

BEFORE THE CENTRAL HAWKES BAY DISTRICT COUNCIL (The Council)

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Central Hawke's Bay District Plan – Designations Section, in particular Designation KL-1.

STATEMENT OF PLANNING EVIDENCE OF PAUL IVAN SOUSA

(On behalf of Kordia Limited, Requiring Authority)

INTRODUCTION

- 1 My name is Paul Sousa. I am also a Resource Management Planner and have a Bachelor of Resource and Environmental Planning (BREP) Degree from Massey University. I am a full member of the New Zealand Planning Institute.
- 2 I have approximately 30 years' experience in the planning and the resource management profession. My experience is almost split evenly between local authorities and as a planning consultant undertaking planning work across the country. I am a planning consultant and director of Integrated Planning Solutions Ltd (iPS) since May 2004.
- 3 Of most relevance to today's proceedings is that, although I did not prepare the Notice of Requirement (NOR) that is the subject of these proceedings, I have prepared NORs and assessments of effects on behalf of Kordia Limited (Kordia) in respect of several district plan changes throughout the country.
- 4 I have reviewed the NOR lodged with the Central Hawkes Bay District Council (CHBDC) by Kordia Ltd seeking to roll over designation 118 of the Operative

District Central Hawkes Bay District Plan. I have also reviewed the existing designation as set out in the Operative Hawkes Bay District Plan (operative district plan) and note that the existing designation has no stated purpose or conditions with which it must presently comply and that in rolling over this designation Kordia have offered conditions restricting what may be undertaken as part of the designation, where no restrictions seem to presently exist.

- 5 I confirm that I have read the 'Code of Conduct for Expert Witnesses' as contained in the Environment Court Practice Note 2014. I agree to comply with this Code of Conduct. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

SCOPE OF EVIDENCE

- 6 I intend to present my evidence in the following manner:
- Kordia Ltd and the role the facility to be designated as KL-1 plays in the national network.
 - The Purpose of the NOR and Reasons for the Requested Conditions
 - Assessment of Visual Effects on the Environment Arising from the NOR and Conditions.
 - Relevant Plans
 - The Section 42A Report
 - Conclusion

KORDIA LTD AND THE ROLE THE FACILITY TO BE DESIGNATED AS KL-1 PLAYS IN THE NATIONAL NETWORK.

- 7 Kordia are a state owned enterprise created to operate and maintain public broadcasting and lifeline utility networks across New Zealand. Kordia operate and maintain a lifeline utility from the 'Ashcott' facility that links with other sites in the Hawkes Bay region as part of the national network. As a Network Utility Operator for these sites Kordia are mandated to provide lifeline services for several users and the Public in general, such as Digital Television broadcast, FM radio and emergency services such as Maritime, NZ Police and Fire and Emergency telecommunications along with other colocation services.
- 8 The nature and importance of broadcasting these services requires much more substantial infrastructure than that allowed for in national standards such as the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NES Telecommunications Ltd), which is primarily orientated towards the much less onerous telecommunication 'cell site' type infrastructure.
- 9 The subject site is primarily a 'link site' to relay lifeline broadcasting services via digital microwave radio (DMR). The radio waves are point to point thus requiring a direct line of sight between towers. The radio waves are received through the two dish antenna on one side of the tower then amplified and relayed through the two dish antenna on the opposite side of the tower in both directions at any one time. While co-location of telecommunication services is facilitated to optimise use an existing resource that avoids unnecessary construction of other masts and poles etc, the facility is ultimately for the transmission of essential lifeline services and this is why it should not be held to the same standards that the Council may consider appropriate for a commercial telecommunications installation.

THE PURPOSE OF THE NOR AND REASONS FOR THE REQUESTED CONDITIONS

- 10 As stated in the NOR the purpose of the designation is:
 - To maintain and upgrade the existing broadcasting and

telecommunications (including radio – communications) facility presently consisting of a tower accommodating a number of antennae with an ancillary equipment building located at the base of the tower.

