



Applicant: Ultraliner Investments Ltd, Newbury Holdings Ltd, and TR Group Ltd.

Site: 781, 791 & 793 Great South Road, Auckland City.

Report Title: Proposed Private Plan Change and s32 Report.

Report Date: April 2007

Report Version: Final



Table of Contents

| | |
|---|------|
| 1 Introduction | 1 |
| Overview | 1 |
| The Site and Surrounds | 1 |
| Reasons for the Plan Change | 2 |
| 2 Proposed Plan Changes | 3 |
| Expected Environmental Outcomes of the Proposed Plan Change..... | 3 |
| 3 Current District Plan Provisions | 6 |
| Special Purpose Activity 3 Zoning | 7 |
| 4 Consultation | 9 |
| 5 Section 32 Analysis | 10 |
| 6 Conclusion | 14 |
| | |
| Appendix One: Certificates of Title | 1-1 |
| Appendix Two: Current Planning Maps..... | 2-12 |
| Appendix Three: Proposed Changes to the Planning Map H13 No. 1..... | 3-16 |
| Appendix Four: Written Consent of ONTRACK | 4-18 |

1 Introduction

Overview

TR Group Ltd, Ultraliner Investments Ltd and Newbury Holdings Ltd are the owners and/or occupiers of 781 and 791 to 793 Great South Road. Recent planning studies of these sites have identified that two minor modifications to the Auckland City Council District Plan (Isthmus Section) Planning Maps (H13 No. 1) are necessary to properly reflect the land uses and zoning patterns of these sites. This report is submitted as a request to the Auckland City Council to consider the appropriate changes to the Auckland City District Plan (Isthmus Section) (the District Plan).

Auckland City Council may wish either to undertake these changes itself or to accept this report as a Private Plan Change (and then to adopt it).

Two changes are proposed to the District Plan.

- 1 Re-positioning of the Special Purpose 3 Zone on 791-793 Great South Road. This zoning originally reflected the position of a New Zealand Railways easement. However this easement has now been shifted and the zoning should reflect the revised position of the easement. The area which is now not covered by the Railway easement should be re-zoned Business 6 to be consistent with the zoning of the adjoining land.
- 2 The re-zoning of a thin strip of land zoned Open Space 1 on 781 Great South Road. This area has no Open Space values and is proposed to be re-zoned Business 6 which is the current zoning for the remainder for the site. The isolated Open Space zoning resulted from an Environment Court decision which re-zoned 791-793 Great South Road which abuts 781 Great South Road from Open Space 1 to Business 6. The Open Space zoning on 781 Great South Road was intended to provide open space attributes in conjunction with the originally proposed Open Space 1 zoned area on 791-793 Great South Road. There was never any intent for a specific and isolated thin corridor of Open Space 1 zoned land on 781 Great South Road. Following the removal of that adjoining Open Space zone there is no longer any rationale for this zoning to remain over this strip.

The proposed plan changes seek to change the boundaries of the zoned areas on District Plan Map H13 No. 1. Appendix Three includes Planning Map H13 No. 1 with the proposed changes.

The Site and Surrounds

The subject sites are located on Great South Road near its intersection with Sylvia Park Road

Number 781 Great South Road is a developed industrial site hosting a range of activities including a truck sales yard, a truck yard, a truck wash and a scaffolding hire company.

Number 791 to 793 Great South Road is currently an undeveloped site with low lying mangroves and general bush and scrub, parts of which are subject to tidal inundation.

The Certificates of Title for these sites are included in Appendix One. It is noted that the Certificate of Title plan for 791-793 Great South Road shows the former location of the rail

easement. This easement was surrendered in 2005 and Transfer 6614638.2 now locates the revised easement in the area marked A on DP 353569 (copy included in Appendix One).

The relevant planning maps (H13) are included in Appendix Two. The zonings of the properties around the subject sites range between Business 4, 5, 6, and 8 Activity zones with the remainder made up of Open Space Activity Zones 1, 2 and 3.

