

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

**Report to Auckland Council
Hearing topic 076**

**Major Recreation Facility Zone and
precincts**

July 2016

Report to Auckland Council Hearing Topic 076 Major Recreation Facility Zone and precincts

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1. Hearing topic overview

1.1. Topic description

Topic 076 Major recreation zones and precincts addresses the district plan provisions of the proposed Auckland Unitary Plan relating to:

Topic	Proposed Auckland Unitary Plan reference	Independent hearings Panel reference
Hearing Topic 076 Major Recreation Zone and Precincts	D.8.4 Special Purpose - Major Recreation Facility Zone I.18 Special Purpose – Major Recreation Facility Zone	H27 Special Purpose - Major Recreation Facility Zone
	F.1.5 and K.1.5 Motorsports F.1.6 and K.1.6 Racing F.1.9 and K.1.9 Sports F.1.10 and K.1.10 Stadiums and Showgrounds F.2.1 and K.2.1 Alexandra Park F.2.24 Zoo and MOTAT	I101 Motorsport Precinct I300 Alexandra Park Precinct I301 ASB Showgrounds Precinct I302 ASB Tennis Arena Precinct I304 Auckland Zoo Precinct I307 Avondale Racecourse Precinct I310 Eden Park Precinct I313 Ellerslie Racecourse Precinct I319 MOTAT Precinct I321 Mount Smart Stadium Precinct I335 Western Springs Stadium Precinct I407 Bruce Pulman Park Precinct I411 ECOLight Stadium Precinct I413 Franklin A&P Showgrounds I414 Franklin Trotting Club Precinct I427 Pacific Events Centre Precinct I434 Pukekohe Park Precinct I503 AUT MIS Precinct I524 North Harbour Stadium and Domain I526 North Shore Events Centre Precinct

Under the Local Government (Auckland Transitional Provisions) Act 2010, section 144 (8) (c) requires the Panel to set out:

the reasons for accepting or rejecting submissions and, for this purpose, may address the submissions by grouping them according to—

- (i) the provisions of the proposed plan to which they relate; or
- (ii) the matters to which they relate.

This report covers all of the submissions in the Submission Points Pathways report (SPP) for this topic. The Panel has grouped all of the submissions in terms of (c) (i) and (ii) and, while individual submissions and points may not be expressly referred to, all points have nevertheless been taken into account when making the Panel's recommendations.

1.2. Summary of the Panel's recommended changes to the proposed Auckland Unitary Plan

- i. The Panel recommends that a Special Purpose – Major Recreation Facility Zone be applied to all 20 Major Recreation Facility Precincts to provide policy guidance for current and possible future sites.
- ii. The Panel recommends the structural change to precincts and standardisation of provisions where possible.
- iii. The Panel largely recommends matters of agreement reached between the Council and submitters during mediation and post hearing discussions.
- iv. The Panel recommends the primary, accessory and compatible activity precinct mechanism proposed by Council and supported by the submitters.
- v. The Panel recommends tiered noise assessment framework and concept of 'special' noise and lighting events. This includes excluding the measurement of crowd noise for compliance testing.
- vi. In the absence of conflicting evidence, the Panel recommends the lighting approach recommended by Council.
- vii. The Panel recommends the traffic management provisions put forward by Council, and modified through subsequent discussions be implemented.
- viii. The Panel recommends that design statements be removed from the precinct provisions, and that urban design considerations be restricted to the precinct perimeter (Interface Control Areas).
- ix. The Panel recommends that the standard approach to development standards taken throughout the Plan is also used within all of the precincts.
- x. The Panel does not recommend that precincts override overlay provisions in the Plan, and in instances where this has been identified the conflict has been resolved by alternative methods.

- xii. As is consistent with the Panel's recommendations on definitions in the Plan, the Panel does not recommend the use of specific definitions when the common meanings of terms will achieve the same intent.
- xiii. The Panel's recommendations on specific precincts are outlined in the following sections.

1.3. Overview

The Panel supports the agreements reached between Council and the submitters relating to:

- i. a revised and standardised approach to the major recreation facilities as precincts with a zoning of Special Purpose - Major Recreation Facility Zone;
- ii. standardised wording of standards to assist in monitoring and enforcement;
- iii. the use of primary activities to define the main purpose of the precinct;
- iv. enabling a range of activities within the precincts that do not compromise the primary activities while providing flexibility for the future;
- v. the consideration of design matters near the boundary of the precinct through the interface control area mechanism; and
- vi. the special noise and lighting event approach to the precinct provisions wherever appropriate.

