

Proposed Plan Change: Ambrico Reserve

Background Report and Analysis under Section 32 Of the Resource Management Act 1991

The Proposed Plan Change seeks to re-identify the existing Human Environment classification from Working Environment to Open Space Environment at 5 Ambrico Place, New Lynn.

1 Introduction

This report provides detailed background to the Proposed Plan Change: Ambrico Reserve. In addition, this report has been prepared to fulfil the requirements of Section 32 of the Resource Management Act 1991 (the Act). Section 32 of the Act requires that an evaluation of the proposed plan change be undertaken, and that a report summarising the evaluation be available for public inspection at the time the plan change is publicly notified.

Ambrico Reserve currently contributes to the amenity and visual appeal of Ambrico Place, and provides substantial play areas and space for passive recreation for the residents of Ambrico Place. It is apparent that the current identification of the land (Working Environment) is not appropriate, and that as the land is to be retained as a reserve an Open Space identification of the site is more appropriate.

The site currently is designated for reserve purposes in the District Plan. As a consequence of this Plan Change, the designation on the site will no longer be required. It is intended that the designation be removed without further formality once the Proposed Plan Change is operative.

1.1 History

Historically the subject site formed part of the Comalco Industrial Estate and was zoned Industrial B under the New Lynn District Scheme. Subdivision of the industrial estate to develop medium density housing occurred in 1992, and that subdivision created the current site.

The development at Ambrico Place comprising medium density housing developments resulted in generally smaller areas of private open space for residents. Council's Parks Strategy recognises the need to provide adequate and accessible local parks and reserves to the City's residents. During 2000, the Council and local community developed 5 Ambrico Place as a Neighbourhood Park. Council took informal possession of the site, undertaking improvements to the land and made a significant financial investment to develop the land for reserve purposes.

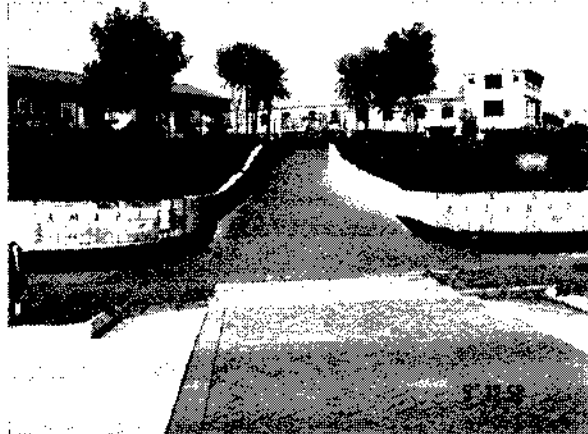
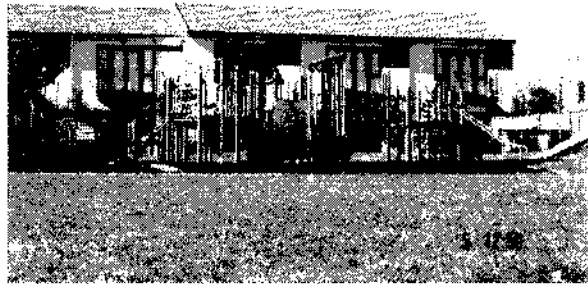
The Council resolved to designate the land at 5 Ambrico Place as a proposed reserve in September 2001 to protect its interest in the land and give a clear signal of its intention to create a public reserve. The designation was incorporated into the then Proposed District Plan in March 2002. Subsequently, Council purchased the site in April 2002.

2 Location and Description of Site and Surrounds

The site is located at 5 Ambrico Place, New Lynn, and is legally described as Lot 3 DP 152489. The Certificate of Title is attached (see Appendix One). The site has a total land area of 2101m². The site is currently identified as Working Environment and General Natural Area in the District Plan on maps 8 and 21. Ambrico Place is identified as a local road.

The site has a northerly aspect and is relatively flat, although elevated on the western side and being approximately 1.5 metres above the northern roadside. There are two entrances to the reserve from Ambrico Place.

The site, as discussed above, has been developed and maintained as a neighbourhood reserve for some time. The site is known locally as "Ambrico Reserve" and the main entrance to the reserve has two large mosaics with this name (see below).



The reserve contains both hard surface and grassed outdoor passive recreation facilities. Approximately two-thirds of the reserve has been developed for passive recreation purposes. Development consists of 'play-ground' facilities designed for children under 12 years of age, a petanque court, a brick maze set into the ground, paving, seating and landscaping. The remaining one third of the subject site remains vacant and is grassed.

