

Submission form
PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN
Form 5 - Clause 6 of First Schedule, Resource Management Act 1991

Submission number
Office use only

(Instructions: Email anita.galland@rotorualc.nz with 'Proposed Plan Change 4 to the Rotorua District Plan Submission' in the subject line
OR
Post to The Chief Executive, Rotorua Lakes Council, Private Bag 3029, Rotorua 3046
OR
Deliver to Rotorua Lakes Council, 1061 Haupapa Street, Rotorua

CLOSING DATE FOR SUBMISSIONS: 5:00PM ON TUESDAY 18th JULY 2017

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Disclaimer: Please note your submission will be available on Council's website. Please advise if you do not want your details to be made public.

I ~~wish~~/do not wish *[delete one]* to be heard in support of my submission.

If others make a similar submission, I ~~will/will not~~ *[delete one]* consider presenting a joint case with them at a hearing.

I ~~could/could not~~ *[delete one]* gain an advantage in trade competition through this submission.

Signature of submitter

Date 18/07/2017

(NOTE: A signature is not required if you make an electronic submission) on behalf of submitter)

For any enquiries please call Kate Dahm, Senior RMA Policy Advisor on (07) 348-4199 or on (07) 351-8301

THIS IS A SUBMISSION ON THE PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN:

PROVISION	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
<i>Please refer to the rule number or heading reference</i>	<i>Clearly indicate whether you support, oppose or support with amendment the provision</i>	<i>Include the nature of your submission and reasons for your views. You may use additional paper but please ensure you put your name and address on each page, and securely attach them to this form.</i>	<i>State clearly the decision sought and /or suggested changes you want the council to make in relation to the provision.</i>
		Please see attached submission.	

SUBMISSION BY RADIO NEW ZEALAND LTD ON PROPOSED PLAN CHANGE 4 - ROTORUA OPERATIVE DISTRICT PLAN

Introduction

- 1 Radio New Zealand Ltd (RNZ) welcomes the opportunity to submit on Proposed Plan Change 4 to the Rotorua Operative District Plan (*District Plan*). RNZ is generally supportive of the provisions proposed through the plan change, particularly the recognition given to reverse sensitivity effects, and wishes to record this support.

RNZ's facilities

- 2 RNZ is a Crown entity established under the Radio New Zealand Act 1995. RNZ owns and operates radio transmission facilities in Tihiotonga (*RNZ's Facilities*).
- 3 The radiocommunication activities from RNZ's Facilities are carried out by RNZ and other broadcasters, using equipment that is owned, maintained and operated by each broadcaster.
- 4 It is important that the continued operation, maintenance and improvement of RNZ's national transmission network can occur unimpeded. RNZ's Facilities are an integral and important part of RNZ's national communication network, and it is appropriate that the District Plan recognises and provides for RNZ's activities.
- 5 RNZ's Facilities perform an important role in, among other things, providing news and information to the public and performing a civil defence role (radio is a key communication tool in the event of natural disasters and RNZ is designated as a Lifeline Utility under the Civil Defence Emergency Management Act 2002).

RNZ Facilities at Tihiotonga

- 6 RNZ's Facilities at Tihiotonga include:
 - 6.1 a main concrete block transmitter building containing three AM radio transmitters and ancillary equipment;
 - 6.2 a concrete block emergency generator building containing an emergency generator, fuel tank and control equipment;
 - 6.3 a 55 metre guyed aerial mast, at the base of which there is a reinforced concrete building containing aerial coupling unit components; and
 - 6.4 at the base of the mast there is another reinforced concrete building containing four FM radio transmitters and ancillary equipment.
- 7 These facilities broadcast multiple radio programmes (and carry out civil defence functions) to Rotorua and surrounding areas. The rest of the facility consists of underground wires and cables.
- 8 The Tihiotonga RNZ site is designated (A6.10) in the District Plan. The underlying zoning is Rural 1.

- 9 RNZ's Facilities do not usually generate high levels of noise. However, RNZ occasionally has to use its back-up generator (during an emergency or for testing purposes), and this can be noisy when operating.
- 10 The conditions of the designation set out the maximum noise levels that must be complied with at the notional boundary of the nearest dwelling. The nearest dwelling is 350 metres away from RNZ's Facilities, and RNZ has not received any noise-related complaints from residents. However, if new dwellings were to be built closer to RNZ's Facilities, they may experience reverse sensitivity effects from the noise associated with the operation of the generator.
- 11 Therefore, it is important that the noise provisions in the District Plan acknowledge that noise associated with network utilities often cannot be avoided; and therefore activities sensitive to noise should avoid locating in areas where they will be adversely affected by network utility noise.
- 12 In RNZ's view, Plan Change 4 gives appropriate recognition to existing infrastructure and network utilities, and provides these activities with protection from reverse sensitivity effects. For this reason RNZ supports Plan Change 4, with some minor amendments as set out in Schedule 1 below.

