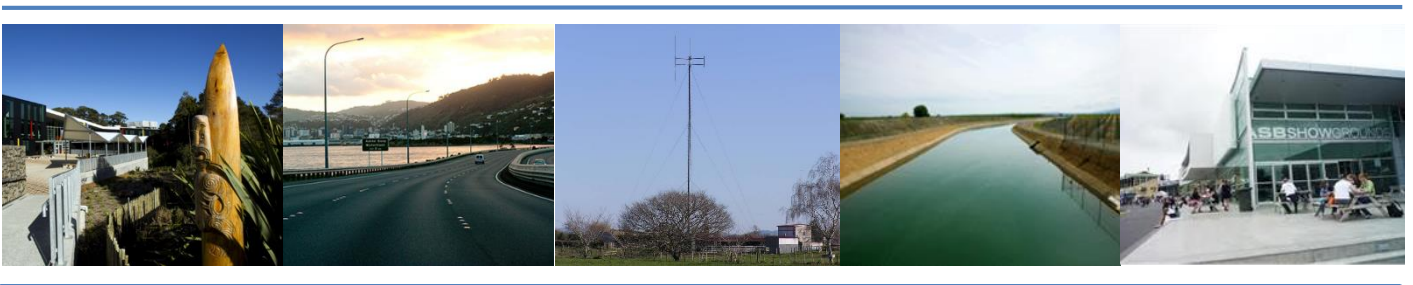




# RMA Analysis Report

## Fibre to the Home (FTTH) Aerial Network for a Hypothetical New Entrant

31 July 2014



## Quality Control

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# Contents

<b>Introduction .....</b>	<b>3</b>
<b>District Plan Analysis Methodology.....</b>	<b>4</b>
Overview of Impact of District Plans .....	4
Assumptions and Limitations .....	7
<b>Consentability and Timeframes .....</b>	<b>9</b>
Consent Risks.....	9
Cost and Timeframes.....	11
Consenting Issues .....	12
<b>Recommended Consenting Strategy .....</b>	<b>14</b>

**Appendix A – District Plan Review Table**

## Introduction

Incite has received instructions from Chapman Tripp on behalf of Chorus New Zealand Limited (Chorus) to provide an expert planning report in relation to the Commerce Commission's current price review of Chorus's Unbundled Bitstream Access (UBA) and Unbundled Copper Local Loop (UCLL) services.

We have been asked to provide a report and expert opinion on the likelihood of a Hypothetical New Entrant (HNE) obtaining all necessary approvals under the Resource Management Act 1991 (RMA) from the relevant regulatory authorities to deploy a Fibre to the Home (FTTH) aerial network to deliver the UBA and UCLL services throughout New Zealand. We have also been asked to provide advice on the likely time and cost, in necessarily approximate terms, associated with obtaining any necessary statutory approvals.

Incite has been instructed for this task on the basis of its experience with leading the RMA approvals process for Chorus's aerial Ultra-Fast Broadband (UFB) rollout in Auckland and a number of other Chorus UFB areas throughout New Zealand. To date we have obtained 27 aerial UFB area-wide consents for the greater Auckland metropolitan area, and 'global' certificates of compliance to deploy aerial UFB in Dunedin City, Horowhenua District, Hastings City and Greymouth District, with preliminary work on applications in other areas having also commenced.

As an overall summary statement, our experience with obtaining these aerial consents has ranged from being very straight forward and low cost in some of the smaller territorial authority areas, to extremely complex, costly and time consuming (i.e. Auckland Council consenting to date, and anticipated issues with the territorial authorities making up the Wellington metropolitan area which is yet to commence).

The report includes two major components.

1. The first part is an analysis of district plan controls throughout New Zealand to assess the general activity class and therefore consent type required for a range of aerial deployment scenarios (contained in Appendix A).
2. The second part is included within the body of this report and outlines the methodology for the analysis of district plans undertaken, and provides our opinion based on our experiences with the roll out of the Chorus UFB network (aerial and underground) of the relevant issues and likelihood of consents being obtained for the national roll out of an aerial FTTH network by a HNE.