1.4. Scope

The Panel considers that the recommendations in 1.2 above and the changes made to the provisions relating to this topic (see 1.1 above) are within scope of submissions, with the exception of the structural changes to the zone and precincts.

The only matter considered by the Panel to be beyond the scope of submissions is the structural change to the zone and precincts which was formulated during the hearing process in response to a direction from the Panel to simplify the structure of precincts across the Major Recreation Facility Precincts¹.

For an explanation of the Panel's approach to scope see the Panel's Report to Auckland Council – Overview of recommendations July 2016.

1.5. Documents relied on

Documents relied on by the Panel in making its recommendations are listed below in section 11 Reference documents.

¹ Paragraph 2.4.2, Hearing Topic 076 Parties and Issues Report, 16 April, 2015

2. Design statements

2.1. Statement of issue

A number of submitters sought the deletion of urban design controls, and in particular design statements. The submitters' main concerns were that the costs and benefits of requiring design statements as a special information requirement had not been accurately considered.

As set out in the Panel's interim guidance on Topic 076 Major Recreation Zone and precincts, the Panel was concerned that urban design controls other than those provided for at the perimeter of the precinct offer little gain when assessing these purpose built buildings. This was particularly with respect to design statements within each of the precincts.

2.2. Panel recommendation and reasons

During the hearing on this topic, and through subsequent discussions, the Panel was not persuaded that urban design considerations were necessary beyond those matters which affected the perimeters of the precinct. Each of the major recreation facilities is a purpose-built facility, and these sites are recognised by the community as sites which contain buildings of significant scale. The functional and operational needs of these facilities mean that the operators are best placed to assess the nature, scale and design of buildings that meet their needs.

Accordingly, and as is consistent with the Panel's recommendations in other topics other topics (see the Panel's Report to Auckland Council – Hearing topic 077 Sustainable design July 2016 and the Overview of recommendations as referenced above), it is the Panel's recommendation that design considerations are restricted to identified 'interface control areas' within the precincts, and that the requirement for design statements is deleted from each of the precincts.

3. Precinct provisions affecting overlays

3.1. Statement of issue

The relationship between major recreation precincts and overlays was an identified issue for two precincts. The MOTAT Precinct contained three scheduled historic heritage places, each with generous 'extents of place'. The Mount Smart Stadium Precinct contained both a significant ecological area and an outstanding natural feature. It was maintained by operators for both of these facilities that these overlays put significant constraints on the existing and future use of these sites.

3.2. Panel recommendation and reasons

As outlined in the Panel's report on Topic 004 General rules, the Panel has recommended that overlay provisions should generally take precedence in the Plan. In the case of these two precincts, changes to the extent of the overlays recommended by the Panel means that there is no longer a conflict between the overlay and precinct provisions. Refer to the Panel's recommendations on Topics 019, 023 and 032 for a discussion of the relevant overlays.

4. Eden Park Precinct

4.1. Statement of issue

Eden Park has a long planning history and currently a number of resource consents apply to this facility. Through mediation, the hearing and subsequent post-hearing expert conferencing, the Council, the Eden Park Neighbours Association, and Auckland Cricket were supportive of precinct provisions which essentially retained the status quo allowed through the suite of existing resource consents. The Eden Park Trust Board sought to enable further activities beyond these limits, and in particular sought an increased frequency of night time events and concerts.

4.2. Panel recommendations and reasons

Following the hearing on Topic 076, the Panel issued interim guidance on 7 September 2015 indicating support for a set of provisions which provided flexibility within an 'effects envelope' established by the existing suite of resource consents applying to Eden Park. This focus on the existing level of effects arose from the Panel not being convinced during the hearing that measures had been identified by the operators of Eden Park which enabled additional night time events and concerts to occur while appropriately mitigating the effects on residents living near the park.

Despite extensive efforts being made by all parties to resolve outstanding concerns, the Panel was of the view that no additional information was provided which reasonably justified these additional activities. Accordingly, the most significant relief requested by the Eden Park Trust Board has not been supported and the Panel does not recommend any increase in the number of night time events and concerts or any change to the activity status for them.

