



## NOTICE OF MEETING

# HEARING BY COMMISSIONER

I hereby give notice that a Hearing by Commissioner will be held on:-

**DATE:**        **Thursday, 31 January 2002**                      **TIME:**                      **9.15 am**

**VENUE:**        **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

to consider the business as set out herein and to take any necessary action connected therewith.

18 January 2002

Sidney Hargis  
**COMMITTEE SECRETARY**

Telephone (09) 836 8000 extn 8864

### **MEMBERSHIP:**

Commissioner        Harry Bhana

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(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR AN ORDINARY MEETING OF A HEARING BY COMMISSIONER TO BE HELD  
IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON THURSDAY, 31 JANUARY 2002, COMMENCING AT 9.15 AM.**

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**REQUIREMENT FOR A DESIGNATION UNDER SECTION 168 OF THE RESOURCE  
MANAGEMENT ACT 1991 FOR A PROPOSED RESERVE ON AMBRICO PLACE, NEW LYNN**

**NEW LYNN WARD**

**N.B.** This report sets out the Waitakere City Council's reporting planner's advice on the resource management issues raised by the Council's Notice of Requirement for a designation for a Proposed Reserve at Ambrico Place. The report contains recommendations to the Commissioner appointed by the Waitakere City Council. It is not the formal notice of recommendation that is prepared by the Commissioner. The formal notice of recommendation will be compiled by the Commissioner, after consideration of the Requirement, a site visit and the hearing of submissions, should submitters wish to present their views.

**1.0 PURPOSE OF THE REPORT**

The purpose of this report is to provide:

- The background information on the Requirement;
- Discussion of the environmental effects arising from the Requirement;
- Discussion of the views of submitters on the Requirement; and
- The staff recommendations to the Commissioner for the Waitakere City Council's (hereafter "the Council") Requirement for a designation for a Proposed Reserve at Ambrico Place.

A4-A8

A copy of the Requirement is attached at pages A4 to A8.

**2.0 THE DESIGNATION SITE: DESCRIPTION AND NATURE OF THE REQUIREMENT**

The land to which the Requirement applies is legally described as Lot 3 DP 152489. The Requirement is for a Proposed Reserve. The site is owned by Ambrico Apartments Limited. This company is currently in liquidation. The site has a total land area of 2105m<sup>2</sup> and is located on the southern side of Ambrico Place. The site has an irregular shape (see map in Section 2.5 below). It has frontage to the road along three sides (other than the eastern). The site is zoned as Industrial B in the Waitakere City Transitional District Plan (New Lynn Section), and is identified as Working Environment and General Natural Area in the Waitakere City Council Proposed District Plan.

**2.1 The Description Of The Proposed Reserve**

The Proposed Reserve is known locally as "Ambrico Reserve". The Council and local community have developed the Proposed Reserve as a Neighbourhood Park during 2000. The Proposed Reserve contains both hard surface and grassed outdoor passive recreation facilities. Ten (10) car parks are in existence along the northern roadside, but there is no dedicated parking available for visitors to the Proposed Reserve.

In terms of contour, the site is relatively flat, but is elevated on its western side, rising to approximately 1.5 metres above the northern and western sections of the adjacent Ambrico Place roadway. The Park has a northerly aspect.

Approximately two-thirds of the subject site has been developed for passive recreation purposes. This development comprises a 'play-ground' facility designed for children under 12 years of age, a petanque court, a brick maze set into the ground, paving and seating, and substantial planting and landscaping. Mosaic signs identify the site as 'Ambrico Reserve' on the Ambrico Place street frontage. The development of these physical resources and the landscaping occurred during 1999 and 2000. The existing facilities are well maintained and in excellent condition.

The remaining one-third of the subject site remains vacant and is generally overgrown with grass. There is no specific lighting installed to illuminate the Proposed Reserve at night.

## **2.2 The Description of the Neighbourhood**

The site is located south of the New Lynn town centre and Rail Station.

Tuscany Towers, a medium density housing development, is located immediately adjacent to the Proposed Reserve's southern boundary. Vehicle access between Ambrico Place and the Tuscany Towers site is located along the Proposed Reserve's southern boundary. Tuscany Terraces, another medium density housing development, is located adjacent to the Proposed Reserve's eastern boundary. Residents can gain pedestrian access to the Proposed Reserve via gates on their property boundaries.