The report has been prepared by Chris Horne as a planning expert in accordance with the High Court of New Zealand's Code of Conduct for Expert Witnesses (Schedule 4). It should be noted that the attached district plan analysis table has been compiled by several planning staff within Incite under Chris Horne's direction and review, all of whom have observed the code of conduct.

# District Plan Analysis Methodology

## Overview of Impact of District Plans

### Methodology

Incite planning staff have undertaken a review of the district plans for all territorial/unitary authority areas in New Zealand. This analysis has outlined the type of activity class that is relevant to selected zones for the key components of an aerial network, which was necessary to provide a view on 'consentability'. The results of this analysis are included in Appendix A. This information has necessarily been summarised and is subject to a number of assumptions and limitations that are based on our experience with working in many of these local authority areas. All assumptions and limitations that are set out in a separate section below.

### Each territorial authority generally has its own district plan regulating land uses

In general terms, each territorial authority area has its own district plan which controls the use of land, including network utility infrastructure such as a FTTH network. Some local authorities, such as Auckland Council and Gisborne District Council, are unitary authorities which have both regional and district council functions. Some unitary authorities have combined resource management plans, which include rules relating to both their regional and district council functions under the RMA. In the Wairarapa, the three territorial authorities share the same combined district plan that applies to all three district council areas. However, broadly speaking, each council has one district plan.

The major exception to the above is that in Auckland. Due to the recent amalgamation of several Auckland councils, the Region is currently operating under nine different 'legacy' operative district plans (the former Auckland City Council has three separate district plans covering the Central Business District, Auckland Isthmus and Hauraki Gulf Islands). These "legacy" plans will continue to be in force until the Proposed Auckland Unitary Plan (Auckland Unitary Plan) becomes operative, which is likely to be at least a further 18-24 months, and potentially 30 months.

Most plans adopt a zoning based system where different rules apply for land use activities in different zones depending on the predominant expected uses in the particular area. However, each district plan may be structured quite differently and have very variable controls in relation to a FTTH network. For example, a small provincial territorial authority may have a single residential zone, while a major metropolitan council may have a large number of different residential zones, with different controls applying to each (e.g. the former Auckland City Council Isthmus District Plan has 13 residential zones ranging from suburban, to residential character, to high density).

### Network utility infrastructure specific rules

Some district plans have specific rules for network utility infrastructure in roads, while others do not and apply adjacent zone controls. Some district plans have no specific rules for overhead lines networks, and accordingly general controls for network utility buildings have to be applied, which often causes interpretational issues around the applicability of controls such as customer connections, boundary set-backs and height in relation to boundary (daylighting) controls.

The result is that the controls that apply to aerial networks are very variable between district plans and within district plans (depending on zone types and whether within or outside a road).

### **Unclear rule drafting**

In addition, there are often very unclear rules resulting in the potential for network operators and processing planners to disagree on the correct interpretations (and therefore whether the infrastructure is permitted or requires a resource consent). In our experience, most district plans have been developed on an assumption that there will be incremental additions to existing overhead infrastructure networks. However, a new, wide-scale overhead lines network is generally not anticipated, at least within urban areas. There is a more permissive regime in rural zoned parts of some districts, although we note that in many instances factors such as outstanding landscapes may remove any permitted status applying to rural areas more generally.

### **Other relevant ‘overlays’**

In addition to the rules in district plans that specifically control aerial lines networks, there are generally also other planning ‘overlays’ in regard to matters such as heritage, protected trees, outstanding landscapes, views and Maori values. Works within such overlays may require other resource consents. There is also the potential for some regional plan rules to be triggered for matters such as crossing of waterways. This said, we note that attaching lines to existing poles where crossing waterways was accepted by Auckland Council as a permitted activity under regional planning rules for the Auckland Council area. Overlays included in district plans are highly variable in terms of their extent, location and the consent implications.

