

AUCKLAND UNITARY PLAN  
INDEPENDENT HEARINGS PANEL

*Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau*

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Report to Auckland Council  
Hearing topic 074 Designations

Auckland Council

Minor matters and errors

May 2016

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**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 4 September 2015 (updated 19 October 2015 and 21 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 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 (submissions to correct errors or address minor matters);
- iii. modification to a designation and submissions lodged by the requiring authority (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, the 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.

<b>Author</b>	David Wren
<b>Author's Signature</b>	
<b>Date</b>	4 September 2015 (Updated 21 January 2016)

#### 4. 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 notices of requirement for the modifications to the designations included in the Proposed Auckland Unitary Plan subject to the further modifications shown in Attachment 1 and Attachment 2.

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.

<b>Panel Chair</b>	David Kirkpatrick
<b>Chair's Signature</b>	
<b>Date</b>	18 May 2016

## 6. Assessment of modifications and designations

Requiring authority	Auckland Council
Designation number (s)	General – Regional Parks 400, 401, 402, 403, 404, 415, 416, 418, 426, 427, 429, 430, R431, R432, 600, 601, 603, 604, 605, 608, R609, 616. (R431, R432 and R609 are also reported on in AC001 in “Report on Designations, modifications and requirements from Auckland Council classified as moderately complex”) (400, 401, 402, 403, 404, 415, 416, 418, 426, 427, 429, 430, 600, 601, 603, 604, 608 and 616 are also reported on in “Report on designation modifications and submissions addressing minor matters and errors in the Auckland Council Designations Regional Parks”) 417 Rosedale Landfill – 62 Greville Road, Albany 424 Woodglen Road Local Park – 45 Woodglen Road, Glen Eden R431 Regional Parkland at Pakiri – Pakiri River Road, Pakiri 527: Riversdale Road Local and Sports Park (also addressed in local parks minor report) 528 Riverside Road Local and Sports Park – 93-123 Riversdale Road, Avondale 551 Captain Springs Road Local and Sports Park – 69 Captain Springs Road, Te Papapa 602 Regional Botanic Gardens - 100 Hill Road, Manurewa
Designation purpose	As above
Location	As above
Designation given effect to	Various
Lapse date in operative plan	Various
Rollover designation with no modifications	Not addressed in this report.
Description of the modification	NA
Land owned by the requiring authority	Yes
Submitter	Auckland Council
Matters addressed in submission	<b>General</b> Amend table in clause 3 of Conditions - General to read: 'construction and maintenance of tracks and trails up to <del>4.5m</del> <u>3.0m</u> width'; and '...toilet blocks up to <del>60m<sup>2</sup></del> <u>100m<sup>2</sup></u> in area'. [Relevant designation not specified, inferred to relate to all Regional Parks designations].  <b>417 Rosedale Landfill</b> Amend the 4th paragraph of the Purpose to read ..."intention <u>is</u> for the site <u>to be</u> a recreation reserve <del>is indicated by a policy in Section 19.3.2</del>  Amend condition 3.14 to read "...with regard to Odour ( <del>Rule 10.4.2</del> ), Dust ( <del>Rule 10.4.3</del> ) and Noise ( <del>Rule 10.5</del> ) in the <u>Unitary Plan.</u> "

	<p>Remove final sentence of condition 4.4 as follows: <del>Whilst these matters are affected by legal conditions which impose constraints on the ARC's powers, the ARC shall continue to participate in discussions on these issues with the Council.</del></p> <p><b>424 Woodglen Road Local Park</b></p> <p>Remove designation over Lot 1 DP 74821 [47 Woodglen Road, Glen Eden] and the immediately adjoining land to align with the open space zone.</p> <p><b>R431 Regional Parkland at Pakiri</b></p> <p>Amend the designation map label from 430 to R431 at Lot 1 DP 18588 Lot 3 DP 117489 Lot 2 DP 117489 and Lot 3 DP 117489 [Witten Road, Pakiri].</p> <p><b>528 Riverside Road Local and Sports Park</b></p> <p>Amalgamate Designation 527 with 528 and rename both to 527. As both are Riversdale Road Local and Sports Park.</p> <p><b>551 Captain Springs Road Local and Sports Park</b></p> <p>Amend condition 2(c) to read: "...where the sites adjoins land to the north zoned Public open space - sport and active recreation. [insert new name for this open Space 3 zone site in the Unitary Plan] there is no yard".</p> <p>Amend condition 6 to read: "...from the adjoining land zoned Special purpose – cemetery and public open space – sport and recreation...</p> <p><b>602 Regional Botanic Gardens</b></p> <p>Amend the name of the park to "Auckland Botanic Gardens" and replace the table in clause 3 Condition – General with condition attached A [Refer to attachment 1455, Volume 13, Page 17-21/24].</p>
Assessment and reasons	<p>The submissions:</p> <ul style="list-style-type: none"> <li>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; and</li> <li>ii. involve only minor changes or adjustments to the boundaries of the designation or requirement.</li> </ul>
Recommendation to Panel	<p><b>1. General</b></p> <p>Amend table in clause 3 of Conditions applying the Regional Parks - General to read: "construction and maintenance of tracks and trails up to <del>4.5m</del> <u>3.0m</u> width"; and "...toilet blocks up to <del>60m<sup>2</sup></del> <u>100m<sup>2</sup></u> in area". [Relevant designation not specified, inferred to relate to all Regional Parks designations].</p>

