

**BEFORE THE ENVIRONMENT COURT  
AT AUCKLAND**

**ENV-2016-AKL-000243**

**IN THE MATTER** of the Local Government (Auckland Transitional Provisions) Act 2010 ("**LGATPA**") and the Resource Management Act 1991 ("**RMA**")

**A N D**

**IN THE MATTER** of an appeal under section 156 of the **LGATPA** against a decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearings Panel ("**Hearings Panel**") on the proposed Auckland Combined Plan ("**Unitary Plan**")

**BETWEEN** **K Vernon**

Appellant

**A N D** **Auckland Council**

Respondent

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**NOTICE OF WISH TO BE PARTY TO PROCEEDINGS UNDER SECTION  
274 RMA BY NEW ZEALAND ASSOCIATION OF RADIO TRANSMITTERS  
INCORPORATED ("NZART")**

**3 October 2016**

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**ELLIS GOULD  
LAWYERS  
AUCKLAND**

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AUCKLAND**

**NOTICE OF WISH TO BE PARTY TO PROCEEDINGS UNDER SECTION 274  
RMA BY NEW ZEALAND ASSOCIATION OF RADIO TRANSMITTERS  
INCORPORATED (“NZART”)**

1. **NEW ZEALAND ASSOCIATION OF RADIO TRANSMITTERS INCORPORATED (“NZART”)**, wishes to be a party to those aspects of the Notice of Appeal dated 15 September 2016 by **K Vernon (“the Appellant”)** to the Environment Court, (being number **ENV-2016-AKL-000243**), against the decision of the **Auckland Council (“the Respondent”)** on the Auckland Combined (Unitary) Plan (“**the Unitary Plan**”) that concern Topic 065 – Definitions and in particular the Unitary Plan definition of “*height*” insofar as it affects masts, aerials and antennas, being paragraphs 1 to 6, 75 to 98, and 112 of the Appeal.
  
2. NZART has an interest in the proceedings that is greater than the interest that the general public has in that:
  - (i) NZART is a national organisation representing amateur radio in New Zealand which provides a voice for individual radio amateurs to represent their interests to the Ministry of Business Innovation and Employment (“**MBIE**”) and local government (Councils who enact regulations and planning rules which govern visible aspects of amateur radio).
  
  - (ii) NZART lodged submission 4498 seeking provision for amateur radio configurations (“**ARC**”) as a permitted activity in the Residential, Future Urban and Rural zones in the Proposed Auckland Unitary Plan (“**PAUP**”).
  
  - (iii) The changes sought in the Appeal to the definition of “*height*” could significantly alter the provision made in the Decision for ARC masts, aerials or antennas that would otherwise now be permitted activities.
  
  - (iv) The changes sought in the Appeal will therefore impact adversely on the flexibility available to NZART to provide ARCs in the Residential, Future Urban and Rural zones.
  
  - (v) NZART made a submission about the subject matter of the proceedings in that it lodged a submission on the

Unitary Plan that, among other relief, generally supported the notified proposed Auckland Unitary Plan definition of height insofar as it provided for the exclusion of masts, aerials and antennas.

- (vi) NZART's primary submission was that ARCs should be given permitted activity status in the PAUP and the Decision generally upheld the relief sought by NZART.
  - (vii) NZART does not see any internal inconsistency in the Unitary Plan by having ARCs also able to take advantage of the permitted activity status for *masts, aerials and antennas* that fall within the exclusion of the definition of *height*.
  - (viii) NZART supports the definition of "*height*" in the Decision insofar as it relates to masts, aerials and antennas.
3. NZART is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 ("**RMA**")
  4. NZART is interested in and opposes all aspects of the Appeal relief relating to the definition of "*height*", that affect the exclusion of masts, aerials or antennas from the definition of height, (being the relief sought in paragraphs 94 to 98 and 112 of the Appeal) and seeks retention of the Council's Decision regarding the definition of "*height*" insofar as it excludes mast, aerials and antennas from the definition.
  5. The definition of "*height*" (insofar as it relates to the exclusion of masts, aerials and antennas) in the Decision is appropriate in terms of the RMA.
  6. NZART agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**Signed for and on behalf of the  
NZART by its solicitors and duly  
authorised agents Ellis Gould:**



J G Goodyer

**Date:** 3 October 2016

**Address for Service of NZART:** The offices of **Ellis Gould, Solicitors**, Level 17, The Vero Centre, 48 Shortland Street, Auckland (PO Box 1509, Auckland, 1140), DX CP22003, Phone: 09 307-2172, Facsimile, 09 358-5215. **Attention:** **J G Goodyer**, Email: [jgoodyer@ellisgould.co.nz](mailto:jgoodyer@ellisgould.co.nz)