



To: The Registrar  
Environment Court  
**AUCKLAND**

1. I, Peter William Bennett, appeal against against a decision of Thames-Coromandel District Council ("Council") on the proposed Thames-Coromandel District Plan Review ("Review").
2. I made a submission on that Plan Review on 22 February 2014
3. I am not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. I received received notice of the decision on 3 May 2016
5. The decision was made by the Council.

**DECISIONS APPEALED**

6. The decision that I am appealing relates to the definitions and rules which control the installation of amateur radio configurations,(being the antennas, aerials and their supporting structures as defined in the definitions section of the plan decision), and in particular to:-

Section 3 Definitions

Amateur radio configuration; and

Building; and

Height

Section 41 Coastal Living Zone Rule12

Section 44 Extra Density Residential Zone

Section 48 Low Density Residential Zone

Section 54 Residential Zone

Section 56 Rural Zone

Section 57 Rural Lifestyle Zone

Section 58 Village Zone

#### **REASONS FOR THE APPEAL**

7. The Council decisions in regard to the permitted maximum heights, dimensions, and numbers of antennas and support structures and site position controls in residential zones will seriously inhibit the activities of licensed amateur radio operators in their experimentation and communication, and in particular the ability of amateur radio operators to engage in international communication, and to provide service in times of emergency.

8. Decision of the Environment Court No. [2012] NZEnvC 107 and NZEnvC 193

Although I omitted to request specific relief in my submission, the Council's staff were made well aware prior to the hearing of the decision of the Environment Court No. [2012] NZEnvC 107 and NZEnvC 193. These decisions set Rules for amateur radio configurations in Tauranga City. Regrettably the Council has incompletely and inadequately recognised parts of the the Court decisions, relating to support height and numbers in and dish antennas, and in doing so has given rise to this appeal.

I attended the Tauranga court hearing as an observer.

#### **SUMMARY OF THE PARTS OF THE DECISION APPEALED**

10. The Council decision in
- (a) Section 3 Definitions  
Amateur Radio Configuration

The decision gives rise to rise to uncertainty, since it has failed to include the dish antennas used by amateur radio operators in the definition of amateur radio configuration. Clarification is required, by amending the definition to read

Amateur Radio Configuration means the antennas, including dish antennas, aerials (including rods, wires and tubes) and associated supporting structures which are owned and used by licenced amateur radio operators. It does not include Network Utilities.

(b) Section 3 Definitions

Building

The exemption of structures ..... “no greater than 0.3 m wide (maximum horizontal dimension), and no higher than an additional one third of the maximum permitted height or HRB standard in the applicable rule”..... is inadequate to provide for antenna supporting structures allowing effective amateur radio communications.”

(c) Section 3 – Definitions

Height

The height exclusion ...“No more than one item is excluded when measuring building height or HRB if it is no greater than 2 m long (maximum horizontal dimension) when measured above the maximum permitted height or HRB, and no higher than .5 m above the maximum permitted height or HRB standard in the applicable rules”..... is inadequate to provide for antenna supporting structures allowing effective amateur radio communications.

- (b) Section 41 Rule12
- Section 44 Rule12
- Section 48 Rule 11
- Section 54 Rule 11
- Section 56 Rule 8
- Section 57 Rule 8
- Section 58 Rule 18

The decisions fail to provide for adequate heights of antennas and their supporting structures, through the imposition of height and location rules in relation to penetration of the recession planes. The imposition of recession planes was removed from the Tauranga District Plan Review in the Environment court decisions Nos. [2012] NZEnvC 107 and NZEnvC 193.

The exemptions referenced in Note 1. to these rules

*“.....Support poles, booms, aerial elements, lightning rods and wires have some exemptions for height and site coverage as described in the Plan definition of 'building' and 'height'....”*

are insufficient to allow for structures fail to provide for adequate heights if antennas and their supporting structures.

These decisions fail to recognise the essential need for amateur radio configurations of adequate height and supporting structures to provide for effective amateur radio communications and experimentation. Such need was addressed in the Environment Court decisions referenced above.

## **RELIEF SOUGHT**

- 11 I seek the following relief
- (a) In Section 33.1 Definitions  
Inclusion of dish antennas used by amateur radio operators in the definition of Amateur Radio Configuration.
  - (b) Amendments to the definition of Buildings in relation to height and penetration of the recession planes of height in relation to boundary so as to provide for effective amateur radio communications.
  - (c) Provide for maximum supporting structure heights of 15 metres in  
Coastal Living Zone  
Extra Density Residential Zone

Low Density Residential Zone

Residential Zone

Village Zone

- (d) Provide for maximum supporting structure heights of 20 metres in  
Rural Zone  
Rural Lifestyle Zone
- (c) such consequential or incidental amendments as are required to  
achieve consistency with the relief sought as set out in paragraph  
11 of this notice.
- (d) such further or other relief as the Environment Court sees fit.

**Supporting documents**

- 12. I attach copies of the following supporting documents
  - (a) a copy of my submission
  - (b) a copy of the relevant parts of the decisions:
  - (c) a list of names and addresses of persons to be served with a  
copy of this notice.
  - (d) Decision of the Environment Court No. [2012] NZEnvC 107
  - (e) Decision of the Environment Court No. [2012] NZEnvC 193

DATED this 13<sup>th</sup> day of June 2016



Kenneth Douglas Birt MBA BE(Elect) MIPENZ

for and on behalf of

Peter William Bennett

Address for Appellant:

P O Box 830

Whangaparaoa 0943

Telephone 09 424 0134 or 027 492 5189

email [kdbirt@gisborne.net.nz](mailto:kdbirt@gisborne.net.nz)

Contact Person: Douglas Birt.