The surrounding properties, although within the Working Environment, are utilised for medium density housing residential purposes. The Council has recently purchased 10 Ambrico Place, which is currently utilised for a timber merchant / hardware business, and the property has subsequently been transferred to its development arm, Waitakere Properties Limited. This site will be vacated by the current business within the next 2 years, and further residential re-development of this site then intended on an integrated design basis with the two contiguous medium density developments. This forthcoming re-development will mean that the Proposed Park will be completely surrounded by residential activities.

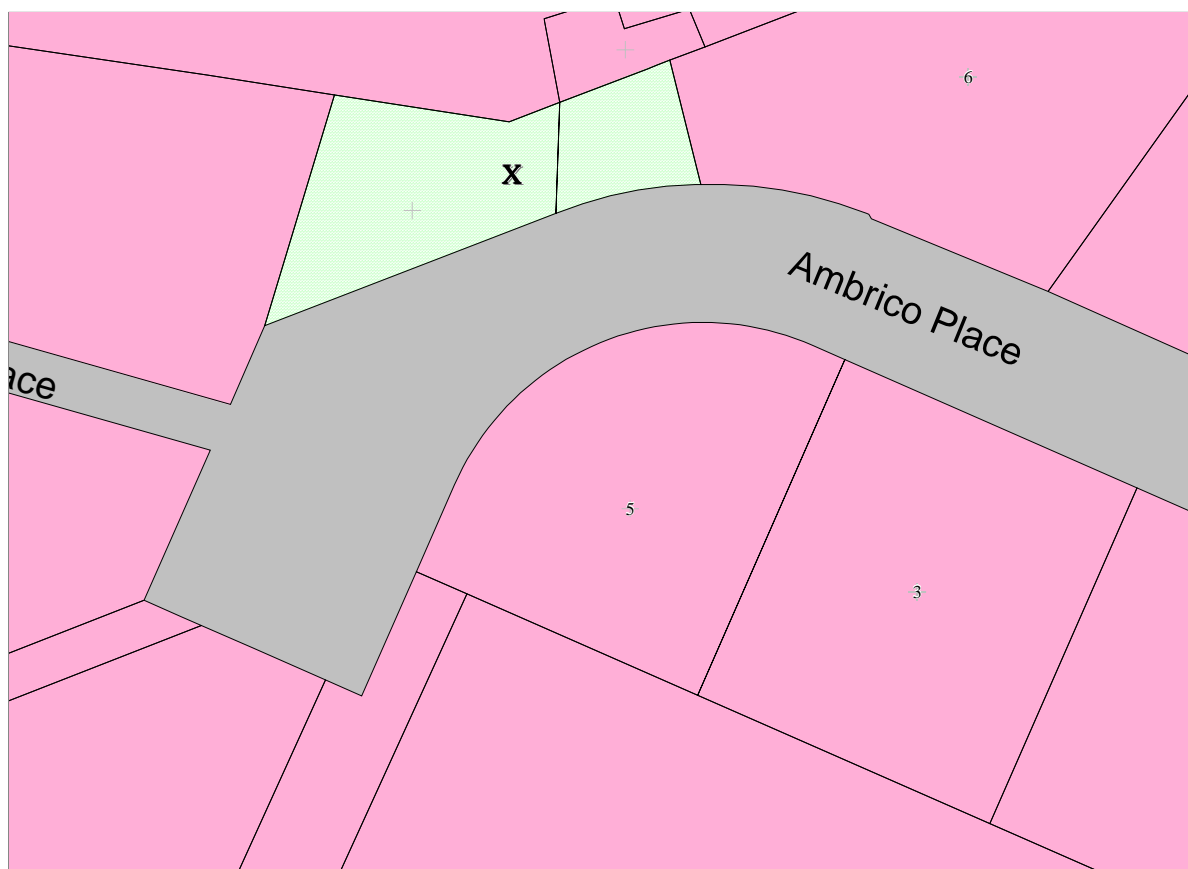
## **2.3 Other Consents Relating to the Site Subject to the Requirement**

*A9-A13*

Ambrico Apartments Limited were issued with a subdivision consent under section 105 of the Resource Management Act on 5 July 2000 by Waitakere City Council. This consent enabled the subdivision of Lot 3 DP 152489 into two lots, one being 525m<sup>2</sup>, and the other being 1580m<sup>2</sup>. The larger area is where the current reserve developments have taken place. A copy of the consent and scheme plan are attached at pages A9 to A13. This consent was subject to conditions, which have not yet been met. Hence the Section 224(c) compliance certificate has not been released, the Scheme Plan has not been deposited by the District Land Registrar and certificates of title for the subdivided lots have not been issued. The subdivision consent expires three years after its issue, and this date will be 5 July 2003.

