

**BEFORE THE PROPOSED KAPITI COAST DISTRICT PLAN HEARINGS**

**PANEL**

**IN THE MATTER OF**

**The Resource Management Act 1991**

**AND**

**IN THE MATTER OF**

**The Proposed Kapiti Coast District Plan**

**RESPONSE BY REPORTING OFFICER TO MATTERS RAISED DURING AMATEUR RADIO PROVISIONS  
HEARING**

**3 OCTOBER 2016**

## 1.0 Introduction

- 1.1 I have considered the summary statements and submissions of submitters during the course of this Hearing and make the following comments in response.
- 1.2 Section 2 of this response focuses on the specific issues raised by submitters in relation to Chapter 1 and 12 provisions. To aid clarity I have grouped this section of my response into the key themes raised. Section 3 of this response responds to specific questions raised by the Panel that are not addressed in the responses under Section 2. Section 4 provides a summary of the key changes recommended after consideration of the evidence.
- 1.3 The submitters appearing at the hearing were primarily concerned enabling amateur radio configurations as a permitted activity and in particular:
  - Height of structures
    - Seeking taller support structures
  - Number and type of aerials
    - On buildings or ground mounted
  - Location of configurations
    - Ecological sites and outstanding landscapes
    - yards
  - Definitions
    - Aerial versus antenna

## 2.0 Issues Relating to Specific recommended provisions

- 2.1 This section deals with the specific issues raised by submitters.

### Height of structures

- 2.2 **Kapiti Amateur Radio Society Inc. (452) and New Zealand Association of Amateur Radio Transmitters (203)** sought to increase the permitted height of support structures in both rural and residential zones from those recommended in the Section 42A report.
- 2.3 The increased height is to enable a wider range of apparatus to be utilised. I note that there are currently no large structures for amateur radio in the District as the Operative District Plan only allows 8m structures in residential zones and 13m in rural zones as permitted activities.
- 2.4 I consider that some increase in height is acceptable however not as much as the submitter has requested.

### Recommendation

- 2.5 I recommend a change to Rule 12E.1.2 (as shown in red in the amended provisions in Appendix 1 below).

### Number and type of aerials

- 2.6 **Kapiti Amateur Radio Society Inc. (452) and New Zealand Association of Amateur Radio Transmitters (203)** sought an increase in the number of aerials permitted on buildings and ground mounted aerials. I consider that this request is

reasonable in relation to both ground mounted and roof mounted aerials and have therefore recommended changes to rule 12E.1.2.

### **Recommendation**

- 2.7 I recommend a change to Rule 12E.1.2 (as shown in red in the amended provisions in Appendix 1 below.

### **Location of configurations**

- 2.8 **Lyndon Enterprises (271)** sought to enable amateur radio stations within ecological sites and outstanding landscapes as a permitted activity.
- 2.9 I consider that it is not appropriate to enable this as a permitted activity as the ecological sites and outstanding landscapes are highly sensitive sites (as explained in chapter 3 hearings) I understand that the extent of ecological sites and outstanding landscapes has been amended to ensure that these are either highly prominent locations (outstanding natural landscapes) or highly significant habitats for indigenous vegetation(ecological sites) therefore the provision of structures within these needs to be carefully managed.
- 2.10 The final rules for these sites (once the ecological site closing statement has been received) may enable limited structures within some of these sites and it may be possible to integrate amateur radio configurations where appropriate, (e.g. mounted on buildings) into the chapter 3 provisions at that time.
- 2.11 **New Zealand Association of Amateur Radio Transmitters (203)** sought to enable structures to be up to 0.50m from property boundaries in residential zones.
- 2.12 I do not consider this to be appropriate due to the potential adverse effects from these structures for neighbours. I note that as a permitted activity all structures in residential zones, including garden sheds and water tanks, are required to be located a minimum of 1m from the boundary and all buildings a minimum of 1.5m.

### **Recommendation**

- 2.13 I do not recommend any further changes to my section 42A report recommendation as a result of these submissions.

### **Definitions**

- 2.14 **New Zealand Association of Amateur Radio Transmitters (203)** sought to delete the definition of "aerial" as amateur radio operators use the term "antenna" and the submitter considers this to be an artificial distinction that is unnecessary.
- 2.15 I note that in the chapter 11 hearing the term "antenna" was recommended to be defined as being specific to "network utilities" and as amateur radio ids proposed to be treated as a separate activity, definitely and specifically to the definition of antenna and may lead to confusion between the provisions of chapter 11 and chapter 12.
- 2.16 I do not support changing the definition as I consider that this definition assists in separating amateur radio activities from network utilities.

