

## Parks Asset Owner / Specialist Response

**From:** Hester Gerber, Parks Planning Team Leader

**Date:** 1/06/2021

### Overall Summary:

Background information:

Zone: Residential – Single House Zone

Precinct: -

Controls: Controls: Macroinvertebrate Community Index – Urban

Designations: -

### Preamble:

This response is prepared based on the information received as outlined in the email from Brogan McQuid, Team Leader, Waitakere Resource Consents dated 24/05/21 and the AEE prepared for CPM 2019 Ltd by Civix dated 23/03/21.

The overall application has been identified to be a Discretionary Activity and it is acknowledged that from a Regulatory Services perspective the status will need to be confirmed.

The applicant has applied for an Integrated Residential Development (IRD) and freehold subdivision of the above site known as the Nola Estate. The Auckland Unitary Plan Operative in Part (AUP(OP)) defines an integrated residential development as:

*A residential development on sites greater than 2,000m<sup>2</sup> which includes supporting communal facilities such as recreation and leisure facilities, supported residential care, welfare and medical facilities (inclusive of hospital care), and other non-residential activities accessory to the primary residential use. For the avoidance of doubt this would include a retirement village.*

In light of the above and having regard to the effects that could be assessed under the RMA for discretionary activities, comments from Parks Planning on behalf of the asset owner and as specialists are provided below.

### Comments:

#### Boundary treatments (Asset Owner)

Council (Panuku) has a current interest in 315A Glengarry Road, Glen Eden, which has recently been rezoned to Residential Single House and is on the market for sale. It is advised that should there be any specific adverse effects identified on the boundary that this is addressed with the landowner. As this area of land is not identified as a public open space or reserve there are no matters to be considered from a Parks perspective.

#### Privately owned parks and open spaces (Asset owner)

It is acknowledged that the parks and open spaces proposed in the plans for the development will be privately owned. From a Parks perspective there would be no requirement to comment on this privately owned recreational infrastructure.

It is however noted that where parks are developed and maintained privately that communities are potentially uncertain about who is responsible or liable for that infrastructure. It is therefore suggested that the privately owned infrastructure is sign posted so it can inform the users of its nature. Private parks will therefore require legal instruments binding the legal entity responsible for the open space whilst also absolving Council of any maintenance or liability responsibilities. This is particularly important as the application has indicated that the communal open spaces will be available to the wider community.

Should the privately owned park spaces be developed with play equipment, then this will be for the owners of those facilities and not Council to maintain. It is customary that a legal instrument is created to guide the liabilities and responsibilities over this infrastructure. Structures for public use on private open spaces may also need to receive building consent certification in terms of its construction and safety.

Should the applicant wish to vest any of the private open spaces in Council it must receive prior Governing Body approval for accepting these. There is no obligation for these spaces to be accepted as assets at any time.

### **Road network (Asset owner)**

As the proposal will create a number of roads to be vested in Council, detailed landscape plans as part of the engineering plan approval for the design of the streetscape, tree species selection and maintenance will be required for asset owner endorsement. Please see recommended conditions below.

### **Parks network and accessibility (Parks specialist)**

It is acknowledged that the park and open space network for this residential development will be privatised.

Considering the site's layout and the connections it could provide, the following comments from the Council's Parks and Places specialist Thomas Dixon are considered pertinent. I have adopted these for the purpose of this response:

*Looking at the plans, we agree with concerns already raised regarding the number, size and shape of proposed open space parcels. The four main reserve parcels are located apart from each other, and are not large enough to provide for any park services aside from informal open space amenity. In their current form they act as private open space for the buildings adjacent, and offer limited value to the public open space network. So we are supportive of these remaining in private ownership, but remaining accessible to the public.*

...

*There are no proposed walkway/cycleway connections through or adjacent to this site in the Waitakere Greenways Plan. We consider it important that safe access is provided for both this new community and existing community nearby to access Parrs Park, the premier park in this local board area [located to the north of the site]. Currently the off street connections proposed offer limited improvements for access north-south through the development and safely across the street into Parrs Park.*

*An ongoing Play Provision assessment has identified no need for improved play facilities in this area, which is already well provided for. However, the developer could consider how they can create opportunities for informal play, playable spaces, and activation of the open spaces that they provide."*

In light of Mr Dixon's comments, I note that under objective E27.2 (5) it is required that *"(p)edestrian safety and amenity along public footpaths is prioritised."* Policy E27.3 (2) also supports this, stating that development should *'(r)equire major proposals for discretionary consent to prepare an integrated transport assessment including provision for pedestrians, cyclists, public transport users, freight and motorists.'* [emphasis added].