- To upgrade and/or replace the tower, equipment and to replace antennae as well as install any infrastructure, structures and buildings as required to continue the radio-communications, telecommunications and broadcasting operations.
 - To maintain the land and vegetation within the designated area to ensure the ongoing safe and efficient operation of the facility
- 11 To achieve the foregoing purpose and to ensure a proactive and, when required, responsive approach to maintaining the lifeline services, Kordia include conditions to accompany the designation that provide the local authority with a degree of certainty as to what may occur on the site while enabling works and activities to occur without undue formality and delay hence the request that identified works be able to be undertaken without the need to prepare an outline plan of works.
- 12 The conditions accompanying the designation are:
1. *The following structures, buildings, equipment and ancillary land uses to maintain the operation of the facility shall be permitted and may be established and/or undertaken within the area subject to this designation on a permanent basis without the provision of any outline plan of works pursuant to Section 176A of the Resource Management Act 1991 ("Act"):*
 - a. *the upgrade, repair or repositioning of the existing tower and equipment building within the designated area, inclusive of any increase in height and size in accordance with the National Environmental Standards for Telecommunications;*
 - b. *up to six dish antennae with a maximum diameter greater than 2.5*

metres but less than 4.0 metres;

- c. broadcasting, telecommunication and radio-communication antennae including whip, grid, yagi, dipoles and panels or similar ancillary equipment, but no single antenna dish or panel shall have a solid frontal surface area of greater than 4.0m² or 2.5 metres in diameter in the case of dish antennae, unless otherwise specified above or being a replacement of an existing larger antenna;*
 - d. equipment cabinets and container generators not exceeding 2.5m in height and 18m² in area;*
 - e. the use of auxiliary power generators on a temporary basis as necessary;*
 - f. the maintenance of the land and vegetation within the designated area to ensure the ongoing safe and efficient operation of the facility.*
- 2. No new structures or buildings shall be erected on the site without submission of an outline plan of works pursuant to section 176A of the Act provided that the structures, buildings, equipment and ancillary land uses to maintain the operation of the facility specified in paragraph 1 above shall not be subject to this condition.*
 - 3. The exterior of any structure, building or outdoor equipment within the area subject to this designation shall not generate adverse reflective light effects.*
 - 4. Radio frequency radiation emissions from the site shall comply with the following standards:*
 - a. AS/NZS 2772: Radiofrequency Fields AS/NZS 2772.1 (Part 1): 1999 – Maximum Exposure Levels – 3kHz to 300GHz*

- b. *AS/NZS 2772.2 (Part 2): 2016 – Principles and Methods of Measurement – 3kHz to 300 GHz*
5. *The noise levels arising from the equipment ancillary to the operation of the broadcasting, telecommunications, radio-communications facility shall comply with the permitted activity noise levels of the Central Hawke’s Bay District Plan.*

