

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 13** in regard to Natural  
Hazards

---

Statement of evidence of **CHRIS HORNE** on behalf of Chorus New Zealand Limited,  
Connexa Limited, Fortysouth Group LP, One New Zealand Group Limited and Spark New  
Zealand Trading Limited (Submitter 282)

4 June 2025

---

INCITE  
Resource and Environmental Management  
PO Box 3082  
Auckland 1140  
Ph: 09 369 1465



## 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), Connexa Limited (Connexa), One New Zealand Group Limited (One NZ) and Fortysouth Group LP (Fortysouth), referred to in this evidence as “the Companies”, to provide evidence as an independent planner. This evidence relates to their submissions on the Proposed Far North District Plan (Proposed Plan) Hearing Topic 13 in regard to Natural Hazards.
3. 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.
4. In addition to various other topics, I have prepared evidence on in regard to the Proposed Far North District Plan, I have recently present planning evidence on the same issue as covered in this evidence on the following:
  - Proposed Plan Change 1 to the Whangarei District Plan - Natural Hazards, where the decision reflects the relief being sought in this evidence, and;
  - Proposed Plan Change 29 Flooding to the Proposed Nelson District Plan, where the independent hearings panel has issued their recommendations (Council decision still pending).

## Evidence Outline

5. The submission only has one relief point on this topic which relates to the rules and is seeking to avoid resource consents being required for routine works that may be required to locate in hazard areas where there are low risks to both the infrastructure from the hazard and/or to people and property from the infrastructure. The submission sought an exemption for telecommunication equipment from the natural hazard rules (which would cover lines, cabinets and poles/attached antennas). However, given that much of the equipment is regulated by the *Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016* (NESTF) and on that basis that district plan natural hazard rules

are disapplied, the Companies are only pursuing relief in the rules for telecommunications poles/attached equipment.

6. The outcomes being sought in regard to poles that are not regulated by the NESTF are not recommended in the s42A report. However, the relief sought in the submission was quite general, so I set out in this evidence more specific changes sought and the reasons for this.
7. No changes have been sought to any objectives or policies, which in my view supports the relief I recommend.
8. The structure of my evidence is as follows:
  - Overview of submission in regard to telecommunications infrastructure in natural hazard areas; and
  - Discussion of relief sought.
9. The Companies have also filed corporate evidence in regard to this topic.

## **Overview of Submissions**

10. Typical telecommunications equipment that may need to be installed in natural hazard areas to serve communities include telecommunications lines and support poles, equipment cabinets, and poles supporting antennas. Linear infrastructure such as lines may need to traverse a hazard area to reach a customer group. This is often within a road corridor. Place-based telecommunications equipment may have functional and operational requirements to be located in hazard areas (e.g. a wireless telecommunications facility needing to be close to a customer group to provide services such as fixed wireless broadband). I note that a number of the hazard overlays affect existing urban areas where communities will expect telecommunications services to be provided.
11. Figures 1 and 2 below show examples of hazard overlays affecting Kaitia and Paihia. These figures clearly show that significant areas of existing urban communities are subject to hazard areas.



