

**IN THE MATTER** of the Resource Management Act 1991  
**AND**  
**IN THE MATTER** of an appeal under clause 14 of  
Schedule 1 to the Act  
**BETWEEN** NEW ZEALAND ASSOCIATION OF  
AMATEUR RADIO TRANSMITTERS  
INCORPORATED and HAWKES  
BAY AMATEUR RADIO CLUB  
(ENV-2015-WLG-000063)  
Appellants  
**AND** HASTINGS DISTRICT COUNCIL  
Respondent

**BEFORE THE ENVIRONMENT COURT**

Environment Judge C J Thompson sitting alone pursuant to section 279 of the Act.  
IN CHAMBERS

**CONSENT ORDER**

*Introduction*

[1] The Court has read and considered the appeal and the parties' draft consent order received 18 July 2016.

[2] No person has given notice of an intention to become a party under s 274 of the Act.

[3] The Court is making this order under s 279(1)(b) of the Act, such an order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for the present purposes that:

- (a) All parties to the proceedings have executed the memorandum requesting this order; and
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Act, including in particular Part 2.



Order

[4] The Court orders, by consent, that the Proposed Hastings District Plan is amended as follows, with additions shown in underline and deletions shown in ~~strike-through~~:

- (a) Amend section 33.1 – Definitions, ‘Amateur Radio Configuration’, as follows:

Amateur Radio Configuration: means the antennas, aerials (including rods, wires and tubes), antenna dishes and associated supporting structures which are owned and used by licensed radio operators.

- (b) Amend the following sections of the Proposed Hastings District Plan as follows:

- (i) Additions and Deletions to 22.1.1 Introduction

Amateur ~~R~~radio is provided for within the Network Utilities section, even though it is not strictly a Network Utility by definition. This is in recognition of the role amateur radio plays in the Civil Defence activities of the District and in international communications and that Amateur Radio is however provided for in this section of the District Plan to enable a district wide approach as some of the structures and equipment involved are similar in scale and character to some network utility facilities. This allows the effects of both to be managed in a consistent way.

- (ii) Additions to 22.1.5.1 Network Utilities District Wide Activity Status Rule Table as follows:

RULE TABLE 22.1.5.1 NETWORK UTILITIES DISTRICT WIDE ACTIVITY		
RULE	ACTIVITY	ACTIVITY STATUS
[New Rule Reference]	<u>Amateur Radio Configuration within the National Grid Yard or Corridor</u>	<u>Prohibited</u>
[New Rule Reference]	<u>Amateur Radio Configuration within the Nature Preservation Zone</u>	<u>Prohibited</u>
[New Rule Reference]	<u>Amateur Radio Configuration within Outstanding Natural Features and Landscapes 2-7 &amp; 8</u>	<u>D</u>



[New Rule Reference]	<u>Amateur Radio Configuration within Outstanding Natural Features and Landscapes 1</u>	<u>NC</u>
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In the case of Amateur Radio Configuration proposed to be located within or on the site of an item listed as a Heritage Item or Waahi Tapu these Plan provisions will prevail.

- (iii) Additions and Deletions to 22.1.7 'Specific Performance Standards and Terms' as follows:

### **22.1.7C AMATEUR RADIO CONFIGURATION**

Amateur Radio configuration in the following zones shall have no more than one primary mast, subsidiary poles and antenna/s that comply with the following:

#### **Height and Distance to Boundary:**

- ~~a) Residential zones a maximum height of 15m Primary for support structure and a maximum height of 9m secondary support structure.~~
- a) General Residential Zones: A maximum height of 20 metres for one primary structure and a maximum height of 12 metres for any subsidiary poles per site. The primary structure may be surmounted by a vhf/uhf whip or discone antenna to a maximum height of 24 metres.
- b) Character Residential Zones: A maximum height of 15 metres for the one primary structure and a maximum height of 12 metres for any subsidiary poles per site. The primary structure may be surmounted by a vhf/uhf whip or discone antenna to the maximum specified height of 15 metres.
- ~~b) Rural zones a maximum height of 20m for primary support structure and a maximum height of 14m for secondary support structures.~~
- c) Rural and Plains Zones (except as excluded in (d) below): A maximum height of 20 metres for the one primary structure and a maximum height of 14 metres for any subsidiary poles per site. The primary structure may be surmounted by a vhf/uhf whip or discone antenna to a maximum height of 24 metres.
- d) Within the Bridge Pa Aerodrome Height Restriction Area: The height of any part of any amateur radio configuration shall not exceed the height restrictions of the Bridge Pa Height Restriction area as contained in Appendix 35, Figure 2.
- e) Te Mata and Tuki Tuki Special Character Zones: A maximum height of 15 metres for the one primary structure

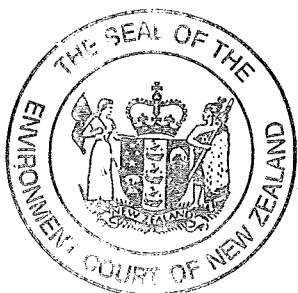


and a maximum height of 12 metres for any subsidiary poles per site. The primary structure may be surmounted by a vhf/uhf whip or discone antenna to the maximum specified height of 15 metres.