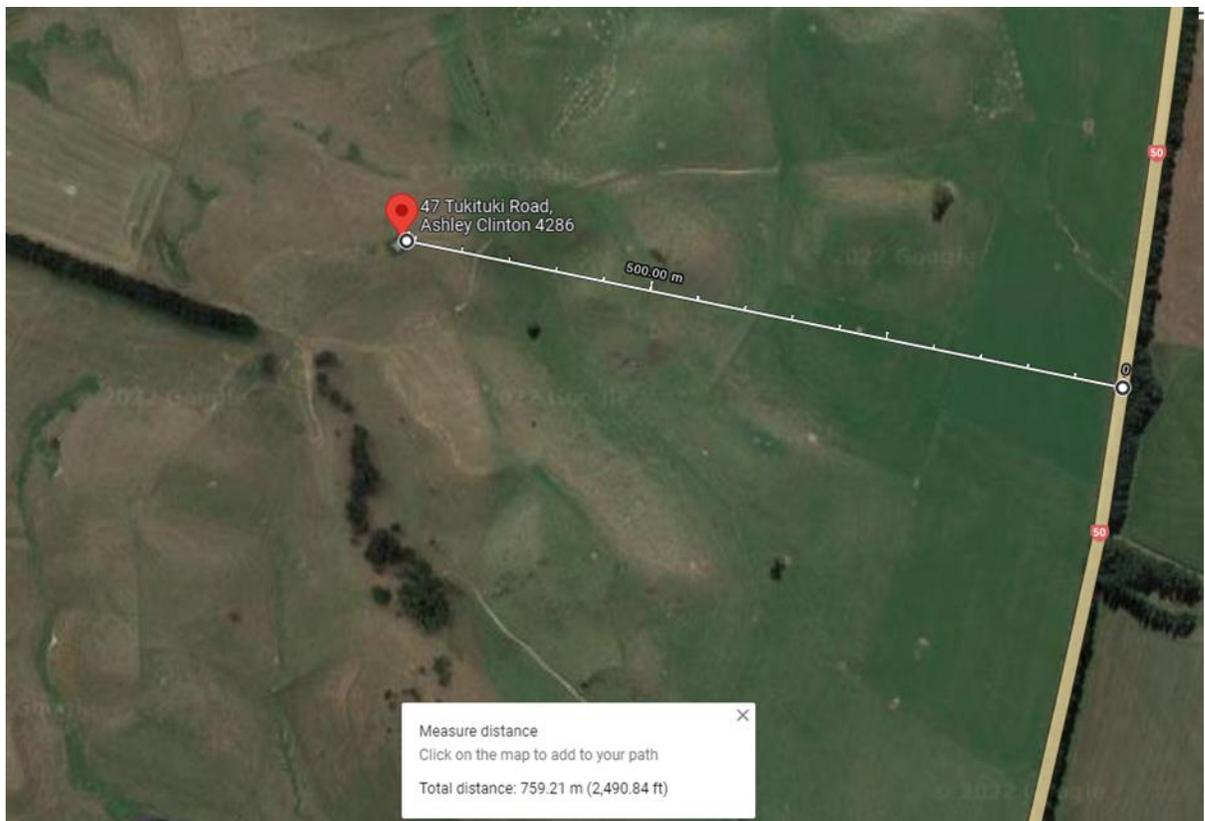
ASSESSMENT OF VISUAL EFFECTS ON THE ENVIRONMENT ARISING FROM THE NOR AND CONDITIONS.

- 13 Having reviewed the s42A report, the only potential effects in contention are the potential visual character and amenity effects arising from the NOR and development under the conditions set out therein. To assist the Council and the reporting planner, I provide an assessment of the potential adverse effects on the surrounding visual character and amenity as follows.
- 14 The facility is existing and has formed part of the environment/landscape since approximately 1980. Over that time some antenna have been removed and others added with the current broadcasting tower accommodating less antenna than has been the situation during earlier periods of its existence. The current appearance of the broadcasting tower is shown in the following photographs:



- 15 As large as the tower may appear in the photographs taken up close, its height (35.7m), size and scale soon dissipate into the background as one moves away from the structure beyond the site to the nearest public vantage point on SH50.
- 16 As can be determined from Google maps, Council's GIS mapping system and a site visit, the existing facility is well removed from the road way (or any site boundary), being approximately 760m from SH50. The facility is located on a large rolling pastural farm that itself is set amongst large rural land holdings. The character of this environment can be said to of an open rural character dominated by the landscape and not buildings.

Below: Separation Distance from SH50:



- 17 Below is the street view from google maps, from SH50 out across the site toward the Kordia facility in the distance. As can be seen, the existing tower and ancillary structures/antenna blend into its surrounds and are not readily

distinguishable from the road and accordingly do not visually or physically dominate the landscape as viewed from the public road such is the degree of separation and openness surrounding the facility.



Below: The location of the facility highlighted.



- 18 The s42A report agrees that location of the facility *'is remote and well removed from any nearby dwellings or residential settlements, the ongoing maintenance of the infrastructure as well as any construction of the above listed infrastructure is unlikely to result in adverse environmental effects.'* The s42A report goes on to state *'the site is not within a site of natural or historic significance and while the tower is visible from a wide area, it does not adversely detract from the surrounding rural environment.'*
- 19 However, despite finding that adverse effects of the designation are unlikely

to result in adverse environmental effects, in particular will not result in adverse effects on the surrounding rural environment, the reporting planner has some concerns in respect of cumulative effects arising from the potential addition of antenna larger than is permitted by the NES Telecommunications. While I will address the matter of needing larger antenna than is provided for in the NES telecommunications later in my evidence, the additional antenna enabled to be installed without the need for an outline plan of works will have less than minor effects on the environment because:

- The existing four larger dishes of 3.0m in diameter are required for broadcasting of state digital television and the emergency communications/location networks. In respect to condition 1b, only two more dishes of between 2.5m to 4.0m in diameter would be allowed under this condition. As can be seen in the photographs above, the addition of two more dishes of the size and scale already established could be readily accommodated on the tower while maintaining the open nature of the structure, particularly when viewed from some distance away beyond the site. Given the context of its removed location and distant viewing from the nearest public space the addition of two more of the larger dishes (if required to maintain or enhance public broadcasting of the emergency networks) is considered unlikely to have an adverse effect on the visual character or amenity of this environment to warrant the need for an outline plan of works for their installation.
- In respect of condition 1(c), the NES Telecommunications enables like for like replacements of antenna in the rural zone irrespective of the size of the original antenna being replaced. In respect of additional antenna it is anticipated that generally additional antenna will meet the permitted standards in the NES telecommunications. However, the nature and importance of broadcasting lifeline services requires much more substantial infrastructure than that allowed for in the national standards, which is primarily orientated towards the much less onerous telecommunication 'cell site' type infrastructure. Therefore, there is the possibility to need to install

antenna up to the sizes prescribed in condition 1(c) but again the size of these relative to the setback of the tower from the wider viewing audience is sufficiently extensive that the addition of antenna is unlikely to adversely affect the rural character and amenity as perceived by any persons beyond the site.

- 20 In summary of the foregoing assessment, I consider that the remote location of the tower combined with the limited ability to add only two larger dishes and other smaller antenna as required to service the surrounding area ensure that any adverse effects on the rural character and amenity will remain less than minor such that ongoing outline plans of works are not necessitated to assess the effects on the environment arising from such ancillary works.

RELEVANT PLANS

Operative and Proposed District Plans

- 21 The relevant objectives and policies of both the operative and proposed district plans have been identified and considered by the reporting planner in the s42A report. The officer concludes that the designation is consistent with the outcomes sought by these higher order plan provisions.
- 22 I agree with the reporting planner and wish to further emphasise the essential role that this designation plays in maintaining the safety of the population of New Zealand, in particular those within the Hawkes Bay region to a greater degree than general utilities provided for by these provisions of the operative and proposed district plans. The recognition and provision for the lifeline services by way of designation to ensure their ongoing operation, effectiveness and responsiveness during a regional or national emergency is entirely consistent with the relevant provisions of these plans.
- 23 Although the site is

THE SECTION 42A REPORT

- 24 In the assessment of the designation in the body of the S42A report the reporting planner has assessed the roll-over of the designation as having less than minor adverse effects and as being consistent with the relevant provisions of the operative and proposed district plans as well as all other matters relevant in the Council's consideration of the NOR under s171 of the RMA. However, the planner expresses concern in the summing up of their analysis as to a) the need for size restrictions in the conditions of the designation enabling works/structures that may be greater than what may typically be permitted under the NES for telecommunications and b) a perceived lack of certainty as to the scale of the ongoing activity.
- 25 In providing additional detail in the foregoing as to the role the designated site plays in maintaining the transmission lifeline services that distinguishes it from general telecommunication networks and their requirements hopefully addresses the Planner's concern as to why the greater scope of works is requested in this instance.
- 26 In respect of concern as to the lack of certainty around effects arising from potential future development of the site, it is hoped that the foregoing assessment of the visual effects has assisted in providing further analysis of likely effects in the surrounding environment and to enable the Council to be satisfied that any adverse effects arising from works provided for in the conditions will be less than minor and readily absorbed into this rural environment.
- 27 However, since requesting the notice of requirement, Kordia acknowledges that the potential for 'repositioning' the tower as provided for in Condition 1a is beyond the scope of works that could reasonably be undertaken without the need for an outline plan of works and that some further changes around the wording of Condition 1 and 1a is offered as follows:
1. ~~The following structures, buildings, equipment and ancillary land uses to maintain the operation of the facility shall be permitted and may be~~

