

Memo

Date 27 June 2022

To: Phill Reid – Manager – Aucklandwide Planning
 From: Jo Hart, Senior Policy Planner
 Planning – Regional, North, West and Islands.

Subject: Plan Modification: Clause 20A modification to Auckland Unitary Plan

Corrections are required to the Auckland Unitary Plan (Operative in Part) 2016 (the AUP).


I seek your approval of this plan modification pursuant to clause 20A, first schedule, Resource Management Act 1991.

You have delegated authority, as a tier four manager, to make a decision to correct an error to an operative plan under clause 20A. Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register¹ authorises all powers, functions, and duties under RMA's first schedule (except clause 17 which cannot be delegated) to tier four positions.

Rule or Section of Unitary Plan	Chapter K Designations <ul style="list-style-type: none"> • Auckland Council – Designations 432 (Te Arai Regional Park) and 507 (Madden Plaza)
Subject Site (if applicable)	Designation 432 – Te Arai Point Road, Te Arai Designation 507 - 164-188 Madden Street, Auckland Central
Legal Description (if applicable)	
Nature of change	<p>A Clause 20A modification is required to correct Chapter K Designations.</p> <p>Discussion In accordance with Section 184A of the Resource Management Act (the Act), designations lapse five years after being included in the plan unless the designation has been given effect to or the designation specified a different period when incorporated into the plan.</p> <p>Auckland Council, as the territorial authority, may within three months before the expiry of a lapse date, resolve that it has made, and is continuing to make, substantial progress or effort towards giving effect to the designation and fix a longer period (section 184A(3)(b) of the Act)).</p> <p>Auckland Council (Plans and Places) advised the internal departments responsible for the various lapsing designations in February 2021 requesting:</p> <ol style="list-style-type: none"> 1. Confirmation as to which any designations due to expire in

	<p>2021 had either been given effect to and if not whether a longer lapse period is required</p> <ol style="list-style-type: none"> 2. Alternatively if the designations should be allowed to lapse and be removed from the AUP 3. A review and confirmation of whether the information of each designation was correct. 												
Effect of change	<p>Two Auckland designations are to be 'given effect to' (as per the requests in Attachment 2).</p> <p>These changes are minor in nature. The amendments do not change the application or intent of the provisions. And are administrative to reflect that the designations have been given effect to.</p> <p>The retention of the two designations to be 'given effect to' has a neutral effect. The land is owned and occupied by Auckland Council. There are no private landowner rights affected by the retention of these two designations.</p>												
Changes required to be made (text/in-text diagrams)	<p>Amend Chapter K Designations – Auckland Council for the following designations to read “Given effect to i.e. no lapse date”:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Designation Number</th> <th style="text-align: center;">Designation Name</th> <th style="text-align: center;">Purpose</th> <th style="text-align: center;">Location</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">432</td> <td>Te Arai Regional Park</td> <td>Regional park - for recreational use (including the ongoing operation and maintenance of trails and visitor infrastructure for informal outdoor recreation activities) and for the conservation of natural and cultural values.</td> <td>Te Arai Point Road, Te Arai</td> </tr> <tr> <td style="text-align: center;">507</td> <td>Madden Plaza</td> <td>Road and public open space.</td> <td>164-188 Madden Street, Auckland Central</td> </tr> </tbody> </table>	Designation Number	Designation Name	Purpose	Location	432	Te Arai Regional Park	Regional park - for recreational use (including the ongoing operation and maintenance of trails and visitor infrastructure for informal outdoor recreation activities) and for the conservation of natural and cultural values.	Te Arai Point Road, Te Arai	507	Madden Plaza	Road and public open space.	164-188 Madden Street, Auckland Central
Designation Number	Designation Name	Purpose	Location										
432	Te Arai Regional Park	Regional park - for recreational use (including the ongoing operation and maintenance of trails and visitor infrastructure for informal outdoor recreation activities) and for the conservation of natural and cultural values.	Te Arai Point Road, Te Arai										
507	Madden Plaza	Road and public open space.	164-188 Madden Street, Auckland Central										
Changes required to be made (maps)	N/A												

Attachments	<p>Attachment 1: Auckland Council report</p> <p>Attachment 2: Requests to give effect to Designation 432 and 507</p> <p>Attachment 3: Corrections to text (strikethrough/underlines)</p> <p>Attachment 4: Corrected text</p>
--------------------	--

<p>Prepared by: Jo Hart Senior Policy Planner</p>	<p>Text Entered by: Bronnie Styles Planning Technician</p>
<p>Signature:</p> 	<p>Signature:</p> 
<p>Maps prepared by: Geospatial Analyst</p>	<p>Reviewed by: Eryn Shields Team Leader</p>
<p>Signature: N/A</p>	<p>Signature:</p> 
<p>Decision: I agree/disagree to authorise the Clause 20A modification using my delegated authority</p> <p>Phill Reid Manager Planning – Auckland-wide Date:</p>	
<p>Signature:</p> 	

Attachment 1
Auckland Council Report

Report on Auckland Council's lapsed designations under section 184A of the Resource Management Act 1991



To: Eryn Shields, Team Leader – Planning – Regional, North, West and Islands

From: Jo Hart, Senior Policy Planner, Planning - Regional, North, West and Islands

Date: 11 March 2022

Subject:

Auckland Council lapsed Designations, on 15 November 2021, in the Auckland Unitary Plan (Operative in Part).

Summary

Auckland Council has nine designations which lapsed on 15 November 2021. Auckland Council, as the requiring authority, was able to request that the lapse date of each of its designations be fixed for a longer period, in accordance with Section 184A of the Resource Management Act 1991 (RMA).

Section 184A RMA, states that a designation will lapse five years after its inclusion in a plan unless:

- it has been given effect before the end of that period,
- a different lapse period is specified in the designation, or
- if the territorial authority resolves that substantial progress or effort has been made towards giving effect to the designation and fixes a longer period, within the three months prior to the designation's lapse date.