A resource consent for the development of the current reserve was issued under Section 105 of the Resource Management Act on 2 February 2000 by the Waitakere City Council. This consent addressed effects relating to earthworks associated with the development of the park facilities. These works to develop the park facilities are detailed in Section 2.1 above and were completed in 2000.

## 2.4 Other Site Plan Map



## 3.0 STATUTORY PROCESS

The Waitakere City Council is a requiring authority, as defined in Section 166 of the Resource Management Act.

A1-A3 The statutory process for designations under the Resource Management Act is detailed at pages A1 to A3. In respect of this Requirement, all of the procedures outlined in those attached pages have been followed, up to the stage of this hearing.

A1 Section 171(1) of the Resource Management Act provides that, when considering a Requirement, the territorial authority **shall have regard to** the matters set out under Section 168 (a)-(f) (identified as attached at page A1), and shall also have **particular regard to** -

- (a) *Whether the designation is reasonably necessary for achieving the objectives of the public work or project or work for which the designation is sought; and*
- (b) *Whether adequate consideration has been given to alternative sites, routes, or methods of achieving the public work or project or work; and*
- (c) *Whether the nature of the public work or project or work means that it would be unreasonable to expect the requiring authority to use an alternative site, route, or method; and*
- (d) *All relevant provisions of any National Policy Statement, New Zealand Coastal Policy Statement, Regional Policy Statement, Proposed Regional Policy Statement, Regional Plan, Proposed Regional Plan, District Plan or Proposed District Plan.*

Section 171(1) is subject to Part II of the Resource Management Act. Part II contains the purpose and principles of the Resource Management Act. Section 5 of the Resource Management Act sets out the purpose of the Act, which is “to promote the sustainable management of natural and physical resources”. “Sustainable management” is defined as meaning:

*“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 well being 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.”*

Assessment of the Requirement in terms of Part II of the Resource Management Act occurs under Section 8.1 below.

#### **4.0 THE OBJECTIVES OF THE REQUIREMENT**

The Council’s general objective for its reserves and recreation facilities is encapsulated in its Parks Strategy. In general terms, the Requirement’s objective is:

*“... to provide appropriate facilities in appropriate locations and in a timely manner to cater for residents”.*

A4 (Taken from Section 1 paragraph 1 of the Notice of Requirement, as attached at page A4.)

For the Proposed Reserve in Ambrico Place, the Council’s specific objective is:

*“... the provision of a significant and safe neighbourhood park ...”*

A4 (Taken from Section 1 paragraph 5 of the Notice of Requirement, as attached at page A4.)

It is clear that the Proposed Reserve helps to achieve the Purpose and Principles of the Resource Management Act, in that the Proposed Reserve helps to enable people and communities to provide for their social, economic, and cultural well being, and for their health and safety. Further, the objectives help to achieve Sections 7(c) and 7(f) of the Resource Management Act, ie. the maintenance and enhancement of amenity values, and maintenance and enhancement of the quality of the environment.

#### **5.0 THE NEED FOR THE REQUIREMENT**

Sections 168(3)(a) and 171(1)(a) of the Resource Management Act require the Requiring Authority to indicate the reasons why the Requirement is needed, and whether the Requirement is reasonably necessary for achieving the objectives of the project.

The Council has analysed the need as follows:

*“... Council’s Parks Strategy seeks to improve accessibility to neighbourhood and local reserves. A key policy of the Strategy indicates that all residential areas should be located within 800m 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.*

*Ambrico Place comprises a number of medium density housing developments totalling up to 300 household units and approximately 600-800 residents. Residents in New Lynn have made a number of approaches to the Council requesting improvement to the amount of open space within their neighbourhood. Reserves that have been created or upgraded to meet the demands of the medium density developments in the Ambrico Place area include Gardner Reserve, Manawa Wetland, Margan Reserve, Ambrico Reserve (the subject site) and the reserve containing the historic kiln opposite the subject site (Ambrico Kiln Reserve).*

*The Proposed Reserve in respect of this Notice (locally known as Ambrico Reserve) is an existing neighbourhood reserve located in an emerging inner-urban neighbourhood that contributes to the amenity and visual appeal of the area and provides a play area and space for informal activities.*

*Given the context and scale of development in Ambrico Place, and that fact that recent studies indicate there are a significant number of families with children residing in Ambrico Place, the provision of a significant safe neighbourhood park is entirely necessary and appropriate. Failure to identify and protect the site for reserve purposes in the area would cause adverse crowding effects on surrounding reserves, restricted access for some residents to existing reserves, and the local community would be significantly disadvantaged. In summary, analysis of the catchment's demographic and residential development characteristics more than adequately establishes the need for the Proposed Reserve (Ambrico Reserve) ...."*

A4

(Taken from Section 1 of the Notice of Requirement, as attached at page A4.)