## Recommendation

2.17 I do not recommend any further changes to my section 42A report recommendation as a result of these submissions.

## Administrative changes

2.18 I have taken the opportunity to italicise the defined terms in the provisions as an administrative change under clause 16(2) Schedule 1 of the RMA. These changes are shown in red in the amended text in Appendix 1 below.

*Thomson*

Emily Thomson

25 October 2016

## Appendix 1- Recommended provisions

### 12.5 Domestic Satellite Dishes and Amateur Radio Configurations

#### 12.5.1 Introduction

Domestic satellite dishes are common place in residential and rural areas and are mainly used to receive satellite television broadcasts. Satellite dishes of various sizes or multiple dishes may be used to receive broadcasts from overseas. It is important that larger dishes or several dishes do not cause adverse visual and *amenity effects* on the surrounding areas and residents. The plan provides for these types of structures whilst controlling their *height*, diameter and location in order to maintain visual and amenity values.

**Comment [ET1]: 440.24 Kapiti Coast District Council** [italics added – separately defined term]

**Comment [ET2]: 440.24 Kapiti Coast District Council** [italics added – separately defined term]

Amateur radio is a personal recreational and technical activity that encourages experimentation in radio technology and related topics, self-training, and personal communications world-wide. It also can provide a pool of technically capable people available to the community in times of adversity.

Although amateur radio is generally considered a hobby, operators can provide a means of communication during emergencies if all other technologies fail. Amateur Radio operators can also be involved in rescue operations.

Amateur radio operators do not fit within the definition of network utility operators under the RMA, however their activities involve radio-communication and their radio configurations involve masts, aerials and supporting structures.

Amateur Radio structures are most commonly located in residential or rural areas, in the backyard of an operator's residence. Both the location and size of some configurations means that they may have adverse environmental effects.

Amateur radio uses the radio spectrum which is an international natural resource. Amateur radio is regulated by international convention to which all signatory countries are bound. The Radio Spectrum Management division of the Ministry of Business Innovation and Employment administers amateur radio in New Zealand.

Amateur radio activity in New Zealand, apart from Repeaters, Beacons and Fixed Links, is covered by the General User Radio Licence for Amateur Radio Operators. To be a part of the General User Radio Licence for Amateur Radio Operators an operator must hold a New Zealand General Amateur Operator's Certificate. This certificate is gained through sitting and passing an exam administered by an approved radio examiner.

*Amateur Radio configurations* that include Repeaters, Beacons and Fixed Links must be individually licensed by an approved radio engineer or certifier. This is because they require coordination with other radio services.

## 12.5.2 Policies

### Policy 12.16 – Amateur Radio

To provide for amateur radio, while recognising the possible adverse effects of configurations on amenity, heritage, landscape, and/or *open space* values.

Reference

### Policy 12.17 – Assessment criteria

The following assessment criteria shall be applied, where applicable, when considering resource consent applications for domestic satellite dishes and *amateur radio configurations*:

- a) The maximum *height* of the any *mast* or satellite dish and area or diameter of any *mast, aerial* or satellite dish.
- b) The extent to which the *amateur radio configuration* or satellite dish will be obtrusively visible, will adversely affect landscape values, or will detract from the *amenity values* of the area in which it is situated or those

in any nearby area.

- c) The extent to which the *height*, area, diameter or siting of the *mast*, satellite dish or *aerials* will have effects on sunlight access to residential areas or public places.
- d) The extent of variance from the standards for Permitted Activities.
- e) If the *mast*, satellite dish or *aerials* are likely to result in a significant adverse effect on the environment, whether the location and scale are appropriate having regard to alternative locations or other options.
- f) The visibility of the *mast*, satellite dish and/or *aerial* in relation to district wide, local and neighbouring views.
- g) The use of external materials on *masts*, satellite dishes, *aerials* and associated *buildings* to minimise the visual contrast with the surrounding *environment*.
- h) Cumulative effects associated with other *amateur radio configurations* or satellite dishes in close proximity.
- i) The visual *amenity effects* and siting of supporting structures, *aerials* and other attachments.

## 12.5.3 Rules and Standards

### 12.E.1. Permitted Activities

The following activities are **permitted** activities, provided that they comply with all corresponding permitted activity standards and all relevant permitted activity standards in other chapters (unless otherwise specified).