During discussions between the parties following the hearing, it was identified that the process of rationalising a number of historic resource consent conditions into a single precinct format was complex and required a flexible approach to be taken by all parties. The Panel is grateful to all parties that participated in these discussions for the flexibility they demonstrated in moving past these challenges and arriving at a precinct which accurately reflects the 'status quo'. It is these provisions which the Panel recommends to Council.

5. ASB Showgrounds Precinct

5.1. Statement of Issue

During the hearing on Topic 076, it was identified that the operator of the ASB Showgrounds and the Council were largely in agreement, and that the substantive matters of disagreement remaining were between the Somersby Trust and submitters. The central issue was the extent to which the Cornwall Park Endowment and Recreation Land Act 1982 (the 1982 Act) influences the subdivision, use and development enabled within this precinct. The Panel subsequently sought legal submissions from any interested parties on the effect of the 1982 Act on the Plan's provisions.

The 1982 Act applies to a portion of the showgrounds and seeks to preserve the character of these areas as at 1 January 1980. The Somersby Trust sought to incorporate reference to

the 1982 Act into the objectives of the ASB Showgrounds Precinct, opposed the concept of special noise events and sought that helicopter and motorsport activities be prohibited within the precinct to avoid conflict with the 1982 Act and also to address historic compliance concerns.

5.2. Panel Recommendations and reasons

After considering legal submissions on this matter, the Panel is of the view that while this legislation governs the management of the ASB Showgrounds site by its owners and lessees, the obligations imposed by this legislation are most appropriately the concern of those persons and not the Council. While the Panel has been mindful of not recommending precinct provisions which are clearly in conflict with the 1982 Act, it considers that the appropriate resource management outcomes are not fettered by this legislation. The Panel took into account that the 1982 Act anticipates an evolution of acceptable land uses for this site. In addition, and as noted in Council's legal submission, the 1982 Act applies to a portion of the site only which raises the potential for perverse resource management outcomes within a single precinct.

As a consequence of the Panel's position on the 1982 Act, and taking into account a general planning principle that standards imposed through the Unitary Plan must be enforceable and will be appropriately monitored by Council, the Panel does not recommend prohibited activities within this precinct.

The Panel recommends that special noise events be provided for within this precinct, as is consistent with other major recreation facilities. The Panel was not persuaded by the evidence presented by the parties that motorsport activities are appropriate as permitted activities.

During the hearing, and in Council's closing, it was proposed that the noise standards for this precinct include a 'within Alexandra Park Precinct Noise Control Overlay'. This unspecified area was intended to protect heavy vehicles accessing the rear of the ASB Showgrounds grandstand from reverse sensitivity effects from Alexandra Park immediately to the west. During a subsequent hearing on Topic 080, it was determined that no residential rezoning adjacent to ASB Showgrounds was being sought by the operators of Alexandra Park. Therefore it is unlikely that activities sensitive to noise would be located within close proximity of ASB Showgrounds and accordingly the proposed overlay is not recommended by the Panel.

6. Pukekohe Park Precinct

6.1. Statement of issue

This facility has a history of land use conflict between the operators of the Pukekohe Park Raceway, and some surrounding land owners. The fundamental issue between the submitters was the extent to which a range of motorsport activities are enabled within the park, taking into consideration the current and future development potential of land surrounding the facility. Two sets of motorsport noise standards were presented to the Panel during mediation and the subsequent hearing; one from the Counties Racing Club, and one from Penelope Aston and the Pukekohe South Residents Group. Following the hearing,

further opportunities were provided for the submitters to reach agreement on the outstanding issues.

6.2. Panel Recommendations and reasons

In considering the most appropriate set of noise standards for the Pukekohe Park Precinct, the Panel also considered the most appropriate zoning for land surrounding the precinct. These zoning deliberations occurred after hearings on Topic 081 were completed, during which many of the same submitters were represented and presented a number of options to allow 'live zoning' of the land surrounding the park to occur.