Tuscany Terraces, one of the medium density housing developments in Ambrico Place, adjoins the proposed reserve along the western site boundary. Residents of eleven units at Tuscany Terraces directly abut Ambrico Reserve. Tuscany Towers is located immediately adjacent to the vehicle access along the southern boundary of the reserve.

All of the surrounding properties except 10 Ambrico Place, although within the Working Environment, comprise established medium density housing developments. Council has recently purchased 10 Ambrico Place, previously occupied by "Homeworks", timber merchants, and Waitakere Properties Limited have been instructed by Council to investigate options for developing the site. The reserve is therefore almost completely surrounded by residential activities comprising over 300 household units with approximately 600-800 residents.

In addition, a number of other reserves have been created or upgraded to meet the demands of the medium density developments in Ambrico Place. These include Gardner Reserve, Manawa Wetland, Margan Reserve and Ambrico Kiln Reserve (the reserve containing the historic kiln opposite the subject site).

Ambrico Place is within walking distance of the New Lynn town centre, shopping mall, and bus and rail stations.

3 Description of Proposed Plan Change

The Proposed Plan Change comprises the re-identification of the subject site's existing Human Environment classification from Working Environment to Open Space Environment.

3.1 Proposed Changes to the District Plan Maps:

Ambrico Reserve appears on District Plan Maps 8 and 21, and on map F11 of the soon to be reprinted District Plan Maps. The Proposed Plan Change map is attached (see Appendix Two).

The underlying natural area of the subject site is the General Natural Area. It is not proposed to alter this identification. There are no other natural features identified on the site.

3.2 Proposed Changes to the District Plan Policies, Objectives, Methods and Rules:

There are no proposed changes to the policies, objectives, methods or rules of the District Plan. However, once the Proposed Plan Change is operative, Designation WCCOS4 shall be removed without further formality. This will require the removal of the designation from the Designation Appendix contained within Volume 1 of the Rules section of the District Plan and from the relevant District Plan maps.

4 Statutory and Non-Statutory Planning Framework

4.1 Statutory Planning Framework

4.1.1 Resource Management Act 1991

The Resource Management Act 1991 (the Act) provides a legislative framework for the sustainable management of natural and physical resources in New Zealand. The purpose of the Act is to promote the sustainable management of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety. Part II (Sections 5-8) sets out the Purpose & Principles of the Act.

Section 5 (2) defines the purpose of the Act, sustainable management as:

“managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

Section 6 outlines Matters of National Importance that must be recognised and provided for:

“6. Matters of National Importance –

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development:*
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development:*
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers:*
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, site, waahi tapu and other taonga:*
- (f) The protection of historic heritage from inappropriate subdivision, use and development.”*

Section 7 sets out Other Matters that must be given particular regard including:

- (a) “Kaitiakitanga;*
- (b) The efficient use and development of natural and physical resources;*
- (c) The maintenance and enhancement of amenity values;*
- (d) Intrinsic values of ecosystems;*
- (e) Maintenance and enhancement of the quality of the environment;*

Section 8 of the Act requires that the principles of the Treaty of Waitangi be taken in account.

Part IV of the Act relates to functions, powers and duties of Central and Local Government.

Councils' functions are outlined in Section 31 as the control of actual and potential effects of the use, development or protection of land and associated natural and physical resources in order to achieve the purpose of the Act. Council is to establish, implement and review objectives, policies and methods to achieve this and can also include rules, which prohibit, regulate or allow activities. The District Plan is a tool to assist Council in achieving its function. Section 31 of the RMA outlines Council's functions as follows:

- (a) *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
- (b) *The control of any actual or potential effects of the use, development, or protection of land, including the for the purpose of-*
 - (i) *the avoidance or mitigation of natural hazards; and*
 - (ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances;*
 - (iii) *the maintenance of indigenous biological diversity:*
- (c) *The control of the subdivision of land:*
- (d) *The control of the emission of noise and the mitigation of the effects of noise:*
- (e) *The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
- (f) *Any other functions specified in this Act.*

The purpose of a district plan as outlined in section 72 of the Act is to assist Council to carry out its functions. Section 74 (1) of the Act is the statutory basis on which Council undertakes changes to it's plan. Section 74(1) states that:

"A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part II, its duty under section 32, and any regulations."

