

**1. DELEGATIONS TO STANDING COMMITTEES  
COUNCIL HEARINGS PANEL**

RR 8769

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The purpose of this report is to recommend an additional delegation to the Council Hearings Panel to hear and consider submissions and objections in relation to the granting of a licence for a communication station on reserve land.

**BACKGROUND**

The Council Hearings Panel presently has delegated power in terms of the Reserves Act 1977 to hear and consider submissions and objections and to make decisions on such submissions and objections in relation to the:

1. Declaration of land as a metropolitan or major reserve (section 14 Reserves Act 1977).
2. Exchange of metropolitan or major reserves for other land (section 15 Reserves Act).
3. Change of classification or purpose or revocation of a metropolitan or major reserve (section 24 and 24A Reserves Act).
4. Preparation, review and change of management plans for metropolitan or major reserves (section 48 Reserves Act).
5. Granting of rights-of-way and other easements over metropolitan or major reserves (section 48 Reserves Act).
6. Granting of leases or licences on metropolitan or major reserves pursuant to sections 54, 56, 58A, 73 and 74 of the Reserves Act.
7. Afforestation of metropolitan or major reserves by the Council (section 75 Reserves Act).
8. Preparation, review and change for management plans for metropolitan or major parks held under the Local Government act 1974.

Omitted from the Hearing Panel's delegation is section 48A of the Reserves Act. This section provides for the granting of a licence with the consent of the Minister of Conservation, to erect, construct and maintain buildings, masts etc for the purposes of a communication station. Section 48A (originally inserted 23/9/81 and repealed and substituted 1 July 1996) allows for the transmission, emission or reception of any form of radio, electric or electronic communication on any reserve or part of a reserve that is not set apart as a wilderness area. The granting of a licence (with the consent of the Minister of Conservation) under this section by the Council is subject to the prior public notification of the proposed licence where the reserve is likely to be materially altered or permanently damaged and the rights of the public in respect of the reserve will be permanently affected.

#### **APPLICATION FOR A SECTION 48A LICENCE**

At its July 1998 meeting the Council resolved to grant Broadcast Communications Limited a communications licence in respect to the existing Southshore Translator site on South Brighton Park. This proposal has been publicly notified and submissions/objections to the granting of a licence have been received. To deal with the submissions/objections a new delegation needs to be included in the Council's Hearings Panel delegations in respect to the Reserves Act 1977.

#### **CONCLUSION**

The initial decision to grant a communication licence on reserve land can only be made by the Council as a whole. The proposed delegation to the Hearings Panel is specifically for the purpose of hearing, considering and deciding on submissions and objections arising from the public notification process after the initial decision of the Council.

It is envisaged that this delegation will be exercised on very few occasions as the granting of a communications licence on reserve land is an option only considered when it is clear such facilities can not be readily sited outside the reserve.

**Recommendation:** That the Council Hearings Panel be authorised to hear and consider submissions and objections and to make decisions on such submissions and objections in relation to the granting of licences on metropolitan or major reserves pursuant to section 48A of the Reserves Act 1977.