An example of overlay areas affecting the type of consent needed is in the Proposed Auckland Unitary Plan. There have been 3600 *Sites of Value to Mana Whenua* identified (based on legacy archaeological records) which provide 3600 300m diameter buffer circles throughout the Auckland Area. Resource consent is required for most infrastructure (including aerial infrastructure) and related earthworks within these areas. Applicants may be required to consult mana whenua (often up to 15 or so groups for any particular area, as recognised in the treaty settlements process). They may also need to obtain a cultural impact assessment from any of the groups consulted who indicate they wish to provide one. Such requirements result in substantial cost, time delays and uncertainty.

Activities within some overlays (e.g. those for view protection) may make it more difficult to obtain consent for aerial networks. Conversely, they may make undergrounding proposals more difficult (e.g. where natural or cultural features or areas of interest have a high degree of protection).

### **Overlapping of operative and proposed plans**

In many local authority areas, a ‘proposed’ district plan to replace the existing ‘operative’ plan may have been publicly notified. This situation adds another layer of complexity. When a proposed plan is notified, in general terms its rules do not have any legal effect initially, although some specified areas (e.g. those relating to heritage, ecology and flooding) do have immediate legal effect. However, the plan’s objectives and policies do have immediate legal effect and need to be considered by the Council when processing a resource consent application. As a proposed plan progresses through the public review process parts of it begin to have legal effect as different stages of the process are reached.

Further, the amount of weight placed on provisions that have legal effect becomes greater the further through the public review process the proposed plan is.

On this basis, we have elected to only review the district plan for each area that is currently considered to be the dominant planning document with the most statutory weight at present. Therefore, in the case of Auckland, we have assessed the 9 operative district plans rather than the relatively recently notified Proposed Auckland Unitary Plan which is yet to progress to hearings. This is because the Auckland Unitary Plan may be significantly changed as a result of the hearings and decisions process, so its final form remains relatively uncertain.

### **Overall comments on plans and reliability**

The planning framework within each district plan and between district plans across New Zealand is therefore extremely variable and complex, and it is not practical to capture every detailed scenario in the scoping table in Appendix A.

Accordingly, we have made a number of assumptions and based our analysis on representative zones for each district plan to simplify the information presented. Accordingly, the analysis provided should be considered to be 'high level' and it must be recognised that, particularly where the activity status is listed as "permitted", there will be a number of exceptions to the information provided such as when a sensitive area 'overlay' applies in any particular area, or where a different zone to the representative one used has different rules.

Also, where we have assessed a permitted activity status in the table, the Council may potentially have a different view. One territorial authority is currently refusing to issue a certificate of compliance to Chorus for aerial UFB deployment due to a difference of view as to the correct rules interpretation. Differences of views on rules interpretation is a prime example as to why we would generally advise an operator to obtain a certificate of compliance where works with the potential to have any public interest have been assessed as being permitted. Often rules are interpreted differently by different people, particularly for works with the potential to be controversial (e.g. due to visual impacts – Council officers often take a conservative interpretation that favours the potentially affected public). The above example also identifies the limitations in the analysis of rules in Appendix A, as it reflects our professional view. That view will not always be shared by the staff of any particular local authority. Even then, we note that certificates of compliance, and agreement on permitted activity status with Council officers, is not infallible as any person can challenge the issue of a certificate of compliance in the Environment Court.

However, broadly our analysis provides an indication of what works are permitted and which ones require resource consent (and what types of resource consent category) within representative zone types in each district plan.

## Assumptions and Limitations

### Relevant District Plan

The district plan assessed for each local authority areas was the dominant plan that currently holds the most statutory weight.

