

30 June 2017

Hearings Panel
Whangarei District Council

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**RADIO NEW ZEALAND: HEARINGS FOR PLAN CHANGES 85 AND 87 TO THE
WHANGAREI DISTRICT PLAN**

1 We act for Radio New Zealand Limited (RNZ) in relation to Plan Changes 85 and 87 to the Whangarei District Plan.

Background

2 RNZ is a submitter and further submitter on Plan Changes 85 and 87, submission numbers 462 and x189, and x314 – x318.

3 RNZ will not be providing evidence or representations at the plan change hearings, but requests that this letter is tabled for the Hearing Panel's attention.

Amendments sought

4 RNZ proposed several amendments to the Rural Area and Coastal Area provisions in its submission and further submission to better protect network utilities and infrastructure from reverse sensitivity effects from incompatible activities.

5 RNZ has reviewed the Council's section 42A reports on Plan Changes 85 (s42A Report Part 5) and 87 (s42A Report Part 4) and would like to draw the Panel's attention to the following:

5.1 RNZ submitted on amendments to Objective RA1.2, RA4.1 and RA4.2 to include specific reference to reverse sensitivity effects on infrastructure and network utilities. The s42A Report noted that specific reference to infrastructure and network utilities is not necessary because these are provided for by district wide provision 23.4.6. With regard to RA4.2, the Report recommends partly accepting RNZ's submission, but with reference to "existing lawfully established activities" rather than infrastructure and network utilities specifically. RNZ supports this recommendation in part, however RNZ maintains that specific recognition of infrastructure and network utilities is preferred.

5.2 RNZ also submitted that similar reverse sensitivity considerations for infrastructure and network utilities needed to be added to the Coastal Area, which was rejected in the s42A Report on the basis that these issues are best addressed in the provisions for the underlying zoning.

- 5.3 RNZ notes that there is some inconsistency between the two s42A responses noted in paragraphs 5.1 and 5.2 above. The Rural Area chapter includes objectives, policies and performance standards that RNZ understands are intended to apply across all of the Rural Zones. RNZ's site is within the proposed Rural Production Zone, and therefore on the basis of the s42A response noted at paragraph 5.2 above, the Rural Area would be an appropriate place to include RNZ's proposed reverse sensitivity provisions with specific reference to network utilities and infrastructure. However, the s42A Report on the Rural Area rejected RNZ's proposed amendments to RA1.2 and RA4.1 as noted above.
- 5.4 RNZ maintains that the district wide Policy 23.4.6 and generic reference to "lawfully established activities" is not sufficient to protect critically important network utilities from inappropriate use and development, and specific mention of network utilities and infrastructure should be made in the Rural Area and Coastal Area provisions as per RNZ's original submissions.
- 6 With regard to RNZ's submissions seeking inclusion of definitions, particularly network utilities and telecommunication, RNZ acknowledges (as raised in the s42A Report Part 5) that there are scope issues with including a definition of a term that will have wider implications than to the proposed plan changes. However, RNZ also notes that the existing definitions of 'network utility operator' and 'telecommunication' contain references to the now out-dated Telecommunications Act 1987, and revision of these definitions should be considered (although this may be more appropriate in a later stage of the Plan's rolling review process).

Conclusion

- 7 Although RNZ considers the matters it has raised very important it is also conscious they are limited in number. In the interests of efficiency RNZ does not intend to present any formal evidence or to attend the hearing in support of its submissions.
- 8 For clarity, RNZ maintains its position as set out in its submission and further submission on all other issues not addressed in this letter.
- 9 Please do not hesitate to contact me if you have any queries regarding the above.

Yours sincerely



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