Table 1 Current Zoning

| Lot | Current Zoning (part or all of site) | Designation (part or whole of site) | Ownership |
|--|---|--|----------------------------|
| Sec 1 SO 69440 (791 to 793 Great South Road) | Business 6, Special Purpose Zone 3, Open Space Zone 1 | Railway Purposes (H13-09) | Newbury Holdings Ltd |
| Lot 1 DP 328383 (781 Great South Road) | Business 6 and Open Space Zone 1 | None | Ultraliner Investments Ltd |
| Lot 3 DP 328383 | Business 6 and Open Space Zone 1 | None | Ultraliner Investments Ltd |

Numbers 781, 791 and 793 Great South Road are part of a contiguous area of Business 6 Zoned land with the exception of the railway land (either in Crown ownership or through easements) to the south and west which are zoned Special Purpose 3 and a thin strip of Open Space 1 Zone located on the boundary between 781 and 791 to 793 Great South Road. This strip of Open Space 1 Zone is isolated within a Business 6 zoned area and does not connect with any other land zoned Open Space.

Reasons for the Plan Change

The proposed plan change will both update the planning maps and correct some anomalies which have arisen as a result of certain changes since the District Plan became operative. These changes will ensure that the correct statutory planning objectives, policies and rules are in place for these sites and will enable a more accurate assessment of any resource consent applications pertaining to these sites in the future.

It is also desirable to have District Plan zonings that reflect the values of the land and the existing and/or future land use activity regime.

2 Proposed Plan Changes

There are two proposed changes to the District Plan Planning Map H13 No. 1 (see drawing no 51-20264-SK008 in Appendix Three):

- 1) The first change relates to the re-positioning of the Special Purpose 3 Zone on 791-793 Great South Road. This zoning needs to reflect the position of the New Zealand Railways easement. The position of this easement has changed and the zoning therefore needs to be shifted to reflect this change. The area no longer covered by the easement should be re-zoned Business 6. The New Zealand Railway Corporation (trading as ONTRACK) has given their written consent to this change.
- 2) The re-zoning of the thin strip of land zoned Open Space 1 on 781 Great South Road to Business 6. As noted this plan change will correct what is now an irrational zoning which has resulted from the outcome of an Environment Court decision which re-zoned the adjacent site from Open Space 1 to Business 6. The Open Space zoning on 781 Great South Road was intended to provide open space attributes in conjunction with the then Open Space 1 zoned area on that adjoining site (791-793 Great South Road). There was never any intent for a specific and isolated thin corridor of Open Space 1 on 781 Great South Road. The zoning on 781 Great South Road could not be changed at the time of an Environment Court decision (A068/2001) to rezone 791 – 793 Great South Road as Business 6 as the owner of 781 Great South Road was not party to the appeal.

The proposed plan change does not require any insertions, deletions or amendments to the existing objectives, policies, assessment criteria, rules or development controls of the District Plan.

Expected Environmental Outcomes of the Proposed Plan Change

Change No. 1 (791-793 Great South Road):

The re-positioning of the Special Purpose 3 Zone simply involves shifting the zone southward to coincide with the new location of the railway easement within the subject site. It is appropriate that the easement route has a Special Purpose 3 zone so that the future transportation corridor is clearly shown on the District Plan map. The appropriate statutory framework is already in the District Plan in order that this railway link can be developed in the future.

Likewise it is appropriate that the area no longer subject to the railway easement be re-zoned Business 6 to allow for the correct statutory framework to be in the District Plan in the event that resource consent applications are lodged for the development of this site, the majority of which is already zoned Business 6.

Overall, the environmental outcome is that the appropriate regulatory framework will be established within the District Plan to allow for the future development of the railway easement for transportation purposes and that this future railway link is clearly identified in the District Plan.

Change No. 2 (781 Great South Road):

The strip of land that is currently zoned Open Space 1 Zone is located within Ultraliner Investments Ltd site at 781 Great South Road (which is occupied by TR Group Ltd). This site incorporates a range of industrial uses including truck hire, truck storage, truck sales, truck wash and a scaffolding hire business.

The strip of land is located partly at the top and largely within the earthworks platform fill bank which overlooks the low lying area of tidal mangrove and bush scrub to the east and south (791 to 793 Great South Road). There is no clear visual differentiation between this Open Space zoned strip and the adjoining land. In some parts the area is visually contiguous with 791-793 Great South Road and in other parts with 781 Great South Road. There is no clear visual differentiation that signifies this is Open Space 1 zoned land.