### Representative Zones Assessed

For each district plan we have assessed a representative residential, business, industrial and rural zone. This is done to provide a reasonable cross section of the main zone area types where telecommunications and data services may be required via a FTTH service. We have not attempted to capture other areas such as open space and conservation zones. Schools are generally located within residential or rural zones, while major special purpose facilities such as hospitals or universities can be considered to be represented by a business zone category. The criteria used to select the representative zones type, and therefore ensure a consistent approach was taken across all district plans, is set out in the table below as follows:

**Table 1: Zones Assessed**

Representative Zone	Criteria Used
Residential	standard suburban residential zone
Business	main central business district zone
Industrial	heaviest general industrial zone
Rural	general rural zone

As previously outlined, we did not attempt to capture special ‘overlay’ areas or features that may apply and require additional consents in terms of issues such as heritage, trees, ecology, outstanding landscapes, flooding or Maori values. There are too many variables for such an analysis at a nationwide scale to be comprehensively addressed in the context of the present instruction. Accordingly, we consider that for any areas where it is determined that an overhead network scenario is permitted, it should be assumed that in 10% of urban zones and 25% of rural zones the deployment would be subject to additional restrictions from a special ‘overlay’ area or feature (and therefore would not be permitted). These are estimates made on the assumption that urban areas will include a range of limitations in regard to special character/heritage areas, view shafts, protected trees and buildings and sites of significance to Maori etc. that are likely to apply, while in rural areas many districts will include significant and outstanding landscapes and features which may affect substantial geographical areas. This estimate could only be improved by detailed GIS data capture across all district plans which has not been attempted for this exercise.

### Deployment Scenarios and Assumptions

Our brief required us to consider three main aerial deployment scenarios. These scenarios plus any additional assumptions we have made, are set out in the table below:



**Table 2: Deployment Scenarios**

Deployment Scenario	Assumptions Made
Poles (means new network is deployed including the poles and attached network distribution cables).	<ul style="list-style-type: none"> <li>• Network is deployed in a road</li> <li>• Maximum pole height is 9m</li> <li>• Maximum diameter of any associated distribution cable is 15mm (based on Chorus aerial UFB) and cables are not “bundled” together</li> </ul>
Cable along street (means a network distribution cable is attached to existing poles operated by another network operator)	<ul style="list-style-type: none"> <li>• Poles the cable is attached to are within a road</li> <li>• Maximum height of attachment to pole is 9m</li> <li>• Maximum diameter of any associated distribution cable is 15mm (based on Chorus aerial UFB) and cables are not “bundled” together</li> </ul>
Cable to end user (means the customer connection lead from the pole in the adjacent road to the adjacent customer premises)	<ul style="list-style-type: none"> <li>• No new poles are erected to deliver aerial customer lead</li> <li>• Maximum diameter of any new lead is 10mm (Chorus UFB customer lead is approximately 7mm).</li> </ul>

These scenarios are an over simplification of how a network is arranged and deployed. For example some customer connections may include long lead in lines that may run between several poles before connecting laterally to a customer. The connection may also need to cross a road to get from the nearest fibre access terminal on a pole to the customer. Multiple lead in lines or communal multi core lines may be used to serve multiple customers up a right-of-way or private way.

In our experience, most networks require additional connection and electronic equipment, located in small junction boxes/terminals either on the ground or mounted on poles. District plan rules generally do not specifically provide for this equipment, so they are often pragmatically included by Councils and Chorus as part of the rules that enable or restrict overhead cables/connections.

# Consentability and Timeframes

## Consent Risks

### Overview

As part of our instruction we were asked to consider the likelihood of consent for each deployment scenario, and the timeframes and costs that may be involved. To date, the aerial UFB deployment for Chorus has focussed on attaching cables to existing pole networks, and providing for customer connections. We have now undertaken this type of deployment across a cross section of local authorities, and are also aware of the networks being deployed aerially by Northpower and Ultrafast Fibre Limited in other centres, so have a reasonable understanding of what is involved.

### Use of existing pole networks

In regard to use of existing networks to deploy aerial distribution and customer connection cables, our experience to date has generally been that we have either been able to obtain certificates of compliance from councils confirming that this type of deployment is a permitted activity in their district plan, or where resource consents have been sought (to date only within Auckland Council) these were forthcoming.

