

Before the Independent Hearing Panel at Nelson

under: the Resource Management Act 1991

in the matter of: submissions and further submissions in relation to the
of Plan Change 29 – Housing and Hazards to the Nelson
Resource Management Plan

Topic: City Centre, Commercial & Infrastructure

and: **Radio New Zealand Limited**
Submitter 938

Legal submissions for Radio New Zealand Limited

Dated: 20 August 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 Plan Change 29 to the Nelson Resource Management Plan. RNZ is a submitter (S928) on the plan change.
- 2 Amount other matters, RNZ's submission sought changes to Residential Zone Rules to recognise there is a health and safety risk associated with higher structures in proximity to RNZ's Facilities at Saxon Field in Stoke.
- 3 As set out in RNZ's submission, the risk arises from tall structures absorbing AM radio waves and re-radiating that energy. This raises safety risks from burns or exposure to unsafe levels of radiation. The risk is particularly relevant for elevated work platforms and cranes.

Section 42A report recommendations

- 4 The S42A report recommends changes to the rules as sought by RNZ be rejected as insufficient evidence has been provided to support the relief sought.
- 5 This is a fair recommendation in the circumstances. Unfortunately, demands on key personnel in recent months, including other plan changes and consent processes, has meant that RNZ has not been able to meet with Council officers, provide technical evidence for the panel to support the submission, or otherwise participate in the hearing process.

RNZ's relief

- 6 RNZ accepts that the lack of supporting evidence makes it difficult for the Officer and Panel to support changes to the Residential Zone Rules to address RNZ's submission.
- 7 As an alternative, RNZ seeks that an advice note (or notes) be included in the Residential Zone chapter, adjacent to the height controls, to the effect that:

Advice note: *Radio New Zealand notes there is a risk that structures taller than 8m near Radio New Zealand's Facilities at Saxon Field at Stoke could absorb radio energy, potentially creating a safety hazard. Anyone wanting to assess radio energy hazards associated with a proposed structure should contact Radio New Zealand.*

- 8 The advice note would not impose any binding obligations, but would still make developers aware of a potential hazard, and provide practical advice on how it can be addressed. RNZ considers

this is a pragmatic approach, is supported by RNZ's submission, and suitable for addressing the risk in residential zones (which are not adjacent to RNZ Facilities).

- 9 We note that no issues as to scope arise with this change to relief sought, as RNZ's submission explicitly sought 'such other changes that would address RNZ's interests in PC29', and this is a less restrictive provision than the changes to rules initially sought in RNZ's submission.

20 August 2024

Hadleigh Pedler / Ben Williams
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