

Planning Report

Plan Change 51 – Radio and Telecommunication Facilities Attached to a Building/Structure

1.0 Introduction

- 1.1** The purpose of this report is to provide recommendations on submissions and further submissions to Plan Change 51 - Radio and Telecommunication Facilities Attached to a Building/Structure.
- 1.2** Plan Change 51 amends Rules 10.3 (s), (t) and (u) to clarify the circumstances under which radio and telecommunication facilities may exceed height limits when attached to buildings/structures.
- 1.3** For a full background to the Plan Change and the proposed provisions please refer to the Section 32 Report. For a list of the proposed provisions only, please refer to the document titled 'Summary of Recommendations – All Section 32 Reports'.
- 1.4** Any recommended amendments to rules in this report will be shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in red, and recommendations as a result of this Planning Report in blue.

2.0 Topic 1: Rules 10.3 (s), (t) and (u)

2.1 Background

Amendments to Rules 10.3 (s), (t) and (u) clarify the circumstances under which radio and telecommunication facilities such as aerials, dishes and antennas may exceed height limits when attached to buildings/structures.

2.2 Submission Points

- 2.2.1** Four submission points were received in support of the Plan Change. This included the submission of Brian Heywood on behalf of the Tauranga Emergency Communications Group.
- 2.2.2** Brian Heywood also seeks the addition of permitted activities or "reasonable accommodation" for amateur radio configuration through subsequent amendments to Rules 10.3 (s) and (t). Mr Heywood proposes a definition for amateur radio configuration as follows "antennas, aerials (including rods, wires and tubes) and associated supporting structures, which are owned and use by licensed amateur radio operators".

2.2.3 There were 90 further submission from amateur radio operators from all over New Zealand;

- Opposing those submitters in support of the Plan Change (except Brian Heywood), and;
- Supporting Brian Heywood's request for reasonable accommodation of amateur radio configuration.

2.2.4 These amateur radio operators were strongly encouraged to make their further submissions through an on-line article and/or through direct request from Brian Heywood and were provided with a template to put their name on. The majority used this template however some also added further comments.

2.3 Discussion

2.3.1 As outlined in the Section 32 Report, the scope of the Plan Change is limited to clarifying the intent of Rules 10.3 (s), (t) and (u) which permit radio and telecommunication facilities to exceed zone height limits (to an extent) if attached to buildings/structures. It is important to note that the Plan Change does not make the rules more restrictive. The proposed changes are shown at the conclusion of this report.

2.3.2 The submission point from Brian Heywood seeking the addition of new rules for amateur radio falls outside the scope of the Plan Change. Notwithstanding this, Rules 10.3 (s) (t) and (u) already apply to all aerials and antennas including those associated with amateur radio and therefore already provide for them as a permitted activity in this case.

2.3.3 It was also evident from the further submission template and from a number of phone conversations with further submitters that they did not fully understand what they had been asked to further submit on. The further submission template opposes a Plan Change which clarifies the intent of permissive rules that apply to amateur radio. Those spoken to also said they were not aware of the content of the Plan Change but were under the impression that the Plan Change was introducing more restrictive rules for amateur radio. Some also thought they were submitting on a resource consent application for an aerial that had previously been dealt with.

2.3.4 Due to these issues, it is recommended that the submission and further submissions opposing the Plan Change and seeking new rules for amateur radio be rejected.

2.4 Recommendation

That Rules 10.3 (s), (t) and (u) be retained as notified.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
17	1	Butler, Adrienne
18	1	Butler, Dennis
4	1	Price, Mervyn and Joan
17	1	Heywood, Brian (supporting Plan Change)

Rejected

Submission	Point Number	Name
FS80	1, 2, 3, 4	Allan, Graham
FS73	1, 2, 3, 4	Allen, D
FS29	1, 2, 3, 4	Bailey, Michael
FS61	1, 2, 3, 4	Birt, Douglas
FS45	1, 2, 3, 4	Bottomley, Wallace
FS56	1, 2, 3, 4	Boyle, Leo
FS64	1, 2, 3, 4	Brill, Andrew
FS27	1, 2, 3, 4	Brown, Ray
FS31	1, 2, 3, 4	Bull, Michael
FS47	1, 2, 3, 4	Burt, George
FS48	1, 2, 3, 4	Calvo, Jacques
FS76	1, 2, 3, 4	Calvo, Susan
FS69	1, 2, 3, 4	Capamagian, David
FS41	1, 2, 3, 4	Carss, Glenn
FS87	1, 2, 3, 4	Chandler, Lance
FS35	1, 2, 3, 4	Conner, Michael
FS72	1, 2, 3, 4	Crabtree, John
FS57	1, 2, 3, 4	Dale, Alan
FS117	1, 2, 3, 4	Day, Chris
FS39	1, 2, 3, 4	Dyer, R
FS90	1, 2, 3, 4	Eagle, Earle
FS99	1, 2, 3, 4	Ellis, Neill
FS113	1, 2, 3, 4	Evans, Malcolm
FS62	1, 2, 3, 4	Fielding, Turner
FS71	1, 2, 3, 4	Forsyth, Jim
FS50	1, 2, 3, 4	Fraser, David
FS96	1, 2, 3, 4	French, Maurice
FS46	1, 2, 3, 4	Hayton, Ian
FS59	1, 2, 3, 4	Hayton, N
FS88	1, 2, 3, 4	Heywood, Brian
17	1	Heywood, Brian (seeking new rules)
FS101	1, 2, 3, 4	Hislop, Ross
FS32	1, 2, 3, 4	Horne, David
FS100	1, 2, 3, 4	Hudson, Arthur
FS74	1, 2, 3, 4	Hutton, J