However, in the case of Auckland, while area-wide consents have been obtained across most of the City, we note that a deployment methodology which imposes a number of deployment rules/restrictions has had to be devised to give the council confidence that the visual effects would be minor (so there are limits around how it may be deployed). A number of more sensitive areas (such as the 3600 300m diameter circles around *Sites of Value to Mana Whenua* and customer connections to listed heritage buildings) have been excluded from the consents to date (aerial and underground) and are subject to separate resource consent applications currently being prepared for filing.

The 'mana whenua' consents, which package the aerial and underground deployment together, will require limited notification to the 19 iwi/hapu recognised through treaty settlements as being affected by these applications. On lodgement, it is likely this second package of consents will require up to 6 months to traverse the consent process and if granted will still be subject to appeal rights by any iwi who lodge submissions. Therefore, there is still no certainty as to the outcome of these applications. In regard to the aerial consents granted, where the deployment rules/conditions cannot be met, the default position is to deploy underground. Therefore, while these areas are consented, even where there is aerial network available it is still anticipated that a percentage of these areas will still need to be deployed underground.

Such factors are likely to be experienced in other districts of New Zealand.

### New aboveground pole networks

We have not been involved in seeking consents for any completely new aboveground pole networks, and are not aware of any other major pole roll outs throughout New Zealand. We consider that this is because the existing aerial Chorus network (formally Telecom) and aerial power networks operated

by local lines companies are mature networks that have been in place for a significant period of time. In more recent subdivision and development areas, districts plans and subdivision consents would typically require new infrastructure to be installed underground. We consider therefore that there would only be limited examples of new aerial network being deployed to serve local customers, particularly in urban areas.

Given that completely new aerial pole networks would result in more significant visual changes compared to adding lines to existing networks, for areas where new overhead networks are not permitted or controlled activities, we consider it unlikely in many cases, and particularly in residential and non-industrial business areas, that councils would be of a mind to approve new aerial networks. Consent applications for such in our view would face a high risk of public notification which can have significant time and cost implications and if subject to significant public opposition a higher risk of non-approval. There would obviously always be some exceptions such as areas where there are technical limitations or topographical constraints justifying aerial deployment, or areas assessed as having lower amenity values (e.g. industrial areas).

#### **Likelihood of consents being declined**

The table below sets out the various deployment scenarios in the different representative zone types and sets out a level of risk in terms of low, medium and high in regard to the likelihood of a consent being declined. We note that all permitted and controlled activities have a risk level of low on the basis that, provided the Council accepted that interpretation of their rules, it either does not require a resource consent, or in the case of a controlled activity cannot be declined.

For other consent classes (e.g. restricted discretionary, discretionary and non-complying) we have assessed the level of risk of based on the sensitivity of the zone type and risk profile of the deployment methodology. We note that while these are grouped together, non-complying activity status has the highest risk profile of these categories. As noted, all resource consents we have sought to date for the Chorus UFB network (all in Auckland) have been forthcoming for attaching cables to existing overhead networks (including aspects that were non-complying activities). However, these consents have been subject to deployment methodology compromises and removal of some more sensitive areas from the consents. These consents have incurred significant costs and time delays.

**Table 3: Consentability Risk Matrix**

Zone Type And Activity Class	Deployment Scenario		
	New Poles	Cable along street	Cable to end user
All Zones (permitted and controlled)	Low	Low	Low
Residential (other RMA consent classes)	High	Med	Low
Business (other RMA consent classes)	High	Med	Low
Industrial (other RMA consent classes)	Med	Low	Low
Rural (other RMA consent classes)	High	Low	Low

Note to table: If a combination of all three methods is used in any area, the overall risk level is the worst case risk level across all methods.

### Cost and Timeframes

Even where assessed as low risk of being declined, the costs and timeframes of obtaining consent are likely to be highly variable.

To date, 27 area-wide consents have been granted for the Chorus aerial UFB areas in metropolitan Auckland (but not sought for the rural areas outside of the UFB areas). The total consent costs for the Auckland Council areas (including the mana whenua and heritage consents not yet granted which will address both aerial and underground deployment) has been significant. There will also be ongoing costs in implementing the consents (e.g. ongoing engagement with iwi who charge for their involvement, and arborist processes in terms of consents granted to work around street trees - aerial and underground). In our view, a new entrant would similarly likely need to break major metropolitan areas (such as Auckland and Wellington) into separate consenting areas with similar characteristics to consent a major network roll out. In smaller centres it is likely more feasible to seek a city/town-wide consent.

