I hereby give notice that an ordinary meeting of the Planning Committee will be held on:

Date: Tuesday, 2 July 2019
Time: 9.30am
Meeting Room: Reception Lounge
Venue: Auckland Town Hall
301-305 Queen Street
Auckland

Komiti Whakarite Mahere / Planning Committee

OPEN ADDENDUM AGENDA

MEMBERSHIP

Chairperson
Cr Chris Darby

Deputy Chairperson
Cr Richard Hills

Members
Cr Josephine Bartley
Cr Dr Cathy Casey
Deputy Mayor Cr Bill Cashmore
Cr Ross Clow
Cr Fa’anana Efeso Collins
Cr Linda Cooper, JP
Cr Alf Filipaina
Cr Hon Christine Fletcher, QSO
Mayor Hon Phil Goff, CNZM, JP
IMSB Member Hon Tau Henare
Cr Penny Hulse

(Quorum 11 members)

Sarndra O’Toole
Team Leader Governance Advisors

26 June 2019

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Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
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<td>Converting Road Reserve, Unformed Legal Roads and Pedestrian Accessways to Open Space</td>
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Te take mō te pūrongo
Purpose of the report

1. To identify options for using road reserve and unformed legal roads (paper roads) as open space, and to outline some potential issues and opportunities associated with “stopping” unutilised legal roads and unformed legal roads.

2. To recommend the most appropriate mechanisms for investigating potential conversions of unutilised legal roads and unformed legal roads to open space, and the “stopping” of unutilised legal roads and unformed legal roads.

Whakarāpopototanga matua
Executive summary

3. At its 7 August 2018 meeting, the Planning Committee:

“Resolution number PLA/2019/72

   c) requested staff report back to the Planning Committee before the end of the year on the issues and options associated with reclassifying and rezoning pieces of road reserve and public owned paper roads as recreation reserves and open space. The report should also assess whether pedestrian only accessways should be zoned as open space.”

4. In responding to the Planning Committee’s request, staff have investigated whether additional open space could be secured for the public by converting portions of unutilised road reserve and unformed legal roads (paper roads) to open space. This could be undertaken either with or without “stopping” the road. The process for “stopping a road” is specified in the Local Government Act 1974. Formed and sealed roads are shown as “road” in the Auckland Unitary Plan (Operative in Part) (AUP). Unformed legal roads are shown in a variety of ways, depending on the approach that was used in the legacy district plans.

5. The Public Works Act 1981 outlines the process for the sale/disposal of stopped road. As many paper roads came into existence in the original subdivision of land by the Crown in the 19th century for sale to settlers, the original owners will in many cases be Māori. The stopping of unformed legal roads and/or formed legal roads and offering the land back to Māori can potentially provide a number of benefits which may include:

- protection of sites of significance;
- protection of cultural landscapes;
- enabling customary rights to be undertaken;
- enhancing water quality;
- enabling Māori cultural values, history and heritage to be reflected

Any proposed road stopping would involve engagement with iwi. This needs to be undertaken as early as possible in the process and is guided by the Treaty of Waitangi /Te Tiriti o Waitangi principles along with a number of other frameworks, strategies and plans.
6. In some cases, portions of road reserve and unformed legal roads are already used informally as open space, for example, walkways to reserves or formal and informal recreation areas within the road reserve. Many existing parks and reserves include unformed paper roads. Some “road ends” abutting the coastal marine area do not have a formed carriageway and appear to be open space. Road stopping procedures would be required to “stop” these roads. These areas appear to operate successfully under their current land classification and zoning arrangements.

7. Pedestrian accessways linking roads are shown as “road” under the AUP. This approach was supported by Auckland Transport (AT), Parks and Plans and Places departments when developing the plan, and endorsed by the relevant council committees. They are managed and maintained by AT. Many of these are vested as local purpose reserve – walkway.

8. In summary, the key potential advantages of stopping and zoning unformed legal roads to open space are:
   - increases the amount of land zoned open space
   - there is a positive public perception
   - the opportunity in some situations to address historical breaches of the Treaty of Waitangi /Te Tiriti o Waitangi and achieve positive outcomes for Māori and the wider community.