The liquidation of Ambrico Apartments Limited has intervened prior to the land being vested in Council. Council had previously taken informal possession of the site in 2000, at the time that the reserve facilities were developed. This informal possession has no legal status, and Council's intention to provide a neighbourhood recreation area at this location is appropriately signalled via the Notice of Requirement.

The reporting planner accepts the reasons presented by the Requiring Authority for the need for the Requirement, and accepts that the Requirement is reasonably necessary to achieve the objectives of the Council's Parks Strategy.

## **6.0 THE OTHER OPTIONS AVAILABLE TO THE REQUIRING AUTHORITY**

Requiring authorities are required under Sections 168(3)(c), 171(1)(b) and 171(1)(c) of the Resource Management Act to consider alternative sites that could achieve the aims of the designation. It is important to note that the Resource Management Act does not state that alternatives must be considered or that the best alternative must be picked.

The Requiring Authority considered that no other suitable sites were identified in the Ambrico area. The other possible areas available to develop into a reserve are 10 Ambrico Place (the site of "Homeworks" timber and hardware merchants) and the site of the historic kiln, being Lot 4 DP 124443 (the kiln site has no street address). The Council does not include either of these sites as options in its Notice of Requirement.

The Requiring Authority acknowledged the proximity of other reserves in its Notice of Requirement, but considered that these other reserves did not provide the range of passive recreation facilities available at the Proposed Reserve.

The reporting planner accepts the location of the Proposed Reserve which is the site subject to the Requirement. This is based upon the central location, the substantial park facility developments that already exist on the site and the proximity of the Proposed Reserve to the majority of the residential units within Ambrico Place. The “Homeworks” site is not immediately available to develop as a neighbourhood park, is a larger site (3856m<sup>2</sup>), than what is necessary to fulfil the neighbourhood park role, and the existing Ambrico Reserve is more centrally located (enabling surveillance to occur). The historic kiln site does not have sufficient area for the passive recreation facilities that are envisaged to occur on the neighbourhood park.

## 7.0 THE OTHER METHODS AVAILABLE TO THE REQUIRING AUTHORITY

Requiring Authorities are also required under Sections 168(3)(c) and 171(1)(b) of the Resource Management Act to consider alternative methods that could achieve the aims of the Requirement. The Requiring Authority identified the following other methods:

*“.... The main alternative method to acquiring a reserve is to have it vested in Council at the time of subdivision prior to the land being gazetted as a reserve under the Reserves Act 1977. The subject land was originally identified as Industrial B in the Transitional District Scheme, and then later, in the Waitakere City Proposed District Plan, as Working Environment. However, subsequent development for medium density housing meant that no adequate provision for neighbourhood recreation reserves was made. With development of the larger industrial sites only financial reserve contributions have been received, and land has not been able to be vested for reserve purposes and further subdivision will not now occur in Ambrico Place. Therefore, the designation process is necessary to identify and secure the subject site for reserve purposes.*

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*Additional statutory processes are required to complete the establishment of the proposed reserve. These include a Variation to the Proposed District Plan to identify the subject site as Open Space Environment, instead of Working Environment, the gazetting of the reserve in respect of the Reserves Act 1977, and the preparation and adoption of a Reserve Management Plan (currently being prepared by Council), also in respect of the Reserves Act ....” (Taken from Section 3.3 of the Notice of Requirement, as attached at page A7.)*

The reporting planner accepts the reasons given for not pursuing the identified alternative option.

## 8.0 ENVIRONMENTAL ASSESSMENT

Sections 168(3)(c) requires that the territorial authority have regard to the effects that the project will have on the environment, and the ways that any adverse effects can be mitigated.

Section 171(1)(d) requires that the territorial authority shall have particular regard to all relevant provisions of any National Policy Statement, New Zealand Coastal Policy Statement, Regional Policy Statement, Proposed Regional Policy Statement, Regional Plan, Proposed Regional Plan, District Plan or Proposed District Plan. As the Proposed Reserve will be a local reserve for the use of the adjacent residences, the effects of the Proposed Reserve will generally be minor, and particular regard is only required to be given to Part II of the Resource Management Act and the provisions of the Waitakere City Council Proposed District Plan.