For the 27 area based consents granted to date in Auckland, the timeframe from being commissioned, developing a methodology (including GIS layers and schematic deployment rules), progressively lodging applications, working through issues raised/further information requests and getting the consents issued was approximately nine months over the full programme of 27 applications. This consent processing timeframe excludes the more difficult mana whenua and heritage areas which will likely take an estimated further six months assuming no appeals where applications are limited notified. Therefore, there are substantial time and cost implications for deployment in Auckland.

While this is the experience in one city, it is significant that approximately one third of the country's population resides in Auckland, so major time and cost implications in Auckland would be a significant factor for any new entrant.

We are currently working with Chorus on a strategy for seeking aerial deployment in Wellington. However, due to historic issues with previous overhead deployment of large cable bundles associated with the Telstra Saturn cables (a project which drove changes to district plans both within and beyond the Wellington Region to make aerial deployment more difficult), some level of local authority resistance is envisaged (particularly in the Wellington City Council area). The extent of deployment may need to be less than what has been sought for Auckland to avoid more sensitive visual areas, even where there is existing aerial network, if a non-notified outcome is to be achievable. Further, there is currently no pole sharing arrangement in Wellington with the electricity lines company, which may limit the practical extent of aerial deployment.

For other areas), the timeframes and costs are generally not likely to be so significant. Timeframes for processing 'global' certificates of compliance for the extent of the Chorus UFB areas in Greymouth, Hastings, Dunedin and Horowhenua have been within the statutory 20 working day periods, and the costs have ranged from approximately \$2,000 (Greymouth) to approximately \$10,000 (Horowhenua). We note that in Auckland while most areas have been subject to resource consents, some certificates of compliance were able to be secured in selected areas, but these did not provide for all aspects of the network (e.g. on Waiheke Island the consent covered the distribution lines but not the customer connections or works affecting trees), so a resource consent may also be required in each case to fill in these gaps. These consents may be a significant additional cost in some areas, in that where it may be possible to get a certificate of compliance issued for many aspects of the deployment, additional resource consents will often be required for all scenarios of a full network deployment.

## **Consenting Issues**

The primary and most obvious consenting issue for an aerial network is visual impact. In Auckland, where a large number of area-wide consents have been required even for use of existing pole networks, this has required extensive use of GIS to identify areas requiring additional visual impact analysis (e.g. volcanic cone height limit areas, view shafts etc.), identification of the extent of existing pole networks and identification of heritage and mana whenua features to be excluded and made part of other consent programmes. Numerous area specific visual impact assessments were also prepared by independent landscape architects which all had to be peer reviewed by Council appointed independent experts. This exercise was very costly.

In Auckland, and likely to be required in other areas where aerial deployment requires a resource consent, Chorus has had to develop and commit to a specific aerial deployment methodology where using existing poles to minimise visual effects. This methodology has limited the use of road crossings, required deployment in certain envelopes and has significant rules around trimming of street trees to accommodate aerial lines below electricity services. Chorus also has to replace existing Chorus copper customer aerial leads with new hybrid copper/fibre leads. A further additional lead for a new operator may not be considered as favourably by some councils.

In conjunction with being limited to existing pole networks, this means that in practice all deployment areas are a combination of overhead and underground methods. This is due to limitations in available pole infrastructure (many areas or streets have no or limited existing poles), deployment rules not allowing the creation of new road crossings where there are not existing telecommunications and electricity cables crossing roads or methods to avoid significant adverse effects on street trees. This necessarily requires underground deployment in many areas. Underground methods have their own consent issues around impacts on archaeology, effects on street trees (root zones), sediment control, crossing of waterways and excavation of contaminated land. Accordingly, while in general terms it could be argued there are less RMA consent issues around underground lines, our experience has been that in some situations aerial deployment is preferred (e.g. iwi prefer aerial deployment in areas where there is likely to be koiwi or other archaeology in the ground). Therefore, each method has its risks and challenges.