Therefore before adopting an objective, policy or rule or other method in the District Plan a rigorous assessment under Section 32 of the Act must be carried out. Section 32 (3-6) states:

- (3) *An evaluation must examine –*
 - (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
 - (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*
- (4) *For the purposes of this examination, an evaluation must take into account –*
 - (a) *the benefits and costs of policies, rules, or other methods; and*
 - (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*
- (5) *The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*
- (6) *The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.*

Part V of the Act relates to Standards, Policy Statements and Plans. Section 74 (1) has been mentioned above, however the remainder of that section of the Act is also relevant to plan changes:

- (2) *In addition to the requirements of section 75(2), when preparing or changing a district plan, a territorial authority shall have regard to—*
- (a) *Any—*
 - (i) *Proposed regional policy statement; or*
 - (ii) *Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
 - (b) *Any—*
 - (i) *Management plans and strategies prepared under other Acts; and*
 - (ii) *repealed*
 - (iia) *Relevant entry in the Historic Places Register; and*
 - (iii) *Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—*
to the extent that their content has a bearing on resource management issues of the district; and
 - (c) *The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*
- (2A) *A territorial authority must, when preparing or changing a district plan, take into account any relevant planning document recognised by an iwi authority, and lodged with the authority, to the extent that its content has a bearing on resource management issues of the district.*
- (3) *In preparing or changing any district plan, a territorial authority must not have regard to trade competition.*

In respect of district plans, Section 75 states that:

- (1) *A district plan must state –*
- (a) *the significant resource management issues for the district; and*
 - (b) *the objectives sought to be achieved by the plan; and*
 - (c) *the the policies for those issues and objectives, and an explanation of the policies; and*
 - (d) *the methods (including rules if any) to implement the policies; and*
 - (e) *the principal reasons for adopting the objectives, policies, and methods of implementation set out in the plan; and*
 - (f) *the information to be included with an application for a resource consent; and*
 - (g) *the environmental results anticipated from the implementation of those policies and methods; and*
 - (h) *the processes to be used to deal with issues that cross territorial authority boundaries; and*
 - (i) *the procedures used to monitor the efficiency and effectiveness of the policies, rules, or other methods contained in the plan; and*
 - (j) *any other information for the purpose of the territorial authority's functions, powers, and duties under this Act.*
- (2) *A district plan must give effect to any national policy statement or a New Zealand coastal policy statement and must not be inconsistent with –*
- (a) *a water conservation order; or*
 - (b) *the regional policy statement; or*
 - (c) *a regional plan for any matter specified in section 30(1).*

Section 76(3) requires that in making a rule, a territorial authority is to have regard to the actual or potential effect of activities on the environment.

4.1.2 Waitakere City District Plan

The subject site is identified as Working on the Human Environment maps and General Natural Area on the Natural Area maps of the District Plan. Part 5 of the District Plan describes the Working Environment as "areas which are primarily industrial in character within the urban area." The development controls in the Working Environment are designed to enable industrial and commercial activities, while mitigating any adverse effects on neighbouring environments.

Part 5 of the District Plan describes the Open Space Environment as "areas of publicly owned open space ranging from the large park areas in the Waitakere Ranges to the small local parks in the urban area." The rules for the Open Space Environment have been designed to reflect the City's recreation strategies and Reserve Management Plans that have been prepared under the Reserves Act 1977. When there is no Reserve Management Plan for a reserve or public open space, all buildings are deemed to be a non-complying activity under the rules of the Open Space Environment in the District Plan. As discussed earlier, the New Lynn Reserve Management Plan, encompassing Ambrico Reserve, is currently being developed.

The proposed plan change does not seek to amend any objectives, policies or rules of the District Plan. However, re-identifying the site as Open Space Environment will align Ambrico Reserve with the District Plan's policies and objectives seeking to provide neighbourhood parks rather than the current Working Environment provisions for industrial-type activities.

In particular, Policy 10.7 of the District Plan states:

"New public and semi-public spaces should be designed in a way that ensures the safety of all users and, in particular, should provide for:

- *overlooking (surveillance) of public and semi-public spaces from surrounding buildings during the day and where possible at night;*
- *direct and efficient movement routes through such spaces;*
- *adequate signage indicating connections with other routes, and the location of the space within the surrounding area for public reserves, walkways, and within Community Environments;*
- *adequate lighting;*
- *integration of pedestrian systems with vehicle routes;*
- *the minimisation of any physical barrier to the reasonable movement of people within any public space."*

And Policy 11.5 states:

"New public open space should be designed and located in a way that:

- *minimises isolation and separation of such space from public roads;*
- *maximises access to local neighbourhoods (where that is compatible with the role such open space may have within the Green Network);*
- *where possible, creates or contributes to a neighbourhood focal point;*
- *ensures, where appropriate, integration with the objectives and policies relating to the Green Network;*
- *enhances practical public access linkages between areas of public open space, roads, and to and along waterways and the coast;*

