

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

Auckland Council

Minor matters and errors
Local parks

May 2016

Report first prepared by David Wren 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 Date: 28 August 2015 (Updated 5 October 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.

Contents

1. Introduction	3
2. Assessment	3
3. Recommendation to Panel	3
4. Panel recommendations to Auckland Council	4
5. Panel reasons	4
6. Assessment of modifications and designations	5

1. Introduction

The purpose of this report is to provide an assessment and recommendation in relation to modifications to and submissions on designations classified by the Independent Hearings Panel as minor matters and errors. This classification applies where there is a:

- i. modification to a designation and no submissions;
- ii. rollover of a designation with no modification and submissions lodged by the requiring authority or others (submissions to correct errors or address minor matters);
- iii. modification to a designation and submissions lodged by the requiring authority or others (modifications address minor matters and submissions to correct errors or address minor matters);
- iv. where the modification involves changes to the boundary to incorporate additional land and the requiring authority has an interest in the land sufficient for undertaking the proposed work.

2. Assessment

Errors do not require an assessment. The assessment applies the following criteria.

Does the modification/submission:

- i. involve no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned? or
- ii. involve only minor changes or adjustments to the boundaries of the designation?

See section 6 of this report for the application of these criteria to the individual designations.

On the basis of the assessment, this report concludes that the modifications and designations in section 6 meet the above criteria.

3. Recommendation to Panel

That the Panel recommends to Auckland Council the modifications/designation be confirmed as set out in section 6.

Author	David Wren
Author's Signature	
Date	28 August 2015 (Updated 5 October 2015 and 19 January 2016)

4. Panel recommendations to Auckland Council

The Auckland Unitary Plan Independent Hearings Panel recommends that Auckland Council confirms the notices of requirement for the modifications to the designations included in the Proposed Auckland Unitary Plan.

This recommendation applies to the designations listed in section 6 below. Note that some of these designations are also referred to in other Panel reports on Auckland Council designations and additional Panel recommendations may apply.

5. Panel reasons

The reasons for the Panel's recommendation are set out in section 6 below.

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

6. Assessment of modifications and designations

Requiring authority	Auckland Council
Designation number (s)	<p>421: Alderman Drive Local Park 422: Sunnyvale Road Local Park 423: Glen Road Park Service Centre 501: Viaduct Harbour Open Space 510: Hamer Street and Jellicoe Street Open Space 514: St Mary's Road Local Park 515: Selby Square Local Park 516: Tamaki Drive Carpark and Reserve 523: Dominion Road Local Park 525: Kohimarama Road Local Park 527: Riversdale Road Local and Sports Park (also addressed in minor report) 529: Heron Park 530: Oakley Creek Local Park 531: Trent Street Local Park 533: Local Park - Balmoral Road 535: Wilding Avenue Local Park 539: Owairaka Avenue Local and Sports Park 542: Works Depot - Mountain Road 545: Wolverton Street Local Park 546: Wolverton Street Local Park 606: Miami Street Local and Sports Park 621: Bells Road Parks Depot (also addressed in moderately complex report AC011)</p>
Designation purpose	<p>Local park including esplanade reserves, accessways and walkways. Works include parking, operation, maintenance and upgrade of land for aforementioned purposes.</p> <p>423: Park service centre.</p> <p>501: Public open space.</p> <p>510: Public open space and activities and ancillary structures including: recreational activities; water features; coastal edge access; roads, public lanes and walkways; public event spaces; entertainment and gathering (excluding 'Events' and 'Major Events' as defined below); ancillary retail activities; and the excavation and remediation/removal of any contaminated soil.</p> <p>516: Council carpark and reserve.</p> <p>539: Local and sports park including esplanade reserves, accessways and walkways. Works include parking, operation, maintenance and upgrade of land for aforementioned purposes.</p> <p>542: Council works depot.</p> <p>621: Depot.</p>
Location	421: 9-15 Alderman Drive, Henderson

	<p>422: 1-19 Sunnyvale Road, Swanson 423: 75 Glen Road, Massey 501: 45-47 Pakenham Street East to 119-117B and C Custom Street East, Central Auckland 510: 4 and 12 Hamer Street and 49-63 Jellicoe Street, Auckland Central 514: 84 St Mary's Road, Ponsonby 515: Selby Square, Seymour Street, St Mary's Bay 516: 23 Tamaki Drive, Orakei 523: Dominion Road (adjoins railway), Eden Terrace 525: 337 Kohimarama Road, Kohimarama 527: 93-123 Riversdale Road, Avondale 529: 1625-1627 Great North Road, Waterview 530: 1628 Great North Road, Waterview 531: 1 Trent Street, Avondale 533: 58-70 Balmoral Road, Mt Eden 535: 12 Wilding Avenue, Epsom 539: 56-60 Owairaka Avenue, Owairaka 542: Mount Wellington Highway (Lot 1 DP 103286), Mount Wellington 545: 77 Wolverton Street, Avondale 546: 80R-80S Wolverton Street, Avondale 606: 14 Miami Street, Mangere East 621: 2R Bells Road, Pakuranga</p>	
Designation given effect to	All designations given effect to.	
Lapse date in operative plan if not marked as 'given effect to' in the Proposed Auckland Unitary Plan	NA	
Land owned by the requiring authority	All land is owned by the requiring authority.	
Description of the modification in the rollover	421	<p>Modify the purpose from: "reserve purposes" to "local park including esplanade reserves, accessways and walkways. Works include parking, operation, maintenance and upgrade of land for aforementioned purposes".</p> <p>Modification of conditions to include new condition to address landscape values and to remove references to operative plans.</p>
	422	<p>Modify the purpose from: "proposed reserve" to "local park including esplanade reserves, accessways and walkways. Works include parking, operation, maintenance and upgrade of land for aforementioned purposes".</p> <p>Modification of conditions to include new condition to address landscape values and to remove I references to operative plans.</p>