**Figure 1: Kaitia Hazard Overlays (Proposed Far North District Plan)**



**Figure 2: Pahiia Hazard Overlays (Proposed Far North District Plan)**

12. Much of the network equipment deployed by telecommunications companies is regulated by the NESTF which came into force on 1 January 2017. This includes new underground telecommunication lines, overhead lines in some instances, telecommunication cabinets, and new poles supporting telecommunications antennas in rural zones, and poles/antennas in roads where there are existing utility poles within 100m. In other circumstances, new poles supporting antennas are regulated by district plans (e.g. in urban zones outside of roads). In all zones and roads, upgrading existing telecommunication poles and antennas, including pole replacements, are regulated by the NESTF.
13. Under Regulation 57 of the NESTF, district plan rules in regard to natural hazard areas are specifically disapplied to regulated activities following a consideration of the risk profile of this type of equipment in making the regulations<sup>1</sup>. As outlined in the Corporate Evidence, proposed amendments to the NESTF 2016 have been publicly notified by the Ministry for the Environment, with submissions closing on 27 July 2025. Minister Chris Bishop has indicated that the amendments will be in place by the end 2025. The proposed amendments expand the permitted activities for new poles for antennas into all zones other than residential. Consequently, these poles will likely soon be regulated by the NESTF and therefore exempt from natural hazard rules via Regulation 57<sup>2</sup>.
14. Provided hazard areas are mapped in district plans, telecommunications providers can make decisions around route or site selection and any mitigation. For example, I have been involved in wireless telecommunications facilities in flood prone areas where the infrastructure provider elected to provide the radio equipment cabinet on an elevated plinth to reduce risk of water damage to sensitive radio equipment in a flood event. In my experience sensitive electronic equipment on poles is located well up a pole away from the ground. The Companies' view is that telecommunications companies should be able to make their own decisions around the siting of their infrastructure given the nature of the structures involved rather than needing to potentially seek resource consents for such. This approach is reflected in Regulation 57 of the NESTF.
15. The Companies made a general submission on Natural Hazards provisions seeking that the NH section is not applied to telecommunications infrastructure. I understand the intent of the submission as that the rules do not unnecessarily regulate infrastructure. The approach sought is essentially to apply a permissive framework to

---

<sup>1</sup> See paragraph 3.8 of Corporate Evidence

non-regulated telecommunications infrastructure that has exactly the same effects profile in regard to risks from natural hazards and to other activities compared to regulated equipment where district natural hazard rules are disapplied (e.g. the effects of a pole in a rural zone versus the effects of a pole in an industrial zone would be no different in regard to natural hazards). This is reflected in the proposed changes to national direction that would have the effect of disapplying district plan natural hazard rule to most telecommunications poles in any case. In this instance I consider that the relief can be limited to telecommunications poles and attached equipment as other regulated equipment such as cabinets and underground lines is already exempt under the NESTF.

## **Relief sought in regard to Telecommunication Poles in Hazard Areas**

16. Proposed Objective NH-O3 seeks that new infrastructure is located outside natural hazard areas unless:
  - a. it has a functional or operational need to be located in that area;
  - b. it is designed to maintain its integrity and function, as far as practicable during a natural hazard event; and
  - c. adverse effects resulting from that location on other people, property and the environment are mitigated.
17. Policies to implement the Objective, NH-P2 and NH-P5, address the management of land use and subdivision and assessment of risk prior to land uses and subdivision in areas subject to natural hazard risks. Telecommunications infrastructure (poles and attached equipment) supports and does not lead development in these areas, and the risks to this particular infrastructure and on other parties from infrastructure can be appropriately managed, which in my view is entirely consistent with the policy framework as recommended in the s42A report.
18. I also understand from the Corporate Evidence that proposed National Policy Statement for Natural Hazards (NPS-NH) does not apply to infrastructure (as defined in the RMA) or any activities ancillary to these activities<sup>3</sup>.

---

<sup>2</sup> Paragraph 2.3 Corporate Evidence.

<sup>3</sup> Paragraph 2.4 Corporate Evidence



19. In the previous hearings I have been involved dealing with this same issue, there has been no Council evidence provided suggesting there is any issue from natural hazards in regard to telecommunications poles and attached equipment in flood and coastal hazard zones causing risks to other parties, and I understand from the Companies that they are similarly not aware of any such issues occurring in this regard.

### **Flood and Coastal Hazards**

20. The Proposed District Plan includes flood and coastal flood hazard zones, as well as coastal erosion zones. The hazard overlays do not include fault lines or land instability hazards.
21. Given cabinets and underground lines are regulated and exempt from natural hazard rules in the Proposed Plan in all cases under Regulation 57 of the NESTF, the focus of the relief sought is on poles and attached equipment (e.g. antennas, ancillary equipment, lines).
22. The decisions version of Plan Change 1 to the Whangarei District Plan (Natural Hazards) and the recommendations of the independent hearings panel on Proposed Plan Change 29 to the Nelson District Plan (Housing and Hazards) are included in Appendix A. Based on an equivalent approach, the following amendments to the Natural Hazard rules to achieve the same outcome of not unnecessarily regulating poles in hazard zones could be as follows (changes marked up to clean s42A version for rules):

<i>NH-R3</i>	<i>New buildings or structures</i>
<i>River Flood Hazard Areas</i>	<i>Activity Status: Permitted</i> <i>Where:</i>  <i>....</i>  <b><u>PER-3</u></b> <b><u>The structure is a telecommunications pole including any attached antennas, ancillary equipment or line.</u></b>

<i>NH-R9</i>	<i>New structures (excluding buildings) or infrastructure, and extensions or alterations that increase the footprint of an existing structure (excluding buildings) or infrastructure (excluding structural mitigation assets). <b><u>This rule does not</u></b></i>
--------------	--

	<b><u>apply to telecommunications poles and attached antennas, ancillary equipment or lines provided for in Rule NH-R3.</u></b>
River Flood Hazard Areas	Activity Status: Restricted discretionary ....

