

**BEFORE INDEPENDENT COMMISSIONERS
PORIRUA CITY COUNCIL**

IN THE MATTER OF

the Proposed Porirua District Plan

AND

Titahi Bay Amateur Radio Club
Incorporated

(Submitter)

SUPPLEMENTARY SUBMISSION FOR SUBMITTER

1.0 Definition

1.1 The submitter has been asked to provide a definition of a Yagi Antenna.

1.2 The submitter considers that the definition for planning purposes could be as follows:

'A Yagi antenna is an antenna which has no less than two elements mounted on a boom where the elements are perpendicular to the boom'.

1.3 This is a physical description only. It provides a planner with the ability to identify a Yagi antenna by sight and differentiate it from some other types of aerial.

1.4 A Yagi aerial contains elements and a boom; element lengths determine the frequency of operation while the boom determines the performance of the aerial (based on the number and length of elements). There are multiple available configurations.

1.5 However, the physical description provided is neither unique to a Yagi aerial nor is it specific to amateur radio licensees.

1.6 In other words there are aeriels which are not Yagi aeriels which share this same physical description. Further there are a whole range of other radio operators who either use Yagi aeriels or aeriels which

share these same physical characteristics. This includes Citizen Band radio operators; many transport businesses including taxis; Police; Fire and ambulance services; government agencies and television receiver antennas of differing heights and dimensions on many homes throughout the Porirua district.

- 1.7 Therefore, the submitter has further considered how to find a way to provide a definition which enables reasonable regulation of the use of Yagi antennae/aerials by amateur radio licensees while providing a workable definition and appropriate approach for overall planning purposes.
- 1.8 It is noted the concepts of height, support structures and aerials are defined in the Proposed Plan. In the residential zone a maximum height of 15m for support structures mounted to the ground and associated aerials is proposed.
- 1.9 Having regard to the change in the Resource Management legislation and all other considerations, for the purpose of amateur radio, it is suggested a maximum height for Yagi aerials in the residential zone both vertically and horizontally polarised in the residential zone but limited to an overall height of 15m (including elements) be allowed, provided the boom length does not exceed 7m (as opposed to 2m) and the element length is also limited to 7m (rather than 2m).
- 1.10 This provides an enhanced alignment with the amended legislation as opposed to the provisions of the Proposed Plan. This is because no part of the antenna/aerial can extend above the 15m height limit, including the elements. However, for there to be adequate performance, the length of the elements and the boom need to be increased from 2m to 7m.
- 1.11 This avoids arbitrary outcomes. Apart from amateur radio licensees, as noted there are other users of Yagi aerials in the community who utilise antennae with a configuration greater than 2m x 2m. An unworkable configuration for amateur radio needs to be avoided for reasons previously discussed while ensuring licensees are not arbitrarily

constrained when compared with other users of similar antenna configurations.

- 1.12 The submitter would also accept this approach as a controlled activity (rather than permitted), to allow for physical distancing within the community (as previously submitted) and avoiding potential cumulative effects.
- 1.13 Therefore, in our submission, by combining the physical description suggested in para 1.2 above with the proposed physical dimensions and height restriction identified in para 1.10 as standards applicable in the residential zone only, a workable definition of a Yagi antenna/aerial relevant to amateur radio operating in the residential zone is provided.
- 1.14 This is because it successfully reconciles physical characteristics with performance criteria to give certainty and to appropriately address relevant resource management considerations (as submitted).

2. Site Visit

- 2.1 The location of Yagi aerials used by amateur radio licensees in the general area and available for viewing are as follows:

John Brader-1359 Paekakariki Hill Road, Paekakariki

Todd Johnson-46Pope St, Cambourne

Peter Lake-12 Brasenose Pl, Redwood, Tawa.

- 2.2 Should Commissioners wish to understand any technical issues relevant to the operation of any these antennae, that information can be provided by separate memorandum.

3. Other Matters

- 3.1 On reflection there are two further matters of law. Both arise out of questions raised with Counsel during the hearing last week.
- 3.2 First, it is submitted the amended Resource Management legislation must be applied to this process because its provisions are required to

be *included* in the district plan unless it is determined there are specific confined exemptions.

3.3 I endeavoured to argue that the fact of possible specific exemptions does not provide a jurisdictional basis to disregard the new legislation within this planning process. The statutory provisions are fully enacted. Should there be exemptions, consequential issues can be taken into account at that time and within that process. This could possibly include the standards applicable to amateur radio.

3.3 The position might be different if there were a general discretion available to Councils to *exclude* the new suite of statutory provisions from their Plans. There is no such discretion-any discretion is specific and to be applied in relation to confined criteria. Therefore, the provisions of the amending legislation must be fully anticipated within this process.

3.4 Secondly, in answer to a question regarding whether to apply the *KCDC* or *Tauranga* approach, Counsel should have added (with respect and as the Chair no doubt anticipated), that any appeal must be considered afresh on its merits objectively, fairly and without any concern of pre-determination or perception of bias.

3.5 The fact the *KCDC* appeal was determined by His Honour Judge Dwyer is not a relevant consideration to this process as I am sure the Commissioners well appreciate and, of course, as would the Learned Judge. In any event, the backdrop to the decision is now different for reasons discussed at the Hearing.

3.6 Lastly, this memorandum will be forwarded to Mr Smeaton by email with a view to exploring the matters discussed in section 1 above. It is hoped that common ground is identified to assist this process.

DATED this 21st day of February 2022



Andrew Cameron