Golders Kingett Mitchell investigated the plant species within the Open Space 1 area in 2007. The embankment is vegetated with weed infested scrub which is dominated by the pest plants, brush wattle (*Paraserianthes lophantha*), pampas (*Cortaderia selloana*, *C. jubata*) and gorse (*Ulex europeus*), with scattered clumps of woolly nightshade (*Solanum mauritianum*).

In amongst these larger plants are numerous open areas of long rank kikuyu grass (*Pennisetum clandestinum*), tall fescue (*Festuca arundinacea*), oxtongue (*Picris echioides*), fennel (*Foeniculum vulgare*), creeping butter cup (*Ranunculus repens*), scotch thistle (*Cirsium vulgare*) and cleavers (*Galium aparine*). Scattered individuals such as karamu (*Coprosma robusta*), bracken (*Pteridium esculentum*), kahili ginger (*Hedychium gardnerianum*), Sydney golden wattle (*Racospermum longifolia*) and a large stand of cultivated fig (*Ficus carica*) are also scattered throughout.

The entire area is also overgrown with rampant, and often impenetrable, dense growths of scrambling vines with mothplant (*Araujia sericifera*), blackberry (*Rubus fruticosus*) pink bindweed (*Calystegia sepium*), cape ivy (*Senecio angulatus*) and climbing dock (*Rumex sagittatus*). Localised patches of Japanese honeysuckle (*Lonicera japonica*), mignonette vine (*Anredera cordifolia*), garden nasturtium (*Tropaeolum majus*) and smilax (*Asparagus asparagoides*) are also common.

A handful of natives trees have been planted along the northern boundary fence where a few cabbage trees (*Cordyline australis*) and a couple of kohuhu (*Pittosporum tenuifolium*) are struggling to grow through the weeds. A number of other natives are also dotted along the lower slope in amongst the weeds including raupo (*Typha orientalis*), sea rush (*Juncus maritimus* var *australiensis*) and *Bolboschoenus medianus* which are also struggling to grow through the scrambling vines.

The re-zoning of this area from Open Space 1 to Business 6 will not compromise the integrity of the District Plan given that the Open Space 1 zoning of the adjoining site was replaced by a Business 6 zoning by the Environment Court (except for a small area at the southern end of 791-793 Great South Road) and this strip is now isolated from any other Open Space zoned areas. The strip of Open Space 1 zoned land is not easily accessed by the public and owing to its topography and vegetative cover it cannot be easily traversed. It does not provide any linkages between other public spaces or Open Space zoned land.

It is understood that Auckland City Council is currently investigating a possible pedestrian linkage between public land to the west of 781 Great South Road (by the co-generation plant) and to

osbornehay

Hamlins Hill to the north-east. Possible linkages could include along Southdown Lane or, if agreement was reached, through the southern corner of 791-793 Great South Road. Owing to the location and topography of the Public Open Space zoned land on 781 Great South Road it would not provide a suitable alternative pedestrian link. Re-zoning of this strip would therefore not compromise any future pedestrian linkages.

Overall the environmental outcome is that a more appropriate statutory framework would apply to this area which is consistent with the zoning of the remainder of the site and also the immediately adjoining site. Owing to the current use and ownership of this area there will not be any adverse effects on areas available for public use, the sustainable management of natural and physical resources, on recreational/leisure activities or on the amenity/quality of life values.

3 Current District Plan Provisions

This section outlines the relevant objectives and policies for the current and proposed zones for the two areas of land under consideration.

Open Space 1

The Open Space 1 Zoning is essentially for conservation purposes. The relevant objectives and policies are:

Objective

To provide for the conservation and protection of areas of particular scenic, heritage, natural and habitat value.

