

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

Report on Auckland Council
Hearing topic 074 Designations

Minister of Defence

Minor matters and errors

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: 24 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.

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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 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 that the errors identified be corrected as set out in section 6.


Author	Murray Kivell
Author's Signature	
Date	24 August 2015 and updated 1 October 2015 with no change

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 notice of requirement for the modifications to designations 4300, 4301, 4302, 4303 and 4312 included in the Proposed Auckland Unitary Plan subject to the further modifications shown in Attachment 1 and Attachment 2.

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	Minister of Defence
Designation number (s)	4300, 4301, 4302, 4303, and 4312.
Designation purpose	Defence Purposes as defined by section 5 of the Defence Act 1990.
Location	Various
Designation given effect to	Yes
Lapse date in operative plan if not marked as 'given effect to' in the Proposed Auckland Unitary Plan	Given effect to.
Land owned by the requiring authority	4312 – Department of Conservation and New Zealand Forest Products Limited
Description of the modification in the rollover	<p>The modifications sought in the rollover seek the following changes:</p> <ul style="list-style-type: none"> i. amended wording which elaborates the purpose of the designation; ii. minor changes to legal descriptions (including the correction of errors) and corresponding mapping changes; iii. the addition of two conditions that improve the workability of the designation by clarifying that an outline plan is not required for maintenance works or for activities that are provided for as permitted activities; iv. removal of a designation condition (4302) in respect of protecting a macrocarpa tree on the designation site listed in the schedule of notable trees (within the Proposed Auckland Unitary Plan). v. removal of lapse dates listed in Appendix B of the operative district plan.
Assessment of rollover modifications and reasons	<p>The amended purpose statements proposed serve to clarify the nature of the designation and do not alter the activities undertaken in the designation itself.</p> <p>The changes to the legal descriptions and mapping enhance the accuracy of the schedule and are considered only minor adjustments.</p> <p>Removing an obligation on the requiring authority to provide an outline plan for an otherwise permitted activity is consistent with standard planning practice and will not change the effects of the designation on the environment.</p> <p>Auckland Council has agreed in topic 025 that the macrocarpa tree should be removed from the schedule of notable trees due to its poor condition. Therefore, the removal of Condition 1 from the operative plan designation will generate no more than minor effects on the environment.</p>

	<p>The designation lapse dates are now redundant as the designations have been given effect to.</p>
<p>Submitters and summary of relief sought in submissions</p>	<p>There are broad submissions seeking protection of historic heritage and sites of significance to tangata whenua from the Character Coalition (6370-15) and New Zealand Historic Places Trust (Heritage New Zealand) Pouhere Taonga (371-214, 215, 216 and 217).</p> <p>The requiring authority has made a primary submission (838-38) seeking that the term 'purpose' be used in place of 'description'.</p> <p>New Zealand Defence Force submission 838-31 seeks a minor mapping change for Designation 4303.</p> <p>New Zealand Defence Force submission 838-37 seeks a mapping correction to Designation 4312 as the designation cannot apply over water. This submission also seeks the removal of two designation conditions which were not on the Minister's notice.</p> <p>No other third party submissions have been identified.</p>
<p>Assessment of submissions and reasons</p>	<p>While some of the designations contain historic heritage sites and sites of significance to mana whenua, the extent of the modifications and changes sought through the New Zealand Defence Force submissions is such that these sites will remain unaffected, as the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 apply regardless, and effects on heritage values can be addressed through the outline plan process.</p> <p>The change requested in submission 838-38 has already been identified on the list of minor amendments identified by Auckland Council.</p> <p>Submission 838-38:</p> <p>Correct the formatting of the designations, including deleting the word 'Description' and replacing it with the word 'Purpose'.</p> <p>Submission 838-37:</p> <p>The submissions seeking mapping corrections are supported as these are considered minor changes.</p> <p>The submission seeking the removal of the two designation conditions not on the Minister's notice (4312) is supported as this has already been acknowledged by Auckland Council as a transcribing error in the list of minor amendments to designations identified by Auckland Council.</p>

Recommendation to Panel	That the Panel recommends to Council that the designations are confirmed with all modifications requested. With respect to the changes sought through submission, these are supported also as set out in Attachments 1 and 2.
Response from requiring authority	Agrees with the above recommendations to Panel (in letter from Tonkin and Taylor dated 11 September 2015).
Report writer's further comments	None required.
Recommendation from Panel	The Panel agrees with the report writer's recommendations.
Panel Reasons	The Panel agrees with the report writer's reasons.