Permitted Activities	Standards	Reference												
1. Domestic satellite dishes.	<ol style="list-style-type: none"> <li>The diameter of any satellite dish other than in a <i>legal road</i> or road reserve shall <del>shall</del> <u>must</u> not exceed 1.2 metres.</li> <li>There shall <del>shall</del> <u>must</u> be no more than two satellite dishes per site or 1 per <i>household unit</i> whichever is greater.</li> </ol>													
2. <i>Amateur radio configurations</i>	<ol style="list-style-type: none"> <li>Ground mounted support structures for <i>Amateur Radio Configurations</i> must comply with the requirements in tables a) and b) (i.e. there may be one large support structure that meets the requirements in table a) combined with or separate to several smaller support structures that meet the standards in table b)).               <ol style="list-style-type: none"> <li>Requirements for single large ground mounted support structures                   <table border="1" data-bbox="689 1008 1438 1324"> <thead> <tr> <th>Zone</th> <th>Maximum Height (including aerial)</th> <th>Setbacks (including aerial)</th> <th>Support structure maximum diameter above 8m</th> </tr> </thead> <tbody> <tr> <td>Rural Hills, Rural Plains</td> <td>25m</td> <td>5m from rear and side boundaries</td> <td>600mm</td> </tr> <tr> <td>Rural Dunes, Rural Residential, Rural Eco-</td> <td>18m</td> <td>5m from rear and side</td> <td>600mm</td> </tr> </tbody> </table> </li> </ol> </li> </ol>	Zone	Maximum Height (including aerial)	Setbacks (including aerial)	Support structure maximum diameter above 8m	Rural Hills, Rural Plains	25m	5m from rear and side boundaries	600mm	Rural Dunes, Rural Residential, Rural Eco-	18m	5m from rear and side	600mm	All relevant policies in this chapter
Zone	Maximum Height (including aerial)	Setbacks (including aerial)	Support structure maximum diameter above 8m											
Rural Hills, Rural Plains	25m	5m from rear and side boundaries	600mm											
Rural Dunes, Rural Residential, Rural Eco-	18m	5m from rear and side	600mm											

Comment [ET3]: Response to #452.3

Comment [ET4]: Response to #452.3

### 12.E.1. Permitted Activities

The following activities are **permitted** activities, provided that they comply with all corresponding permitted activity standards and all relevant permitted activity standards in other chapters (unless otherwise specified).

Permitted Activities	Standards			Reference																
	hamlet and Working Zones		boundaries																	
	Living Zones and Open Space Zones	15m	1.5m from rear and side boundaries																	
	b) Requirements for support structures less than 120mm in diameter (thickening is permitted at joints) with no dish or panel <i>aerial</i> attached:																			
	<table border="1"> <thead> <tr> <th>Zone</th> <th>Maximum number of support structures</th> <th>Maximum height including aerial</th> <th>Setback</th> </tr> </thead> <tbody> <tr> <td>Rural Hills, Rural Plains</td> <td>6</td> <td>12m</td> <td>5m from rear and side boundaries</td> </tr> <tr> <td>Rural Dunes, Rural Residential, Rural Eco-hamlet and Working Zones</td> <td>6</td> <td>10m</td> <td>5m from rear and side boundaries</td> </tr> <tr> <td>Living Zones and Open Space Zones</td> <td>Response to #452.2</td> <td>10m</td> <td>1.5m from rear and side boundaries</td> </tr> </tbody> </table>	Zone	Maximum number of support structures	Maximum height including aerial	Setback	Rural Hills, Rural Plains	6	12m	5m from rear and side boundaries	Rural Dunes, Rural Residential, Rural Eco-hamlet and Working Zones	6	10m	5m from rear and side boundaries	Living Zones and Open Space Zones	Response to #452.2	10m	1.5m from rear and side boundaries			
Zone	Maximum number of support structures	Maximum height including aerial	Setback																	
Rural Hills, Rural Plains	6	12m	5m from rear and side boundaries																	
Rural Dunes, Rural Residential, Rural Eco-hamlet and Working Zones	6	10m	5m from rear and side boundaries																	
Living Zones and Open Space Zones	Response to #452.2	10m	1.5m from rear and side boundaries																	

**Comment [ET5]:** Response to #452.3

**Comment [ET6]:** Italics for defined term Clause 16(2)

**Comment [ET7]:** Response to #452.3



### 12.E.1. Permitted Activities

The following activities are **permitted** activities, provided that they comply with all corresponding permitted activity standards and all relevant permitted activity standards in other chapters (unless otherwise specified).