9. The key potential disadvantages are:
   - the costs of the process of stopping roads (if they are to be stopped)
   - the possibility of Environment Court costs and delays if road stopping is appealed
   - in some cases, unformed legal roads provide access to adjacent private land, so access would need to be maintained
   - stopped roads may need to be offered back to the former land owner under the Public Works Act 1981 (although as noted above, this can also represent an opportunity to address breaches of the Treaty of Waitangi/Te Tiriti o Waitangi and achieve positive outcome for Māori and the wider community)
   - issue of maintenance responsibility (e.g. if retained in council ownership the transfer of responsibility from Auckland Transport to the Parks, Sport and Recreation department)
   - an open space zoning is generally more enabling than road reserve (in terms of allowing buildings and structures) so there could be opposition to any rezoning from potentially affected persons.

10. Auckland Council currently uses a number of tools to identify additional open space and recreational opportunities. These include greenway plans (now part of the Auckland Paths project), open space network plans, area plans, centre plans, structure plans and “regeneration” plans. The greenway plans, open space network plans and structure plans, in particular, are already used to identify opportunities to utilise road reserve and unformed legal road and/or pedestrian accessways as open space, and if there are advantages to do so, change their land classification and zoning.

11. Adopting a “global” approach to converting road reserve or unformed legal road to open space would run a high risk of overlooking local and site-specific issues. Following the non-statutory and statutory processes available to the council and assessing each location on a case by case basis, enables the advantages and disadvantages to be clearly identified before determining the most appropriate approach.

12. The most significant opportunities to utilise road reserve and unformed legal road for open space/recreation purposes are as part of the Auckland Paths project. This project represents a $900 million capital investment in Auckland’s walking and cycling network over the next 10 years.
13. Innovative ways of providing open space and/or opportunities for recreation activities in urban areas are not limited to road reserves or unformed paper roads. The wider issue therefore, is what innovative approaches could be used to provide additional areas of open space and/or recreational opportunities? In addition to the information requested in the 7 August 2018 Planning Committee resolution, this paper also provides some examples of innovative approaches used in Auckland and elsewhere in New Zealand and around the world.

Ngā tūtohunga
 Recommendation/s

That the Planning Committee:

a) note that unutilised road reserve and unformed legal roads (paper roads) are already being managed as an open space resource.

b) note that unutilised road reserve and unformed legal roads (paper roads) do not necessarily need to be “stopped” and/or rezoned to open space to be used as open space, and that the road stopping process can be complex, expensive and protracted.

c) acknowledge that while not a simple process, the “stopping” of unformed legal roads and/or formed legal roads and offering the land back to Mana Whenua as the former owners can potentially provide a number of benefits, and therefore request that engagement with Mana Whenua on any road stopping is undertaken as early as possible in the process and is guided by:

i) the Treaty of Waitangi /Te Tiriti o Waitangi principles

ii) Auckland Council’s Māori responsiveness framework

iii) the Māori Plan for Tāmaki Makaurau

iv) the Auckland Plan (especially Strategic Direction 2)

v) the Auckland Unitary Plan (especially Chapter B6: Mana Whenua)

vi) other relevant plans and strategies e.g. Open Space Strategies, Local Board Plans.

vii) note that the most significant opportunities to utilise road reserve and unformed legal roads (paper roads) for open space/recreation purposes are as part of the Auckland Paths project which represents the largest ever capital investment in active travel in Auckland.

viii) endorse the approach that where unutilised road reserve and unformed legal roads (paper roads) are utilised for open space / recreation purposes, these areas are not included in the open space provision calculation for the relevant local board area.

ix) request that when the parks and open space acquisition policies are next reviewed, consideration is given to specifically referencing the opportunity that unutilised road reserve and unformed legal roads (paper roads) provide in adding to open space outcomes.

x) endorse the use of existing mechanisms such as the preparation, implementation and review of the Auckland Paths project, existing greenway plans, open space network plans and structure plans as the primary tools for identifying future open space opportunities.
xi) request staff when undertaking the preparation, implementation or review of the Auckland Paths project, existing greenway plans and open space network plans, and the preparation of structure plans in conjunction with local boards, give further consideration to:

A) where appropriate, using unutilised road reserve and/or unformed legal roads (paper roads) as open space;

B) identifying opportunities to address historical breaches of the Treaty of Waitangi / Te Tiriti o Waitangi and achieving positive outcomes for Māori and the wider community through road “stopping”.