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

Amend the “description” for 4300, 4301, 4302, 4303, and 4312 as follows:

Purpose Description

Amend the conditions of 4312 as follows:

Conditions

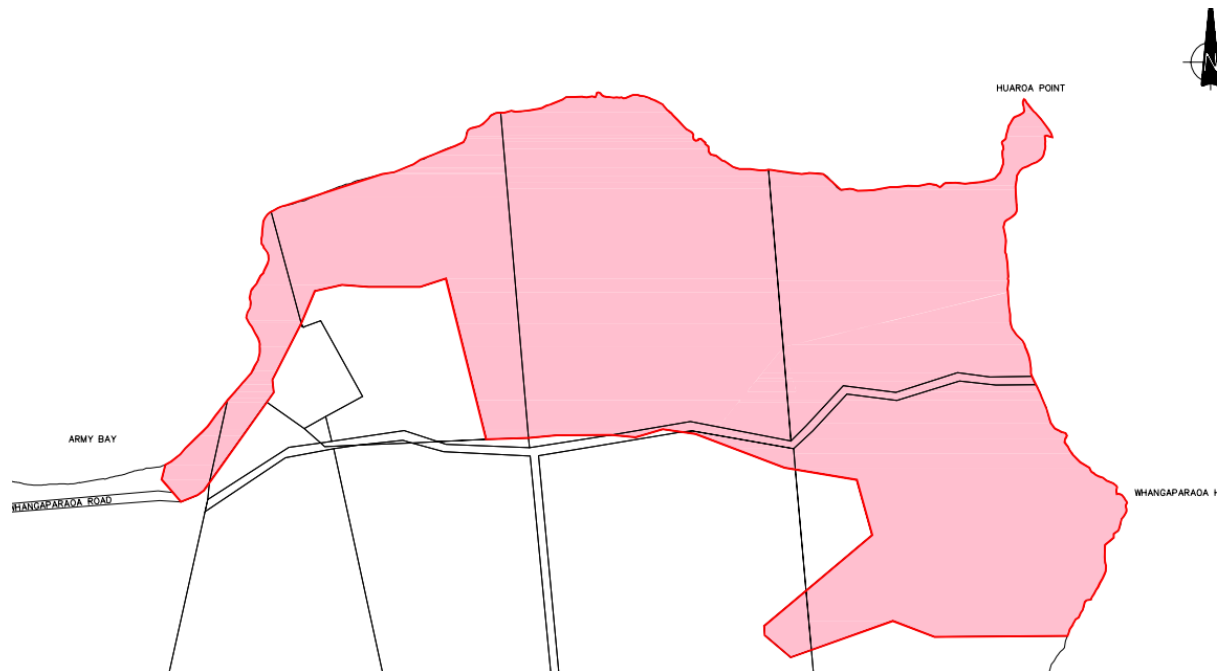
No conditions

~~1. Works and projects that comply with the permitted activity rules of the underlying zoning are incorporated into this designation and, in accordance with section 176A(2)(b) of the Resource Management Act 1991, no outline plan is required for those activities.~~

~~2. For the avoidance of doubt, maintenance activities do not require an outline plan.~~

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

Insert the map for designation 4303 as follows:



Delete the map for designation 4304 entirely from the maps.

Amend the map designation 4312 so that only the area in pink in the map below is included in the designation. In other words, all parts of the designation below mean high water springs are to be deleted.