- *enhances the amenity values of the surrounding Environment and neighbourhood character.”*

Policies 10.7 and 11.5 of the District Plan articulate the Council's approach to open space within the City and are the foundation upon which the Open Space Environment Rules are based. These policies therefore illustrate what the Council is seeking to achieve at Ambrico Reserve and provide the basis for why a Proposed Plan Change is required. Given the extensive medium density residential development in Ambrico Place, the open space that is available at Ambrico Reserve fulfils the intention of these two policies. In particular, Ambrico Reserve meets the policies in terms of surveillance, signage, access to local neighbourhoods, the creation of a neighbourhood focal point, and the enhancement of amenity values in Ambrico Place.

Policy 11.14 states:

“Activities and structures located within the Community and Working Environments:

- *Must be of a height and scale which is compatible with the scale of buildings of any adjacent Environment;*
- *Should not physically dominate any residential building to the extent that the amenity values of an area are adversely affected;*
- *Should be screened in a way that buildings, parking and storage areas are not visible from any site adjacent to the Environment boundary.”*

Policy 11.14 seeks to address the potential adverse effects of industrial development on surrounding Environments. As developments on sites surrounding Ambrico Reserve are medium density residential developments the development of large-scale industrial buildings on Ambrico Reserve would obviously have a significant impact on the local residential neighbourhood. All structures within the Reserve are currently at a scale that is compatible with the surrounding residential environment.

Policy 10.2 of the District Plan states:

“Activities should not emit noise such that it causes a nuisance to occupants of surrounding properties.”

Policy 10.2 seeks to address the issue of noise from any activities on surrounding sites. A reserve is a generally accepted feature in a residential neighbourhood, and in addition, noise emitted from the site must comply with the General Noise Standards, which apply across all Environments. However, noise recently was identified as a problem in the area and this is discussed further below.

4.1.3 New Lynn Reserve Management Plan

Development within the Open Space Environments in the City is generally a permitted activity when there is an adopted Reserve Management Plan. Reserve Management Plans are a tool for managing the development and operation of parks, in conjunction with the Open Space Environment and Natural Area Rules in the District Plan. Reserve Management Plans involve considerations that go beyond the management of effects of activities to include active programmes of, for example, bush restoration, the provision of recreation facilities and general design issues. How effects of activities are managed in each park will depend on how the park has been incorporated into the overall Green Network and recreation strategies.

The Council is currently developing a New Lynn Reserve Management Plan, which includes Ambrico Reserve. Council resolved to publicly notify its intention to develop the New Lynn Reserve Management Plan (including Ambrico Reserve) on 3 September 2001. Submissions closed on 22 February 2002, but were extended to 1 March 2002 due to public requests. One submission was received regarding Ambrico Reserve, from approximately 17 residents at 1 Ambrico Place (Tuscany Towers).

Issues raised by the residents at Tuscany Towers included noise from children playing, noise from moving components of the play equipment, damage to fencing and gates, trespassing on private property, supervision of play equipment, personal safety, and protection from weather. Council is currently addressing a number of these concerns, including:

- redesigning the reserve to provide additional planting between the play equipment and the boundary adjoining Tuscany Towers;
- constructing new fences; and
- removing moving components of play equipment to reduce noise.

It is considered appropriate for any similar issues to be discussed and dealt with through the development of the New Lynn Reserve Management Plan. The Draft New Lynn Reserve Management Plan is due to be released for further public consultation in late 2003.

4.1.4 Auckland Regional Policy Statement

The Regional Policy Statement (RPS) seeks to maintain a quality environment for the Auckland Region and at the same time, maintain and enhance opportunities for the region's future growth. The RPS comprises four parts: Regional Overview and Strategic Direction; Resource Management Matters of Significance to Iwi; Transport and Energy; and Environmental Protection. Each part identifies issues, objectives, policies, methods, reasons and the environmental results anticipated as a result of implementation of the RPS.

It is considered that the Proposed Plan Change: Ambrico Reserve is entirely consistent with the objectives of the RPS. The reserve currently provides a recreation facility in an established residential area and the Proposed Plan Change seeks to establish the site as Open Space to align the use of the site with that Human Environment identification in the District Plan.

4.2 Non-statutory Planning Framework

4.2.1 Waitakere Long Term Council Community Plan

The 10 year Long Term Council Community Plan (LTCCP) covers the first decade of Council's 20 year Strategic Direction. The purpose of the Long Term Council Community Plan is to:

- describe the activities of the Council;
- describe the community outcomes desired for the city;
- provide integrated decision making (between the Council and the community) and co-ordination of resources;
- provide a long term focus for the Council's decision and activities;
- provide a basis for accountability to the Waitakere City community; and
- provide an opportunity for community participation.

