

Before the Independent Hearing Panel at Westport

under: the Resource Management Act 1991

in the matter of: submissions and further submissions in relation to the
Proposed Te Tai o Poutini Plan

Topic: Rural Zone

and: **Radio New Zealand Limited**
Submitter 476

Legal submissions for Radio New Zealand Limited

Dated: 16 July 2024

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LEGAL SUBMISSIONS FOR RADIO NEW ZEALAND LIMITED

INTRODUCTION

- 1 These legal submissions are provided on behalf of Radio New Zealand Limited (*RNZ*) for the Hearing on the Te Tai o Poutini Rural Zone provisions.¹ RNZ is a submitter (S476) and further submitter (S141) on the Te Tai o Poutini Plan.
- 2 These submissions respond to the recommendation in the S42A report on RNZ's submission on Rural Zone rules.
- 3 RNZ's submission on the Rural Zones sought policy changes and also that an advice note be added to ensure that the risks of electromagnetic radiation (EMR) coupling are considered and addressed for *all* structures taller than 18m within 1km of the Cape Foulwind transmitter. EMR coupling presents a safety risk to occupants and workers near such structures. Details of this risk are set out in the evidence of Mr Steve White for RNZ.²

Section 42A report recommendations

- 4 The S42A report partially supports RNZ's submission, by supporting amendments to the rule for Emergency Service Facilities to require that safety risks of electromagnetic coupling be considered. The reason for limiting the amendments to Emergency Service Facilities is because these activities are most likely to reach heights of 15m or greater. The report also notes the Permitted Activity height limit in GRUZ-R1 is 10m.
- 5 While RNZ does not disagree with the report that Emergency Service Facilities are most at risk, the recommendation is too limited and does not adequately address the danger. RNZ's strong preference is that any requirement apply to *all* structures within 1km of the transmitter.
- 6 The recommendation means that there would be no requirement to consider EMR risk for other types of structures greater than the permitted 10m, such as agricultural or horticultural structures, residences, mineral prospecting, rural industry, or any other structures. As set out in Mr White's evidence, while 18m or higher structures may be unusual in the rural environment, it is exactly the higher and more unusual structures that are exposed to greater risk.

¹ Rural Zone, General Rural Zone, Rural Lifestyle Zone and Settlement Zone and its Precincts (excluding the Franz Josef area)

² Statement of Evidence of Steve White for Radio New Zealand, 2 July 2024.

- 7 For the reasons set out in Mr White's evidence, RNZ does not support the recommendation.
- 8 A similar recommendation was made by the S42A Officer in relation to the Open Space Zones, where notification to RNZ was limited only in relation to rules OSZ-R13 and OSZ-R14. RNZ was willing to accept that as a pragmatic position in the Open Space Zones, where building activities are generally more restricted. However, the scope for a greater range of activities in the Rural Zones means the recommendation that a requirement apply only to Emergency Service Facilities is simply too limited.

Policy recommendations

- 9 RNZ otherwise supports the S42A Officer's recommended changes to objectives and policies that were addressed in RNZ's submission. RNZ particularly supports:
- 9.1 the recommended changes to RURZ-P6 to refer to *regionally significant infrastructure*; and
- 9.2 the proposed inclusion of *telecommunications and radio communication equipment* as matters from which sufficient buffers should be provided in RURZ-P16.
- 10 The proposed changes to P16 would support the relief that RNZ is seeking in relation to the Rural Zone rules.
- Discussion with S42A Officer***
- 11 RNZ representatives have had initial positive discussions with the S42A Officer and are hopefully of being able to provide an updated position to the Panel before the hearing,

16 July 2024

Hadleigh Pedler / Ben Williams
Counsel for Radio New Zealand