



8 April 2021

s.7(2)(a) -
protect the
privacy of
natural
persons

Ref: s.7(2)(a) -
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Dear s.7
(2)

OFFICIAL INFORMATION REQUEST

I refer to your official information request dated 25 March 2021 for information regarding the installation of a cell phone tower on road reserve in Dodson Valley. The responses are included under each question.

- a) *Was NCC paid by a telecommunications company or companies to install and erect a cellphone tower on Dodson Valley Road, Atawhai, Nelson, on the public road reserve.*

NCC did not receive any payment from any telecommunications entity to install a cellphone tower on Dodson Valley Road.

I can however advise for completeness that the cell phone tower on road reserve adjacent to 74 Dodson Valley Road was subject to a resource consent as it was over permitted height and that the works also required a building consent. All applicable NCC fees and charges for the resource consent, building consent and corridor access request for road openings in road reserve were paid for by the applicant.

- b) *Did NCC conduct any public consultation process in regards to the cellphone tower being erected in Dodson Valley Road, Atawhai, Nelson on the public road reserve?*

NCC did not undertake specific consultation. The applicant as part of the resource consent was required to carry out a comprehensive assessment of alternative sites. Other sites in the area were deemed to be technically unsuitable and had various access and landowner issues.

In 2008 the applicant applied for an outline plan approval for the proposed tower to go on the Atawhai Exchange site. After extensive community consultation the applicant decided to look at alternative sites and progressed with an application to install the tower on road reserve adjacent to 74 Dodson Valley Road.

An independent commissioner decided (dated 23 July 2012) that, pursuant with section 95D of the Resource Management Act 1991, that adverse effects of the proposed

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activity on the wider environment were minor. The owner/occupier of 74 Dodson Valley Road provided written approval and the commissioner consequently decided that the application could proceed to be processed on a non-notified basis. Resource Consent was granted on 27 July 2012.

- c) *When and if such a public consultation process occurred, was the NCC acting within the local govt Act 2002, namely Section 82 Principles of Consultation, subsection (1),(a,b,c,d,e,f), with particular reference to (d)*

As noted above the applicant initially carried out community consultation on site selection and the resource consent for installation adjacent to 74 Dodson Valley Road was non-notified. The Local Government Act provides for the framework and powers for local government to decide on activities they undertake. This activity was undertaken by Telecom and NCC as regulator ensured processes under the Resource Management Act were followed in accordance with that Act.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or Freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact me.

Yours sincerely



Clare Barton
Group Manager Environmental Management