

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

Report to Auckland Council
Hearing topic 074 Designations

Minister for Courts

Designation 4104
Manukau District Court

May 2016

Report first prepared by Murray Kivell 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 7 September 2015 and updated 22 September 2015 and 25 January 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 with or without submissions;
- iii. notice of requirement for a new designation for existing works with or without submissions.

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;
- iv. whether land is owned by the requiring authority.

See section 9 of this report for the assessment of each modification and requirement.

On the basis of the assessment, the report concludes that designation 4104 should be confirmed, with the qualifications noted as recommended in the section 9 assessment checklist.

3. Expert input

Not applicable.

4. Mediation required

Based on the responses of the requiring authority as detailed in section 9, there are no matters that have been identified that would benefit from mediation.

5. Hearing required

Based on the responses of the requiring authority as detailed in section 9, there are no matters that have been identified to progress to a hearing.

6. Recommendation to Panel

That the Panel recommends that designation 4104 be confirmed with the qualifications noted in section 9.

Author	Murray Kivell
Author's Signature	
Date	7 September 2015 and updated 22 September 2015 with no change, and updated 25 January 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 the notice or requirement for the modifications to designation 4104 included in the Proposed Auckland Unitary Plan subject to the further modifications shown in Attachment 1.

8. Panel reasons

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

Panel Chair	David Kirkpatrick
Chair's Signature	
Date	18 May 2016

9. Assessment of modifications and submissions

Requiring authority	Minister for Courts
Designation number	4104
Designation purpose	Judicial, court, tribunal and related purposes including collection of fines and reparation, administration and support services, and ancillary activities (for example food and beverage kiosk). Works include development and operation of land and buildings for the aforementioned purposes
Location	30 Manukau Station Road, Manuaku City Centre
Designation given effect to	Yes
Lapse date in operative plan	NA
Rollover designation with no modifications	NA
Description of the modification	<p>Modification to a number of conditions to either update conditions or delete conditions that restate statutory requirements under the Resource Management Act 1991 and section 176/176A in particular:</p> <ul style="list-style-type: none"> i. add new condition 1: to refer the relevant Unitary Plan provisions; ii. remove condition 1.1: restates statutory requirements; iii. remove condition 2.1: as it is unnecessary; iv. revise condition 2.3; v. remove conditions 2.2, 3, and 4.2.4 as these relate to the operative plan provisions and are no longer relevant; vi. amend conditions 4.4.1 and 4.4.2 to remove references to the operative plan provisions as they are no longer relevant; vii. amend condition 5 to provide clarity regarding any future development and those effects of the transportation network; viii. remove condition 9 as this road will be completed prior the Unitary Plan becoming operative; ix. remove condition 10.1(a) and it refers to the operative plan provisions; x. remove condition 11.1 as it related to provision of landscaping works outside the property boundaries of the designated site; and xi. remove condition 12 as it refers to the provision of the operative plan and is no longer relevant. <p>Further amendments to the notified provisions of the Proposed Auckland Unitary Plan were provided in the correspondence of 7 August 2015 to the report writer. These additional amendments are recorded as tracked changes (underlining in this case).</p>
Notice of requirement	NA
Land ownership	NA
Land owned by the requiring authority	All land affected by this designation is owned by the requiring authority.
Submitter	NA

Matters addressed in submission	NA
Engagement by requiring authority with submitters.	NA
Assessment and reasons	<p>The amendments proposed seek to reflect provisions in the Unitary Plan or to delete provisions that restate Resource Management Act 1991 provisions and are superfluous.</p> <p>Condition 1.1 is proposed to refer to specific assessment criteria under a Rule 4.2.1.2.4.1 of the Unitary Plan. Further correspondence from the requiring authority seeks that the specific plan section references are deleted and generic reference is to those relevant provisions of the Unitary Plan once made operative. This is a pragmatic outcome as the actual section references are very likely to change in the process of finalising the Unitary Plan.</p> <p>A further refinement is proposed (in the 7 August 2015 correspondence) that seeks to confirm that the current number of parking and loading spaces and access arrangements in place at the time the Plan is made operative shall be maintained. This is accepted on the basis that these arrangements already meet the current terms of the designation. That matter should be confirmed.</p> <p>Amended condition 1.2 seeks to restate matters required under the section 176A provisions of the Resource Management Act 1991 and seem unnecessary. This is not supported.</p> <p>Condition 2 as amended be retained insofar as it now states: “No direct vehicular access to Manukau Station Road shall be allowed. Access.” With the balance provision deleted as they are superfluous.</p> <p>Condition 3 (comprising 3.1-3.5) set out an extensive set of technical performance obligations relating to access, parking, parking allocation, circulation, reverse manoeuvring, design and construction and cash-in-lieu obligations that I am not able to comment on in the absence of greater knowledge of the site, the history of development and therefore can only assume them to be practical and reasonable in the circumstances.</p> <p>Condition 5 (now condition 4) concerns traffic management and the amendment to provide for the assessment of traffic effects insofar as it relates to an impact on the transportation network and is accepted as appropriate in the context of effects management.</p> <p>Condition 5 Travel Plan, Condition 6 Integrated Transport Assessment (ITA), Condition 7 Parking to be Provided, and Condition 8 Built Form are all accepted without amendment from the provisions presented in the</p>

	<p>notified Proposed Auckland Unitary Plan.</p> <p>Condition 11 as amended, is accepted given the first subsection refers to land outside the area of the designation. The Advice Notes are unchanged from those provisions set out in the Proposed Auckland Unitary Plan.</p> <p>My overall assessment is that the changes proposed will have effects on adjacent properties and on wider environment that are no more than minor with the qualification raised with respect to conditions 1.1 and 1.2 as sought to be further amended by the requiring authority. Overall, the amended conditions seek to retain and maintain mitigation measures to address potential adverse effects, particularly those associated with trip generation and site access and management.</p>
Recommendation	It is the report writer's recommendation that the amended conditions to the designation be accepted, with the qualifications stated above.
Recommendation to Panel	That the Panel recommend to the Council that the designation with amendments set out in Attachment 1 is confirmed with all modifications, with the qualifications noted above concerning Condition 1.1 and 1.2 (with those changes underlined as tracked changes).
Response from requiring authority: 12 September 2015	Agrees with the above recommendations to Panel.
Report writer's further comments and recommendation following hearing	<p>During the hearing there was further discussion between the requiring authority, the Council and panel members regarding the detail to be included in the amended conditions regarding parking, loading and access in relation to this and other designations.</p> <p>It was agreed that the conditions should be redrafted to refer to the existing specific number of parking spaces currently provided and did not need to refer to access or loading matters in the same detail. The requiring authority has now provided details of the number of existing parking spaces currently provided and the condition has been redrafted to reflect this information and the agreement in principle reached at the hearing. Condition 1.1 has been amended as a consequence.</p>
Recommendation from Panel	The Panel agrees with the report writer's recommendations.
Reasons	The Panel agrees with the report writer's reasons.

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

Amend condition 1 to read as follows:

1. General

~~An outline plan of works for any development that triggers additional parking demand, loading or access requirements to the site will be assessed against the relevant assessment criteria under Rule 4.2.1.2.4.1 of the Proposed Unitary Plan.~~

- 1.1 That a minimum number of 107 parking spaces be provided, and the existing access arrangements in place shall be maintained.
- 1.2 Any increases in the number of parking and loading spaces and any changes to access arrangements will be subject to an outline plan according to section 176A of the Resource Management Act, 1991.