	<p><b>2. 417 Rosedale Landfill</b> Amend the 4th paragraph of the Purpose to read “...intention <u>is</u> for the site <u>to be</u> a recreation reserve <del>is indicated by a policy in Section 19.3.2</del>”</p> <p>Amend condition 3.14 to read "...with regard to Odour (<del>Rule 10.4.2</del>) , Dust (<del>Rule 10.4.3</del>) and Noise (<del>Rule 10.5</del>) in the <u>Unitary Plan.</u>"</p> <p>Remove final sentence of condition 4.4 as follows: <del>Whilst these matters are affected by legal conditions which impose constraints on the ARC’s powers, the ARC shall continue to participate in discussions on these issues with the Council.</del></p> <p><b>3. 424 Woodglen Road Local Park</b></p> <p>Remove designation over Lot 1 DP 74821 [47 Woodglen Road, Glen Eden] and the immediately adjoining land to align with the open space zone as shown in Attachment 2 below.</p> <p><b>4. R431 Regional Parkland at Pakiri</b></p> <p>Amend the designation map label from 430 to R431 at Lot 1 DP 18588 Lot 3 DP 117489 Lot 2 DP 117489 and Lot 3 DP 117489 [Witten Road, Pakiri].</p> <p><b>5. 528 Riverside Road Local and Sports Park</b></p> <p>Amalgamate Designation 527 with 528 and rename both to 527. As both are Riversdale Road Local and Sports Park.</p> <p><b>6. 551 Captain Springs Road Local and Sports Park</b></p> <p>Amend condition 2(c) to read: "...where the sites adjoins land to the north zoned <u>Public open space - sport and active recreation</u>. [<del>insert new name for this open Space 3 zone site in the Unitary Plan</del>] there is no yard.</p> <p>Amend condition 6 to read: "...from the adjoining land zoned <u>Special purpose – cemetery and Public open space – sport and recreation...</u>"</p> <p><b>7. 602 Regional Botanic Gardens</b></p> <p>Amend Designation 602 as set out in Attachment 1.</p>
Response from requiring authority	Agrees with the above recommendations to Panel.
Recommendation from Panel	The Panel agrees with the report writer’s recommendations.
Reasons	The Panel agrees with the report writer’s reasons.

## 7. Attachment 1 changes to text of the Proposed Auckland Unitary Plan

**Amend Designations 400, 401, 402, 403, 404, 415, 416, 418, 426, 427, 429, 430, R431, R432, 600, 601, 603, 604, 605, 608, R609, 616 as follows:**

Amend table in clause 3 of Conditions - General to read: 'construction and maintenance of tracks and trails up to ~~4.5m~~ 3.0m width'; and '~~...toilet blocks up to 60m<sup>2</sup>~~ 100m<sup>2</sup> in area'

**Amend designation 417 as follows:**

Amend the 4th paragraph of the Purpose to read ..."intention is for the site to be a recreation reserve ~~is indicated by a policy in Section 19.3.2~~

Delete the existing text of condition 3.14 and replace with new text to read:

3.14 No activity shall create:

a. any intrusive odour which is, or is likely to be, either objectionable or offensive in the opinion of an enforcement officer, and is able to be detected beyond the boundary of any site within a residential, future urban, rural or open space zone;

b. dust which is, or is likely to be, either objectionable or offensive in the opinion of an enforcement officer, beyond the site boundary of the activity, except that this rule shall not apply to any construction, maintenance or demolition activities provided that the Best Practical Option is applied and all practical measures are applied to avoid, remedy or mitigate any dust nuisance beyond the boundary of the activity.

c. noise (rating) levels arising from the designated activity measured within the boundary of the designation exceeding 70dB LAeq. Where noise generated by the designated activity is received outside the designation boundary, the activity generating the noise must comply with the noise limits and controls of the different zone at the receiving site.

