

Form 6

**FURTHER SUBMISSION IN SUPPORT OF, AND IN OPPOSITION TO, SUBMISSIONS
ON THE PROPOSED TIMARU DISTRICT PLAN**

Clause 8 of Schedule 1, Resource Management Act 1991

To Timaru District Council

- 1 Name of person making further submission: **Radio New Zealand Limited (RNZ)**
- 2 This is a further submission in support of, and in opposition to submissions (as specified in the table at **Schedule 1**) on the proposed Timaru District Plan (the *Proposed Plan*).
- 3 RNZ is a person who has an interest in the Proposed Plan that is greater than the interest the general public has. RNZ made an original submission on the Proposed Plan (submitter number 152).
- 4 The attached table in **Schedule 1** sets out:
 - 4.1 The submissions or parts of submissions that RNZ supports or opposes;
 - 4.2 RNZ's reasons for support or opposition; and
 - 4.3 The relief sought by RNZ in relation to those submissions or parts of submissions.
- 5 RNZ does wish to be heard in support of this further submission.

Signed for and on behalf of Radio New Zealand by its solicitors and authorised agents
Chapman Tripp



Ben Williams
Partner
4 August 2023

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SCHEDULE 1 – SPECIFIC FURTHER SUBMISSIONS ON BEHALF OF RADIO NEW ZEALAND LIMITED

Submitter name and submission number	Objective/Policy/Rule	Summary of decision requested	RNZ support/oppose	Decision sought by RNZ
PART 1 – INTRODUCTION AND GENERAL PROVISIONS				
<i>General</i>				
Opuha Water Limited (181.1)	General	The submitter seeks to ensure that the Section 42A reports correct errors in drafting, cross-linkage and references to outdated legislation in the Proposed Plan.	Support.	Accept the submission.
Canterbury Regional Council (183.4)	General	The submitter notes that references to “height” throughout the Proposed Plan do not reference where height is measured from. The submitter seeks to ensure that height is measured from the “ground level”, which is a National Planning Standard term. The submitter also seeks consistent expression of height rules.	Support. RNZ support consistent reference and application of “height” throughout the Proposed Plan.	Accept the submission.
Te Runanga o Ngai Tahu (185.7)	General	The submitter seeks an amendment to the Proposed Plan to ensure cross references are made more prominent and so that there are explanations given as to why to check them.	Support. RNZ agrees that clear cross-referencing in the Proposed Plan is important, particularly in	Accept the submission.

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			situations where multiple sections of the plan apply.	
Connexa Limited (176.27)	New definition – radiocommunicati on facilities	<p>The submitter requests that ‘radiocommunication facilities’ be defined as:</p> <p><i><u>has the same meaning as in the Radio communications Act 1989 (as set out in the box below) means any transmission or reception of signs, signals, writing, images, sounds, or intelligence of any nature by radio waves.</u></i></p>	<p>Support.</p> <p>RNZ supports the proposed definition as it is consistent with the Radiocommunications Act. RNZ considers adding this defined term assists with plan clarity.</p>	Accept the submission.
Transpower (159.18)	Definition – replacement	<p>Amend the definition to include</p> <p><i>... <u>but excludes repair and upgrading.</u></i></p>	<p>Support.</p> <p>RNZ notes that ‘repair’ and ‘upgrade’ are also defined terms in the Proposed Plan. RNZ agrees that it is more clear to expressly exclude these terms from the definition of ‘replacement’ as suggested by the submitter.</p>	Accept the submission.
KiwiRail Holdings	Definition – reverse sensitivity	The submitter seeks to amend the definition as follows:	<p>Oppose.</p> <p>RNZ supports the addition of ‘development’, ‘upgrading’ and</p>	Reject the submission.

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Limited (187.13)		<p><i>means the potential for the <u>development, upgrading, operation and maintenance</u> of an <u>approved, existing lawfully permitted established</u> activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an <u>approved, existing or permitted</u> activity.</i></p>	<p>'maintenance' to the proposed definition but has reservations about extending the definition to apply to activities that are permitted but not (yet) existing.</p>	
Connexa (176.24)	Definition – tower	<p>The submitter notes that the definition of 'tower' conflicts with the definition of 'pole' in the NESTF.</p> <p>The submitter requests the following amendment:</p> <p><i>In relation to Energy and Infrastructure chapter, means a steel-lattice structure that supports conductors, lines, cables or antennas (<u>other than telecommunication equipment</u>). A tower includes the foundations and hardware associated</i></p>	<p>Oppose.</p> <p>RNZ seeks that the definition of 'tower' is retained in the Proposed Plan. RNZ has reservations about the proposal to exclude structures with 'telecommunication equipment', but not antenna. RNZ's transmission mast at Brockley Road is likely to be considered a tower and it is important there is no ambiguity as to which rules apply.</p>	Reject the submission.