	423	<p>Modify the purpose from: “Park Service Centre Purposes” to “Park Service Centre”.</p> <p>Modification of conditions to add new condition for the requirement for an outline plan of works for specific works/development of the site.</p>
	501	Modify the purpose to “Public Open Space”
	510	<p>Modify the purpose from: “Public open space and activities and ancillary structures including: recreational activities; water features; coastal edge access; roads, public lanes and walkways; public event spaces; entertainment and gathering (excluding "Events" and "Major Events" defined in Part 16 of the Auckland Central Area Plan); ancillary retail activities; and the excavation and remediation/removal of any contaminated soil’ to ‘Public open space and activities and ancillary structures including: recreational activities; water features; coastal edge access; roads, public lanes and walkways; public event spaces; entertainment and gathering excluding "Events" and "Major Events" as defined below; ancillary retail activities; and the excavation and remediation/removal of any contaminated soil”.</p> <p>“Definitions: 1. Events: Temporary and organised activities including but not limited to gatherings, parades, protests, weddings, private functions (independent premises), festivals, film shoots, concerts, celebrations, multi-venue sports events of significant scale, fun runs, marathons, duathlons and triathlons. 2. Major events: A Major event declared as a Major Event in accordance with the provisions of the Major Events Management Act 2007. The duration of the major event shall be limited to the duration of the actual Major Event plus four weeks before the commencement of the event and four weeks after the end of the event”.</p>
	514	<p>Modify the purpose from: “Proposed public reserve, St Marys Road and Cliff Base” to “local park</p>

		<p>including esplanade reserves, accessways and walkways. Works include parking, operation, maintenance and upgrade of land for aforementioned purposes”.</p> <p>Modification of conditions to add new condition for the requirement for an outline plan of works for specific works/development of the site to address heritage and coastal values.</p> <p>Condition 1 is deleted because it cross-refers to the operative district plan which will no longer be relevant under the Unitary Plan.</p>
	515	<p>Modified purpose to: “local park including esplanade reserves, accessways and walkways. Works include parking, operation, maintenance and upgrade of land for aforementioned purposes”.</p>
	516	<p>Deletion of the condition that requires activities, works or buildings inconsistent with the designation to be publicly notified through either a new notice of requirement, or a notice altering the requirement. Deletion of the expiry date of 1 November 2015 (given effect to).</p>
	523	<p>Modify the purpose from: “Proposed public reserve, Dominion Road” to “local park including esplanade reserves, accessways and walkways. Works include parking, operation, maintenance and upgrade of land for aforementioned purposes”.</p> <p>Condition 1 is deleted because it cross-refers to the operative district plan which will no longer be relevant under the Unitary Plan.</p> <p>Condition 2 is deleted as it is considered that the detail of any landscaping would be provided in an outline plan of works for development of the site at the appropriate time.</p> <p>Conditions 3 and 4 are not required because the designation has been implemented and the default lapse date shall apply.</p>
	525	<p>Modify the purpose from: “Proposed Public Reserve, south of Thatcher Street” to “local park</p>

		<p>including esplanade reserves, accessways and walkways. Works include parking, operation, maintenance and upgrade of land for aforementioned purposes”.</p> <p>Condition 1 is deleted because it cross refers to the operative district plan which will no longer be relevant under the Unitary Plan.</p> <p>A new condition is proposed to address the landscape values of the site.</p> <p>Condition 3 is not required because the designation has been implemented and the default lapse date shall apply.</p> <p>Include new heritage condition.</p>
	527	<p>Modify the purpose from:</p> <p>“Proposed Public Reserve, Riverside Road” to “local and sports park including esplanade reserves, accessways and walkways. Works include parking, operation, maintenance and upgrade of land for aforementioned purposes”.</p> <p>Condition 1 is deleted because it cross refers to the operative district plan which will no longer be relevant under the Unitary Plan.</p> <p>Conditions 3 and 4 have been deleted because the designation has already been implemented with the exception of classifying the reserve under the Reserves Act 1977 and a new lapse date will be applied when the designation is included in the Unitary Plan. This designation is being combined with the adjacent Designation E02-06 as the purpose and conditions are identical and both parcels form part of the same park.</p>
	530	<p>Modify the purpose from:</p> <p>“Proposed Reserve and accessway, 1628 Great North Road, Oakley Creek” to “local park including esplanade reserves, accessways and walkways. Works include parking, operation, maintenance and upgrade of land for aforementioned purposes”.</p> <p>Condition 1 is deleted because the designation has already been implemented.</p>