Remove final sentence of condition 4.4 as follows: ~~Whilst these matters are affected by legal conditions which impose constraints on the ARC's powers, the ARC shall continue to participate in discussions on these issues with the Council.~~

**Amend designation 551 to read as follows:**

Amend condition 2(c) to read: "...where the sites adjoin land to the north zoned Open Space - Sport and Active Recreation. [~~insert new name for this open Space 3 zone site in the Unitary Plan~~] there is no yard.

Amend condition 6 to read: "...from the adjoining land zoned Special Purpose – Cemetery and Open Space – Sport and Recreation [~~insert new names for this Open Space 4 and Open Space 2 Zone sites in the Unitary Plan~~]...

**Delete all of Designation 528 including its listing in the designation schedule**

**Amend Designation 602 as follows:**

Designation Number	602
Requiring Authority	Auckland Council
Location	100 Hill Road, Manurewa
Rollover Designation	Yes
Legacy Designation	Designation 190, Auckland Council District Plan (Manukau Section) 2002
Lapse Date	Given effect to (i.e. no lapse date)

## **Purpose**

Auckland botanic gardens - to create and maintain gardens, buildings, structures and visitor services for the propagation, display, conservation, education and research of plants, and to facilitate the development of trails and visitor infrastructure for informal outdoor recreation activities, education and events. Works include operation, upgrade and maintenance associated with the aforementioned activities.

## **Conditions**

### **General**

1. Any works are to be undertaken in accordance with either the approved Auckland Botanic Gardens (2001) or any subsequent management plan.
  
2. Before any works, including new buildings, are undertaken an Outline Plan(s) shall be submitted in terms of Section 176A of the Resource Management Act 1991 to the Council unless the works are exempt, under Condition 3, from requiring an outline plan of works. The Outline Plan(s) of Works shall show those matters required by Section 176A of the Act and those matters specified in the following conditions (where relevant). All work shall be undertaken in accordance with the Outline Plan(s).
  
3. The following works will be exempt from an outline plan of works, except where the works involve a scheduled heritage place, pursuant to section 176A (2) of the Resource Management Act 1991:

Development and maintenance of park infrastructure	Nature of works
<u>Gardens and garden structures</u>	<p><u>Construction and maintenance of gardens and garden structures</u></p> <p>Works and structures associated with operating and maintaining display gardens, including workshops, garden walls, structures, ornamental ponds, and education and interpretation facilities.</p>
<u>Garden pathways</u>	<p><u>Construction and maintenance of garden pathways in a manner that prevents erosion and/or avoids sensitive natural and cultural features and sites</u></p> <p><u>Construction and maintenance of the main garden path up to 3.5 metres in width and secondary loop paths and garden paths up to 1.8 metres in width, including the construction of path structures, such as directional signs, information signs, safety barriers, foot bridges, steps, board walks and rafts, and the maintenance of existing paths involving:</u></p> <p>(i) <u>Water tables and track drainage</u></p> <p>(ii) <u>Track surfaces</u></p> <p>(iii) <u>Modification of vegetation up to 1 metre from the edge of the path.</u></p>
Tracks	<p>Construction and maintenance of tracks and trails in a manner that prevents erosion and/or avoids sensitive natural and cultural features and sites</p> <p>Construction and maintenance of tracks and trails up to 4.5 3 metres in width, including the construction of track structures, such as directional signs, information signs, safety barriers, foot-bridges, steps, board walks and rafts, and the maintenance of existing tracks involving:</p> <p>(i) Water Tables and track drainage</p> <p>(ii) Track surfaces</p> <p>(iii) Track structures</p> <p>(iv) Modification of vegetation up to 1 metre from</p>

Buildings, structures and utility services, including drainage systems	Construction and maintenance of minor recreational structures and utility services	The construction of utility services and minor recreational structures, such as notice boards, signs, picnic tables, styles, entrance gates, <del>and shade shelters,</del> <u>information kiosks and toilet blocks up to 60-100m<sup>2</sup> in area.</u>
	Maintenance, repairs and minor alterations to buildings, structures and utility services	
Car parking and roads	Construction and maintenance identified in an approved management plan and minor alterations to existing car parks and roads	Maintenance of car parking areas and access roads, including the modification of vegetation up to 1m from the edge of the car park or road, or within the car park for safety reasons
<del>Farming, including farm woodlots</del>	<del>Construction and maintenance of farming structures and roads</del>	<del>Works associated with operating and maintaining existing farm operations, including management livestock fencing and the fencing of conservation and cultural heritage sites, and livestock management structures, such as stockyards</del>
Vegetation	Management of vegetation for specified reasons	Vegetation management involved in: (i) Removal of non-native and non-scheduled plants (ii) The development of approved works (iii) The maintenance of view shafts identified in the <u>Regional Parks Management Plan Auckland Botanic Gardens Master Plan 2009 and any subsequent management plan.</u> (iv) <del>Management of farm woodlots, including their harvest</del>

Note:

This condition does not prevent the use of the land for the purpose of Regional Park.