A) investigating innovative ways of providing additional open space and recreational facilities such as the Lightpath (in accordance with the Auckland Council’s Parks and Open Space Acquisition Policy 2013, the Open Space Provision Policy 2016 and the Auckland Plan 2050).

h) endorse the existing Auckland Unitary Plan approach for pedestrian accessways, which is that pedestrian accessways linking roads are shown as “road”, and those linking roads to open space are shown as “open space”.

Horopaki
Context

Previous Resolution
14. At its 7 August 2018 meeting, the Planning Committee:

“Resolution number PLA/2018/72

  c) requested staff report back to the Planning Committee before the end of the year on the issues and options associated with reclassifying and rezoning pieces of road reserve and public owned paper roads as recreation reserves and open space. The report should also assess whether pedestrian only accessways should be zoned as open space.”

15. The above resolution of the Planning Committee arose out of its consideration of the Open Space Plan Change (PC13), where land that had been vested or purchased over the preceding year, was to be rezoned to one of the five Auckland Unitary Plan (AUP) open space zones.

Problem or Opportunity Definition
16. In established urban areas, it is difficult and hugely expensive to acquire additional public open space. As parts of Auckland become more intensively developed, existing open spaces will need to be used more efficiently and innovative ways of increasing access to open space or providing recreation opportunities may be required.

17. There are portions of road reserve and unformed legal road that are currently, or potentially could be, used as open space. Additional open space could be secured by converting or utilising road reserve as open space. This could be undertaken either with or without “stopping” the road and changing its notation in the AUP.

18. Many existing open spaces/reserves include unformed legal (paper) roads. Some of these are shown as road in the AUP while others are zoned the same as the surrounding open space. The public are generally not aware of these paper roads. Road stopping procedures would be required to “stop” these roads. For example, if land is no longer required for a public work, it must be offered back to the former owners under the Public Works Act 1981. In many cases there is little to be gained and potentially significant costs involved if these unformed legal (paper) roads are “stopped”. 
19. That said, in some cases the stopping of unformed legal roads and/or formed legal roads and offering the land back to the original owners, which typically would be Māori, can potentially provide a number of benefits. These benefits are outlined in more detail under the Māori Impact Statement section of this report.

20. Pedestrian walkways linking roads are shown as “road” under the AUP. They are owned and maintained by Auckland Transport. Many of these are vested as local purpose reserve – walkway.

Unformed Legal Roads (or Paper Roads)

21. An unformed road is as much a legal road as the formed roads that make up Auckland’s public road network. Unformed legal roads may only be recorded on survey plans and not always readily identifiable on the ground (which is why they are often referred to as “paper roads”). Most have never been developed due to there being no access requirements, impractical topography, lack of funding priority or unsuitable environmental conditions. Ownership lies with either a territorial authority or the crown. Road Controlling Authority powers are exercisable over them in the same way as other roads. This means that in Auckland, unformed legal roads are under the control of Auckland Transport. Unformed legal roads are an important component of the transport and recreation network envisaged in the Auckland Council Parks and Open Space Strategic Action Plan 2013.

22. Most unformed legal roads were established during the early days of settlement, particularly in the period of provincial government (1854 – 1876). Before crown land was sold, land was set aside as roads to ensure public access would be available once the land was developed. Roads were shown on survey plans, but not frequently built or used.

23. The functions and powers of Auckland Transport are set out in the Local Government (Auckland Council) Act 2009 – particularly sections 45 and 46. These provisions provide that Auckland Transport manages and controls the Auckland transport system (including unformed legal roads).

24. Public users have rights of free passage on unformed legal roads as they do with public formed roads. However, unlike formed roads, unformed roads may in places not be traversable due to the condition of the surface, unsuitable terrain, dense vegetation and other natural hazards.