Connectivity and creating opportunities for communities to be active and connected are specifically addressed in the Auckland Plan 2020. Therefore, the applicant is urged to consider the site's wider external context and possible connections to existing play infrastructure such as that highlighted above and the stated intention to open the site up for the public to access and use.

Regarding this, it is noted that a safe pedestrian and cycling connection through the site to Parrs Park has still not been adequately prioritised under the proposed plans. It is suggested that the applicants make further design commitments toward facilitating this connection.

### **Conclusion:**

1. There would be no need for Council to take on any of the parks and reserves provided within the development and these are to be retained and maintained in private ownership. Their access to the public is supported provided appropriate legal instruments are utilised to absolve council of any maintenance or liability responsibilities and that a legal entity is established to deal with any enquiry in regard to the management of these privately owned and operated open spaces.
2. All internal roads to be vested will require the Parks as asset owner to endorse the streetscape planting.
3. The applicant should address further safe pedestrian and cycle connectivity through the site to Parrs Park.

### **Recommended Conditions**

#### **Engineering Plan Approval – Parks**

##### **Streetscape landscaping**

1. At Engineering Plan Approval stage, the consent holder shall submit a detailed streetscape landscaping plan(s) for rain gardens, street trees and street gardens for approval by the Parks Planning Team Leader. In particular, the plans shall:
  - a) Be prepared by a suitably qualified landscape architect.
  - b) Be in general accordance with the plan entitled 'Nola Estate residential neighbourhood – Landscape concept plans,' Drawings numbered 20-028-01 – 20-028-13 Rev 01 prepared by Helen Mellsop – Landscape Architect dated 25 February 2021.
  - c) Show all planting including details of intended species, location, plant sizes at time of planting and likely heights on maturity, tree pit specifications, the overall material palette, location of street lights and other service access points.
  - d) Ensure that selected species can maintain appropriate separation distances from paths, roads, streetlights and vehicle crossings in accordance with the Auckland Transport Code of Practice and the following:
    - Setback 5m from streetlights.

- Setback 2m from manholes, drainage catchment and surface opening of underground service.
  - Setback 3m from low voltage power poles and 5m from high voltage poles, transformers, and transformer poles.
  - Setback 4m from high pressure gas pipelines.
  - Setback 2m from Watercare Services pipelines over 300mm in diameter.
  - Street trees setback a minimum of 0.6m from kerbs.
  - Minimum berm width of 1.5m to ensure adequate growing space. Larger growing species will require larger berm width.
- e) Include planting methodology.
- f) Comply with Council's latest specifications or relevant Code of Practice for green assets and landscaping.

**Advice Notes:**

*Trees shall be selected based on intended design at maturity including height, girth, crown spread, volume and canopy. Selection shall also include an assessment of maintenance needs and health and safety aspects associated with maintenance.*

*Avoid selecting species with the following characteristics: aggressive root growth, sensitive to environmental conditions, biosecurity issues, messy seed pods or fruit/berries, dropping growth habit, suckers, those that do not prune well, shading issue and excessive leaf drop.*

**Prior to s224(c) certification - Parks**

**Implementation of streetscape works**

2. Prior to lodgement of section 224(c) certification, all street landscaping shall be implemented in accordance with the approved streetscape plans and to the satisfaction of the Parks Planning Team Leader and landscaped in accordance with Council's latest specifications or relevant Code of Practice for green assets and landscaping, and in particular the following:
- a) The street shall be cleared of any construction material, rubbish and surplus soil, and shall be maintained in a neat and tidy condition.
  - b) Should site factors preclude compliance with any of these conditions, the Parks Planning Team Leader must be advised in writing as soon as practicable and, in any case, prior to planting, and an alternative soil improvement methodology proposed to the satisfaction of the Council.
  - c) Grassing shall only be undertaken when the weather is suitable i.e. mild, dull and moist, and when the ground is moist and workable. Where delays occur in the agreed programme which prevents areas being planted, the consent holder shall inform the Parks Planning Team Leader immediately.

**Advice note:**

*The consent holder shall apply for a practical completion certificate from the Parks Planner prior to the issue of the completion certificate under 224(c) to demonstrate street landscaping has been satisfactorily implemented and to formalise the commencement of the maintenance period.*

**Maintenance - Streetscape**

3. Prior to the issue of the section 224(c) certificate, the consent holder shall provide for the approval of the Parks Planning Team Leader a Maintenance Plan, for all planting and landscaping to be established in the streetscape. The Maintenance Plan must include:
  - a) Vegetation maintenance policies for the proposed planting, in particular details of maintenance methodology and dates / frequencies.
  - b) Details of watering, weeding, trimming, cultivation, pest and disease control, checking of stakes and ties, pruning and other accepted horticultural operations to ensure normal and healthy plant establishment and growth.
  - c) Vandalism eradication policies.
4. The consent holder shall undertake maintenance, in accordance with the approved Maintenance Plan for a two year period commencing on the date that the section 224(c) certificate is issued. Any maintenance issues deemed unsuitable by the Parks Planning Team Leader during this period shall be remedied by the consent holder at their expense.
5. If any damage/theft to the planting occurs during the maintenance period, the consent holder shall replace damaged/stolen plants with the same species and height and shall be maintained for a period of two years following the replacement planting, to the satisfaction of the Parks Planning Team Leader.