The Proposed Plan Change would enable the continued use of 5 Ambrico Place as a public reserve. The existing reserve contributes to the amenity and visual appeal of the area, as

well as providing a play area and space for passive recreation, and contributing significantly to the amenity of the surrounding area in a manner that is consistent with the Council's strategic direction.

Given the context and scale of development in Ambrico Place, and that recent studies indicated there are a significant number of families with children residing in Ambrico Place, the provision of a safe neighbourhood park is entirely necessary and appropriate. In addition, Ambrico Reserve has possibly contributed to a reduction of crowding effects on surrounding reserves and improved access for some residents to a reserve.

4.2.2 Waitakere City Parks Strategy

Council's Parks Strategy seeks to improve accessibility to neighbourhood and local reserves. Objective 7 of the Strategy seeks to provide quality local and neighbourhood parks that are within walking distance throughout the City. Ambrico Reserve is a neighbourhood park in relation to this Strategy.

Policies 7.1 - 7.4 indicate that all residential areas should be located within 800m (a 10 minute walk) of a fully developed park. In residential areas that will experience even further growth, this standard should rise to 80% of homes being within 400m of a fully developed park. As discussed above, residents of Ambrico Place are generally within 800m, and most are within 400m, of Ambrico Reserve, as well as a number of other reserves and parks (e.g. Gardner Reserve, Manawa Wetland).

Policy 7.5 seeks that neighbourhood parks have at least a 20-metre road frontage. Ambrico Reserve meets this policy.

Finally, Policy 7.6 relates to the quality of neighbourhood parks, in particular the provision of playground equipment, landscape planting and areas for informal activity. Ambrico Reserve has been developed to meet these requirements and the re-identification of the site in the District Plan will not modify any of the built elements of the existing reserve or unnecessarily complicate the building alterations currently underway at the reserve.

5 Consultation

Clause 3 to the First Schedule to the Act states that during the preparation of a proposed plan, a local authority shall consult with the Ministry for the Environment, other Ministers of the Crown deemed to be affected, other Local Authorities deemed to be affected and the tangata whenua of the area. Clause 3 also states that a local authority may consult anyone else during the preparation of a proposed plan.

Consultation with affected parties is a key component of the plan change process. However, with regard to this Plan Change, no prior consultation has been undertaken with local residents at Ambrico Place as it is considered that the Proposed Plan Change is entirely procedural. In addition the previous designation, to identify the land for reserve purposes, was a public process. Further, opportunities for residents and any other interested party will be available to those persons through the public notification process of this Plan Change.

6 Assessment under Resource Management Act 1991

6.1 Section 32 Analysis

Council's obligations under section 32 are divided into five parts that comprise the following:

- examining the extent to which each objective is the most appropriate way to achieve the purpose of the Act;
- examining whether, having regard to efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives;
- taking into account the benefits and costs of the policies, rules or other methods;
- taking into account the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods; and
- summarising the evaluation and reasons for evaluation.

6.1.1 The extent to which each objective is the most appropriate way to achieve the purpose of the Act (s32(3)(a))

It is considered that the existing identification of the land as Working Environment is not appropriate for recreational or public use of the land. In this instance the re-identification of the land would provide a clear direction to the community on the continued use of the land as a reserve. If the existing identification and rules relating to the Working Environment were retained then the purpose of the Act would not be achieved and there may be a degree of uncertainty of the future of the use of the land.

As the Proposed Plan Change does not seek to amend an existing objective, or introduce a new objective to the District Plan, further analysis is not required. In addition, it is considered that there will be no eroding of any existing objectives as a result of amending the Human Environment identification of Ambrico Reserve.

6.1.2 Whether, having regard to efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives (s32(3)(b))

As the Proposed Plan Change does not seek to change any policy, rule or method, it is considered that no further assessment is required under this section of the Act.