- f) In all instances, height is taken from natural ground level.
- g) Primary and subsidiary support structures shall be a minimum distance of 1m from all boundaries. The exception to this rule being the pedestal dish mounted antenna identified in (m) and (n) below.
- h) All structures and support structures (including wires and aerial) must be contained within the site that they are located on, and in doing so must not overhang any boundary.
- i) That any part of an amateur radio configuration are setback a minimum of 25 metres from any item listed in Appendix 47, 48, 49, 50, 51, 52 or 53 as a Heritage Item, Notable Tree or Waahi Tapu.

**Antennas, Aerials and Support Structures:**

- j) The primary mast shall comply with the following dimensions:
  - i) Guyed mast- a maximum inscribed circle of no more than 1m below 9m in height and 115mm above 9m in height to the maximum height specified; or
  - ii) Guyed lattice mast- a maximum inscribed circle of no more than 1m below 9m in height and 0.4m above 9m to the maximum height specified; or
  - iii) Self-supporting lattice mast- a maximum inscribed circle of no more than 1m below 9m, and above 9m must fit within a tapering envelope with a maximum inscribed circle of 660mm at 9m tapering to 420mm at or above 12 metres depending on the maximum height specified for the zone; or
  - iv) Self-supporting tubular mast- a maximum inscribed circle of no more than 1m below 9m, and above 9m must fit into a tapering envelope with a maximum inscribed circle of 230mm at 9m and 115mm at 20m depending on the maximum height specified for the zone.
- k) The subsidiary poles for the primary support structure shall comply with the following:
  - i) A maximum of 7 poles; and
  - ii) Up to two subsidiary poles may have an attached UHF or VHF aerial, provided that the total height of



- the subsidiary pole in (a) to (c) and (e) is not exceed; and
- iii) No more than two dishes of up to 1.2m in diameter may be attached to subsidiary poles; and
  - iv) One subsidiary pole may be a HF vertical antenna; and
  - v) All subsidiary poles shall have an outside diameter of 115mm or less and may be connected by wires of no more than 12mm in diameter; and
  - vi) The maximum height of any subsidiary pole is 12m within the General Residential, Character Residential, Te Mata and Tuki Tuki Special Character Zone and 14 metres within the Rural and Plains Zones; and
  - vii) Where guy wires are used, these must not exceed 12mm in diameter.
- l) One dish of up to and including 2m in diameter, or 2m in any dimension for a panel antenna where it is positioned no more than 5 metres above natural ground, or two dishes of no more than 1.2m in diameter where it/they are positioned more than 5 metres above natural ground;
  - m) A pedestal dish mounted antenna pivoted less than 3m above ground with a maximum diameter of 2.5m, provided that the pedestal and the antenna are located in accordance with the setback and daylight control standards applying to buildings in the zone in which they are located;
  - n) A pedestal dish mounted antenna pivoted less than 4m above ground with a maximum diameter of 5m, provided that:
    - i) The total height of the pedestal and the dish mounted antennae is no more than 6.5m;
    - ii) The pedestal and/or antenna are located behind any dwelling on the site; and
    - iii) The pedestal and the antenna are located in accordance with the setback and daylight control standards applying to buildings in the zone in which they are located.
- (iv) Additions to 22.1.9 Restricted Discretionary Assessment Criteria – Amateur radio Configuration

In relation to amateur radio configuration activities:

- a) The extent to which the bulk, form and scale, location and number of poles, aerials, antennas or



associated supporting structures would lead to visual dominance and loss of visual amenity as viewed from adjoining properties and the surrounding neighbourhood. As part of this consideration will be given to effects on amenity on any habitable buildings and in particular the proximity and visibility of the amateur radio configuration to habitable rooms and outdoor living areas.

- b) The extent to which the materials used and the finish of the materials including the colour assists in mitigating effects.
- c) The extent to which the location on the site and type of configuration chosen assists in mitigating visual effects.
- d) The extent to which the proposal would reduce the ability to maintain access for maintenance, including buildings on adjoining sites.
- e) In the case of pedestal antenna not complying with the recession plane standards, the extent to which the proposal would result in the loss of sunlight and daylight to surrounding sites, particularly in relation to outdoor living areas or the main indoor living area windows of surrounding habitable buildings.

[5] The appeal is otherwise dismissed.

[6] There is no order as to costs.

DATED at Wellington this 5 day of August 2016

C J Thompson  
Environment Judge