The Panel was not persuaded that the mitigation presented by the Pukekohe South Residents Group during the Topic 081 hearings allayed the Panel's concerns that future reverse sensitivity effects would eventuate if the area surrounding the park was 'live zoned'. The Pukekohe Park Precinct is an established land use activity in a largely rural setting most suited to being surrounded by low intensity development. As with other major recreation facilities, the park provides an important contribution to social and economic well-being of the area, and it is the Panel's recommendation that this function is protected. Accordingly, the Panel recommends the noise standards supported by both the facility operator and Council. In Topic 081, the Panel therefore recommends that the surrounding area be zoned as Future Urban Zone, Business – General Business Zone and Business – Light Industry Zone.

7. Other major recreation precincts

The remainder of the major recreation precincts were either fully resolved between the Council and submitters prior to the hearing, or the issues were narrowed to such an extent that the outstanding matters could be readily resolved by the Panel. The recommended precinct provisions for each precinct demonstrate intent by the Panel to standardise matters of commonality between the various major recreation facilities.

In addition, the Panel recommends the rezoning and any consequential amendments of the precinct boundaries of the AUT Millennium Precinct, MOTAT, Ellerslie Racecourse, Western Springs Precinct and the Auckland Zoo outlined in the Topic 080 evidence of Council^{Error!} Bookmark not defined. and agreed with the submitters.

8. Motorsport Precinct

Due to a coding error, this precinct was heard as part of the major recreation facility topic. It is not a major recreation precinct, nor is it proposed to be one by Council, and has a zoning of Open Space – Sport and Active Recreation. There was only one submission to this precinct, that of the New Zealand Transport Agency. The Council and the submitter reached agreement on the provisions of this precinct and the Panel has included the agreed provisions in its recommended precinct text.

9. Precincts from other hearing topics

A number of further sites were proposed by Council as major recreation precincts following the hearing on Topic 076. These were the Alexandra Park Precinct, the Franklin Trotting Club Precinct and the Franklin A&P Showgrounds Precinct. As put before the Panel, the provisions within these precincts were largely agreed with the precinct operators. Where differences were found, these were minor and the Panel agrees and recommends the provisions presented by the Council as these provisions were supported by the evidence put before the Panel and also demonstrated an approach which is consistent with other precincts.

In the case of the Franklin Trotting Club Precinct, the Panel recommends the agreed position of the submitters and Council in Topic 080 to remove three lots to the northwest of the Franklin Trotting Club as this land is owned by a third party and operates independently of the club.

In the case of Alexandra Park, the Panel recommends the agreed position of the submitters and Council to remove a portion of this site from the Alexandra Park Precinct and rezone for commercial and residential uses. This is due to the land being surplus to the precinct's functional and operational requirements.

10. Consequential changes

10.1. Changes to other parts of the plan

As a result of the Panel's recommendations on this topic, there are consequential changes to other parts of the Plan as listed below.

- i. As a result of deliberations on the MOTAT Precinct and Mount Smart Stadium Precinct, the extent of some overlays has been amended. This pertains to three scheduled historic heritage places, each with generous 'extents of place' (MOTAT); and an area of significant ecological area and outstanding natural feature (Mount Smart Stadium).

10.2. Changes to provisions in this topic

There are no changes to provisions in this topic as a result of the Panel's recommendations on other hearing topics.

11. Reference documents

(The date in brackets after the document link refers to the date the document was loaded onto the aupihp website. Note this may not be the same as the date of the document referred to in the report.)

11.1. General topic documents

Panel documents

076 - Submission Point Pathway Report - 5 June 2015

076 - Parties and Issues Report - 13 July 2015

Mediation statements

076 - Mediation Joint Statement - Sessions 1 & 2 (23 June 2015) (24 June 2015)

076 - Mediation Joint Statement - Session 5 (25 June 2015) (26 June 2015)

076 - Mediation Joint Statement - Session 6 (26 June 2015) (26 June 2015)

076 - Mediation Joint Statement - Session 7 (1 July 2015) (2 July 2015)

076 - Mediation Joint Statement - Sessions 8 & 9 (2 July 2015) (6 July 2015)

076 - Mediation Joint Statement - Sessions 10 & 11 (3 July 2015) (6 July 2015)

076 - Mediation Joint Statement - Additional Sessions (9 & 10 July 2015) (15 July 2015)

076 - Mediation Joint Statement - Session 16 (10 November 2015) (12 November 2015)

076 - Mediation Joint Statement - Session 17 (12 November 2015) - Post Hearing Pukekohe Park Precinct Mediation (18 November 2015)

076 - Mediation Joint Statement (Eden Park Precinct) - Session 18 (24 November 2015) (26 November 2015)