		<p>Condition 2 is deleted as it will no longer be relevant when the designation forms part of the Unitary Plan.</p>
	531	<p>Modify the purpose from: “Proposed Public Reserve, Trent Street” to “local park including esplanade reserves, accessways and walkways. Works include parking, operation, maintenance and upgrade of land for aforementioned purposes”.</p> <p>Condition 1 is deleted because it cross refers to the operative district plan which will no longer be relevant under the Unitary Plan.</p> <p>Condition 2 is deleted as it is considered that the detail of any landscaping would be provided in an outline plan of works for development of the site at the appropriate time.</p> <p>Conditions 3 and 4 have been deleted as they will no longer be relevant when the designation forms part of the Unitary Plan.</p>
	533	<p>Modify the purpose from “Proposed Recreation Reserve, Mt Eden/Balmoral Road” to “local park including esplanade reserves, accessways and walkways. Works include parking, operation, maintenance and upgrade of land for aforementioned purposes”.</p> <p>Condition 1 is deleted as Council has not classified the land as a recreation reserve.</p> <p>Conditions 2 and 3 are deleted because the land has already been zoned Open Space 2 and the condition cross-refers to the operative district plan which will no longer be relevant under the Unitary Plan.</p> <p>Conditions 4 and 5 have been deleted as they will no longer be relevant when the designation forms part of the Unitary Plan.</p>
	535	<p>Modify the purpose from: “Proposed Open Space Reserve, Recreation Purposes, Wilding Avenue” to “local park including esplanade reserves, accessways and walkways. Works include parking, operation, maintenance and upgrade of land for aforementioned purposes”.</p>

		<p>Condition 1 is deleted because it repeats sections of the Resource Management Act 1991 which is not necessary. Condition 2 has been deleted as it will no longer be relevant when the designation forms part of the Unitary Plan.</p>
	539	<p>Modify the purpose from: “Community Use: Sport, recreation and community facilities, 56-58A Owairaka Avenue” to “local and sports park including esplanade reserves, accessways and walkways. Works include parking, operation, maintenance and upgrade of land for aforementioned purposes”.</p> <p>Conditions 1 and 2 are deleted as they will no longer be relevant when the designation forms part of the Unitary Plan. The advice notes are deleted because they repeat sections of the Resource Management Act 1991 which is not necessary.</p>
	542	<p>Modify the purpose from: “Works depot, Mountain Road” to “Council works depot”.</p>
	545	<p>Modify the purpose from: “Proposed Public Reserve, Wolverton Estuary” to “local park including esplanade reserves, accessways and walkways. Works include parking, operation, maintenance and upgrade of land for aforementioned purposes”.</p> <p>Condition 1 is deleted because it cross refers to the operative district plan which will no longer be relevant under the Unitary Plan.</p> <p>Condition 2 is deleted as it is considered that the detail of any landscaping would be provided in an outline plan of works for development of the site at the appropriate time. Conditions 3 and 4 have been deleted as the designation has been given effect to and the lapse date will no longer apply when the designation is included in the Unitary Plan.</p>
	546	<p>Modify the purpose from: “Proposed Public Reserve, Wolverton Street” to “local park including esplanade reserves, accessways and walkways. Works include parking, operation, maintenance and upgrade of land for aforementioned purposes”.</p>

		Condition 1 is deleted because it cross refers to the operative district plan which will no longer be relevant under the Unitary Plan. Conditions 2 and 3 have been deleted as they will no longer be relevant when the designation forms part of the Unitary Plan.
	606	Modify the purpose from: “Public open space for active outdoor recreation and organised sports purposes” to “local and sports park including esplanade reserves, accessways and walkways. Works include parking, operation, maintenance and upgrade of land for aforementioned purposes”.
	621	Modify the purpose from: “Manukau City Council Depot” to “Depot”. Delete the specific parking loading and access rules included in the Manukau City Council designation and replace with the applicable Proposed Auckland Unitary Plan reference.
Assessment of rollover modifications and reasons	The modifications rationalise the designation purposes and delete conditions which repeat the Resource Management Act 1991 or reference operative plan provisions. The modifications involve no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned.	
Submitters and summary of relief sought in submissions	NA	
Assessment of submissions and reasons	NA	
Recommendation to Panel	That the Panel recommends to Council that the designations set out in Section 6 are confirmed with all modifications.	
Response from requiring authority	Agrees with the above recommendations to Panel.	
Recommendation from Panel	The Panel agrees with the report writer’s recommendations.	
Panel Reasons	The Panel agrees with the report writer’s reasons and notes that Designation 621 is also addressed in the IHP Report to AC_074 Auckland Council - moderately complex, but that no further modifications are recommended in that report.	