Auckland Council is not requesting the extension of any of its lapsed designations. Two of the nine designations, which are on land owned by Auckland Council, are to be given effect to in the Auckland Unitary Plan (Operative in Part) (AUP(OP)) as requested by Auckland Council, Parks, Sports and Recreation. The remaining seven designations that have been allowed to lapse were dealt with in a separate report. This report deals with the two remaining designations to be given effect to.

The process to assess each of the lapsing designations began in February 2021 with the relevant departments of Auckland Council being advised of the lapsing designations in July 2021. However, some of the requests from Parks, Sports and Recreation were not received until January 2022 after the designations lapsed. This is not considered an issue as Auckland Council is not requesting that any of its designations be fixed for a longer period. The two designations to be 'given effect to' are located on council-owned land.

Recommendation

1. That Chapter K Designations - Auckland Council's schedule of designations be amended to 'give effect to' for the following designations:
 - Designation 432 – Te Arai Regional Park

- Designation 507 – Madden Plaza

1. Background

Sections 184A(2) and (3) of the RMA sets out the statutory requirements for the lapsing of designations which have not been given effect to:

184(A) Lapsing of designations which have not been given effect to

...

(2) *A designation of a territorial authority in its own district lapses on the expiry of 5 years after the date on which it is included in the district plan unless –*

(a) it is given effect to before the end of that period; or

(b) within 3 months before the expiry of that period, the territorial authority resolves that has made, and is continuing to make, substantial progress or effort towards giving effect to the designation and is continuing to be and fixes a longer period for the purposes of this subsection; or

(c) the designation specified a different period when incorporated in the plan.

(3) *Where paragraph (b) or paragraph (c) of subsection (2) applies in respect of a designation, the designation shall lapse on the expiry of the period referred to in whichever of those paragraphs is applicable, unless -*

(a) it is given effect to before the end of that period; or

(b) within 3 months before the expiry of that period, the territorial authority resolves that it has made, and is continuing to make, substantial progress of effort towards giving effect to the designation and fixes a longer period for the purpose of this subsection.

Auckland Council designations that had not been given effect to when rolled over in the AUP(OP), were either given a lapse date of five years from when the rollover designation was included in the AUP(OP) or fixed for a longer period.

For designations that were not fixed for a longer period, the date of inclusion is when that part of the AUP(OP) became operative. Chapter K: Designations of the AUP(OP) became operative on 15 November 2016 and therefore lapsed on 15 November 2021. Table 1 below shows Auckland Council's designations that are to be given effect to in AUP(OP) .

Report Section	Designation Number	Designation Name	Purpose	Location
3	432	Te Arai Regional Park	Regional park - for recreational use (including the ongoing operation and maintenance of trails and visitor infrastructure for	Te Arai Point Road, Te Arai

			informal outdoor recreation activities) and for the conservation of natural and cultural values.	
4	507	Madden Plaza	Road and public open space.	164-188 Madden Street, Auckland Central

This report addresses the two Auckland Council designations that lapsed on 15 November 2021 that are to be 'given effect to' in the AUP(OP). Each designation is discussed separately below in Sections 3 to 10.

2. Delegated authority to consider extension to lapse period

The Team Leader - Regional, North, West and Islands Planning (Plans and Places Tier 5) has delegated authority to exercise the Council's power under section 184A of the RMA to determine the extension of a designation lapse date.

This power is recorded in the Auckland Council Delegations: Chief Executive Officer (updated February 2021).

Where Auckland Council is the territorial authority making a resolution on its own designations, it is appropriate that an Independent Duty Commissioner considers the recommendations within this report.

However, in this case, no approvals are required under section 184 unless an extension to a lapse date has been requested.

For this report, the specific consideration required is whether the two designations have been 'given effect to' in the AUP(OP) and meet the requirements of Sections 184A(2)(a) and (3)(a) i.e. that the designations were given effect to prior to the lapse date of 15 November 2021. And then the AUP(OP) can be updated through a Clause 20A as an administrative task to correctly reflect the status of the designations.

In regard to Auckland Council as a territorial authority, the delegated authority to request an extension under section 184A is also set out in the Auckland Council Delegations: Chief Executive Officer (updated February 2021).

3. Designation 432 – Te Arai Regional Park

Designation number	Designation name	Purpose	Location
432	Te Arai Regional Park	Regional park - for recreational use (including the ongoing	Te Arai Point Road, Te Arai