6.1.3 Benefits and costs of policies, rules or other methods (s32(4)(a))

Council is required to have regard to other methods that may be used in achieving the objective of the Proposed Plan Change. This includes non-statutory methods such as education, provision of services, incentives and levying of charges. Other methods could be taking no action at all (i.e. removing all rules) or of retaining the existing rules (the status quo). The following other methods have been identified and are considered below (as well as the Proposed Plan Change):

- Retain the existing identification (the "status quo" option)
- Have no rules (the "do nothing" option)
- Schedule the site

The Proposed Plan Change

Benefits

- The Proposed Plan Change would ensure that an appropriate planning regime (policies, objectives and rules) would govern land already gazetted as reserve.
- The Proposed Plan Change would rectify an existing anomaly in the District Plan maps.
- The re-identification would enable the Council to sustainably manage a recreational resource in a suburban environment for future generations.
- The Proposed Plan Change is consistent with the provisions of Part II of the RMA, the Auckland Regional Policy Statement and the policies and objectives of the District Plan.
- The ecosystems on the subject land can be enhanced through effective management under reserve management plans and the District Plan.
- An Open Space identification is consistent with parks and reserves and the role of the Green Network.

Costs

- The cost of preparing a minor Plan Change such as this is estimated to be approximately \$10-15,000. (This cost will increase if appeals against the Council's decision are received.)

The Proposed Plan Change is considered to be the most effective and efficient method of ensuring that the regulatory regime for the site is consistent with its existing reserve status.

The Status Quo

Benefits

- There would be no costs associated with a Plan Change to alter the identification of the land.

Costs

- The policies and objectives of the Working Environment are inconsistent with reserves. This means that there is the possibility of a third party applying for a resource consent for a different activity on the reserve that would be consistent with the current zoning but inappropriate for reserve purposes (although the current designation for reserve purposes does diminish this possibility).
- The integrity of the District Plan would diminish as third parties may no longer have confidence that the Council ensures land is appropriately zoned.

Do Nothing

Benefits

- No further resources required than for any other Plan Change.

Costs

- A Plan Change to re-identify the land with no Human Environments identification would create a "hole" in the District Plan as all land is subject to Human Environments and Natural Areas identification. This would create uncertainty for the Council and community. The cost of this cannot be quantified.
- There would be a cost to Council in defending applications for inappropriate activities for use and development of the subject land – this is likely to be tens of thousands of dollars.

Other Methods

Benefits

- Scheduling the land as reserve would allow for a spot zoning to occur although it would still require a public process such as a Plan Change.

Costs

- The costs would be \$10-15,000 without ensuring that the land was treated consistently with other pieces of Open Space in the District Plan.
- Possible costs associated with appeals if parties are not satisfied with the outcome. This is estimated to be \$10,000- \$100,000.
- Inconsistency across the District Plan.

6.1.4 The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods (s32(4)(b))

It is considered that Council has both certain and sufficient information, and has utilised this information in the preparation of the Proposed Plan Change. Therefore, it is not considered necessary to investigate the risk of acting or not acting as outlined in s32(4)(b) of the Act, and ultimately no further assessment is deemed necessary in this regard.

6.1.5 Summary of evaluation and reasons for evaluation

It is considered that the above evaluation fulfils Council's requirements with regard to section 32 of the Act, and that the analysis of benefits and costs has been carefully undertaken and summarised accordingly. Further, this evaluation will be available for public inspection at the same time as the Proposed Plan Change is publicly notified.

6.2 Assessment of Potential Adverse Effects

Under Section 31 of the Act Council's function includes "the control of any actual or potential effects of the use, development, or protection of land". Section 76(3) requires that in making a rule, a territorial authority is to have regard to the actual or potential effect of activities on the environment. Likewise, section 5(2)(c) provides for avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Amenity/Landscape

The existing reserve contributes to the amenity and visual appeal of Ambrico Place, providing space for passive recreation and a play area for local children. As a reserve the site has the potential to contribute significantly to the amenity of the surrounding area. Re-identifying the land as Open Space Environment would retain this amenity.

Maintenance and any future development and design of the reserve would be managed as part of the New Lynn Reserve Management Plan. The open space and landscaping associated with the Reserve is very likely to be perceived as a positive environmental effect.

Traffic/Transport

Ambrico Place is a Local Road serving the medium density residential developments surrounding Ambrico Reserve. The reserve is primarily accessed by foot by local residents and currently has no impact on vehicular street traffic. However, there is some car parking available on Ambrico Place.

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Infrastructure

There is no requirement for further infrastructure on the reserve, and the re-identification, as Open Space Environment, will have no impact on the existing infrastructure.

Noise

A reserve is a generally accepted feature in a residential neighbourhood. However, it is considered that potential adverse effects could arise from some sources, such as noise. At various times of the day groups of children will be outside and this will be a source of noise. As noted previously in this report, the Council Parks Section is acting to address these concerns.

Cultural/Heritage

There are no known archaeological or heritage issues associated with the land. These are not therefore a constraint to the re-identification as Open Space Environment.

