

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 of Corrections

Designation 3903
Mt. Eden Prison

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 31 August 2015 and 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.

Contents

| | |
|--|---|
| 1. Introduction | 3 |
| 2. Assessment | 3 |
| 3. Expert input..... | 3 |
| 4. Mediation required | 3 |
| 5. Hearing required | 3 |
| 6. Recommendation to Panel | 4 |
| 7. Panel recommendations to Auckland Council | 5 |
| 8. Panel reasons | 5 |
| 9. Assessment of modifications and submissions..... | 6 |
| 10. Attachment 1 changes to text of the Proposed Auckland Unitary Plan | 7 |

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 the designation 3903 should be confirmed.

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 confirms the designation modifications.

| | |
|-------------------------------|---|
| Author | Murray Kivell |
| Author's Signature |  |
| Date | 31 August 2015 and updated 1 October 2015 with no change |

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 of requirement for the modifications to designation 3903 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 of Corrections |
| Designation number | 3903 (Mt Eden Prison) |
| Designation purpose | Mt Eden Prison |
| Location | 1 Lauder Road, Mt Eden |
| Designation given effect to | Yes |
| Lapse date in operative plan | NA |
| Rollover designation with no modifications | NA |
| Description of the modifications | <p>Modify the operative plan conditions as follows:</p> <ul style="list-style-type: none"> i. modify conditions to confirm that the site is comprised of two instead of four areas as shown on the Proposed Auckland Unitary Plan Attachment; namely, Area A – Heritage Precinct, and Area B – Other Areas; ii. make consequential amendments - the deletion of Conditions 5 (relating to Area C) and 6 (relating to Area D); iii. delete Condition 8 relating to lapse date as works have already been given effect to; iv. delete redundant conditions. |
| Notice of requirement | NA |
| Land ownership | NA |
| Land owned by the requiring authority | All the land that is the subject of this designation is in the ownership of the requiring authority. |
| Submitter | Minister of Corrections (6230-29) |
| Matters addressed in submission | Amend designation purpose from 'Mt Eden Prison' to 'Prison' (6230-29). |
| Engagement by requiring authority with submitters. | The Minister of Corrections and Heritage New Zealand confirm agreement with the existing conditions to the designation (Pre-hearing meeting record 30 July 2015). |
| Assessment and reasons | <p>The activity has been established on the designated site for many years. The change to the purpose statement is an administrative matter and does not give rise to any potential adverse environmental effects.</p> <p>The proposed modifications to conditions update those in the operative plan and from subsequent outline plans of works for recent works completed on the site. This has resulted in the simplification of the development areas. These can also be considered administrative matters and will not give rise to effects on adjacent properties or to effects on the wider environment that are more than minor.</p> <p>Overall, the modifications will not give rise to adverse effects greater than minor on the environment.</p> |
| Recommendation | That the designation is confirmed with the modification to the purpose statement to provide for 'Prison' (Attachment 1). The modifications to the designation conditions from the operative plan be confirmed in the Unitary Plan. |

| | |
|-----------------------------------|--|
| | |
| Recommendation to Panel | That the Panel recommends to Council that the designation modifications are confirmed in the Unitary Plan with the modification to the purpose statement to provide for 'Prison' as set out in Attachment 1. Submission 6230-29 is accepted |
| Response from requiring authority | Agrees with the above recommendations to Panel (refer letter from Boffa Miskell dated 11 September 2015). |
| Report writer's comments | None required. |
| 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 the Proposed Auckland Unitary Plan

Amend the purpose statement as follows

Purpose

~~Mt Eden~~ Prison.