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		<p><i>with the structure such as insulators, cross arms and guywires.</i></p> <p>Or that the definition is deleted entirely.</p>		
Connexa (176.29 and .30)	National Environmental Standards and Regulations	<p>The submitter seeks to retain this section as notified in the Proposed Plan. Specifically, the NES subsection highlights the How the Plan Works section to plan users.</p> <p>The submitter also supports reference to the Resource Management (Network Utility Operations) Regulations 2016.</p>	<p>Support.</p> <p>RNZ agrees that this subsection is a useful tool for plan users. It also supports reference to the Network Utility Regulations.</p>	Accept the submission.
Strategic Directions / Urban Form and Development				
EnviroWaste Services (162.5)	SD-08	<p>The submitter seeks to amend SD-08 as follows:</p> <p><i>Across the District:</i></p> <p>[...]</p> <p><i>iv. the benefits of regionally significant infrastructure and lifeline utilities are recognised and their safe, efficient and effective establishment, operation,</i></p>	<p>Support.</p> <p>RNZ supports the added wording to protect regionally significant infrastructure from reverse sensitivity.</p>	Accept the submission.

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		<p><i>maintenance, renewal and upgrading and development is enabled while managing adverse effects appropriately <u>and protecting regionally significant infrastructure from reverse sensitivity</u>. Development is serviced by an appropriate level of infrastructure <u>and waste facilities</u> that effectively meets the needs of that development.</i></p>		
Energy and Infrastructure				
Timaru District Council (42.14)	General	<p>The submitter notes the inconsistent use of terminology in this section and seeks greater certainty particularly when referring to 'network utilities' and/or 'infrastructure'.</p>	<p>Support.</p> <p>RNZ agrees that it is important for the Proposed Plan to use consistent terminology in order to provide plan users with certainty.</p>	Accept the submission.
Connexa (176.34)	General	<p>The submitter seeks additional text in the introduction:</p> <p><i><u>The provisions in this chapter override the respective zone provisions in Part 4 Area Specific Matters, unless otherwise specified in this chapter.</u></i></p>	Support.	Accept the submission.

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Waka Kotahi (143.21)	EI-O1	<p>The submitter seeks to amend EI-O1 to</p> <p><i>Provide for effective, resilient, efficient and safe Regionally Significant Infrastructure and Lifeline Utilities that:</i></p> <p>...</p>	<p>Support.</p> <p>RNZ agrees that the amended wording is more appropriate for an objective.</p>	Accept the submission.
Connexa (176.35 and .36)	EI-O1 and EI-O2	<p>The submitter seeks to amend the title of these objectives to also refer to lifeline utilities.</p>	<p>Support.</p> <p>RNZ agrees with the proposed amendment, as the text of both objectives relates to regionally significant infrastructure and lifeline utilities.</p>	Accept the submission.
Kāinga Ora (229.18)	EI-O4	<p>The submitter seeks to amend the objective as follows:</p> <p><i>The efficient operation, maintenance, repair, upgrading or development of Regionally Significant Infrastructure and lifeline utilities are not constrained or compromised by the adverse effects of subdivision, use and development, including reverse sensitivity effects.</i></p>	<p>Oppose.</p> <p>RNZ opposes the proposed amendments as they weaken the protection provided by the objective as notified. This is inappropriate for regionally significant infrastructure and lifeline utilities.</p>	Reject the submission.

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Horticulture New Zealand (245.44)	EI-O4	<p>The submitter seeks to amend EI-O4 as follows:</p> <p><i>The efficient operation, maintenance, repair, upgrading or development of Regionally Significant Infrastructure and lifeline utilities are, to the extent <u>reasonably practicable</u>, not constrained or compromised by the adverse effects of subdivision, use and development, including reverse sensitivity effects.</i></p>	<p>Oppose.</p> <p>RNZ opposes the proposed amendments as they weaken the protection provided by the objective as notified. This is inappropriate for regionally significant infrastructure and lifeline utilities.</p>	Reject the submission.
Timaru District Council (42.18)	EI-P1	<p>The submitter seeks to amend EI-P1 as follows:</p> <p><i>Recognise the benefits of Regionally Significant Infrastructure and Lifelines Utilities by:</i></p> <p><i>[...] 2. enabling their removal, <u>relocation, repair, upgrade, maintenance and other necessary works required during an emergency</u>; and</i></p> <p><i>[...]</i></p>	<p>Support.</p> <p>RNZ supports reference to and enablement of the range of activities that may be required in emergency circumstances.</p>	Accept the submission.