25. Rights of free passage must also be balanced against potential damage to the environment, and Auckland Transport has the right to restrict vehicle movements on unformed legal roads for the purpose of protecting the environment or the public.

26. Some of the unformed legal roads throughout the Auckland region are already used by recreational users for such activities as walking, mountain biking, horse riding, hunting and to reach outdoor destinations such as rivers, lakes and beaches.

27. Any person who strays from an unformed legal road onto private property, may be subject to the provisions of the Trespass Act 1980.

The Use of Roads (Including Unformed Roads)

28. Section 22AB of the Land Transport Act 1998 enables road controlling authorities to make certain bylaws. Auckland Transport has a Traffic Bylaw (2012) which sets the requirements for vehicle and road use, parking and enforcement powers on roads under the care, or management of Auckland Transport.

Methods for Removing the Status of Legal Road

29. There are two methods for removing the status of a legal road:
   a) by a process referred to as “road stopping” under the Local Government Act 1974 – see Attachment A (as opposed to temporary road closures where the underlying status of being a road returns after the closure); or
   b) by the Minister for Land Information who may stop a road under section 116 of the Public Works Act 1981.
30. Auckland Transport can stop roads by following the procedure set out in Schedule 10 of the Local Government Act 1974, which involves public notification. If the road is in a rural area, the consent of the Minister for Land Information must be obtained for the road to be stopped. If there are objections to the road stopping these will need to be determined by the Environment Court.

31. Assessment of whether a road should be stopped is based on a number of factors (including current and possible future use) to determine whether the need for the road for public use is outweighed by the need for the stopping.

32. Once a road has been stopped, it must be offered back to the former land owners under the Public Works Act 1981. If they (or their successors) are not interested in acquiring the land, Auckland Council is responsible for determining how the land will be used or disposed of. In practice, the purpose of the road stopping often determines how the land will be used.

33. Stopped roads bordering waterways must become esplanade reserves. Under the AUP, stopped roads are to be zoned the same as the adjacent zone and do not need to go through a plan change process.

34. Network utilities also have rights to access roads. If there are any utilities in the roads to be stopped, negotiations with these parties will be required to either relocate those assets or provide a legal mechanism for them to remain in the open space.

35. If a road is stopped or proposed to be stopped, it provides an opportunity to address issues and or past interests in the underlying land. For example, issues such as past confiscation and/or alienation of the land are not uncommon.

36. The general public along with community and sporting or recreational groups utilise many unformed roads as recreational trails for walking, mountain biking and coastal access to beaches. Changing the status of the road could potentially raise objections from those groups, although this could be mitigated by an open space zoning.

37. Auckland Transport also has no obligation to form any unformed legal roads, and currently has no forward capital works programme to form or improve unformed roads. However, Auckland Transport will consider applications from adjacent property owners, developers and interest groups to construct carriageways, cycle tracks, bridle paths and footpaths within unformed legal roads at the applicant’s expense where this is vital for development or where significant public access benefits are clearly demonstrated.

### Tātaritanga me ngā tohutohu

#### Analysis and advice

**The Auckland Unitary Plan Approach**

38. The different ways roads, including unformed legal roads are shown in the AUP are listed in the table below. Apart from pedestrian walkways where a consistent approach was adopted throughout the region, these largely reflect the legacy District Plan approaches.

<table>
<thead>
<tr>
<th>Road Status</th>
<th>Unitary Plan Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road – formed and sealed</td>
<td>All shown as road</td>
</tr>
<tr>
<td>Unformed legal (paper) road</td>
<td>Some shown as road, some have the same zoning as adjacent land, some are zoned open space (e.g. if they lie within a park/reserve)</td>
</tr>
<tr>
<td>Pedestrian walkway linking road to road</td>
<td>All shown as road</td>
</tr>
<tr>
<td>Pedestrian walkway linking road to open space</td>
<td>All zoned as the same open space zone as the reserve it provides access to</td>
</tr>
</tbody>
</table>
Examples of the Different Unformed Legal Roads