SCHEDULE 1 – SPECIFIC SUBMISSIONS ON PLAN CHANGE 4

Objective/Policy	RNZ support/oppose	Reasons	Decision sought
<p>Objective A11.3.2:</p> <p><i>Existing and permitted activities in the central city, rural and industrial zones are protected from noise reverse sensitivity</i></p>	<p>Support</p>	<p>It is important that RNZ is able to continue operating its existing facilities, without being impeded by new activities that are sensitive to noise.</p>	<p>Retain as notified.</p>
<p>Policy 11.3.2.1:</p> <p><i>Encourage activities to locate in zones where the noise generated is compatible with other activities and, where practicable, adjacent zones.</i></p>	<p>Support</p>	<p>The Objective A11.3.2 which this Policy falls under is targeted at protecting existing and permitted activities from noise reverse sensitivity. Reverse sensitivity occurs where a new activity locates in an area where existing activities have (for example) pre-existing noise effects, and the new activity is adversely affected by those existing effects. By way of example – a house locating close to one of RNZ’s transmitters could potentially experience reverse sensitivity effects (e.g. noise and visual effects) from the presence of the transmitter, which was pre-existing.</p> <p>The proposed Policy wording does</p>	<p>Amend the Policy as follows:</p> <p><i>Policy 11.3.2.1: Encourage activities to locate in <u>zones areas</u> where the noise generated <u>from existing activities, or noise anticipated by the zone rules</u>, is compatible with <u>the proposed other activities activity and</u>, where practicable, adjacent zones.</i></p>

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		<p>not quite achieve the Objective because it reads as though the focus is on the noise generated from the proposed new activity, rather than the noise from the existing activities (which should be the focus for a reverse sensitivity Policy).</p>	
<p>Policy 11.3.2.2: <i>Mitigate adverse effects generated by central city, industrial, infrastructural and rural activities through appropriate zone buffering, landscaped buffers and building location to maintain the amenity of adjacent residential zones or marae and habitable buildings.</i></p>	<p>Support</p>	<p>It is important that development does not occur within the vicinity of RNZ’s transmitter site because of the potential for reverse sensitivity effects. RNZ supports this policy because it seeks to mitigate adverse effects generated by infrastructure (which includes RNZ’s facilities) through appropriate building location.</p>	<p>Retain as notified.</p>
<p>Policy 11.3.2.3: <i>Mitigate adverse effects generated by central city and infrastructural activities through the requirement that new noise sensitive activities that locate within the Central City or close to</i></p>	<p>Support.</p>	<p>While RNZ opposes any new development in the vicinity of its transmitter, if such development does occur it is important that it is appropriately insulated to mitigate any potential adverse noise effects.</p>	<p>Retain as notified.</p>

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<i>major infrastructure are appropriately insulated.</i>			
<p>Policy 11.3.2.4:</p> <p><i>Limit the location of new residential activities sensitive to disturbance from lawfully established rural industries, recreation, infrastructure and network utilities to avoid reverse sensitivity effects.</i></p>	Support.	As noted above, it is important that sensitive activities do not locate within the vicinity of RNZ’s transmitter facilities. This policy gives adequate protection to lawfully established network utilities from reverse sensitivity effects.	Retain as notified.
<p>Policy 11.3.1.4:</p> <p><i>Exempt from the maximum permitted noise level requirements those activities which are an integral part of accepted management practices of activities associated with production land in rural areas as well as other activities clearly of a temporary nature (e.g. Construction works, emergency back-up generators).</i></p>	Support.	<p>On occasion RNZ has to operate back-up generators. As a lifeline utility, it is essential that RNZ is able to use back-generators when required, and it is appropriate that such activity be exempt from noise level requirements.</p> <p>Minor amendment is required to clarify that the “other activities” referred to may be in any zone (not only the rural zone).</p>	<p>Retain with amendment:</p> <p><i>Exempt from the maximum permitted noise level requirements those activities which are an integral part of accepted management practices of activities associated with production land in rural areas as well as other activities (in any zone) clearly of a temporary nature (e.g. Construction works, emergency back-up generators).</i></p>

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<p>A11.4 Environmental Outcomes:</p> <p><i>The efficiency and effectiveness of the policy framework of this part will be the focus of ongoing monitoring and review. Effectiveness or achievement of the objectives will be assessed through performance indicators. The performance indicators will be developed to measure the following outcomes that the policy framework was put in place to achieve:</i></p> <p>...</p> <p><i>3. No reverse sensitive effects at the interface of industrial zones and infrastructure activities and other zones.</i></p>	<p>Support</p>	<p>“Infrastructure activities” is not defined in the Plan, however RNZ’s radiocommunication network is “infrastructure” for the purposes of the Resource Management Act and therefore this Environmental Outcome would apply to RNZ’s Facilities, which RNZ supports.</p>	<p>Retain as notified.</p>
<p>Noise level definition</p>	<p>Support with amendment</p>	<p>The definition of ‘noise level’ excludes noise from emergency back-up generators in a number of zones, but does not include the Rural Zones.</p> <p>RNZ’s Facilities are located in the Rural Zone, and sometimes require the operation of back-up generators. Therefore, RNZ</p>	<p>Amend the definition of Noise Level as follows:</p> <p><i>Noise Level means a sound level measured in accordance with NZS6802:2008 Acoustic – Measurement of Environmental Sound and assessed, unless otherwise stipulated, with NZS6802:2008 Acoustics –</i></p>

Objective/Policy	RNZ support/oppose	Reasons	Decision sought
		<p>submits that the 'noise level' definition should be amended to also exclude back-up generator noise in the Rural Zones.</p>	<p><i>Environmental Noise, but excludes the noise from the following sources:</i></p> <p><i>All zones:</i></p> <p>...</p> <p><i>City Centre; Commercial; Industrial; Business and Innovation; Reserves; <u>Rural</u>; Community and Water zones:</i></p> <ul style="list-style-type: none"> • <i>Emergency back-up generators</i> <p><i>Rural zones:</i></p> <ul style="list-style-type: none"> • <i>Vehicles and mobile machinery associated with agricultural and forestry production that are of limited duration and not in a fixed location (note that ss16 and 17 of the RMA or any relevant provisions superseding them will need to be satisfied).</i>