### 8.1 Resource Management Act 1991: Part II Matters

Section 5 in Part II of the Resource Management Act identifies the purpose of the Act as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

It is considered that the Requirement is consistent with sustainable resource management, and is not considered to adversely affect any matters of national importance or matters relating to the Treaty of Waitangi. In particular this proposal is concerned with the sustainable management of the City's parks assets in such a way that the communities' social and cultural aspirations are realised, whilst the quality of the environment and amenity values of the local neighbourhood within Ambrico Place are maintained.

Section 7 identifies a number of "other matters" to be given particular regard by Council in the consideration of any assessment for a Requirement. In terms of this Requirement, section 7(c) (the maintenance and enhancement of amenity values) of the Resource Management Act is relevant.

The provision of safe and accessible parks and reserves provide an important amenity value for the residents of Waitakere City, and this is a key element of the Proposed District Plan and the Council's Parks Strategy. The retention of the Proposed Reserve as part of the Council's Parks Network, and the amenity values that it provides to the adjacent residents is in keeping with Section 7(c) of the Resource Management Act, and therefore is in accordance with Part II, the purpose and principles of the Resource Management Act.

### 8.2 The Transitional and Proposed District Plans

The Act requires consideration of both the Transitional and Proposed District Plans prior to the Proposed Plan becoming operative. As determined by case law, the regard to be given to the different plans can be weighed up in relation to what stage in the process of becoming operative a proposed plan is. In this case the Proposed Plan is in its final stages of becoming operative with only some outstanding references. As such the weight to be applied to the Proposed Plan should be substantially greater than that applied to the provisions of the Transitional Plan.

The Proposed Reserve is also subject to the Council's Transitional District Plan (New Lynn Section). Under this Transitional Plan, the site is zoned as "Industrial B". Industrial B includes, as a Predominant Use, "Indoor and outdoor recreation and entertainment facilities". This means that the Proposed Reserve is considered to be a permitted activity under the Transitional Plan, and so it will not be assessed against the provisions of that Transitional Plan. The Transitional Plan General Ordinances for Car Parking and Signs are applicable, and are assessed in the relevant sections below.

### 8.3 Adverse Effects Identified by the Requiring Authority

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The Requiring Authority has identified very few adverse effects, other than noise associated with children using the play facilities, arising from the Requirement. The Requiring Authority concludes that the Proposed Reserve will generally have positive environmental effects, and these effects will benefit the local community. (Section 3.1, paragraphs 4 and 5 of the Notice of Requirement, as attached at page A6.) Following the assessment of the Proposed District Plan Policies and Rules, the reporting planner agrees with the Requiring Authority that there are few effects, and that those that do occur are minor.

#### 8.4 Proposed District Plan Policies and Rules

In reviewing the Proposed District Plan Policies and Rules, the reporting planner has identified adverse and positive effects arising from the Proposed Reserve. The Proposed Reserve requires general assessment in relation to the following Proposed District Plan Policies relating to Open Space.

##### **Policy 10.7 of the Proposed 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.

##### **Explanation**

This policy has been adopted in order to ensure that new buildings are designed and located around public and semi-public spaces (such as car parks), in a way that avoids adverse impacts on the safety and mobility of users. It also sets out those key factors which are relevant to achieving safe spaces. Although the management of activities in terms of impacts on safe public space has not been part of traditional land-use planning, safety and freedom from fear are important to the amenity of any community.

##### **Policy 11.6 of the Proposed District Plan 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.

##### **Explanation**

The amenity values and benefit that derive from public open space within the urban area, can be adversely affected by the location of buildings and spaces around it. In particular, the isolation of public open spaces, can mean that their full potential is not realised, or that people are discouraged from using them. Where an open space has a multiple purpose, as an ecological corridor between remnant native bush as well as for recreation, for example, then the question of public access becomes more problematic. However, where public open space is provided for recreational and other amenity purposes only, then these considerations of access are important.

The Proposed Reserve would require specific assessment in relation to the Policies and Rules relating to the Working Environment:

- Rule 4 Landscape Treatment;
- Rule 8 Noise;
- Rule 9 Parking, Loading and Driveway Access; and
- Rule 11 Signs.

The application of the Working Environment Rules to the Proposed Reserve is necessary, as the land is identified as being in the Working Environment in the Proposed District Plan, despite the surrounding land having substantial residential development.