Social/Economic

Neighbourhood parks are an important part of the community enabling social interaction and passive recreation. Re-identifying the land as Open Space Environment would secure the park for future generations.

In summary, it is considered that there are no adverse environmental effects that will be generated by re-identifying the land as Open Space Environment.

6.3 Assessment under Sections 74 and 75 of the Act

It is considered that the Proposed Plan Change is consistent with all those statutory and non-statutory planning documents and management plans identified under sections 74 and 75 of the Act (e.g. the Auckland Regional Policy Statement). No further assessment is required.

7 Conclusion

The Proposed Plan Change seeks to re-identify 5 Ambrico Place from Working Environment to Open Space Environment. The changes to the District Plan include amendments to the site on maps 8 and 21.

The Proposed Plan Change is not inconsistent with any relevant statutory or non-statutory document as discussed above. In addition, it is considered that there will be no adverse environmental effects generated as a result of the Proposed Plan Change.

The section 32 analysis provided in this report concludes that re-identification of the subject land would ensure that more appropriate rules would apply to the land and clarify an anomaly in the District Plan. The current identification of the land does not meet the District Plan policies for the Working Environment as it has been already been developed as a recreational reserve. The Proposed Plan Change is considered necessary to achieve the purpose of the Act and is the most appropriate in terms of effectiveness and efficiency of Council exercising its function.

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Document No.: D669329.1



REGISTER

137D/176

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT 1952

This Certificate dated the 25th day of January Two Thousand and Two under the seal of the Registrar-General of Land, New Zealand, for the Land Registration District of NORTH AUCKLAND

WITNESSETH that AMBRICO APARTMENTS LIMITED

is seized of an estate in fee simple (subject to such reservations, restrictions, encumbrances and interests as are notified by memorial endorsed hereon) in the land hereinafter described, delineated on the plan hereon, be the several admeasurements a little more or less, that is to say: All that parcel of land containing 2101 square metres, more or less being LOT 3

DEPOSITED PLAN 152489



D300266.6 Mortgage to Dominion Finance Group Limited - 7.8.1998 at 2.10 and varied 2.09 at 2.09 (See D333989)

D300266.6 Mortgage to Ede Investments Solicitors Nominee Company Limited of 7.8.1998 at 2.10 and varied 10.12.1999 at 3.10 (See D461637) and varied 24.8.2000 at 2.18 (See D535322.1) (Transfer of 24.8.2000)

D326875.2 Memorandum of Priority making Mortgages D300266.6 and D300266.5, first and second mortgages respectively - 4.11.1998 at 2.09

D601592.1 CAVEAT BY THE WAITAKERE CITY COUNCIL - 7.8.2002 AT 10.18

Handwritten signature and stamp: FOR RGL

For RGL

D686359.1 Transfer of Mortgage D300266.5 to Ede Investments Limited

D686359.2 Mortgage of Mortgage D300266.5 to Dominion Finance Group Limited

Both 5.3.2002 at 3.30

Handwritten signature and stamp: for RGL


D695202.2 Transfer in exercise of power of sale in Mortgage D300266.6 to The Waitakere City Council 4.4.2002 at 1.26

Handwritten signature and stamp: for RGL

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Approved: *[Signature]*



CERTIFICATE OF TITLE

New C.T. Allocated

Lot 1 91A / 569

Lot 2 91P / 370

Lot 3 91A / 571

Total Area: 8138m²

Composed of A.T. 179/254, P. 76

1. Robert Geo. Spiller of Auckland

Proprietor for the purposes of the Land Transfer Act 1952 of the land shown in the plan attached to this certificate of title and of the land shown in the plan attached to the certificate of title of the land shown in the plan attached to this certificate of title.

Application for this certificate of title was made on 17/03/03.

This certificate of title is issued in accordance with the provisions of the Land Transfer Act 1952.

Date of issue: 17/03/03

Surveyor: *[Signature]*

Approved as to Survey: *[Signature]*


17/03/03

Deposited this 17/03/03

No. 22 1st 1st 2nd

DP-157489

Approved: *[Signature]*



Present to a resolution of the Waikato City Council passed on the 27th day of October 1999 approving pursuant to Section 305 of the Local Government Act 1974 this Survey Plan and certifying that the Survey Plan is in accordance with the requirements and provisions of the operative district scheme for the area to which the plan relates the Common Seal of the Waikato City Council was affixed hereto in the presence of:

