

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

Maritime New Zealand

Designation 3500

May 2016

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**Report first prepared by David Wren 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 4 September 2015 and updated on 12 April 2016.**

**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 designations, modifications and new designations classified by the Independent Hearings Panel as moderately complex. This classification will generally apply where there is a:

- i. rollover of a designation with no modifications and a submission lodged by third party;
- ii. modification to a designation that will result in more than minor effects and/or will include land not owned by the requiring authority with or without submissions;
- iii. notice of requirement for a new designation for existing works with or without submissions and the land is owned by the requiring authority.

## **2. Assessment**

The assessment will address:

- i. effects on the environment of allowing the modification or requirement;
- ii. mitigation measures proposed by requiring authority including any proposed conditions;
- iii. other section 171 matters or section 168A(3) (if the requiring authority is Auckland Council) matters where relevant.

See section 9 of this report for the assessment of for this designation.

## **3. Mediation required**


Based on the responses of the requiring authority as detailed in section 9, the following matters have been identified that would benefit from mediation: Not applicable.

## **4. Hearing required**

Based on the responses of the requiring authority as detailed in section 9, the following matters have been identified to progress to a hearing: Not estimated.

## 5. Recommendation to Panel

That the Panel recommend to Auckland Council that the designation 3500 be modified by inclusion of the new condition set out in Attachment 1.


<b>Author</b>	David Wren
<b>Author's Signature</b>	
<b>Date</b>	4 September 2015 and updated 12 April 2016.

## 7. Panel recommendations to Auckland Council

The Auckland Unitary Plan Independent Hearings Panel recommends that Auckland Council recommends to the requiring authority that it confirms further modifications shown in Attachment 1 recommended in response to submissions on designation 3500.

## 8. Panel reasons

The reasons for the Panel's recommendation are set out in section 9 below.

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

## 9. Assessment of modifications and submissions

Requiring authority	Maritime New Zealand
Designation number	3500
Designation purpose	Tiritiri Matangi Lighthouse
Location	Chinaman Bay, Tiritiri Matangi
Given effect to.	Yes
Lapse date in operative plan	NA
Rollover designation with no modifications	Yes
Description of the modification	NA
Notice of requirement	NA
Land ownership	Department of Conservation
Land owned by the requiring authority	No.
Submitter	Heritage New Zealand
Matters addressed in submission	<p>These submissions are part of a wider submission that Heritage New Zealand and the Character Coalition lodged in respect of all designations.</p> <p>These sought that where a designation contains scheduled heritage the terms and conditions of the designation should provide for the protection of the historic heritage. Where the designation does not include heritage an advice note should be included regarding the application of the Heritage New Zealand Pouhere Taonga Act</p>
Engagement by requiring authority with submitters.	Email correspondence indicates provisional acceptance of Type 2 condition subject to operational requirements being met. No agreement has been reached at this time.
Assessment and reasons	As the parties are in ongoing discussions this report will not provide a recommendation at this stage and it will up to the parties to report progress on 16 <sup>th</sup> September. Mediation may be appropriate if agreement cannot be reached by that date.
Recommendation to Panel	NA
Response from requiring authority	None provided.
Update from report writer	The parties continued discussions and reached agreement recorded in an email from Maritime New Zealand to Duncan McKenzie dated 22 October 2015, on an additional condition which is set out in Attachment 1.
Updated recommendation	It is recommended that the designation be modified by inclusion of the new condition set out in Attachment 1.
Recommendation from Panel	The Panel agrees with the report writer's recommendation.
Reasons	The Panel agrees with the report writer's reasons.

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

**Insert a new condition to read as follows:**

Where any construction works for a project on designated land that includes total or substantial demolition of, or modifications to, a building, structure or feature that is a scheduled historic heritage place, any outline plan that is required shall include:

- a. an assessment of the effects on the historic heritage values of the place;
- b. a consideration of alternative methods and/or appropriate mitigation to prevent or avoid damage, loss or destruction of the values of the historic heritage place.

This condition shall not apply in respect of repair or maintenance of the building, structure or feature.

This condition shall not apply where there is a conservation plan or similar plan for the management of the scheduled historic heritage place and the proposed new works are in accordance with this conservation or similar plan.

This condition shall not apply in respect of the replacement of operational equipment that is necessary to meet international standards and functions under the Maritime Transport Act.