

## Attachment D: Advice on matters related to the plan scope.

Below is a summary of information provided to the PWG regarding the scope of the plan in relation to:

- stormwater reserves
- unformed roads
- transfer of local parks to the regional network

### **Stormwater Reserves**

- Three parks are identified as stormwater reserves within Kaipatiki; being Link Drive, Wairau Ponds and Monte Cassino Reserve. A couple of these have publicly accessible walkways through them.
- Decision-making for stormwater reserves sit with the governing body;
- Management plan objectives and policies would need to consider the impacts on stormwater use and development. Relevant issues include:
  - A management plan may (inadvertently or not) restrict the ability to develop the stormwater reserve further for stormwater use
  - A management plan may (inadvertently or not) require certain public outcomes beyond the scope of the asset owner's role (though of course the lack of a plan does not restrict those outcomes from occurring).
  - A management plan covering both local parks and stormwater reserves may create confusion over decision-making roles and responsibilities.
- The function of a stormwater unit is fundamentally different to our parks and reserves.
- We can include advocacy policies in respect of these stormwater reserves to recognise the recreational value they provide notwithstanding stormwater management comes first.

### **Unformed Roads adjacent to existing reserves, functioning as part of those reserves.**

- To legally change those roads to reserve, the paper roads must be 'stopped'.
- Each application to stop a paper road is assessed in terms of its appropriateness and likelihood to succeed; where anyone objects to a stopping, then the matter is referred to Environment Court – AT do not generally take road stoppings to the EC unless the stopping is of significance to the Auckland Region.
- The process to stop the road is built around statutory requirements under the Local Government Act 1974 and the Public Works Act 1981 and is generally lengthy (8 months for a very simple one; but more like one year +)
- The process involves reviewing the future requirement for the road across relevant AT/AC departments; survey of the site, AT board approval, valuation (even if transferring only the book value in council), iwi consultation, public notification, legal agreement and LINZ approval.
- Costs range substantially depending on site complexity, size and public/iwi interest; but include survey costs, legal costs, LINZ fees, AT staff time costs, advertising, iwi consultation, valuation feeds. A very simple application could cost approximately \$11,000 as a minimum.
- Note that adjacent landowners often feel that a paper road (which provides for vehicle access) adjoining their property is valuable for access – preferable to an easement over a reserve
  - In practical terms, the council is managing many paper roads where they are adjacent to our parks and reserves in any case. This includes maintaining native vegetation, pest control, and planting as appropriate to align with reserve

outcomes. Walkways/cycleways align well with the purposes of (paper) roads and rural paper roads can be used as Walking Access Commission trails.

- There are some technical restrictions to the use of paper roads – e.g. leases cannot be provided on roads (though non-exclusive licences can occur); and no structures should be placed there that might impede access. If there is a desire to place structures on paper roads; this might be a reason to stop that road and vest as reserve.
- AT recommend we include objectives/policies in the management plan to investigate road stopping where a specific paper road is problematic.

### **Transfer of local parks to the regional network**

- These are assessed against the decision-making criteria outlined in the Local Government (Auckland Council) Act 2009, and the decision-making made through the regional review of decision-making for local parks in 2013. Other relevant guidance such as local board or governing body decision-making (e.g. through the Governance Framework Review 2016) may also be considered.
- The decision-making criteria outlined in the Local Government (Auckland Council) Act 2009 (s17(2)) relate to whether decisions are allocated to local boards or the governing body. For non-regulatory matters, the Act provides principles underpinning whether decision making on an Auckland-wide basis for non-regulatory matters will:
  - “..better promote the well-being of the communities across Auckland because-
    - (i) the impact of the decision will extend beyond a single local board area; or
    - (ii) effective decision making will require alignment or integration with other decisions that are the responsibility of the governing body; or
    - (iii) the benefits of a consistent or co-ordinated approach across Auckland will outweigh the benefits of reflecting the diverse needs and preferences of the communities within each local board area.
- Where local parks under consideration are not contiguous with existing regional parks and could signal a substantive change to the local and regional park networks, staff would seek further expert advice on due diligence requirements to consider such a proposal. However, in general, we expect the process for assessing such proposals would require time and resources for:
  - Understanding the values, management issues, local and regional uses and benefits of nominated parks
  - Reflecting on alignment and integration of nominated parks to the existing regional park network strategically and operationally
  - Understanding implications of moving nominated parks to the regional park network including legal, resourcing, budgetary implications
  - Understanding views of mana whenua
  - Workshopping and reporting to the local board for their views and preferences regarding the proposal
  - Reporting to the governing body for formal agreement or otherwise for the proposal