

In the Environment Court of New Zealand
Christchurch Registry

ENV-2018-CHC-

under: the Resource Management Act 1991 (RMA)

in the matter of: an appeal under Clause 14(1) of Schedule 1 of the RMA

between: **Aurora Energy Limited**
Appellant

and: **Dunedin City Council**
Respondent

Notice of Radio New Zealand Limited's wish to be party to
proceedings

Dated: 31 January 2019

REFERENCE: Ben Williams (ben.williams@chapmantripp.com)

Lucy Forrester (lucy.forrester@chapmantripp.com)

Form 33

**NOTICE OF RADIO NEW ZEALAND LIMITED'S WISH TO BE PARTY
TO PROCEEDINGS**

Section 274, Resource Management Act 1991

To The Registrar
Environment Court
Christchurch

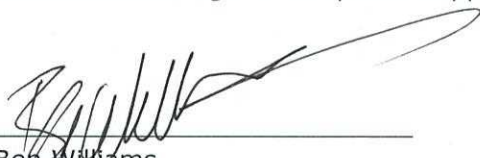
- 1 Radio New Zealand Limited (*RNZ*) wishes to be a party to the following proceedings:
 - 1.1 The appeal by Aurora Energy Limited (*the Appellant*) to the Environment Court against the decisions of the Dunedin City Council on the Second Generation Dunedin City District Plan (*the Dunedin 2GP*).
- 2 RNZ made a submission and further submission on the Dunedin 2GP.
- 3 RNZ is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (*RMA*).
- 4 RNZ is interested in all the proceedings.
- 5 Without limiting the above, RNZ is interested in the following particular issues (using policy numbers from the tracked version of the Dunedin 2GP within the Decisions reports, as referred to in the appeal), being the requests to include:
 - 5.1 a new definition of 'Regionally Significant Infrastructure';
 - 5.2 a new strategic directions objective 2.3.1A;
 - 5.3 a new strategic directions policy 2.3.1A.1;
 - 5.4 amendments to Policy 2.3.1.7;
 - 5.5 amendments to Objective 5.2.1;
 - 5.6 a new policy (not numbered) relating to the recognition that a range of network utilities operate throughout Dunedin;
 - 5.7 amendments to Policy 5.2.1.7; and
 - 5.8 amendments to Policy 9.3.6 (to include a new (6)(p)).

- 6 RNZ supports the relief sought on the basis that:
- 6.1 RNZ operates two transmission sites in Dunedin (the Highcliff Transmitters are located at Highcliff Road and Karetai Road, Dunedin, and the Saddle Hill Transmitter is located on Saddle Hill, Mosgiel).
 - 6.2 As explained in RNZ's submission on the Dunedin 2GP (OS918), RNZ is a Lifeline Utility under the Civil Defence Emergency Management Act 2002 and therefore it is appropriate that the Dunedin 2GP recognises and provides protections for its activities.
 - 6.3 RNZ is particularly concerned where subdivision and residential development is provided for within proximity to its transmitters - potentially giving rise to of reverse sensitivity effects such as noise associated with operation of back-up generators, and interference effects.
 - 6.4 A comprehensive suite of objectives and policies providing for the protection of network utilities, and more specifically regionally significant infrastructure, provides RNZ with greater protections against reverse sensitivity effects to enable it to effectively perform its civil defence role.
 - 6.5 Further, RNZ were involved in the process of the partially operative Otago Regionally Policy Statement (*ORPS*) which (among other provisions) provides for:
 - (a) The integration of infrastructure with land use;
 - (b) Restricting the establishment of activities that may result in reverse sensitivity effects on network utilities;
 - (c) The recognition of regionally significant infrastructure;
 - (d) The protection of regionally significant infrastructure from reverse sensitivity effects and other incompatible uses; and
 - (e) Protecting and providing for lifeline utilities and essential or emergency services.
 - 6.6 RNZ considers it is wholly appropriate that the Dunedin 2GP give effect to the *ORPS* and that consistency and coherency between the two should be favoured.
 - 6.7 RNZ's facilities generally do not generate high levels of noise. However, RNZ's Highcliff transmitter site contains a back-up

generator which is used occasionally (during an emergency or for testing purposes) and which produces a certain amount of noise. RNZ considers it appropriate that these types of generators are exempt from noise rules to enable the continued operation of network utilities.

- 6.8 For these reasons, RNZ supports the relief sought by the Appellant.
- 7 RNZ agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Signed for and on behalf of Radio New Zealand Limited by its solicitors and authorised agents Chapman Tripp



Ben Williams
Partner

31 January 2019

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Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.