Policies

- *By protecting and conserving areas of scenic, ecological, heritage, natural or habitat value.*
- *By conserving and protecting features of particular value, while recognising the land in the zone as a passive resource where appropriate.*
- *By providing for activities which will have the least modification to and the least impact on the natural environment and features of value.*
- *By restricting earthworks and the removal of native trees and bush.*
- *By providing for parking only where it is necessary to provide it for the convenience of the public and to control any adverse environmental effects of indiscriminate parking.*

Comment:

The retention of the Public Open Space 1 zoning over part of 781 Great South Road is inappropriate in terms of these objectives and policies because:

- There are no scenic, ecological, heritage, natural, or habitat values of such significance that they need to be conserved.
- This area is not linked with any other similarly zoned areas where advantages from ecological connections or wider landscape values may be obtained.
- The site is generally developed for industrial purposes and has no passive recreational value.
- The surrounding Business 6 Zone does not envisage the movement of people or the public and effectively constrains the public's access to the current area of Open Space 1 Zone.

Business 6 Zoning

It is proposed to re-zone the area of Public Open Space 1 on 781 Great South Road and the area of Special Purpose 3 no longer covered by a Railway Easement on 791 & 793 Great South Road to Business 6. The relevant objectives and policies of this Business 6 zone are:

Objective

To provide for the operation and noxious and unpleasant industrial activities within the City

Policy

By recognising through zoning, existing noxious and heavy industry areas on the Isthmus.

Objective

To ensure that the safety of the public is not compromised by the hazardous or dangerous activities within the zone.

Policies

- *By requiring adequate buffers between hazardous facilities and other activities, especially residential zones and valuable natural habitats.*
- *By limiting activities in the zone to those which do not involve large movements of customers and the public into the zone, so as not to increase the risk to the public from hazardous facilities.*

Comment:

The re-zoning of the two areas to Business 6 is appropriate in terms of these objectives and policies because:

- The predominant character of the area reflects its Business 6 zoning and is characterised by large scale industrial activities, high heavy traffic volumes large buildings and yard areas and relatively high noise levels. The thin strip of land zoned Open Space Activity 1 is a rather incongruous zoning given this context. Likewise the corridor of Special Purpose Activity zoned land which is no longer subject to a Railway easement is also incongruous given the wider context.
- The area of Open Space 1 zoned land is generally incorporated as part of the wider industrial use of 781 Great South Road.
- The two areas of land can be utilised in conjunction with the remainder of the two parent sites without adversely impacting on the overall environmental outcomes currently being achieved in this area through the current zonings.
- The Business 6 zoning of these two areas would result in the more sustainable management and development of the land resource. In particular, there are limitations on the areas of and availability of Business 6 zoned land and such land should therefore be managed in a sustainable manner.

Special Purpose Activity 3 Zoning

The Special Purpose 3 zoning is applied to areas or corridors of significant transport infrastructure. In respect to 791 and 793 Great South Road, it has been applied to a railway easement which has been entered onto the title to preserve a corridor for a future railway line connection. The objective and policy for this zone are:

Objective

To preserve the existing railway rights of way and certain strategic roads for the purpose of maintaining transport corridors throughout the Isthmus.

Policy

By applying suitable zoning which allows an appropriate range of transportation functions and provides for network utility services.

Comment:

The re-positioning of the Special Purpose Activity 3 zoning to cover the new easement location is appropriate in terms of these objectives and policies because:

- The re-positioned zoning will preserve an existing railway right of way created by the easement.
- The re-positioned zoning will ensure that the correct statutory framework is established in the event that applications are made to construct and operate this railway link.

4 Consultation

Given the minor nature of the proposed plan changes it is considered that no consultation with external parties was necessary.

ONTRACK (the trading name for the New Zealand Railways Corporation) has been consulted and their approval is included in Appendix Four.

A meeting was held with SKM (for Auckland City Council) on the 11th of April 2007 with respect to the pedestrian walkway investigation currently being undertaken in this area.

It is understood that as part of the consideration of this Private Plan Change, the various departments of Auckland City Council including Council's Open Space Planners, will consider this proposal and liaise internally in order for Council to develop a single opinion on this Proposed Private Plan Change. For this reason separate consultation with the various arms of Auckland City Council has not been undertaken. On-going liaison with the Isthmus and Islands City Planning Section of the Council continues in respect to various aspects of 791-793 Great South Road and as part of those discussions this Private Plan Change has been discussed.