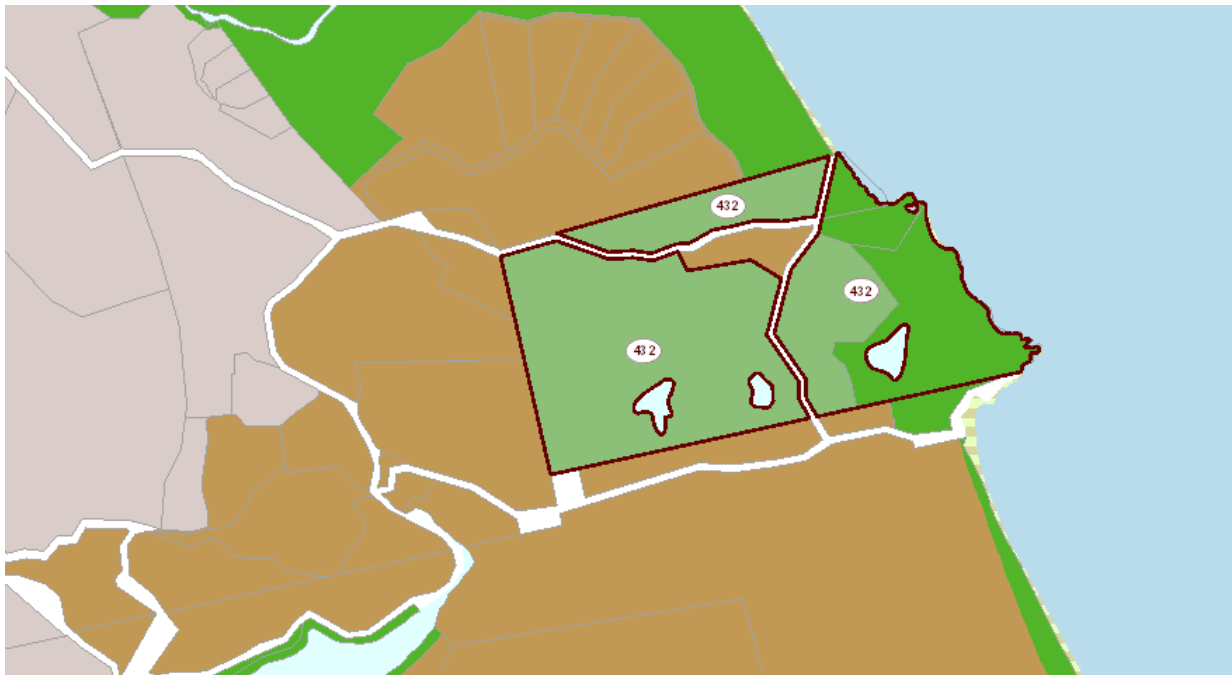
		operation and maintenance of trails and visitor infrastructure for informal outdoor recreation activities) and for the conservation of natural and cultural values.	
--	--	---	--

3.1. Background/History of Designation 432

Designation 432 was incorporated into the proposed Auckland Unitary Plan (PAUP) as a notice of requirement for a new designation for 'regional parkland at Te Arai'. The designation was confirmed with modifications in the AUP(OP).

3.2. Land affected by the extension to lapse period

The designation is currently shown in the AUP(OP) maps as follows:



Map 6: Designations 432 Te Arai Regional Park (outlined in brown)

The land within the designation is owned by Auckland Council. Part of the land is subject to the Reserves Act 1977 as 'Public Reserve' (Lot 1 DP 59556 and Part Allotment 20 Parish of Mangawhai). The remaining land either has no stated purpose on the title (Lot 30-31 DP 355691) or 'Purpose of Quarry' (Lot 1 DP 66227 and Allotment 320 Parish of Mangawhai).

Te Arai Regional Park consists of land purchased in 2008 for regional parks purposes (Lots 30 and 31) by the Auckland Regional Council as well as areas that were managed as part of

the local parks network of the former Rodney District Council. The management of the local park areas was formally re-assigned in 2013 to be managed as part of the regional parks network.

3.3. Request

Auckland Council, Parks Sports and Recreation have requested that Designation be given effect to (refer to Attachment A) for the following reasons:

- *Lots 30 & 31 DP 355691 – ROT 227231 – are held in fee simple by Auckland Council under the Local Government Act*
- *Lot 1 DP 59556 – ROT 16B/668 – Held in fee simple by Auckland Council for a Public Reserve subject to the Reserves Act 1977*
- *Lot 1 DP 66227 ROT 22D/204 – Held in Fee Simple by Auckland Council for the purposes of a quarry under the Local Government Act*
- *Allotment 320 Parish of Mangawhai – ROT 1121/251 – Held in fee simple by Auckland Council for Quarry under the Local Government Act*
- *the land subject to designation 432 have been vested in Council and has since been managed by Council as Regional Park. The total area of regional parkland at Te Arai consists of three areas of land. Council has owned and managed 78 hectares of public open space for regional park purposes since 2008. 28 hectares of this was formally managed as local reserve and was incorporated into the regional parkland in 2013. In 2015 an additional 217 hectares of open space land was vested in council for regional parks purposes as part of a development of the former pine forest to the north of Te Arai Point.*
- *the purpose of the designation is to provide for recreational use (including the ongoing operation and maintenance of trails and visitor infrastructure for informal outdoor recreation activities) and for the conservation of natural and cultural values. The ongoing nature of the designation and the works to maintain and operate the regional park necessitate the retention of the designation as they may provide for activities and continual improvement works to its recreational facilities (i.e. walkways, public amenities) that in some cases may not be provided for in the underlying open space conservation and informal recreation zones.*

3.4. Consideration of the request

I agree with Auckland Council, Parks, Sports and Recreation's reasons that the designation be given effect to in the AUP(OP). The land subject to the designation is owned by Auckland Council, zoned Open Space – Informal Recreation and Open Space - Conservation, and is partly subject to the Reserves Act. The designation conditions allow ongoing maintenance and certain works without the requirement for an outline plan of works. The conditions are standard for designations for regional parkland within the AUP(OP).

I consider that the lapse date for Designation 432 should be amended from 'five years from being operative in the Unitary Plan unless given effect to prior' to 'given effect to i.e. no lapse date' in Chapter K Designations, Auckland Council Schedule of designations.