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Royal Forest and Bird (156.57)	EI-P1	<p>The submitter seeks to amend the policy as follows:</p> <p><i>EI-P1 Recognising the benefits of Regionally Significant Infrastructure and Lifeline Utilities as follows:</i></p> <ol style="list-style-type: none"> <i>1. enabling providing for their operation, maintenance, repair, upgrade, development <u>in appropriate locations</u>; and</i> <i>2. enabling providing for their removal during an emergency; and</i> <i>3. recognising their functional needs or operational needs; and</i> <i>4. encouraging supporting the coordination of their planning and delivery with land use, subdivision, development, and urban growth so that future land use and infrastructure and Lifeline Utilities are integrated, efficient and aligned; and</i> <i>5. enabling providing for the investigation and development of new small-scale renewable electricity</i> 	<p>Oppose.</p> <p>RNZ opposes the proposed amendments as they weaken the recognition of regionally significant infrastructure and lifeline utilities appropriately provided by the policy as notified.</p>	Reject the submission.

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		<p><i>generation activities to support a reduction in greenhouse gas emissions and diversifying the type and/or location of electricity generation; and</i></p> <p><i>6. allowing <u>providing</u> for large scale renewable generation and non-renewable generation activities where the adverse effects can be minimised able to be remediated; and</i></p> <p><i>7. supporting Regionally Significant Infrastructure in adopting new technologies that:</i></p> <p><i>a. improve access to, and efficient use of, networks and services;</i></p> <p><i>b. allow for the re-use of redundant services and structures <u>and construction materials</u>;</i></p> <p><i>c. increase resilience, safety or reliability of networks and services;</i></p> <p><i>d. <u>avoid adverse environmental effects and result in environmental benefits and enhancements</u>; or</i></p>		

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		<p><i>e. promote environmentally sustainable outcomes including green infrastructure and the increased utilisation of renewable resources.</i></p>		
<p>Connexa (176.40)</p>	<p>EI-P2</p>	<p>The submitter seeks to amend EI-P2 as follows:</p> <p><i>EI-P2 Managing adverse effects of Regionally Significant Infrastructure, <u>Lifeline Utilities</u> and other infrastructure</i></p> <p><i>1. Provide for Regionally Significant Infrastructure, <u>lifeline utilities</u> and other infrastructure where any adverse effects are appropriately managed by:</i></p> <p><i>a. [...]; and</i></p> <p><i>b. controlling the height, bulk and location of Regionally Significant Infrastructure and other infrastructure, consistent with <u>to complement</u> the role, function, character and identified qualities of the underlying zone; and</i></p> <p><i>c. [...].</i></p>	<p>Support.</p> <p>The suggested amendments are similar to those contained in RNZ's original submission. RNZ also supports the wording proposed by the submitter.</p>	<p>Accept the submission.</p>

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		<p><i>d. requiring the undergrounding of network utilities <u>utility lines</u> in new areas of urban development; and</i></p> <p><i>e. [...].</i></p> <p><i>f. [...].</i></p> <p><i>g. requiring other infrastructure to adopt sensitive design to integrate within the site, existing built form and/or landform and to maintain <u>complement</u> the character and qualities of the surrounding area;</i></p> <p><i>while:</i></p> <p><i>2. recognising the functional or operational need of Regionally Significant Infrastructure, <u>lifeline utilities</u> and other infrastructure activities, and having regard to:</i></p> <p><i>[...].</i></p>		
Timaru District Council (42.20)	EI-P3	The submitter considers that EI-P3 title should also refer to lifeline utilities.	Support. RNZ agrees that the policy should refer to lifeline utilities alongside	Accept the submission.