## **Bonds - Parks**

### **Uncompleted Works Bonds**

6. Prior to the lodgement of the section 224(c) certificate and in accordance with section 108(2)(b) of the RMA, an uncompleted works bond at the Council's discretion will be entered into where any landscape works required by the conditions of this consent have not been completed in accordance with the approved plans. The bond amount shall be 1.5 x the contracted rate of any outstanding works and must be agreed in consultation with the Parks Planning Team Leader prior to lodging the bond. The liability of the consent holder shall not be limited to the amount of the bond.

### **Maintenance Bonds**

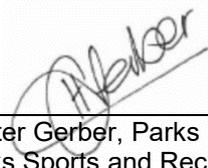
7. Prior to the issue of the 224(c) certificate, and in accordance with section 108(2)(b) of the RMA, the consent holder shall provide the Council a refundable bond in respect of the maintenance of the landscaping works required by the conditions of this consent. The maintenance bond will be held for a period of two years from the issues of a practical completion certificate. The amount of the bond will be 1.5 x the contracted rate for maintenance and must be agreed in consultation with the Parks Planning Team Leader.



Prepared by:

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Tommo Cooper-Cuthbert, Parks Planner,  
Parks Sports and Recreation

A handwritten signature in black ink, appearing to read "Hester Gerber", is positioned above a horizontal line. The signature is written in a cursive style with a large initial "H".

Parks Agency Lead:

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Hester Gerber, Parks Planning Team Leader  
Parks Sports and Recreation



## COVID-19 Recovery (Fast-track Consenting) Act 2020 –

### Red Flag Checklist

Criteria Question	Criteria Answer – <b>YES</b> or <b>NO</b>
Is the application <b>clearly</b> inconsistent with the Auckland Unitary Plan and/or not aligned with the outcomes in the Auckland Plan 2050?	<b>NO</b>
Is the application out of sequence with the Auckland Plan Development Strategy and Future Urban Land Supply Strategy?	<b>NO</b>
Is there insufficient infrastructure to support the application and/or significant infrastructure spend is required to support the project?	<b>NO</b>
Is there a significant impact on Auckland Council / CCO and/or third-party infrastructure?	<b>NO</b>
Is the application a notice of requirement?	<b>NO</b>
Is there the potential for significant adverse environmental effects to occur?	<b>NO</b>
<b>Overall, is this application red flagged on one or more criteria?</b>	<b>NO</b>
Other comments?	<b>While the application does not receive a red flag for parks, sport and recreation matters as per the above checklist, it should be noted that safe pedestrian and cycle connectivity through the site to Parrs Park are supported by the objectives and policies relevant to the site under the AUP(OP).</b>

	<b>Suitable conditions have also been proposed relevant to roads proposed to be vested.</b>
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## **ADDENDUM - Parks Asset Owner / Specialist Response on s92 matters from EPA**

**From: Hester Gerber, Parks Planning Team Leader**

**Date: 10/06/2021**

### **Overall Summary:**

#### **Background information:**

**Zone: Residential – Single House Zone**

**Precinct: -**

**Controls: Controls: Macroinvertebrate Community Index – Urban**

**Designations: -**

#### **Preamble:**

This response is prepared based on the information received as outlined in the addendum email from Brogan McQuid, Team Leader, Waitakere Resource Consents dated 8/06/21 and the AEE prepared for CPM 2019 Ltd by Civix dated 23/03/21.

#### **Addendum to comments provided on 1 June 2021**

The overall application has been identified to be a Non-Complying Activity and it is acknowledged that from a Regulatory Services perspective the status will need to be confirmed.

From a parks planning standpoint the further information received does not address the information request in terms of the management of the private open space and how it will cater for general public use. Here the response is silent on matters regarding the legal instrument and obligations for a residents society to avoid confusion with its management and maintenance responsibilities.

Prepared by:



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Tommo Cooper-Cuthbert, Parks Planner,  
Parks Sports and Recreation

Parks Agency Lead:



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Hester Gerber, Parks Planning Team Leader  
Parks Sports and Recreation