### **8.5 Proposed District Plan Policies 10.7 and 11.6**

Policies 10.7 and 11.6 of the Proposed District Plan articulate the Council's approach to open space within the City and are the platform upon which the Open Space Environment Rules are based. They are also useful in the context of this Requirement to illustrate what the Council is seeking to achieve at Ambrico Reserve. While the Proposed Reserve is identified as Working Environment, assessment against these policies provides a useful yardstick to determine whether the park development that has occurred to date on the Proposed Reserve is both in keeping with the policies, and whether it is fulfilling the function of open space within the Ambrico Place neighbourhood.

Given the extensive medium density residential development in Ambrico Place, the open space that is available at the Proposed Reserve fulfils the intention of these two policies. In particular, the Proposed 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.

### **8.6 Working Environment Rule 4 Landscape Treatment**

#### **Policy 11.14 of the Proposed District Plan 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.

#### **Explanation**

Buildings within these Environments have the potential to dominate surrounding residential areas and to detract from their amenity. This policy is concerned with managing the impacts of larger commercial and industrial buildings on the edge of these Environments as a way of avoiding these effects.

Generally Rule 4 is designed to address development landscaping and planting that is required to screen parking and manoeuvring areas. The Proposed Reserve would be assessed as a controlled activity under Rule 4.2. Rule 4.2 requires the planting of at least ten (10) percent of the site. The relevant assessment criteria in Rule 4 is listed below, and are used to implement the Policy.

### **Working Environment Assessment Criteria 4(b)**

The extent to which planting comprises mainly trees rather than shrubs or other low profile vegetation.

There is a significant amount of established trees and shrubs located in various areas within the Proposed Reserve. While much of the planting is shrubby rather than trees, the lower height that the shrub plants grow to enables surveillance of the Proposed Reserve from neighbouring residential properties. The reporting planner considers that the planting is of a height and density that meets Working Environment Assessment Criteria 4(b).

### **8.7 Working Environment Rule 8 Noise**

The Proposed District Plan considers noise to be one of the most significant concerns that affect health. Noise is addressed in both the City Wide Rules, where general noise standards apply, and in each Human Environment. The Proposed Reserve would be assessed under the Working Environment Noise Rule.

#### **Policy 10.2 of the Proposed District Plan States**

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

#### **Explanation**

Noise has been identified by residents as one of the most significant concerns that affect health. Noise, single intensive noise sources and background or ambient noise levels, contribute to stress which in turn can become a significant factor affecting people's health. This policy is concerned with addressing both single source or event noise and ambient noise levels.

The Proposed Reserve is designed for passive, rather than active recreation activities, and so most noise is likely to be generated by the voices of the users of the Proposed Reserve. The noise is not likely to be of a duration, volume, and/or intensity to adversely affect adjacent properties. Further, the majority of submitters support the Proposed Reserve, and this indicates an acceptance of the activities that have already occurred on the Proposed Reserve for the last two years, and the noise that those activities generate is significantly less than a typical industrial activity in the Working Environment. The reporting planner considers that the Proposed Reserve will meet the permitted activity status in Working Environment Rule 8.

### **8.8 Working Environment Rule 9 Parking, Loading and Driveway Access**

Two Policies are relevant in terms of the traffic generation and parking issues that the Proposed Reserve generates. These are Policies 10.14 and 10.16

#### **Policy 10.14 of the Proposed District Plan States**

Activities should be of a scale and located and managed in a way that:

- Any traffic generated by the activity, including heavy traffic, does not detract from the capacity of the road to cater safely for motor vehicles, pedestrians and cyclists, and the well being of residents occupying surrounding sites;
- The safe and efficient functioning of the road network is not adversely affected.

## Explanation

Any activity generates a number of vehicle trips to and from a site. The increased traffic movement can have a direct impact on the safety of road users and can also have an impact on the well being of residents through increased noise, fumes and vibration. Vehicle noise in particular, can contribute to the increase in ambient noise levels. The generation of traffic does not necessarily have to be problematic, if the activity is located in an appropriate area. Therefore the District Plan has adopted a policy that seeks to match traffic generation levels to road capacity and the function of the road in relation to the surrounding area.

Ambrico Place is identified as a Local Road in the Proposed District Plan. As such the main function of the road is to give access to abutting land, and these roads have limited through traffic. As part of a circular road, it mainly receives traffic arising from residents in the adjacent medium density housing. The heavier traffic arising from the "Homeworks" timber and hardware store will ultimately cease, as the Council now owns the "Homeworks" site and will develop the site for residential activity.