Permitted Activities	Standards	Reference																
	<p>1. <u>A maximum of four dish, whip or yagi <i>aerials</i> attached to a ground mounted support structure for amateur radio that meets the following standards are permitted:</u></p> <table border="1"> <thead> <tr> <th>Zone</th> <th>Maximum Mounted Height</th> <th>Maximum dimension (diameter or width) if mounted at or below 5m</th> <th>Maximum dimension (diameter or width) if mounted above 5m</th> </tr> </thead> <tbody> <tr> <td>Rural Hills, Rural Plains</td> <td>25m</td> <td>3.5m</td> <td>2m</td> </tr> <tr> <td>Rural Dunes, Rural Residential, Rural Eco-hamlet and Working Zones</td> <td>18m</td> <td>2m</td> <td>2m</td> </tr> <tr> <td>Living Zones and Open Space Zones</td> <td>15m</td> <td>2m</td> <td>1.2m</td> </tr> </tbody> </table> <p>2. <u>Configurations attached to buildings must meet the standards below. A maximum of <b>four</b> dish, yagi, whip or discone type <i>aerial</i> is permitted:</u></p>	Zone	Maximum Mounted Height	Maximum dimension (diameter or width) if mounted at or below 5m	Maximum dimension (diameter or width) if mounted above 5m	Rural Hills, Rural Plains	25m	3.5m	2m	Rural Dunes, Rural Residential, Rural Eco-hamlet and Working Zones	18m	2m	2m	Living Zones and Open Space Zones	15m	2m	1.2m	
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Rural Dunes, Rural Residential, Rural Eco-hamlet and Working Zones	18m	2m	2m															
Living Zones and Open Space Zones	15m	2m	1.2m															

**Comment [ET8]:** Italics for defined term Clause 16(2)

**Comment [ET9]:** Response to #452.3

**Comment [ET10]:** Response to #452.3

**Comment [ET11]:** Response to #452.3

**Comment [ET12]:** Italics for defined term Clause 16(2)

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Permitted Activities	Standards			Reference											
	<table border="1"> <thead> <tr> <th data-bbox="701 499 1070 529">Zone</th> <th data-bbox="1077 499 1263 584">Dish or panel maximum area/Diameter</th> <th data-bbox="1270 499 1431 612">Maximum height above permitted building height</th> </tr> </thead> <tbody> <tr> <td data-bbox="701 644 1070 675">Rural Hills, Rural Plains</td> <td data-bbox="1077 644 1263 675">2m or 2m<sup>2</sup></td> <td data-bbox="1270 644 1431 675">5m</td> </tr> <tr> <td data-bbox="701 699 1070 751">Rural Dunes, Rural Residential, Rural Eco-hamlet and Working Zones</td> <td data-bbox="1077 699 1263 729">2m or 2m<sup>2</sup></td> <td data-bbox="1270 699 1431 729">5m</td> </tr> <tr> <td data-bbox="701 775 1070 805">Living Zones and Open Space Zones</td> <td data-bbox="1077 775 1263 805">1.2m or 0.8m<sup>2</sup></td> <td data-bbox="1270 775 1431 805">2m</td> </tr> </tbody> </table>	Zone	Dish or panel maximum area/Diameter	Maximum height above permitted building height	Rural Hills, Rural Plains	2m or 2m <sup>2</sup>	5m	Rural Dunes, Rural Residential, Rural Eco-hamlet and Working Zones	2m or 2m <sup>2</sup>	5m	Living Zones and Open Space Zones	1.2m or 0.8m <sup>2</sup>	2m		
Zone	Dish or panel maximum area/Diameter	Maximum height above permitted building height													
Rural Hills, Rural Plains	2m or 2m <sup>2</sup>	5m													
Rural Dunes, Rural Residential, Rural Eco-hamlet and Working Zones	2m or 2m <sup>2</sup>	5m													
Living Zones and Open Space Zones	1.2m or 0.8m <sup>2</sup>	2m													
	<ol style="list-style-type: none"> <li>3. No <i>amateur radio configuration</i> with a table a) support pole may be placed in a front <i>yard</i> or coastal <i>yard</i>.</li> <li>4. Any guy wires used to support ground mounted support structures must not exceed 10mm in diameter.</li> <li>5. No element of the configuration shall protrude over the property boundary at any <i>height</i> (unless the adjoining property is listed on the same computer freehold register).</li> <li>6. The configuration must be owned and operated by a Licensed Amateur Radio Operator.</li> <li>7. The maximum exposure levels for all <i>amateur radio configurations</i> must not exceed the levels specified in NZS 2772:1999;</li> <li>8. No <i>amateur radio configuration</i> (except building mounted configurations meeting standard 12.E.1.2.3), shall be located in:               <ol style="list-style-type: none"> <li>a) a <i>well defined fault avoidance area</i>.</li> <li>b) a <i>well defined extension fault avoidance area</i>.</li> <li>c) a <i>river corridor, stream corridor</i> or <i>overflow path</i></li> <li>d) an <i>Open Space (conservation and scenic) Zone</i>.</li> <li>e) an <i>outstanding natural landscape</i>.</li> <li>f) an <i>ecological site</i>.</li> </ol> </li> </ol>														