FS79	1, 2, 3, 4	Ironside, Kevin
FS91	1, 2, 3, 4	James, Ashley
FS70	1, 2, 3, 4	Jennings, Lee
FS38	1, 2, 3, 4	Jury, Graeme
FS44	1, 2, 3, 4	Keiller, Brett
FS60	1, 2, 3, 4	Kenton, Blair
FS115	1, 2, 3, 4	King, David
FS75	1, 2, 3, 4	King, Phillip
FS82	1, 2, 3, 4	Lake, Peter
FS68	1, 2, 3, 4	Leicester, Rob
FS67	1, 2, 3, 4	Leinwand, Robert
FS55	1, 2, 3, 4	Mackay, Colin
FS58	1, 2, 3, 4	Matthys, Karl
FS33	1, 2, 3, 4	McAlevey, Mike
FS54	1, 2, 3, 4	McCaw, Ian
FS43	1, 2, 3, 4	McCaw, R
FS28	1, 2, 3, 4	McGuire, David
FS36	1, 2, 3, 4	McMahon, Duncan
FS65	1, 2, 3, 4	McQuarrie, Robert
FS107	1, 2, 3, 4	Meslop, Bill
FS92	1, 2, 3, 4	Morris, Timothy
FS66	1, 2, 3, 4	Neal, John
FS94	1, 2, 3, 4	Neno, Murray
FS52	1, 2, 3, 4	Newman, Michael
FS108	1, 2, 3, 4	NZ Association of Radio Transmitters
FS104	1, 2, 3, 4	Ralston, Bill
FS89	1, 2, 3, 4	Richardson, William
FS93	1, 2, 3, 4	Rickard, Bernard
FS102	1, 2, 3, 4	Rodger, Tennant
FS63	1, 2, 3, 4	Rowe, Russell
FS116	1, 2, 3, 4	Rowe, Syd
FS103	1, 2, 3, 4	Royds, Peter
FS109	1, 2, 3, 4	Rumble, Owen
FS51	1, 2, 3, 4	Service, Trevor
FS40	1, 2, 3, 4	Sewell, J
FS84	1, 2, 3, 4	Sexton, I
FS42	1, 2, 3, 4	Shepherd, R
FS95	1, 2, 3, 4	Spackman, Donald
FS77	1, 2, 3, 4	Spearman, Michael
FS98	1, 2, 3, 4	Tauranga Emergency Communications Group
FS86	1, 2, 3, 4	Taylor, Robert
FS85	1, 2, 3, 4	Te Puke Amateur Radio Club
FS81	1, 2, 3, 4	Valois, David
FS37	1, 2, 3, 4	Vause, Stan
FS111	1, 2, 3, 4	Walker, David
FS30	1, 2, 3, 4	Wallace, Jackson
FS78	1, 2, 3, 4	Watson, Anthony
FS34	1, 2, 3, 4	Wilson, Ian
FS97	1, 2, 3, 4	Wood, Thomas
FS112	1, 2, 3, 4	Wooller, Alan

2.5 Reasons

- 2.5.1** The Plan Change clarifies the intent of Rules 10.3 (s), (t) and (u) to permit radio and telecommunication facilities to exceed zone height limits (to an extent) if attached to buildings/structures. This includes for amateur radio. All four original submissions supported this. Many of the further submitters in opposition are unlikely to have understood the purpose of the Plan Change.
- 2.5.2** The submission point requesting further changes to Rule 10.3 (s), (t) and (u) is seeking new rules outside the scope of the Plan Change. Notwithstanding this, Rules 10.3 (s) (t) and (u) already apply to all aerials and antennas including those associated with amateur radio and therefore already provide for them as a permitted activity in this case.

3.0 Plan Change 51 - Recommended Changes to the District Plan First Review

- 3.1** The purpose of this part of the report is to show the Proposed Plan Change in full including any recommended changes in response to the submissions and further submissions.
- 3.2** Recommended changes to the District Plan First Review are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in red, and recommendations as a result of this Planning Report in blue.
- 3.3 Amend Rule 10.3 (s), (t) and (u) as follows;**
- (s) When attached to a *building/structure* (other than a mast, pole or aerial) ~~falling within the District Plan definition of "building/structure") permitted within an activity zone,~~ that complies with the maximum height for the zone for in which ~~it the building/structure is or~~ will be located, the following are provided for and may exceed the maximum height for the zone:
- (i) ~~Radio and telecommunication a~~ Aerials up to 4m in height;
 - (ii) Dishes not exceeding 1.8m in diameter for Residential/Future Urban/Rural Residential/Lifestyle Zones, and 5m in diameter for all other zones;
 - (iii) Antennas not exceeding 1.2m² in area for Residential/Future Urban and Rural Residential, and not exceeding 2m² in all other zones.
- (t) When attached to a building/structure (other than a mast, pole or aerial) that complies with the maximum height for the zone in which the building/structure is or will be located, a telecommunication or and radio communication facility facilities not covered by sub-clauses (i)-(iii) of clause (s)

above, can exceed the maximum height ~~limit for of~~ the zone in which it will be located provided it is contained within the following dimensions:

- (i) Residential Zones – 2m high x 1m wide x 1m long ie 2m³ in volume;
 - (ii) All other zones – 5m high x 1m wide x 1m long ie 5m³ in volume.
- (u) Any ~~T~~telecommunication ~~and~~ ~~or~~ radio communication ~~facility~~ facilities ~~(including aerials, antennas, dish antennas and associated mounts)~~ attached to a buildings/structures in (s) and (t) above and which fails to comply with either (s) or (t) above."