## Policy 10.16 of the Proposed District Plan States

Driveways, carriageways and car parking areas should:

- Be laid out in a way that provides for the safe circulation of vehicles and pedestrians;
- Be of sufficient design quality to ensure the safe passage of motor vehicles, cyclists and pedestrians and discharge of storm water;
- Be designed to avoid edge fretting;
- Allow safe, ready access to adjoining sites.

## Explanation

There is potential for accidents involving vehicles and pedestrians within car parks and driveways, because of the mixing of both activities within an area where manoeuvring of vehicles also takes place. Inappropriate and inadequate design can also lead to accidents. It is therefore important that driveways and car parks are designed in a way that minimises potential for problems.

Generally Rule 9 is designed to address parking, loading and driveway access for industrial activities within sites. As a neighbourhood reserve, it is intended that people would generally walk to the Proposed Reserve, and hence the need for parking is not expected to be high. The Proposed Reserve is not specifically catered for as a permitted activity, and so would be assessed as a limited discretionary activity under Rule 4.9. The relevant assessment criteria would be as follows.

### 8.8.1 Assessment Criteria 9(a)

The extent to which adequate provision is made for the parking of vehicles generated by activities on the site having regard to:

- Whether it can be demonstrated that a substantial number of people walk, cycle or take public transport to activities;
- Whether activities on the same or nearby sites operate at different times and can share car parking;
- There are special or unusual characteristics to the parking demands of the activity, such as most parking being associated with pick up or drop off.

The Proposed District Plan includes no requirements for parking for reserves in the Working Environment. There is ten (10) on-street car parks on the northern side of the Proposed Reserve. These provide easy access to the Proposed Reserve. Given the medium density development that surrounds the Proposed Reserve, it is likely that the Proposed Reserve will generate a significant amount of pedestrian, rather than vehicular traffic, and that the existing parking will cater for any vehicular traffic that the Proposed Reserve generates.

#### **8.8.2 Assessment Criteria 9(b)**

The extent to which adequate provision is made for the safe movement of pedestrians from car parks to the building or activity the car parking serves.

Adequate provision is made for pedestrians to move from the car parks to the Proposed Reserve, as the northern car parks are adjacent to a formed footpath, where pedestrians need not cross the road.

#### **8.8.3 Assessment Criteria 9(f)**

The extent to which car parking and loading spaces and driveway access to them are of a dimension and location to allow efficient and safe access by motor vehicles.

The northern on-street car parks are part of the formed road, and are of a sufficient dimension to allow efficient and safe access by motor vehicles. As a Local Road, the road is designed for low speed movement, allowing for easy and safe movement by pedestrians and cyclists.

#### **8.8.4 Assessment Criteria 9(g)**

The extent to which car parking is constructed of maintenance free materials, adequately drained and well marked out.

The on-street car parks are part of the formed road, and are well marked out. The car parks are included as part of the overall drainage of the road.

#### **8.8.5 Assessment Criteria 9(l)**

The extent to which provision made for car parking has regard to the parking capacity of adjacent roads, and the road's function in the Roding Hierarchy.

The Transitional Plan General Ordinance requires one car park for every five persons using the facility (under the Places of Assembly and Entertainment Ordinance). While there is no dedicated parking for the Proposed Reserve, the ten adjacent on-street car parks are sufficient for any use of the Proposed Reserve. Most reserve users will walk or cycle to the Proposed Reserve from the adjacent medium density housing developments, as the Proposed Reserve is within five minutes walk of most of these units.

### **8.9 Working Environment Rule 11 Signs**

#### **Policy 11.11 of the Proposed District Plan States**

Signs should be designed so that they do not intrude visually on to the amenity of the surrounding area or detract from surrounding neighbourhood character, and the safety of vehicles and pedestrians on any adjacent roads and state highways.

## Explanation

Signs have been identified as having considerable impact on both the visual amenity of an area and the safety of road users, where the number and design of signs can be a source of distraction and confusion. This policy manages the dimensions and materials used for signs in different parts of the City.

The signage for the Proposed Reserve is set into the concrete retaining walls adjacent to the northern entrance to the Proposed Reserve. As such, the signage meets the permitted activity status in the Working Environment Rule 11. It also meets the General Ordinances in the Signs Section of the Transitional District Plan.

### 9.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

9.1 The requiring authority publicly notified the Requirement in the New Zealand Herald on Saturday, 8 September 2001. A copy of the Requirement was also delivered to the letterboxes of adjacent streets.