4. Designation 507 – Madden Plaza, Central Auckland

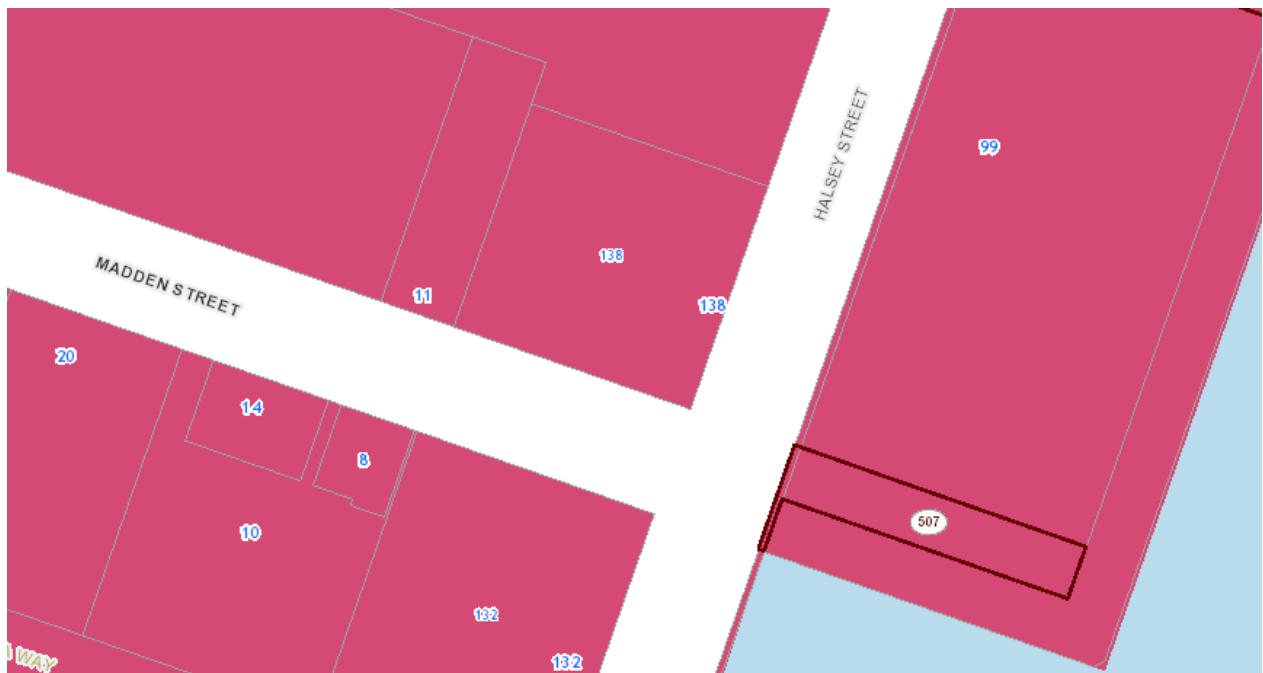
Designation number	Designation name	Purpose	Location
507	Madden Plaza	Road and public open space.	164-188 Madden Street, Auckland Central

4.1. Background/History of Designation 507

Designation 507 was rolled over, with no modifications or submissions, from the Auckland Council District Plan (Central Area) 2005 through the AUP(OP) process.

4.2. Land affected by the extension to lapse period

The designation is currently shown in the AUP(OP) maps as follows:



Map 7: Designation 507 Madden Plaza (outlined in brown)

The designation boundary in the AUP(OP) reflects that of the designation in the legacy plan. The land is owned by Auckland Council and is zoned Business – City Centre.

4.3. Request

Auckland Council, Parks Sports and Recreation have requested that Designation 507 be given effect to (refer to Attachment A) for the following reasons:

- *the works relevant to the designation have been completed and were completed in February 2020*

- *the works consisted of the construction of a public promenade and plaza to the east and south of the new Park Hyatt Hotel*
- *the proposed retention of the designation provides for continued control over how the space is managed and provides for additional upgrade works in the future*
- *control over the management of the space may be valuable given the relationship of this space with the adjoining Park Hyatt Hotel.*

4.4. Consideration of request

I agree with the reasons provided above by Auckland Council, Parks, Sports and Recreation as it can be shown that that the designation has been given effect to. The land subject to the designation is owned by Auckland Council. The works provided for by the purpose of the designation were completed before the lapse date of 15 November 2021.

I consider that the lapse date for Designation 507 should be amended from 'five years from being operative in the Unitary Plan unless given effect to prior' to 'given effect to i.e. no lapse date' in Chapter K Designations, Auckland Council's schedule of designations.

5. Amendments to Chapter K Designations

Amendments to Chapter K Designations – Auckland Council's schedule of designation in the AUP(OP) are required through a Clause 20A, as an administrative task, to 'give effect to' for the following designations:

- Designation 432 – Te Arai Regional Park
- Designation 507 – Madden Plaza

Report Prepared by: Jo Hart
Senior Policy Planner
Planning - Regional, North, West and Islands

Signature:



Date : 11 March 2022

Reviewed by: Eryn Shields
Team Leader
Planning - Regional, North, West and Islands

Signature:



Date : 11 March 2022

Attachments:


Attachment A: Section 184A requests


Attachment 2

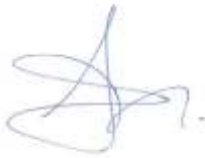
Requests to give effect to

Designation 432 Te Arai Regional Park and 507 Madden Plaza

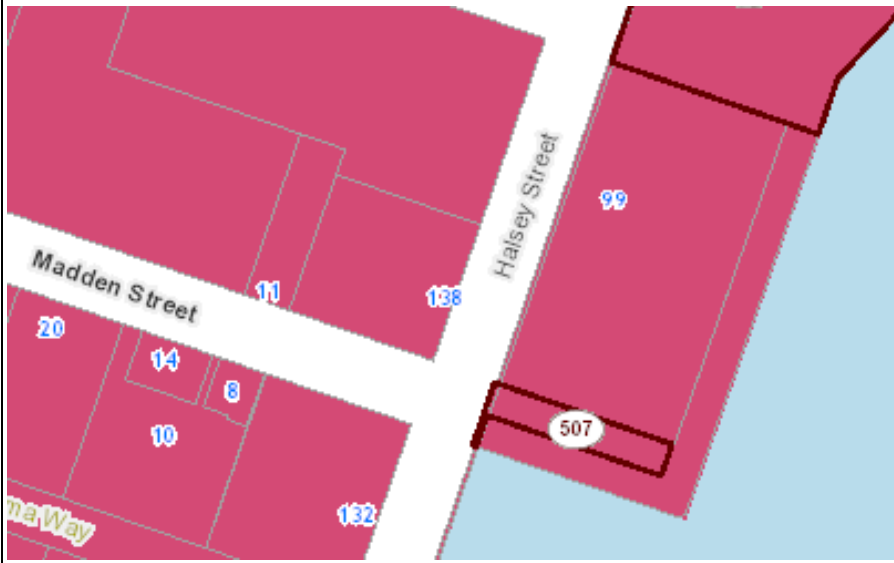
Designation 432 Te Arai Regional Park


Designation Number	432
Requiring Authority	Auckland Council
Location	Te Arai Point Road, Te Arai
Rollover Designation	No
Legacy Reference	N/A
Lapse Date	Five years from being operative in the Unitary Plan unless given effect to prior (15 November 2021)
Purpose of designation	Regional park - for recreational use (including the ongoing operation and maintenance of trails and visitor infrastructure for informal outdoor recreation activities) and for the conservation of natural and cultural values.
Conditions	Yes
Conditions Attachment	N/A
Property details/landowner	Auckland Council
Subject to Reserves Act 1977	<p>Yes – Lot 1 DP 59556, Part Allotment 20 Parish of Mangawhai (Public Reserve)</p> <p>No – Lot 1 DP 66227, Allotment 320 Parish of Mangawhai (Purpose of Quarry)</p> 
AUP(OP) Zone	Open Space – Conservation Zone, Open Space – Informal Recreation Zone

<p>Extent of Designation (shown outlined in brown)</p>	
<p>Key points/issues/comments</p>	<ul style="list-style-type: none"> • The land is owned by Auckland Council • The designation can remain in the AUP(OP) i.e. given effect to if it allows for works in accordance with the purpose of the designation. For example, activities allowed by purpose and/or conditions of the designation may not be provided for as a permitted activity in the district plan provisions of the underlying zoning. An outline plan of works process can provide greater certainty compared to obtaining a resource consent depending on the reasons for the works. • Not strictly 'given effect to' in regard to the statutory requirements of s184 but land is owned by Auckland Council, zoned Open Space, and partly subject to Reserves Act. There is no 'blight' on private land. Conditions allow ongoing maintenance and certain works with an outline plan of works. So could be considered as 'given effect to'.
<p>Request</p>	<p>Given effect to</p>
<p>Reasons for request</p>	<p>The Parks Planning Team request that this designation be retained. The reasons for this designation include:</p> <ul style="list-style-type: none"> • Lots 30 & 31 DP 355691 – ROT 227231 – are held in fee simple by Auckland Council under the Local Government Act. • Lot 1 DP 59556 – ROT 16B/668 – Held in fee simple by Auckland Council for a Public Reserve subject to the Reserves Act 1977 • Lot 1 DP 66227 ROT 22D/204 – Held in Fee Simple by Auckland Council for the purposes of a quarry under the Local Government Act. • Allotment 320 Parish of Mangawai – ROT 1121/251 – Held in fee simple by Auckland Council for Wuary under the Local Government Act. • The land subject to designation 432 have vested in Council and has since been managed by Council as Regional Park. The total area of

	<p>regional parkland at Te Arai consists fo three areas of land . Council has owned and managed 78 hectares of public open space for regional park purposes since 2008. 28 hectares of this was formally managed as local reserve was incorporated into the regional parkland in 2013. In 2015 an additional 217 hectares of open space land was vested in council for regional parks purposes as part of a development of the former pine forest to the north of Te Arai Point.</p> <ul style="list-style-type: none"> • The purpose of the designation is to provide for recreational use (including the ongoing operation and maintenance of trails and visitor infrastructure for informal outdoor recreation activities) and for the conservation of natural and cultural values. The ongoing nature of the designation and the works to maintain and operate the regional park necessitate the retention of the designation as they may provide for activities and continual improvement works to its recreational facilities (i.e. walkways, public amenities) that in some cases may not be provided for in the underlying open space conservation and informal recreation zones.
<p>Signature:</p> <p>Mace Ward, General Manager – Parks, Sports and Recreation</p> <p>Date:</p>	 <p>27/01/2022</p>

Designation 507 Madden Plaza

Designation Number	507
Requiring Authority	Auckland Council
Location	164-188 Madden Street, Auckland Central
Rollover Designation	Yes
Legacy Reference	Designation 375, Auckland Council District Plan (Central Area) 2005
Lapse Date	Five years from being operative in the Unitary Plan unless given effect to prior (15 November 2021)
Purpose of designation	Road and public open space
Conditions	No
Conditions Attachment	N/A
Property details/landowner	Auckland Council
Subject to Reserves Act 1977	No
AUP(OP) Zone	Business – City Centre Zone
Extent of Designation (shown outlined in brown)	
Key points/issues/comments	<ul style="list-style-type: none"> • The land is owned by Auckland Council • The designation can remain in the AUP(OP) i.e. given effect to if it allows for works in accordance with the purpose of the designation. For example, activities allowed by purpose and/or conditions of the designation may not be provided for as a permitted activity in the district plan provisions of the underlying zoning. An outline plan of works process can provide greater certainty compared to obtaining a resource consent depending on the reasons for the works. • The effect of the designation on the land also controls the activity of other parties on that land. Written consent of Auckland Council would be required under section 176 of the RMA to do anything in relation to the land subject to the designation that prevent or hinder