CE-R12	New buildings or structures
Coastal Hazard Area	Activity Status: Permitted Where: ....  <b><u>PER-3</u></b> <b><u>The structure is a telecommunications pole including any attached antennas, ancillary equipment or line.</u></b>

CE-R16	New structures (excluding buildings) and infrastructure, and extensions or alterations to existing structures (excluding buildings) <sup>4</sup> and infrastructure. <b><u>This rule does not apply to telecommunications poles and attached antennas, ancillary equipment or lines provided for in Rule CH-R12.</u></b>
Coastal Hazard Area	Activity Status: Restricted discretionary ....

23. Rules NH-R1 and CE-R11 already provide for the maintenance, repair and upgrading of infrastructure in hazard zones which I support.

<sup>4</sup> Closed bracket after “buildings” missing in s42A Appendix 1.2 version of this rule



# Appendix A: Whangarei and Nelson Natural Hazard Plan Change Rule Examples

## Plan Change 1 to Whangarei District Plan – Decisions Version

### Rule NH-R7 General Natural Hazard Rules

NH-R7	New <del>and More Than Minor Upgrading of</del> Infrastructure <del>and Electricity Infrastructure</del>
<p><b>All Zones and Development Areas</b></p> <p>Activity status: <del>Permitted</del> <b>Restricted</b> <del>discretionary</del></p> <p>Where:</p> <ol style="list-style-type: none"> <li><del>The infrastructure is entirely underground and is not in or partly in a mining subsidence hazard area, or an area of moderate or high susceptibility to land instability hazards; or</del></li> <li><del>The new or more than minor upgrading of infrastructure is:</del> <ol style="list-style-type: none"> <li><del>Electricity and telecommunications poles (including pole supports) and electricity and telecommunications assets mounted on the poles; or</del></li> <li><del>Ground mounted electricity transformers and switchgear, and electricity and telecommunications pillars; or</del></li> <li><del>Underground electricity and telecommunications assets; or</del></li> </ol> </li> <li><del>The new or more than minor upgrading of infrastructure is transport infrastructure within an existing road; or</del></li> <li><del>Buildings and major structures that are necessary for the construction of activities permitted under NH-R7 and that are in place only during the construction of the new and more than minor infrastructure.</del></li> </ol> <ol style="list-style-type: none"> <li><del>A report which has been prepared by a suitably qualified and experienced person, is provided to the Council which confirms and demonstrates that:</del> <ol style="list-style-type: none"> <li><del>The infrastructure has been designed to maintain its integrity and</del></li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: <b>Restricted</b> Discretionary</p> <p><b>Matters of discretion:</b></p> <ol style="list-style-type: none"> <li><b>Whether there is a The functional need and/or operational need to be in this location locate within a hazard area.</b></li> <li><b>Other practicable alternative locations, including financial considerations.</b></li> <li><b>Any exacerbation of the hazard or creation of a new land instability hazard as a result of the infrastructure.</b></li> <li><b>The degree to which the infrastructure can maintain its integrity and function during a natural hazard event.</b></li> <li><b>Evacuation routes and the ability to maintain emergency access.</b></li> <li><b>The extent to which hazardous substances will be exposed to risk from natural hazards and any measures proposed to manage that risk.</b></li> <li><b>The public benefits associated with the infrastructure, particularly in the case of regionally significant infrastructure and critical infrastructure.</b></li> <li><b>The extent to which hazard remediation or mitigation measures would adversely impact the safety of the ongoing operation and maintenance of existing infrastructure and electricity infrastructure.</b></li> <li><b>Impacts on cultural values.</b></li> </ol>