One of the major issues to resolve in the consent process for aerial deployment in Auckland was in relation to trees. In Auckland, the existing district plans generally control works within tree driplines, including the trimming of trees in roads. Deploying UFB lines in telecommunications corridors below electricity corridors (400mm to 600m below) substantially increases the likelihood of needing to expand the existing corridor cut for electricity trees. Chorus advises that they are required to meet the initial cost of trimming related to tree works. The Council has ongoing resourcing/funding to keep trees trimmed clear of lines on an ongoing basis to meet regulatory requirements for clearances around lines. The installation of the Chorus aerial UFB network has the potential to increase the Council's costs for ongoing trimming. They have indicated to Chorus that they will seek to recover these costs. This ongoing cost issue is still not fully resolved in Auckland. While resource consents are now granted, the conversation between Chorus and the Auckland Council about funding of ongoing trimming may continue through the Corridor Access Request (CAR) processes required under the Utilities Access Act 2010.

Other issues that have arisen include connections for scheduled heritage buildings (heritage guidelines being developed by Chorus in consultation with Heritage New Zealand and councils to address this issue), areas with Maori heritage value (subject to separate consent processes in Auckland), and formulating agreed procedures for relocation of poles where this is required to facilitate suitable road clearances or where movement of a pole is preferred by the road controlling authority.

Further, once Chorus and other UFB providers have retrofitted cables onto existing poles networks, it may no longer be structurally suitable for a new entrant to utilise these poles, forcing them into a new network scenario which may not be consentable due to cumulative visual effects considerations. In our view, a combination of certificates of compliance and resource consents addressing local issues/conditions as far as possible would be the most practical means of consenting a FTTH network.

## Recommended Consenting Strategy

Based on our experiences to date with leading Chorus's RMA consent programme for UFB, in our opinion the best approach for a new operator to consent a new aerial network would be to limit it to areas where there are already existing aerial networks (e.g. electricity lines networks) that can be utilised by agreement with the pole owner. Seeking to deploy a completely new nationwide aerial lines network would, in our view, not be practical or achievable, as it would be unlikely to be granted resource consents in many areas (noting that in some lower sensitivity areas or selected zones in district plans which have not sought to regulate this activity may be possible).

While our experiences to date indicate that consenting of aerial networks using existing pole infrastructure where not otherwise permitted is achievable, there may be significant costs and time delays to achieve this in some areas (experiences in Auckland outlined in the body of this report above). Further, compromises in deployment methodologies to achieve consent would likely require a proportion of underground deployment (e.g. to avoid creating new aerial road crossings and to avoid significant trimming or street trees), and may impact on the practical extent of aerial deployment in some areas.

Generally speaking, it is our view that under the RMA regime it would generally be easier to consent underground infrastructure. However, this said, there will be exceptions where there are heritage/Maori values considerations and earthworks are not desirable. However, this situation would apply to site specific areas rather than large geographic areas.

Given there is the potential for high public interest and or Council resistance to deploying aerial networks (even where on existing poles), and often district plan rules are poorly drafted and open to different interpretations, it is our view that where aerial deployment is assessed as being a permitted activity, it would be prudent to seek 'global' certificates of compliance in each local authority area for the extent of aerial works proposed. This has been the strategy followed by Chorus to date for its aerial UFB programme, and we understand the other UFB providers have followed a similar strategy.

We note that a new entrant could consider other RMA mechanisms such as a plan changes or designations (assuming the new entrant had requiring authority status under the RMA to designate land), as alternative means to authorise an aerial network. However, in our view these mechanisms would have higher risk of public notification resulting in numerous costly and lengthy processes in multiple local authority areas across the Country. Each of these processes would also likely be subject to conditions and restrictions potentially still requiring resource consents, so would give no more certainty of outcome.

## **Appendix A**

### District Plan Review Table