

Before the Independent Hearing Commissioners
at Timaru

under: the Resource Management Act 1991

in the matter of: submissions and further submissions in relation to the
proposed Timaru District Plan

Hearing E – Infrastructure & Subdivision

and: **Radio New Zealand Limited**
Submitter 152

Legal submissions on behalf of Radio New Zealand Limited -
Hearing E – Infrastructure & Subdivision

Dated: 31 January 2025

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LEGAL SUBMISSIONS ON BEHALF OF RADIO NEW ZEALAND LIMITED: HEARING E – INFRASTRUCTURE & SUBDIVISION

- 1 These legal submissions are provided on behalf of Radio New Zealand Limited (*RNZ*) for Hearing E – Infrastructure & Subdivision. *RNZ* lodged submissions (submitter 152) and further submissions (further submitter 152) on the proposed Timaru District Plan (*Proposed Plan*).
- 2 *RNZ* operates an AM radio transmission facility at 123 Brockley Road (*RNZ's Facility*). *RNZ's Facilities* are an integral part of *RNZ's* national communication network and broadcast multiple radio programmes (and perform a critical civil defence role) to the Timaru District and surrounding areas. *RNZ* provided an overview of its facilities in its submission on the Proposed Plan which provides relevant context.
- 3 These submissions respond to the recommendations in the S42A report on *RNZ's* submission on the Energy and Infrastructure chapter. *RNZ* wishes to record its *support* for recommendations on key matters in the S42A report.

Section 42A report recommendations

Maintenance, repair and upgrading of existing facilities

- 4 It is important that the District Plan rules do not unduly restrict or put barriers in place to works fundamental to transmission activities at *RNZ's Facility*. The initial drafting of the rules in the chapter could have meant any replacement mast or changes to the mast required assessment as if the mast was an entirely 'new' structure:
 - 4.1 Rule EI-R1 would require repair and maintenance of existing infrastructure that already exceeded zone height limits to obtain a restricted discretionary consent.
 - 4.2 Rule EI-R4 would impose a similar requirement for upgrading.
- 5 Such requirements do not make sense given relevant effects are already present from the current infrastructure. *RNZ* shares the Officer's view that such obligations would be onerous for the maintenance and repair of existing infrastructure.¹
- 6 Accordingly, *RNZ* supports the recommendation to amend relevant standard EI-S1 on maximum heights to allow for work to existing

¹ S42A Report (Energy and Infrastructure, Stormwater and Transport) dated 11 December 2024 at [6.30.5].

structures, and where there are changes, for assessment is limited to the extent of those changes:²

EI-S1 does not apply to works and changes to existing network utility structures that already exceed the permitted height limit, provided that the works and changes do not increase the exceedance of the permitted height limit.

Matters of discretion are restricted to:

- 1. changes in visual dominance; and;*
- 2. changes in the impact on the character and qualities of the surrounding area*

- 7 RNZ supports the recommended corresponding changes to E1-S2 on upgrading infrastructure. These changes will mean the standards and relevant rules will work as intended.
- 8 In relation to other changes sought in RNZ's submission, RNZ supports the S42A report's recommendations to:
 - 8.1 Reference *Lifeline Utilities* in the Infrastructure chapter introduction;
 - 8.2 Include *Lifeline Utilities* in EI-P2 and apply a 'managing' requirement rather than 'controlling'; and
 - 8.3 Update the wording of EI-O2 to clarify the objective.

Conclusion

- 9 Overall, RNZ supports the S42A report recommendations as an appropriate response to the issues set out in its submission and thanks the Officer and Panel for their consideration of the issues.
- 10 On the basis there are no outstanding issues between RNZ and the Council or any other submitter, RNZ proposes not to attend the hearing, but representatives can be available to assist the Panel if that would be useful.

31 January 2025

Hadleigh Pedler / Ben Williams (Radio New Zealand)

² S42A Report (Energy and Infrastructure, Stormwater and Transport) dated 11 December 2024 at [6.55.7].