**Comment [ET13]:** Italics for defined term Clause 16(2)

**Comment [ET14]:** Italics for defined term Clause 16(2)

**Comment [ET15]:** Italics for defined term Clause 16(2)

**Comment [ET16]:** Italics for defined term Clause 16(2)

**Comment [ET17]:** Italics for defined term Clause 16(2)

**Comment [ET18]:** Italics for defined term Clause 16(2)

**Comment [ET19]:** Italics for defined term Clause 16(2)

### 12.E.1. Permitted Activities

The following activities are **permitted** activities, provided that they comply with all corresponding permitted activity standards and all relevant permitted activity standards in other chapters (unless otherwise specified).

Permitted Activities	Standards	Reference
	g) <i>historic heritage feature</i> identified in Schedule 10.1 - Historic Heritage.	

**Comment [ET20]:** Italics for defined term Clause 16(2)

### 12E.3 Restricted Discretionary Activities

The following activities are **restricted discretionary** activities, provided that they comply with all corresponding restricted discretionary activity standards (unless otherwise specified).

Restricted Discretionary Activities	Standards	Matters over which Council will restrict its discretion	Reference
1. <i>Amateur radio configurations</i> that do not meet the permitted activity standards in 12E.1.2		<ol style="list-style-type: none"> <li>Any positive effects to be derived from the <u>activity</u></li> <li><u>Health and safety</u></li> <li><u>Layout, design and location of the proposed structure(s)</u></li> <li><u>Colour and materials of the proposed structure(s)</u></li> <li><u>Visual, character and amenity effects</u></li> <li>Effects on <i>natural character</i></li> <li>Effects on <i>historic heritage</i></li> <li><i>Natural hazard</i> risk management</li> <li><u>Adequacy of the methods of</u></li> </ol>	

**Comment [ET21]:** Italics for defined term Clause 16(2)

**Comment [ET22]:** Italics for defined term Clause 16(2)

**Comment [ET23]:** Italics for defined term Clause 16(2)

**Comment [ET24]:** Italics for defined term Clause 16(2)

**12E.3 Restricted Discretionary Activities**

The following activities are **restricted discretionary** activities, provided that they comply with all corresponding restricted discretionary activity standards (unless otherwise specified).

<u>Restricted Discretionary Activities</u>	<u>Standards</u>	<u>Matters over which Council will restrict its discretion</u>	<u>Reference</u>
		<p><u>mitigation/remediation or ongoing management of effects.</u></p> <p>10. <u>Any opportunities to reduce existing adverse effects on sensitive activities</u></p> <p>11. <u>Effects on a <i>geological site, special amenity landscape, outstanding natural landscape, area of outstanding or high natural character</i></u></p> <p>12. <u>Adequacy of the methods of mitigation/remediation or ongoing management</u></p> <p>13. <u>Imposition of conditions in accordance with section 108 of the <i>RMA</i></u></p>	
2. Any domestic satellite; that does not comply with one or more of the permitted activity standards under rules 11A.1.7, 11A.1.8, 11A.1.9 and 11A.1.10.	1. Any domestic satellite must comply with permitted activity standards under rule 11A.1. 32.	<p>1. Any positive effects to be derived from the activity</p> <p>2. Health and safety</p> <p>3. Layout, design and location of the proposed structure(s)</p> <p>4. Colour and materials of the proposed structure(s)</p> <p>5. Visual, character and amenity effects</p> <p>6. Effects on <i>natural character</i></p> <p>7. Effects on <i>historic heritage</i></p> <p>8. <i>Natural hazard</i> risk management</p>	<u>Policies 11.1, 11.2, 11.4, 11.11 and 11.145.</u>

**Comment [ET25]:** Italics for defined term Clause 16(2)

**Comment [ET26]:** Italics for defined term Clause 16(2)

**Comment [ET27]:** Rule number may need to be updated as part of integration hearing.

**Comment [ET28]:** Italics for defined term Clause 16(2)

### 12E.3 Restricted Discretionary Activities

The following activities are **restricted discretionary** activities, provided that they comply with all corresponding restricted discretionary activity standards (unless otherwise specified).

<u>Restricted Discretionary Activities</u>	<u>Standards</u>	<u>Matters over which Council will restrict its discretion</u>	<u>Reference</u>
		9. Adequacy of the methods of mitigation/remediation or ongoing management of effects.	