NH-R7 Continued next page

- functionality in a natural hazard event; and
- b. The infrastructure will not exacerbate natural hazards onsite or on other properties

**Matters of discretion:**

1. The functional and/or operational need to locate within a hazard area.
2. Other practicable alternative locations.
3. Any exacerbation of the hazard or creation of a new land instability hazard as a result of the infrastructure.
4. The degree to which the infrastructure can maintain its integrity and function during a natural hazard event.
5. Evacuation routes and the ability to maintain emergency access.
6. The extent to which hazardous substances will be exposed to risk from natural hazards.
7. Impacts on landscape and cultural values, and on public access.
8. Recommendations of the site suitability report prepared by a suitably qualified and experienced person in accordance with the information requirements NH-RQ1-3

**Note Compliance Standards:**

1. Rules NH-R3 – ~~NH-R4 and NH-R7B~~ – NH-R17A do not apply to *Non-notification rule in NH-R2 applies. New and more than minor upgrading of infrastructure and electricity infrastructure are exempt from rules NH-R3 – NH-R17A.*
2. Rule NH-R7 does not apply to any general public amenities.
2. ~~Applications shall comply with relevant information requirements.~~

10. The level of detail required to assess natural hazard risk.
11. Recommendations of any site suitability report, engineer's assessment, or information provided through the consent process.

**Note:**

1. *Non-notification rule in NH-R1 applies*

## Rule CH-R6 Coastal Hazard Rules

CH-R6	New <u>and more than minor upgrading of</u> Infrastructure <u>and Electricity Infrastructure</u>
All zones and	<p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p>Activity Status <u>where compliance is not achieved:</u>  Restricted Discretionary  Matters of discretion:</p>
Development Areas	<ol style="list-style-type: none"> <li><u>The new or more than minor upgrading of infrastructure is:</u> <ol style="list-style-type: none"> <li><u>Electricity and telecommunications poles (including pole supports) and electricity and telecommunications assets mounted on the poles; or</u></li> <li><u>Ground mounted electricity transformers and switchgear, and electricity and telecommunications pillars; or</u></li> <li><u>Underground electricity and telecommunications assets; or</u></li> </ol> </li> <li><u>The new or more than minor upgrading of infrastructure is transport infrastructure within an existing road; or</u></li> <li><u>Buildings and major structures that are necessary for the construction of activities permitted under CH-R6 and that are in place only during the construction of the new and more than minor infrastructure.</u></li> </ol> <p><u>Compliance Standards:</u></p> <ol style="list-style-type: none"> <li><u>Rules CH-R3 – CH-R5B and CH-R7 – CH-R15 do not apply to new and more than minor upgrading of infrastructure and electricity infrastructure.</u></li> <li><u>Rule CH-R6 does not apply to any general public amenities.</u></li> </ol> <ol style="list-style-type: none"> <li><u>Whether there is a <del>The</del> functional <u>need</u> or operational need of the <u>infrastructure</u> to <u>be in this location</u> <del>locate on land</del> subject to the coastal hazard.</u></li> <li><u>The scale, bulk, location and form of the infrastructure.</u></li> <li>The public benefits associated with the <u>infrastructure</u>, particularly in the case of <u>regionally significant infrastructure</u> and critical <u>infrastructure</u>.</li> <li><u>Any reverse sensitivity issues.</u></li> <li>The risk of adverse <u>effects</u> on people, property and the <u>environment</u> including: <ol style="list-style-type: none"> <li>Risk to public health and safety.</li> <li>Impacts on <u>landscape and</u> cultural <u>values</u>; <u>and on public access</u>.</li> <li>Any cumulative <u>effects</u>.</li> </ol> </li> <li>Any increase in risk from the coastal hazard or creation of a new hazard as a result of the <u>infrastructure</u>.</li> <li>The extent to which future, long term sea-level rise, including a high projection sea-level rise, and its potential impacts have been considered in the location and design of the proposed <u>infrastructure</u>.</li> <li>The degree to which the <u>infrastructure</u> is likely to be subject to damage from erosion and/or inundation and the degree to which it maintains its integrity and function during a hazard event, particularly in the case of lifeline utilities.</li> <li>In the CEHA0 and CEHA1 the extent to which the <u>infrastructure</u> may be able to be relocated or removed from the <u>site</u>.</li> </ol>

**CH-R6 Continued next page**

~~10. Where relevant, and particularly in the case of roading infrastructure, natural hazard risk to vehicular access and evacuation routes and the ability to maintain emergency access.~~

~~14.10.~~ The extent to which hazardous substances will be exposed to a coastal hazard risk.

