

AUCKLAND UNITARY PLAN  
INDEPENDENT HEARINGS PANEL

*Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau*

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Report to Auckland Council  
Hearing topic 074 Designations

Radio New Zealand

May 2016

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**Report first prepared by Harry Bhana in accordance with the Auckland Unitary Plan Independent Hearing Panel procedure and in accordance with section 142 of the Local Government (Auckland Transitional Provisions) Act 2010, on 13 August 2015 updated 1 October 2015.**

**Adopted as Auckland Unitary Plan Independent Hearings Panel recommendations in accordance with the Auckland Unitary Plan Independent Hearing Panel procedure and in accordance with section 144 of the Local Government (Auckland Transitional Provisions) Act 2010 on date of signature.**

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## 1. Introduction

The purpose of this report is to provide an assessment and recommendation in relation to modifications to and submissions on designations classified by the Independent Hearings Panel as minor matters and errors. This classification applies where there is a:

- i. modification to a designation and no submissions;
- ii. rollover of a designation with no modification and submissions lodged by the requiring authority (submissions to correct errors or address minor matters);
- iii. modification to a designation and submissions lodged by the requiring authority (modifications address minor matters and submissions to correct errors or address minor matters);
- iv. where the modification involves changes to the boundary to incorporate additional land and the requiring authority has an interest in the land sufficient for undertaking the proposed work.

## 2. Assessment

Errors do not require an assessment. The assessment applies the following criteria.

Does the modification/submission:

- i. involve no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned? or
- ii. involve only minor changes or adjustments to the boundaries of the designation?

See section 6 of this report for the application of these criteria to the individual designations.

On the basis of the assessment, this report concludes that the modifications and designations in section 6 meet the above criteria.

## 3. Recommendation to Panel

That the Panel recommend to Auckland Council the modifications/designation be confirmed as set out in section 6.

<b>Author</b>	Harry Bhana
<b>Author's Signature</b>	
<b>Date</b>	13 August 2015 updated without amendment 1 October 2015

#### 4. Panel recommendations to Auckland Council

The Auckland Unitary Plan Independent Hearings Panel recommends that Auckland Council recommends to the requiring authority that it confirms the notice of requirement for the modifications to designations 7300 and 7301 included in the Proposed Auckland Unitary Plan subject to the further modifications shown in Attachment 1.

#### 5. Panel reasons

The reasons for the Panel's recommendation are set out in section 6 below.

<b>Panel Chair</b>	David Kirkpatrick
<b>Chair's Signature</b>	
<b>Date</b>	18 May 2016

## 6. Assessment of modifications and designations

Requiring authority	Radio New Zealand
Designation number (s)	7300, 7301
Designation purpose	Telecommunication and radio communication facilities
Location	7300 – Triangle Road, Henderson 7301 – 2-12 Selwood Road, Henderson
Designation given effect to	Yes
Lapse date in operative plan	None
Description of the modification	<p>The requiring authority is seeking to alter or delete designation conditions which repeat sections of the Resource Management Act 1991 (particularly section 176A). Alterations to conditions no longer relevant to the designation are also sought. This includes designation conditions which apply to one designation but have been mistakenly placed on both.</p> <p>Definitions which are not used in the designation conditions are to be deleted and definitions of terms which are defined by the Telecommunications Act 2001 and Radiocommunications Act 1989 have been amended in the designations to reference this legislation.</p>
Land owned by the requiring authority	7300 – Yes 7301 – Yes
Submitter	Yes – Radio NZ – Primary Submissions 2750-72 and 2750 - 73
Matters addressed in submission	<p>Submissions lodged by the requiring authority seek to amend an address reference in Designation 7300 and correct a minor typographical error.</p> <p>Two further submission points (FS2164) have been lodged in opposition to the above primary submissions however these are blanket submissions which are not relevant to the minor changes proposed here.</p>
Assessment and reasons	<p>The changes sought through the modification amend or delete conditions considered redundant as they restate section 176A of the Resource Management Act 1991 or are not relevant to the designation under which they are listed. Other changes amend definitions listed in the designations so they refer to their definitions established under other relevant legislation.</p> <p>Submissions made by the requiring authority correct an address reference and a typographical error. Further submissions in opposition have no relevance to the sought changes.</p> <p>Overall, these changes involve no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned, or simply correct minor errors.</p>

	<p><b>Submission Point 2750 – 72</b></p> <p>Change the “Location” of Designation Number 7300:  <del>2 - 12 Selwood Road (corner of Triangle Road), Henderson</del>  To:  <u>Triangle Road, Henderson</u></p> <p>Or:  <u>Corner of Triangle and Lincoln Road, Henderson</u></p> <p><b>Submission Point 2750 – 73</b></p> <p>Add a ‘c’ to Condition 2 of Designation Number 7301:  <u>c.</u> Internal works which do not affect the 1930’s transmitter equipment.</p>
Recommendation to Panel	That the Panel recommend to Council that the designations as amended through the modifications and submissions be confirmed as set out in Attachment 1.
Response from requiring authority	<p>The above recommendations to the Panel accepted the modifications made in the rollover of this designation and the changes sought by submissions from the requiring authority. No response was received and it is assumed that the requiring authority agrees with the recommendation.</p> <p>Wish to be heard on the following matters:  Not required.</p> <p>Mediation requested on the following matters:  Not required.</p>
Report writer’s response	No further amendments required to the recommendations of this report.
Recommendation from Panel	The Panel agrees with the report writer’s recommendations.
Panel Reasons	The Panel agrees with the report writer’s reasons.

## 7. Attachment 1 changes to text of Proposed Auckland Unitary Plan

### Designation 7300

Change the “Location” of Designation Number 7300 as follows:

~~2 - 12 Selwood Road (corner of Triangle Road), Henderson~~ Corner of Triangle and Lincoln Road, Henderson

## **Designation 7301**

Add a 'c' to Condition 2 of Designation Number 7301as follows:

c. Internal works which do not affect the 1930's transmitter equipment.