

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 Police

Designations 5703, 5705, 5706 and 5707

May 2016

Report first prepared by Harry Bhana 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 26 August 2015 and updated on 23 September 2015 and 19 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 the following modifications/requirements should be recommended for confirmation subject to the modifications shown in Attachment 1:

5703, 5705, 5706 and 5707.

3. Expert input

Not applicable.

4. Mediation required

Not applicable.

5. Hearing required

Not applicable.

6. Recommendation to Panel

That the Panel recommends that designations 5703, 5705, 5706 and 5707, be recommended for confirmation subject to the amendments shown in Attachment 1.

Author	Harry Bhana
Author's Signature	
Date	26 August 2015 updated and amended on 23 September 2015 and further amended on the 19 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 of requirement for the modifications to designations 5703, 5705, 5706 and 5707 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 Police
Designation number (s)	5703, 5705, 5706, 5707
Designation purpose	Community Policing Centre and Police Stations
Location	5703 - 488 Roscommon Road, Manurewa 5705 - 92 Bader Drive, Mangere 5706 - 42 Manukau Station Road, Manukau City Centre 5707 – 12-16 Halver Road, Manurewa
Designations given effect to	Yes
Lapse date in operative plan	NA
Land ownership	NA
Land owned by the requiring authority	Yes
Rollover designation with no modifications	No
Description of the modification	<p>Modifications to 5703, 5705, 5706, 5707</p> <p>The operative plan provided a common set of conditions for all of these designations. All of these conditions related to the assessment of outline plans. These detailed conditions have not been included in the rollover versions of the designations in the Proposed Auckland Unitary Plan.</p> <p>The rollover versions of all of the designations by the Minister of Police included the addition of the following purpose, which replaced operative plan references to 'Community Policing Centre' and 'Police Station':</p> <p style="padding-left: 40px;">The public work authorised by the designation is the construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility and every use of the land for police and ancillary purposes as detailed in the Policing Act 2008 and subsequent updates.</p> <p>Modifications to 5703, 5705, 5706, 5707</p> <p>The rollover version for the designations of the Community Policing Centre at Roscommon Road and the above listed police stations has included the following new conditions:</p> <ol style="list-style-type: none"> 1. Parking, loading and access shall be in accordance with the underlying zoning and provisions of Rule 4.2.1 of the Proposed Auckland Unitary Plan. 2. 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 Auckland Unitary Plan. 3. The requiring authority may be required to meet the reasonable costs of all new access and traffic management works (including any additional land required to accommodate these works) associated with the development or redevelopment to the extent

	<p>that such works are required to meet safety, access, or egress or amenity considerations related to the development or redevelopment or where the works are required to mitigate the likely adverse effects from the development or redevelopment on the safety or operation of the transport network.</p> <p>Modifications to 5706</p> <p>The area of the designated site was extended to encompass all of the land owned and used by the Minister of Police for the Manukau Police Station.</p> <p>Modifications to 5711</p> <p>No conditions were included in the rollover version of this designation.</p>
<p>Assessment of rollover modifications and reasons</p>	<p>The more detailed description of the purpose of the designations simply clarifies in more precise terms the extent and function of the designated activity. I recommend that this additional description of the purpose of the designations be confirmed.</p> <p>The requirements for any new outline plan that might be required in respect of any future works on the sites of these designations are set out in section 176A of the Resource Management Act 1991.</p> <p>Accordingly I do not consider that it was necessary to include conditions relating to outline plan assessment in the operative plans when the designation rolled over.</p> <p>However I have similar reservations regarding the three conditions listed above which were added to the rollover versions of all the above listed designations except 5711.</p> <p>The provision of parking and loading and traffic access will presumably have been matters that were addressed at the time of the original designation and any outline plans that were provided. I would assume that the works covered by these designations have been implemented in accordance with any requirements applicable under the requirement or any associated outline plan.</p> <p>My concern regarding these conditions is not simply philosophical. The rules referred to in conditions 1 and 2 are not able to be identified in the Proposed Auckland Unitary Plan and were likely to have come from some earlier version or draft of that document.</p> <p>I requested some further clarification from the Minister's consultant and Counsel and received in response the following amended conditions which the Minister's representatives considered were reasonably consistent with</p>