11. The level of detail required to assess natural hazard risk.

Notes:

1. Non-notification rule in CH-R2 applies.

~~2. Applications shall comply with information requirement CH-REQ1~~

~~2. New and more than minor upgrading of infrastructure are exempt from rules CH-R3 – CH-R15.~~

**Nelson Proposed Plan Change 29 Housing and Hazards (Inner City Zone example)**  
**Recommendations of Independent Hearings Panel 6 May 2025**

<u>Item</u>	<u>Permitted</u>	<u>Controlled</u>	<u>Discretionary/Non-complying/Prohibited</u>
<b><i>This new rule was introduced under PC29, the recommendation is to retain it.</i></b>			
<b><u>ICr.59D</u></b> <b><u>Flood Areas except</u></b> <b><u>Flood Paths or</u></b> <b><u>Floodways</u></b> Network <u>Utility</u>	<u>ICr.59D.1</u> <u>In Flood Areas, except</u> <u>any Flood Path or</u> <u>Floodway, a network</u> <u>utility is a permitted</u> <u>activity provided that it is:</u> <u>a. an aerial; or</u> <u>b. an</u> <u>underground</u> <u>network utility;</u> <u>or</u> <u>c. a network</u> <u>utility</u>	<u>ICr.59D.2</u> <u>not applicable</u>	<u>ICr.59D.3</u> <u>Activities that contravene</u> <u>a permitted condition are</u> <u>restricted discretionary.</u> <u>Discretion is restricted to:</u> <u>i. the nature of the</u> <u>flood event,</u> <u>including scale,</u> <u>location and</u> <u>frequency; and</u> <u>ii. the functional</u> <u>and/or operational</u> <u>need to locate</u>
	<u>structure,</u> <u>including</u> <u>additions to</u> <u>an existing</u> <u>structure, up</u> <u>to 10m<sup>2</sup> gross</u> <u>floor area</u> <u>(and where</u> <u>involving an</u> <u>addition,</u> <u>cumulatively</u> <u>over a 10</u> <u>year period</u> <u>from the date</u> <u>of the</u> <u>notification of</u> <u>Plan Change</u> <u>29 which</u> <u>does not</u> <u>exacerbate</u> <u>the flood</u> <u>hazard on-</u> <u>site, or</u> <u>upstream or</u> <u>downstream</u> <u>of the site; or</u> <u>d. maintenance,</u> <u>repair and</u> <u>construction</u> <u>of a private</u> <u>road or</u> <u>accessway in</u> <u>the 1% AEP</u> <u>floodplain that</u> <u>does not</u> <u>impede flood</u> <u>flows or</u> <u>exacerbate</u> <u>the flood</u> <u>hazard to</u> <u>other</u> <u>properties</u> <u>upstream or</u> <u>downstream</u> <u>of the site; or</u> <u>e. the construction,</u> <u>operation,</u> <u>maintenance,</u> <u>renewal or repair of</u> <u>a public road</u> <u>network located</u> <u>within the legal</u> <u>road, or the road</u> <u>formation width.</u>		<u>within the hazard</u> <u>area; and</u> <u>iii. the level of</u> <u>existing</u> <u>investment</u> <u>(including</u> <u>supporting</u> <u>infrastructure)</u> <u>and ability to</u> <u>readily relocate</u> <u>uses; and</u> <u>iv. any exacerbation</u> <u>of the hazard as a</u> <u>result of the</u> <u>structure; and</u> <u>access in a flood</u> <u>event, including</u> <u>ability to maintain</u> <u>safe ingress and</u> <u>egress; and</u> <u>v. proposed</u> <u>evacuation plans;</u> <u>and</u> <u>vi. ability to take an</u> <u>adaptive</u> <u>management</u> <u>approach; and</u> <u>vii. any additional risk</u> <u>from coastal</u> <u>flooding; and</u> <u>viii. stormwater</u> <u>management.</u>

Note: The Nelson District Plan used the term “aerial” to describe a pole and attached antennas.