	<p>work for the purpose of that designation.</p> <ul style="list-style-type: none"> Eke Panuku have indicated that this designation should be 'given effect to' as the works have been undertaken. Eke Panuku would like the designation to remain in the AUP(OP) as it provides control over how this space is managed (Vrinda Moghe, Head of Planning and Consents, Eke Panuku).
Request	Given effect to
Reasons for request	<p>The Parks Planning Team requests that designation 507 be retained. The reasons for this designation include:</p> <ul style="list-style-type: none"> The works relevant to the designation have been completed and were completed in February 2020. The works consisted of the construction of a public promenade and plaza to the east and south o the new Park Hyatt Hotel. The proposed retention of the designation provides for continued control over how the space is managed and provides for additional upgrade works in the future. Control over the management of the space may be valuable given the relationship of this space with the adjoining Park Hyatt Hotel.
<p>Signature:</p> <p>Mace Ward, General Manager – Parks, Sports and Recreation</p> <p>Date:</p>	 <p>27/01/2022</p>

Attachment 3

Corrections to text (strikethrough/underlines)

432 Te Arai Regional Park

Designation Number	432
Requiring Authority	Auckland Council
Location	Te Arai Point Road, Te Arai
Rollover Designation	No
Legacy Designation	N/A
Lapse Date	Five years from being operative in the Unitary Plan unless given effect to prior <u>Given effect to (i.e. no lapse date)</u>

Purpose

Regional park - for recreational use (including the ongoing operation and maintenance of trails and visitor infrastructure for informal outdoor recreation activities) and for the conservation of natural and cultural values.

Conditions

General

1. Any works are to be undertaken in accordance with either the approved Regional Parks Management Plan (2010) or any subsequent management plan.
2. Before any works, including new buildings, are undertaken an Outline Plan(s) shall be submitted in terms of Section 176A of the Resource Management Act 1991 to the Council unless the works are exempt, under Condition 3, from requiring an outline plan of works. The Outline Plan(s) of Works shall show those matters required by Section 176A of the Act and those matters specified in the following conditions (where relevant). All work shall be undertaken in accordance with the Outline Plan(s).
3. The following works will be exempt from an outline plan of works, except where the works involve a scheduled heritage place, pursuant to section 176A (2) of the Resource Management Act 1991:

Development and maintenance of park infrastructure		Nature of works
Tracks	Construction and maintenance of tracks and trails in a manner that prevents erosion and/or avoids sensitive natural and cultural features and sites	Construction and maintenance of tracks and trails up to 3.0m in width, including the construction of track structures, such as directional signs, information signs, safety barriers, foot-bridges, steps, board walks and rafts, and the maintenance of existing tracks involving: i. Water Tables and track drainage Track surfaces Track structures iv. Modification of vegetation up to 1m from the edge of the track
Buildings, structures and utility services, including drainage systems	Construction and maintenance of minor recreational structures and utility services	The construction of utility services and minor recreational structures, such as notice boards, information kiosks, signs, picnic tables, styles, entrance gates and shade shelters and toilet blocks up to 100m ² in area.
	Maintenance, repairs and minor alterations to buildings, structures and utility services	
Car parking and roads	Construction and maintenance identified in an approved management plan and minor alterations to existing car parks and roads	Works associated with approved car parking areas and access roads, including the modification of vegetation up to 1m from the edge of the car park or road, or within the car park for safety reasons
Farming, including farm woodlots	Construction and maintenance of farming structures and roads	Works associated with operating and maintaining existing farm operations, including management livestock fencing and the fencing of conservation and cultural heritage sites, and livestock management fences and structures, such as stockyards
Vegetation	Management of vegetation for specified reasons	Vegetation management involved in: i. Removal of non-native and non-scheduled plants The development of approved works iii. The maintenance of view shafts identified in the Regional Parks Management Plan Management of farm woodlots, including their harvest

Note:

This condition does not prevent the use of the land for the purpose of Regional Park.

Cultural / Heritage / Archaeological

1. Where any works or development involve the demolition of, or alterations or additions to a scheduled historic heritage place (item) an outline plan of works is required. The following shall be submitted with the outline plan of works:

- a. An assessment of the effects on the historic heritage values of the place; and
- 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

Note:

For the avoidance of doubt, this condition does not prevent the use of the land for park purposes, but is to conserve and protect the recognised natural and cultural values that significantly contribute to the park.

Exemptions:

Condition 4 will not apply in the following circumstances:

- i. In respect of buildings or structures, the redecoration, repair and/or insignificant alteration of any existing fabric or detailing carried out in a manner and design and with materials similar in appearance to those originally used, which does not detract from those features for which the place has been scheduled;
- ii. Any routine maintenance which does not destroy, compromise, damage or impair the heritage values of the scheduled place; or
- iii. Where there is a conservation plan or similar plan that has been prepared for the management of

the scheduled historic heritage place and the proposed new works are in accordance with this conservation plan. The conservation plan or similar plan may be prepared as a document supplementing the approved Regional Parks Management Plan, prepared in terms of section 83 of the Local Government Act 2002, but must include an assessment of the historic heritage values of the place, relevant management policies and objectives, and a specific management plan and a monitoring regime.

Transport

5. An Integrated Transport Assessment shall be prepared and accompany any Outline Plan of Works which results in:

- a. Predicted vehicle movements to and from the park exceeding 100 vehicle movements per hour (excluding events).

The Integrated Transport Assessment (ITA) report shall be produced by a suitably qualified traffic engineer and/or transportation planner to the satisfaction of Auckland Transport, Manager of Road Corridor Operations. The ITA shall give particular consideration to the following matters:

- i. The effects on the surrounding public road network arising from parking usage, access, loading, traffic generation in the park, including addressing any real or potential road safety implications;
- ii. Pedestrian accessibility to the site and the need for any infrastructure to ensure safe crossing points are provided for including provision for cyclists and horse riding if appropriate);
- iii. Where passing bays are proposed on any road which is only wide enough for one way traffic; and
- iv. Public transport accessibility, including tourist buses and campervan, particularly onsite manoeuvring.