	<p>the intent of the rollover conditions, while avoiding any attempt to proscribe the legal criteria under which any future outline plan of works might be assessed. The Minister's proposed replacement of conditions is as follows:</p> <ol style="list-style-type: none"> 1. <u>The minimum number of parking and loading spaces and the access arrangements in place on the date on which the Plan becomes operative shall be maintained.</u> 2. <u>Any increases in the number of parking and loading spaces and any changes to the access arrangements above will be subject to an outline plan according to section 176A of the Resource Management Act, 1991.</u> <p>I record that there may be some issues concerning scope to make these changes. However given that the conditions in the rollover make reference to rules which no longer exist I consider the Minister's proposal to substitute the above conditions is appropriate and is unlikely to result in any adverse effect on the environment or on surrounding properties which is more than minor.</p> <p>The modification to the designated area for 5706 Manukau Police Station simply encompasses land already owned and used for police purposes. The modification to show the designation over this land will not have any effect on the environment or on the interests of any other party.</p>
Notice of requirement	NA
Assessment of new designation and reasons	NA
Submitters and summary of relief sought in submissions	There were no submissions in respect of these designations.
Assessment of submissions and reasons	Not applicable.
Engagement by requiring authority with submitters.	Not necessary.
Recommendation to Panel	<p>I recommend that designations 5703, 5705, 5706 and 5707 be recommended for confirmation subject to replacing conditions 1, 2 and 3 in the rollover version of designations 5703, 5705, 5706 and 5707 with the following alternative conditions:</p> <ol style="list-style-type: none"> 1. <u>The minimum number of parking and loading spaces and the access arrangements in place on the date on which the Plan becomes operative shall be maintained.</u> 2. <u>Any increases in the number of parking and loading spaces and any changes to the access arrangements above will be subject to an outline plan in accordance with section 176A of the Resource Management Act, 1991.</u>

Response from requiring authority	<p>Agrees with the above recommendations to Panel but requested recognition of modification to the boundaries of Designation 5706 and recognition of a scope issue to make the changes set out in Attachment 1. Advised that the designations for 5711 and 5712 were withdrawn.</p> <p>Wishes to be heard on the following matters: Not required.</p> <p>Mediation requested on the following matters: Not required.</p>
Report writer's further recommendation	References to Designations 5711 and 5712 have been deleted from this report. The report has been amended to recognise and assess the modification to the boundary of Designation 5706.
Report writer's further recommendation following hearing	<p>During the hearing there was further discussion between the requiring authority, the Council and Panel regarding the detail to be included in the amended conditions regarding parking, loading and access in regard to Designations 5703, 5705, 5706 and 5707. 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 loading or access matters.</p> <p>The requiring authority has provided details of the existing number of parking spaces currently provided and the conditions have been redrafted to reflect this information and the agreement reached at the hearing.</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

Amendment to designation 5703

That conditions 1, 2 and 3 be deleted and replaced with the following conditions:

1. That 5 off-street parking spaces shall be maintained.
2. Any increases in the number of parking spaces will be subject to an outline plan according to section 176A of the Resource Management Act, 1991.

Amendment to designation 5705

That conditions 1, 2 and 3 be deleted and replaced with the following conditions:

1. That 29 off-street parking spaces shall be maintained.
2. Any increases in the number of parking spaces will be subject to an outline plan according to section 176A of the Resource Management Act, 1991.

Amendment to designation 5706

That conditions 1, 2 and 3 be deleted and replaced with the following conditions:

1. That 234 off-street parking spaces shall be maintained.
2. Any increases in the number of parking spaces will be subject to an outline plan according to section 176A of the Resource Management Act, 1991.

Amendment to designation 5707

That conditions 1, 2 and 3 be deleted and replaced with the following conditions:

1. That 40 off-street parking spaces shall be maintained.
2. Any increases in the number of parking spaces will be subject to an outline plan according to section 176A of the Resource Management Act, 1991.