### **Cultural / Heritage / Archaeological**

4. Where any works or development involve the demolition of, or alterations or additions to a scheduled historic heritage place (item) an outline plan of works is required. The following shall be submitted with the outline plan of works:

- a. An assessment of the effects on the historic heritage values of the place; and
- b. A consideration of alternative methods and/or appropriate mitigation to prevent or avoid damage, loss or destruction of the values of the historic heritage place

Note:

For the avoidance of doubt, this condition does not prevent the use of the land for park purposes, but is to conserve and protect the recognised natural and cultural values that significantly contribute to the park.

### **Exemptions**

Condition 4 will not apply in the following circumstances:

- i. Where there is a conservation plan or similar plan that has been prepared for the management of the scheduled historic heritage place and the proposed new works are in accordance with this conservation plan. The conservation plan or similar plan may be prepared as a document supplementing the approved management plan, prepared in terms of section 83 of the Local Government Act 2002, but must include an assessment of the historic heritage values of the place, relevant management policies and objectives, and a specific management plan and a monitoring regime.

### **Transport**

4. 5. An Integrated Transport Assessment shall be prepared and accompany any Outline Plan of Works which results in predicted vehicle movements to and from the park exceeding 100 vehicle movements per hour (excluding events).

The Integrated Transport Assessment (ITA) report shall be produced by a suitably qualified traffic engineer and/or transportation planner to the satisfaction of Auckland Transport, Manager of Road Corridor Operations. The ITA shall give particular consideration to the following matters:

- i. The effects on the surrounding public road network arising from parking usage, access, loading, traffic generation in the park, including addressing any real or potential road safety implications;
- ii. Pedestrian accessibility to the site and the need for any infrastructure to ensure

safe crossing points are provided for including provision for cyclists;

- iii. Where passing bays are proposed on any road which is only wide enough for one way traffic; and
- iv. Public transport accessibility, including tourist buses and campervan, particularly onsite manoeuvring.

### **Parking & Access**

5. 6. The following works related to new roading and/or additional parking shall be constructed to the satisfaction of council:

- i. The first 20m of access from any sealed public road shall be appropriately sealed with all-weather dust free surface; and
- ii. Parking and loading areas immediately adjoining a public road shall be designed and constructed in accordance with AS/NZS 2890.1:2004 standards or any subsequent revisions.

### **Advice Notes**

1. The Requiring Authority and operational staff are encouraged to seek advice from council's Heritage Unit prior to undertaking the exemptions to Condition 4 in order to confirm an outline plan is not required.

2. Work affecting both recorded and unrecorded pre-1900 archaeological sites (including surface and sub-surface marine and terrestrial deposits, building or structures) is subject to an authority under the Historic Places Act 1993. Any activity that may modify, damage or destroy an archaeological site requires an authority from the New Zealand Historic Places Trust (NZHPT) in order for the work to proceed lawfully. If an unrecorded archaeological site is discovered while undertaking work, work must cease and the NZHPT advised of the discovery. The NZHPT will inform the designating authority of the protocol, which may require obtaining a retrospective authority to modify. In addition to advising the NZHPT, Council's Heritage Unit shall be advised of the discovery.

3. Examples of evidence of archaeological sites include (but are not limited to) burnt and fire cracked stone, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori and European origin or human burials.

4. The Auckland Botanic Gardens Management Plan is prepared in accordance with

Section 83 of the Local Government Act 2002 and, where appropriate, Section 41 of the Reserves Act 1977. Public consultation is required at the time of preparing or amending a management plan.

### **Attachments**

No attachments.

## 8. Attachment 2 changes to maps in the Proposed Auckland Unitary Plan

Amend the designation map label from 430 to R431 at Lot 1 DP 18588 Lot 3 DP 117489 Lot 2 DP 117489 and Lot 3 DP 117489 [Witten Road, Pakiri].

Extend the boundary of Designation 427 to include all of the area of Designation 428 which is to be deleted.

# Changes to Designation 424

— New Boundary

