

Tabled
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Whangarei Council Plan Hearings

28 Nov 2019

Good morning.

I am Douglas Birt. I am a member of NZART, and I am making this presentation in conjunction with the local radio amateur team, and I have with me Peter Mulhare of Whangarei who is also an elected NZART Councillor.

I submitted our Evidence Statement two days ago, and assuming you have had time to read it, I won't waste all our times by re-reading it now.

I'll just deal with main points, and answer your questions.

Having read some submissions on other topics presented by legal and environmental specialists, I am very humbled by the professionalism and detail they contain.

NZART is entirely a voluntary organisation, with very little funds, so I trust you will bear with us on this submission, presented by unpaid volunteers.

Basic provisions.

What we are seeking is for the District Plan to contain some form of basic provision for radio amateurs, which do not require a Resource Consent.

If anyone wants something beyond the basic, then it is accepted that they will need to go through the Consent Process.

The one problem with the resource consents is that if there is even just one party objecting, the costs can spiral out of control, at the end of which the consent might not be granted.

So the objective is to identify some basic provisions that are OK for all.

One of our biggest hurdles

When I was a senior Local Government manager, I was delighted when a regulation came out requiring Councils to apply best practice in Urban Design when planning their way forward. It was clear from the disparate requests of potential developers, that we were suffering from a lack of consistent strategy as our towns and cities grew, and it needed to be controlled.

Unfortunately, amateur radio suffered co-lateral damage from this directive, because councils placed a significant focus on the visual amenity, and how it could affect a pristine streetscape. Unsightly structures in residential areas tended to be targetted without recognising any balancing Amenity Values. We urge you to take into account the Amenity values of Amateur radio on pages 5 & 6 of our evidence, when formulating your rules.

Fixing "Problems of the Past"

As a senior Local Government Manager for the two years I was in Franklin, and the first 5 years I was in Gisborne, a very large proportion of my time was spent in what I called "Fixing the problems of the past". These were problems which I inherited, caused by ambiguities, or inadequate application to detail, or expedient decisions which did not recognise the actual rules or

points of law, which were now coming back to haunt us. I made it a significant strategy among my staff to “Do it properly first time – even if it takes a little longer. Do not create any new “problems of the past”. Once this was implemented, we were able to get on with the process of running Local Government efficiently.

The most serious “Problem of the Past” involved me in attending a Select Committee in Parliament, and getting a retrospective law change through Government.

I maintain that **Operative Plan rule 36.3.18 (a)** which says “There are no more than 5 aerials and/or aerial support structure per site” is very problematic, and something Council is unlikely to enforce. For instance, if I have an 80m wire antenna supported by a 12m pole at each end, and a Sky Dish, and a Free-view TV antenna, that arguably expires my quota of 5. If I then place a mobile VHF Marine Band aerial on my rainwater gutter, I would be breaking the “rule”. I find it hard to believe that Council would issue an abatement notice for that. So how are the aerials/support structures to be counted?

The rule should be both measurable, and enforceable.

I have recommended 12 aerials, in line with many other District Plans. Some Districts, like the Auckland Unitary Plan, have no limit.

Height of Aerials and/or aerial support structures. **Rule 38.3.18 (b)**

We have requested that one support structure should be allowed to be 20m high, and that it be excused from Height in Relation to Boundary. This is on the basis

- a) That the height is needed if the HF aerial is to be reasonably effective,
- b) That New Zealand has a geographical disadvantage. (see p 12 of our evidence.

We have also requested that a ground mounted dish of up to 5m diameter should be permitted in a rear yard, so long as it is reasonably screened. It is no worse than many other structures, such as Trampolines, Aviaries, etc, which are not controlled in any way.

The Fundamental Question:

The fundamental question asked by Judge Smith in the Tauranga Environment Court Case was "The issue in this case should not turn upon whether or not people agree [with an aerial next door] but whether it is appropriate to provide for radio amateurs or not."

Discussion Ch 7 – What NZART requests?

Examples: Rangatikei, Christchurch, Dunedin, Hamilton, Auckland