A14-A53

The public notification of the Requirement for a Proposed Reserve attracted twenty two (22) submissions. Four of these submissions were received after the submission close date, as attached at pages A14 to A53. The reporting planner sees no compelling reason to not include those four submissions in the consideration of this Requirement, although they would not have appeal rights.

9.2 All submissions supported the Requirement, except for one submitter. Generally the submitters in support indicated the need for the Proposed Reserve, to provide a safe place for the children who reside in Ambrico Place to play. Some submitters indicated that even more reserve space is needed in Ambrico Place to fulfil the needs of the adjacent residents.

A22-A24

9.3 The submission in opposition was lodged by the Dominion Finance Group Limited, as attached at pages A22 to A24. The submitter seeks that the Requirement be withdrawn or cancelled. The submitter raises several financial issues relating to the Requirement. The submitter also states that the designation is:

- “(e) .... not reasonably necessary for achieving the objectives for which the designation is sought. In particular, only part of the land has been developed for reserve purposes with the remainder being unkempt and overgrown.*
- (f) Inadequate consideration has been given to alternative sites.*
- (g) It is not in the public interest or the special interest of the submitter for the proposed designation to be confirmed.”*

The financial issues raised by the submitter are outside of the scope of the Resource Management Act, in that they do not relate to environmental effects associated with the Proposed Reserve. As such, they have not been considered by this report.

The issues raised in item (e) of the submission are addressed in Section 5.0 of this report, above. The part of the land that is “unkempt and overgrown” is the site of the subdivision consent referred to in Section 2.3 above. As this site was initially not included as part of the reserve, the Council has not maintained it. A positive effect arising from the designation would be that the Council would be in a position to develop the site and address its unkempt state.

The issues raised in item (f) of the submission are addressed in Section 6.0 of this report, above.

The issues raised in item (g) of the submission are addressed in Section 5.0 of this report, above. It is not clear from the submission what aspect of the public interest the submitter considers will not benefit from the Requirement being confirmed. It is also not clear what the "special interest" of the submitter referred to in item G relates to. It may be that the submitter is referring to the financial matters raised in the submitters submission.

The submission is also contradicted by all the other submissions, in that all other submitters consider that it is in the public interest to have the Requirement confirmed.

It is considered by the reporting planner that it is in the public interest to have the Requirement confirmed. This is because the confirmation of the designation will ensure that the existing neighbourhood park, with its associated play equipment and passive recreation facilities will remain in Ambrico Place. The Proposed Reserve is a valuable addition to the Council's parks network in the New Lynn area, and will continue to fulfil the needs of adjacent residents for a passive recreation space.

## 10.0 DESIGNATION LAPSING

Under Section 184 of the Resource Management Act, a designation lapses on the expiry of five (5) years after the date on which it is included in a district plan, unless, amongst other things, the designation is given effect to before the end of that period. In this case, the reporting officer considers that the designation will be given effect on the date on which it is included in the Proposed District Plan, given that the use for which the Requirement is sought is already occurring. Consequently the provisions of section 184 of the Resource Management Act are appropriate.

## 11.0 CONCLUSION

The reporting planner who has prepared this report concludes that the **requirement for a designation should be confirmed**. This conclusion is accompanied by suggested conditions to be included in the Commissioner's formal recommendations to the Requiring Authority on the Requirement for the designation.

## 12.0 RECOMMENDATION

12.1 That pursuant to Section 171 of the Resource Management Act 1991, subject to additional or contrary information being presented at the hearing, the Requirement for a designation for a Proposed Reserve at Ambrico Place, being Lot 3 DP 152489 be confirmed for a period of ten (10) years for the following reasons:

- (i) No persons are considered to be potentially affected by the proposal;
- (ii) Significant positive effects relating to local amenity values occur as a result of the Proposed Reserve being retained in its present location;
- (iii) The proposal meets the relevant Objectives and Policies of the Transitional and Proposed District Plan, and has been considered in terms of the relevant Rules and Assessment Criteria;
- (iv) That the need for the Requirement has been demonstrated;
- (v) That the other options available to the requiring authority have been considered;
- (vi) That the other methods available to the requiring authority have been considered; and
- (vii) Subject to the acceptance by the requiring authority of the recommended condition attached to this report, the proposal would create no more than minor adverse effects on the environment.

**13.0 RECOMMENDED CONDITIONS**

**13.1** There are no recommended conditions arising from the reporting officer's assessment of the Requirement.

Report prepared by: Eryn Shields, Service Planner.