Parking and Access

6. The following works related to new roading and/or additional parking shall be constructed to the satisfaction of council:

- i. The first 20m of access from any sealed public road shall be appropriately sealed with all-weather dust free surface; and
- ii. Parking and loading areas immediately adjoining a public road shall be designed and constructed in accordance with AS/NZS 2890.1:2004 standards or any subsequent revisions.

7. Auckland Council is deemed to have given its written approval (as requiring authority) under the RMA to Vector Limited, or any other party Vector may authorise, to carry out any works needed to operate, maintain, or upgrade Vector Limited's infrastructure. This approval is contingent upon Vector Limited having a property interest or statutory right under the Electricity Act in the land on which the infrastructure is located, whether or not that is authorised by an existing Vector designation.

In carrying out such works Vector, or any other party authorised by Vector will:

- (a) give Auckland Council 10 days' written notice of its intention to undertake such works, except for emergency works (as defined in the National Code of Practice for Utility Operators' Access to Transport Corridors 2011, or any replacement of the Code), when prior notice is not required. In the case of emergency works, notice of the works must be given to Auckland Council as soon as is reasonably practicable before or after the works have been completed;
- (b) meet any necessary health and safety requirements;
- (c) undertake, as far as reasonably practicable, the works in a way that avoids or minimises any adverse effects on the operation of the regional park; and
- (d) remedy at Vector's cost any physical damage Vector has caused to the regional park as soon as reasonably practicable after completion of the works.

Advice Notes

7. The Requiring Authority and operational staff are encouraged to seek advice from Council's Heritage Unit prior to undertaking the exemptions to Condition 4 in order to confirm an outline plan is not required.

8. Work affecting both recorded and unrecorded pre-1900 archaeological sites (including surface and sub- subsurface marine and terrestrial deposits, building or structures) is subject to an authority under the Historic Places Act 1993. Any activity that may modify, damage or destroy an archaeological site requires an authority from the New Zealand Historic Places Trust (NZHPT) in order for the work to proceed lawfully. If an unrecorded archaeological site is discovered while undertaking work, work must cease and the NZHPT advised of the discovery. The NZHPT will inform the designating authority of the protocol, which may require obtaining a retrospective authority to modify. In addition to advising the NZHPT, Council's Heritage Unit shall be advised of the discovery.

9. Examples of evidence of archaeological sites include (but are not limited to) burnt and fire cracked stone, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori and European origin or human burials.

10. The Regional Park Management Plan is prepared in accordance with Section 83 of the Local Government Act 2002 and, where appropriate, Section 41 of the Reserves Act 1977. Public consultation is required at the time of preparing or amending a management plan or development plan for a Regional Park.

11. Vector has acknowledged that Auckland Council takes no responsibility for any damage resulting from the Vector works approved pursuant to Condition 7. For the avoidance of doubt, Auckland Council is not giving requiring authority approval for any works beyond the scope of any existing property right, designation, or rights under the Electricity Act 1992.

Attachments

No attachments.

507 Madden Plaza

Designation Number	507
Requiring Authority	Auckland Council
Location	164-188 Madden Street, Auckland Central
Rollover Designation	Yes
Legacy Designation	Designation 375, Auckland Council District Plan (Central Area) 2005
Lapse Date	Five years from being operative in the Unitary Plan unless given effect to prior <u>Given effect to (i.e. no lapse date)</u>

Purpose

Road and public open space.

Conditions

No conditions.

Attachments

No attachments.

Attachment 4

Correct text

432 Te Arai Regional Park

Designation Number	432
Requiring Authority	Auckland Council
Location	Te Arai Point Road, Te Arai
Rollover Designation	No
Legacy Designation	N/A
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

Regional park - for recreational use (including the ongoing operation and maintenance of trails and visitor infrastructure for informal outdoor recreation activities) and for the conservation of natural and cultural values.

Conditions

General

1. Any works are to be undertaken in accordance with either the approved Regional Parks Management Plan (2010) or any subsequent management plan.
2. Before any works, including new buildings, are undertaken an Outline Plan(s) shall be submitted in terms of Section 176A of the Resource Management Act 1991 to the Council unless the works are exempt, under Condition 3, from requiring an outline plan of works. The Outline Plan(s) of Works shall show those matters required by Section 176A of the Act and those matters specified in the following conditions (where relevant). All work shall be undertaken in accordance with the Outline Plan(s).
3. The following works will be exempt from an outline plan of works, except where the works involve a scheduled heritage place, pursuant to section 176A (2) of the Resource Management Act 1991:

Development and maintenance of park infrastructure		Nature of works
Tracks	Construction and maintenance of tracks and trails in a manner that prevents erosion and/or avoids sensitive natural and cultural features and sites	Construction and maintenance of tracks and trails up to 3.0m in width, including the construction of track structures, such as directional signs, information signs, safety barriers, foot-bridges, steps, board walks and rafts, and the maintenance of existing tracks involving: i. Water Tables and track drainage Track surfaces Track structures iv. Modification of vegetation up to 1m from the edge of the track
Buildings, structures and utility services, including drainage systems	Construction and maintenance of minor recreational structures and utility services	The construction of utility services and minor recreational structures, such as notice boards, information kiosks, signs, picnic tables, styles, entrance gates and shade shelters and toilet blocks up to 100m ² in area.
	Maintenance, repairs and minor alterations to buildings, structures and utility services	
Car parking and roads	Construction and maintenance identified in an approved management plan and minor alterations to existing car parks and roads	Works associated with approved car parking areas and access roads, including the modification of vegetation up to 1m from the edge of the car park or road, or within the car park for safety reasons
Farming, including farm woodlots	Construction and maintenance of farming structures and roads	Works associated with operating and maintaining existing farm operations, including management livestock fencing and the fencing of conservation and cultural heritage sites, and livestock management fences and structures, such as stockyards
Vegetation	Management of vegetation for specified reasons	Vegetation management involved in: i. Removal of non-native and non-scheduled plants The development of approved works iii. The maintenance of view shafts identified in the Regional Parks Management Plan Management of farm woodlots, including their harvest

Note:

This condition does not prevent the use of the land for the purpose of Regional Park.