~~established and/or undertaken within the area subject to this designation on a permanent basis without the provision of any outline plan of works pursuant to Section 176A of the Resource Management Act 1991 ("Act"): Activities provided for by the purpose of this designation that are of a similar nature to those currently being carried out on site may be undertaken without the provision of an outline plan of works pursuant to Section 176A of the Resource Management Act 1991 ("Act") Including:~~

~~a. the upgrade, repair or repositioning of the existing tower and equipment building within the designated area, inclusive of any increase in height and size in accordance with the National Environmental Standards for Telecommunications~~

~~a. Repair upgrade or maintain existing major infrastructure required to operate the site within the designated area.~~

~~aa. Works provided for in other national standards such as the National Environmental Standard for Telecommunications Facilities Regulations 2016~~

b – f would remain as applied originally applied for.

- 28 The changes offered are intended to align with the NES Telecommunications as appropriate while also recognising the specific needs of Kordia to provide infrastructure that maybe of larger size and scale in some instances that at necessary to maintaining the lifeline services network and which remains consistent with the assessment of effects that I have undertaken.

CONCLUSION

- 29 In conclusion this designation and the conditions there in are critical to maintaining the lifeline services network on which country relies in times of disaster or emergency.

- 30 Kordia have offered some minor word changes to address the matters raised by the reporting planner and, in the context of providing greater detail about the service the designation provides over and above that of a general telecommunications site, it is hoped that this addresses the concerns of the planner and that they can now support the designation with the alternative wording offered.
- 31 Kordia request that the designation be accepted by the Central Hawkes Bay District Council with the conditions updated as follows:

Conditions for designation KL-01

1. Activities provided for by the purpose of this designation that are of a similar nature to those currently being carried out on site may be undertaken without the provision of an outline plan of works pursuant to Section 176A of the Resource Management Act 1991 ("Act") Including:
 - a. Repair upgrade or maintain existing major infrastructure required to operate the site within the designated area.
 - aa. Works provided for in other national standards such as the National Environmental Standard for Telecommunications Facilities Regulations 2016
 - b. up to six dish antennae with a maximum diameter greater than 2.5 metres but less than 4.0 metres;
 - c. broadcasting, telecommunication and radio-communication antennae including whip, grid, yagi, dipoles and panels or similar ancillary equipment, but no single antenna dish or panel shall have a solid frontal surface area of greater than 4.0m² or 2.5 metres in diameter in the case of dish antennae, unless otherwise specified above or being a replacement of an existing larger antenna;
 - d. equipment cabinets and container generators not exceeding 2.5m in height and 18m² in area;
 - e. the use of auxiliary power generators on a temporary basis as

necessary;

- f. the maintenance of the land and vegetation within the designated area to ensure the ongoing safe and efficient operation of the facility.
2. No new structures or buildings shall be erected on the site without submission of an outline plan of works pursuant to section 176A of the Act provided that the structures, buildings, equipment and ancillary land uses to maintain the operation of the facility specified in paragraph 1 above shall not be subject to this condition.
3. The exterior of any structure, building or outdoor equipment within the area subject to this designation shall not generate adverse reflective light effects.
4. Radio frequency radiation emissions from the site shall comply with the following standards:
 - a. AS/NZS 2772: Radiofrequency Fields AS/NZS 2772.1 (Part 1): 1999 — Maximum Exposure Levels — 3kHz to 300GHz
 - b. AS/NZS 2772.2 (Part 2): 2016 — Principles and Methods of Measurement — 3kHz to 300 GHz
5. The noise levels arising from the equipment ancillary to the operation of the broadcasting, telecommunications, radio-communications facility shall comply with the permitted activity noise levels of the Central Hawke's Bay District Plan

32 I welcome any questions from the Commissioners.



Paul Sousa BREP, MNZPI
30/11/2022

ATTACHMENT 1

SUBDIVSION PLAN

ATTACHMENT 2

**RE-OBTAINED WRITTEN APPROVAL OF THE OWNERS OF 193A
ACKWORTH ROAD**