[Signature] Mayor

[Signature] Councillor

LAND DISTRICT: North Auckland

SURVEY BLK. & DIST. III, Titirangi

RECORD MAP No. 115058

RECORDED MAP No. 115058

LAND DISTRICT: North Auckland

SURVEYED BY: R.G. O'NEILL & ASSOCIATES

Scale: 1:750 Date: May 1992

TERMINAL AUTHORITY: Waikato City

Plan of Lots 1-3 Being a Subdivision of Pt Land on D.P. 170

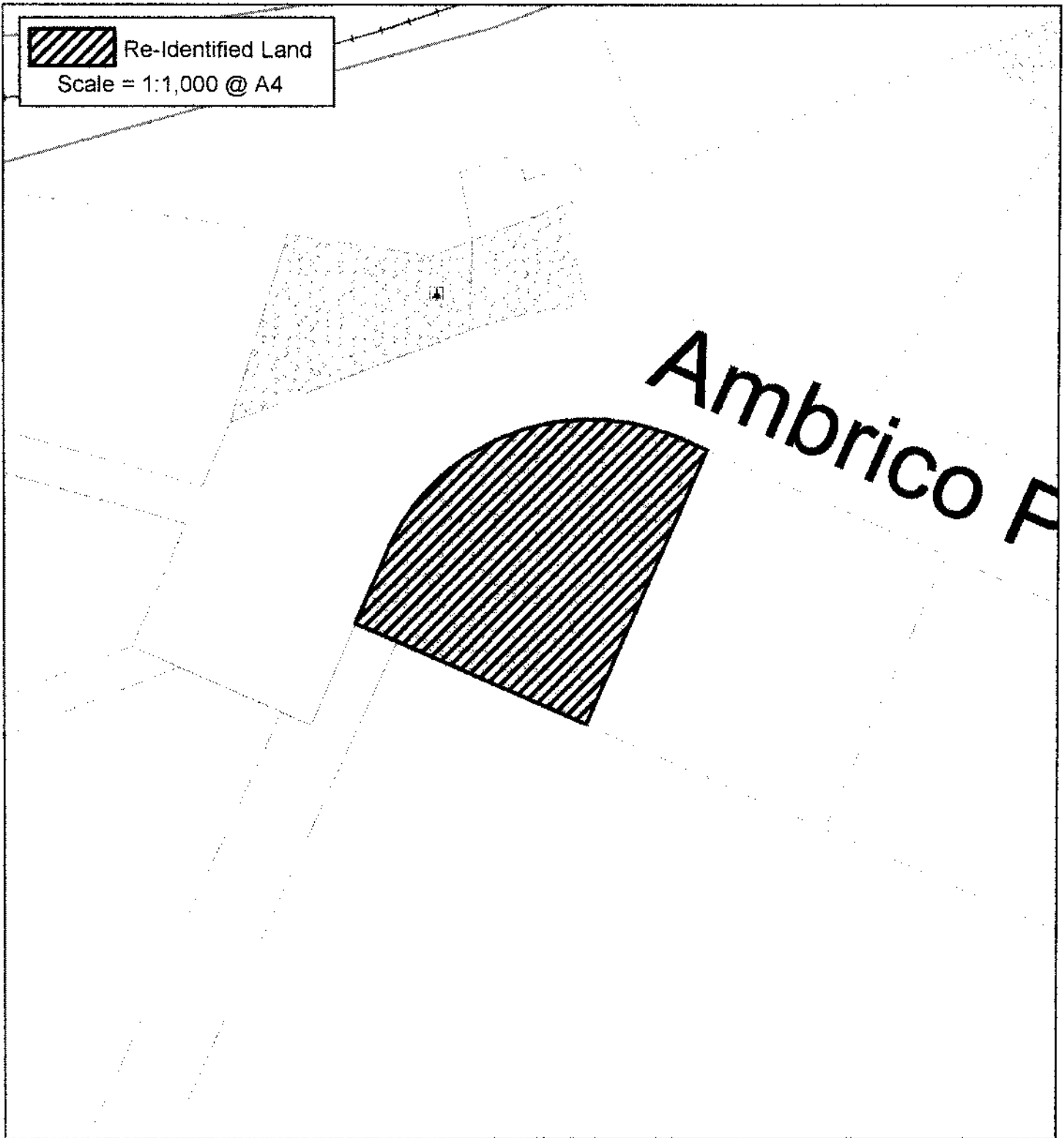
A87

NA137D/176

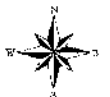
Identifier

District Plan

Proposed Changes to Map Numbers 8 and 21 Human Environments (Map reprint reference F11)



Proposed Plan Change: Ambrico Reserve



Re-identification of land from 'Working Environment' to 'Open Space Environment'.

Lot 3 DP 152489

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Map Created: 09/09/2003