Cultural / Heritage / Archaeological

1. Where any works or development involve the demolition of, or alterations or additions to a scheduled historic heritage place (item) an outline plan of works is required. The following shall be submitted with the outline plan of works:

- a. An assessment of the effects on the historic heritage values of the place; and
- 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

Note:

For the avoidance of doubt, this condition does not prevent the use of the land for park purposes, but is to conserve and protect the recognised natural and cultural values that significantly contribute to the park.

Exemptions:

Condition 4 will not apply in the following circumstances:

- i. In respect of buildings or structures, the redecoration, repair and/or insignificant alteration of any existing fabric or detailing carried out in a manner and design and with materials similar in appearance to those originally used, which does not detract from those features for which the place has been scheduled;
- ii. Any routine maintenance which does not destroy, compromise, damage or impair the heritage values of the scheduled place; or
- iii. Where there is a conservation plan or similar plan that has been prepared for the management of

the scheduled historic heritage place and the proposed new works are in accordance with this conservation plan. The conservation plan or similar plan may be prepared as a document supplementing the approved Regional Parks Management Plan, prepared in terms of section 83 of the Local Government Act 2002, but must include an assessment of the historic heritage values of the place, relevant management policies and objectives, and a specific management plan and a monitoring regime.

Transport

5. An Integrated Transport Assessment shall be prepared and accompany any Outline Plan of Works which results in:

- a. Predicted vehicle movements to and from the park exceeding 100 vehicle movements per hour (excluding events).

The Integrated Transport Assessment (ITA) report shall be produced by a suitably qualified traffic engineer and/or transportation planner to the satisfaction of Auckland Transport, Manager of Road Corridor Operations. The ITA shall give particular consideration to the following matters:

- i. The effects on the surrounding public road network arising from parking usage, access, loading, traffic generation in the park, including addressing any real or potential road safety implications;
- ii. Pedestrian accessibility to the site and the need for any infrastructure to ensure safe crossing points are provided for including provision for cyclists and horse riding if appropriate);
- iii. Where passing bays are proposed on any road which is only wide enough for one way traffic; and
- iv. Public transport accessibility, including tourist buses and campervan, particularly onsite manoeuvring.

Parking and Access

6. The following works related to new roading and/or additional parking shall be constructed to the satisfaction of council:

- i. The first 20m of access from any sealed public road shall be appropriately sealed with all-weather dust free surface; and
- ii. Parking and loading areas immediately adjoining a public road shall be designed and constructed in accordance with AS/NZS 2890.1:2004 standards or any subsequent revisions.

7. Auckland Council is deemed to have given its written approval (as requiring authority) under the RMA to Vector Limited, or any other party Vector may authorise, to carry out any works needed to operate, maintain, or upgrade Vector Limited's infrastructure. This approval is contingent upon Vector Limited having a property interest or statutory right under the Electricity Act in the land on which the infrastructure is located, whether or not that is authorised by an existing Vector designation.

In carrying out such works Vector, or any other party authorised by Vector will:

- (a) give Auckland Council 10 days' written notice of its intention to undertake such works, except for emergency works (as defined in the National Code of Practice for Utility Operators' Access to Transport Corridors 2011, or any replacement of the Code), when prior notice is not required. In the case of emergency works, notice of the works must be given to Auckland Council as soon as is reasonably practicable before or after the works have been completed;
- (b) meet any necessary health and safety requirements;
- (c) undertake, as far as reasonably practicable, the works in a way that avoids or minimises any adverse effects on the operation of the regional park; and
- (d) remedy at Vector's cost any physical damage Vector has caused to the regional park as soon as reasonably practicable after completion of the works.

Advice Notes

7. The Requiring Authority and operational staff are encouraged to seek advice from Council's Heritage Unit prior to undertaking the exemptions to Condition 4 in order to confirm an outline plan is not required.

8. Work affecting both recorded and unrecorded pre-1900 archaeological sites (including surface and sub- subsurface marine and terrestrial deposits, building or structures) is subject to an authority under the Historic Places Act 1993. Any activity that may modify, damage or destroy an archaeological site requires an authority from the New Zealand Historic Places Trust (NZHPT) in order for the work to proceed lawfully. If an unrecorded archaeological site is discovered while undertaking work, work must cease and the NZHPT advised of the discovery. The NZHPT will inform the designating authority of the protocol, which may require obtaining a retrospective authority to modify. In addition to advising the NZHPT, Council's Heritage Unit shall be advised of the discovery.

9. Examples of evidence of archaeological sites include (but are not limited to) burnt and fire cracked stone, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori and European origin or human burials.

10. The Regional Park Management Plan is prepared in accordance with Section 83 of the Local Government Act 2002 and, where appropriate, Section 41 of the Reserves Act 1977. Public consultation is required at the time of preparing or amending a management plan or development plan for a Regional Park.

11. Vector has acknowledged that Auckland Council takes no responsibility for any damage resulting from the Vector works approved pursuant to Condition 7. For the avoidance of doubt, Auckland Council is not giving requiring authority approval for any works beyond the scope of any existing property right, designation, or rights under the Electricity Act 1992.

Attachments

No attachments.

507 Madden Plaza

Designation Number	507
Requiring Authority	Auckland Council
Location	164-188 Madden Street, Auckland Central
Rollover Designation	Yes
Legacy Designation	Designation 375, Auckland Council District Plan (Central Area) 2005
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

Road and public open space.

Conditions

No conditions.

Attachments

No attachments.