Expert Conference Statements,

076 Hrg - Expert Conference Joint Statement and Attachments - Eden Park Precinct - 9 December 2015 (6 January 2016)

Auckland Council marked up version

076 - Mediation - Post hearing marked-up version of PAUP - Session 16 (10 November 2015) (12 November 2015)

Auckland Council closing statement

076 Hrg - Auckland Council - Closing Statement (25 November 2015)

076 Hrg - Auckland Council - Closing Statement - Attachment A - ASB Showgrounds Precinct (25 November 2015)

076 Hrg - Auckland Council - Closing Statement - Attachment A - ASB Tennis Arena Precinct (25 November 2015)

076 Hrg - Auckland Council - Closing Statement - Attachment A - Auckland Zoo Precinct (25 November 2015)

076 Hrg - Auckland Council - Closing Statement - Attachment A - AUT Millennium Institute of Sport Precinct (25 November 2015)

076 Hrg - Auckland Council - Closing Statement - Attachment A - Avondale Racecourse Precinct (25 November 2015)

076 Hrg - Auckland Council - Closing Statement - Attachment A - Bruce Pulman Park Precinct (25 November 2015)

[076 Hrg - Auckland Council - Closing Statement - Attachment A - Definitions \(25 November 2015\)](#)

[076 Hrg - Auckland Council - Closing Statement - Attachment A - Ecolight Stadium Precinct \(25 November 2015\)](#)

[076 Hrg - Auckland Council - Closing Statement - Attachment A - Ellerslie Racecourse Precinct \(25 November 2015\)](#)

[076 Hrg - Auckland Council - Closing Statement - Attachment A - Major Recreation Facility zone \(25 November 2015\)](#)

[076 Hrg - Auckland Council - Closing Statement - Attachment A - MOTAT Precinct \(25 November 2015\)](#)

[076 Hrg - Auckland Council - Closing Statement - Attachment A - Mt Smart Stadium Precinct \(25 November 2015\)](#)

[076 Hrg - Auckland Council - Closing Statement - Attachment A - North Harbour Stadium and Domain Precinct \(25 November 2015\)](#)

[076 Hrg - Auckland Council - Closing Statement - Attachment A - North Shore Events Centre Precinct \(25 November 2015\)](#)

[076 Hrg - Auckland Council - Closing Statement - Attachment A - Pacific Events Centre Precinct \(25 November 2015\)](#)

[076 Hrg - Auckland Council - Closing Statement - Attachment A - Pukekohe Park Precinct \(25 November 2015\)](#)

[076 Hrg - Auckland Council - Closing Statement - Attachment A - Trusts Arena Precinct \(25 November 2015\)](#)

[076 Hrg - Auckland Council - Closing Statement - Attachment A - Western Springs Stadium Precinct \(25 November 2015\)](#)

[076 Hrg - Auckland Council - Closing Statement - Attachment B - comparison of noise and lighting controls \(25 November 2015\)](#)

[076 Hrg - Auckland Council - Closing Statement - Supplementary statement - RFA and other precincts \(25 November 2015\)](#)

Panel Interim Guidance

[076 Major Recreation Zone and Precincts \(PDF 255KB\) \(7 September 2015\)](#)

11.2. Specific evidence

Auckland Council

[076 Hrg - Auckland Council - Legal Submissions in Reply re Endowment Act \(4 December 2015\)](#)

[080 Ak Cncl - Major Recreation Zone \(A Reidy\) - Planning \(4 December 2015\)](#)

Cornwall Park Trust Board and others

[076 Hrg - Joint Planning Statement \(Multiple Parties\) - Planning \(13 August 2015\)](#)

Counties Racing Club

[076 Hrg - Counties Racing Club Incorporated \(John Cawley\) - Primary Evidence \(31 July 2015\)](#)

Pukekohe South Residents Group

[076 Hrg - Penelope Aston and Pukekohe South Residents Group \(Stuart Penfold\) - Planning \(3 August 2015\)](#)

[081 Pukekohe South Residents Group \(P Heffernan\) - Planning \(13 February 2016\)](#)

The New Zealand Transport Agency

[076 Hrg - The New Zealand Transport Agency Limited \(Cath Heppelthwaite\) - Statement of Evidence \(3 August 2015\)](#)