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			regionally significant infrastructure.	
Transpower (159.38)	EI Rules	The submitter seeks to amend the Energy and Infrastructure Note to be clear that zone rules don't apply.	Support.	Accept the submission.
Connexa Limited (176.55)	EI-R17	<p>The submitter seeks to amend EI-R17 as follows:</p> <p><i>EI-R17 Other network utilities (including network utility buildings and enclosed substations</i></p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>PER-1</i></p> <p><i>The building or structure complies with the building height for network utility structures, setback, <u>footprint or site coverage (whichever is relevant)</u> and height in relation to boundary standards for the zone; and</i></p> <p><i>PER-2</i></p>	<p>Support.</p> <p>RNZ's submission supported EI-R17 as notified, but RNZ considers there may be some benefit in aligning footprint and site coverage with the zone provisions.</p>	Accept the submission.

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		<p><i>The building or structure does not exceed a maximum footprint of:</i></p> <p><i>1. 20m² in a Residential Zone or Open Space and Recreation Zone; or</i></p> <p><i>2. 50m² in any other zone, except the General Industrial Zone, which has no maximum footprint; and</i></p> <p><i>PER-3</i></p> <p><i>EI-S1 is complied with.</i></p>		
Connexa (176.43)	EI-R2	The submitter notes that EW-R1 does not apply to earthworks for infrastructure permitted in the EI chapter. Accordingly, the submitter considers it necessary to permit the upgrading of underground infrastructure in EI-R2 and supports the rule as notified.	Support. RNZ agrees with the submitter that EI-R2 appropriate enables upgrading of underground infrastructure.	Accept the submission.
Opuha Water (181.43 and .44)	EI-S1 and EI-S2	The submitter supports these standards but seeks to ensure consistent terminology is used. The submitter notes the use of both	Support. RNZ agrees that it is important for the Proposed Plan to use	Accept the submission.

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		"infrastructure" and "network utilities" in an interchangeable manner.	defined terms consistently, in the interests of certainty and clarity.	
Subdivision				
Connexa (176.78)	SUB – new objective	<p>The submitter requests a new objective as follows:</p> <p><u><i>SUB-O[X] Reverse sensitivity</i></u></p> <p><u><i>Reverse sensitivity effects of subdivision on existing lawfully established activities (including network utilities) are avoided where practicable or mitigated where avoidance is not practicable.</i></u></p>	<p>Support.</p> <p>RNZ supports a new objective to highlight the importance of avoiding reverse sensitivity effects as the first priority.</p>	Accept the submission.
KiwiRail (187.61)	SUB-O1	The submitter supports SUB-O1 but would prefer stronger wording so that new subdivisions avoid (rather than minimise) adverse effect on regionally significant infrastructure.	<p>Support.</p> <p>RNZ agrees that stronger wording is appropriate in this objective.</p>	Accept the submission.
KiwiRail (187.62)	SUB-P5	The submitter supports SUB-P5 but seeks an amendment to clarify that it is the safe and efficient operation of regionally significant infrastructure that requires protection.	<p>Support.</p> <p>RNZ considers the amendment makes it clear to plan users that the reason for protecting regionally significant</p>	Accept the submission.

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			infrastructure is to ensure it can operate safely and efficiently. This is an important point to highlight.	
Kāinga Ora (229.44)	SUB-P5	<p>The submitter seeks to amend SUB-P5 as follows:</p> <p><i>Only allow Manage subdivision that does not result in to ensure that adverse reverse sensitivity effects that would compromise the operation of on regionally significant infrastructure/facilities and legally established intensive primary production are minimised.</i></p>	<p>Oppose.</p> <p>RNZ opposes the proposed amendments as they weaken the recognition of regionally significant infrastructure and lifeline utilities appropriately provided by the policy as notified.</p>	Reject the submission.
KiwiRail (187.66)	SUB-R3	The submitter seeks to amend the matter of control to clearly signal that reverse sensitivity effects are to be managed.	<p>Support.</p> <p>RNZ support recognition of reverse sensitivity effects as it is important that they are managed.</p>	Accept the submission.
Earthworks				
Waka Kotahi (143.105)	EW-P4	The submitter supports EW-P4 which seeks to protect regionally significant infrastructure from the potential	Support.	Accept the submission.

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		adverse effects of others undertaking earthworks.		
PART 2 – DISTRICT WIDE MATTERS				
Transpower (159.96)	GRUZ-P7	<p>The submitter seeks an amendment to GRUZ-P7 as follows:</p> <p>1. <i>Only allow rural industries and other activities (not listed in the rules) in the General Rural Zone where:</i></p> <p>[...]</p> <p>x. <u><i>the activity is regionally significant infrastructure;</i></u></p> <p>[...]</p>	<p>Support.</p> <p>RNZ supports the proposed amendment to provide for regionally significant infrastructure.</p>	<p>Accept the submission.</p>