39. Attachment B provides examples of the different ways unformed legal roads and pedestrian accessways are dealt with in the AUP. These include:

   a) Road reserve “ends” that are shown as road (e.g. Brett Ave, Takapuna, Ellett Road and Kidd Road, Karaka) but are effectively used as open space;
   b) Unformed legal road shown as road (e.g. Kauri Point Domain, unnamed road off Piha Road);
   c) Unformed legal road shown as open space (e.g. Omana Reserve, Maraetai);
   d) Unformed legal road shown as the same zoning as the adjacent land (e.g. Krippner Road, Puhoi);
   e) Pedestrian accessway from road to road (View Road and The Esplanade, Campbells Bay);
   f) Pedestrian accessway from road to reserve (Whitby Crescent, Mairangi Bay);

Number of Road Ends, Unformed Legal Roads & Pedestrian Accessways

40. The Plans and Places GIS team undertook an analysis of the number of instances unformed legal roads occur adjacent to the Coastal Marine Area (CMA) and the number of pedestrian accessways shown as road.

41. The table below contains the results of that analysis.

<table>
<thead>
<tr>
<th>Unformed Legal Roads &amp; Pedestrian Accessways</th>
<th>Number</th>
<th>Approximate Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Instances of unformed legal roads adjacent to the Coastal Marine Area</td>
<td>512 (Total)</td>
<td>638 (Total)</td>
</tr>
<tr>
<td>- Instances of unformed legal road zoned as road adjacent to the CMA and not in Parks asset database</td>
<td>271</td>
<td>308</td>
</tr>
<tr>
<td>- Instances of unformed legal road adjacent to the CMA which are in the parks asset database but are not zoned as open space</td>
<td>241</td>
<td>330</td>
</tr>
<tr>
<td>Instances of legal road zoned as open space</td>
<td>172</td>
<td></td>
</tr>
<tr>
<td>Pedestrian accessways shown as road</td>
<td>465</td>
<td></td>
</tr>
</tbody>
</table>

42. Potentially there are 512 unformed legal roads adjacent to the CMA that could be rezoned to increase the area of open space zoned land. Of these, 271 are not currently in the Parks asset database and 241 are in the database. This information is portrayed on a map in Attachment C.

43. In addition, there are 465 pedestrian accessways in the Auckland region that are shown in the Unitary Plan as “road”. These are located between roads. Pedestrian accessways that provide access from a road to a park (or open space) typically have the same zoning as the adjacent open space.
Relevant Auckland Council Plans and Strategies Relating to Open Space Acquisition

The Auckland Plan 2050

44. The outcomes, focus areas and directions from the Auckland Plan 2050 that are relevant to open space are contained in Attachment D.

45. The Auckland Plan 2050, Homes and Places outcome recognises that “As Auckland’s population increases and becomes more urbanised, our public places and spaces will become even more important to our wellbeing. This is particularly the case in areas of high growth, increased density and socio-economic need. This has implications for the number, size and location of our public places. It is also an important reason why we need to think differently about what we consider to be a public place and how we conceive its use. We also need to think differently about how we design and deliver them”.

Parks Acquisition Strategies and Policies

46. The acquisition of parks is guided by the Parks and Open Space Strategic Action Plan 2013, the Parks and Open Space Acquisitions Policy 2013 and the Open Space Provision Policy 2016. The role and function of these documents is outlined in Attachment E.

Tools Available to Identify and Deliver Open Space and Recreation Opportunities

Open Space Network Plans

47. The Open Space Acquisitions Policy identifies tools for identifying future open space and parks. These include two key tools - open space network plans and greenway plans.

48. Open Space Network Plans set out the actions needed to deliver a sustainable quality open space network for a local board area that will respond to the anticipated growth and provide the community with access to a range of recreational, social, cultural and environmental experiences. They sit under the Open Space Strategy, providing high level direction for improvements to the open space network, specific to each Local Board area.

49. The current status of Open Space Network Plans for Auckland Council’s local boards is outlined in Attachment I.

50. The plans assist Auckland Council to prioritise its spending for parks and open space development by identifying projects for prioritisation through the local board plan, long-term plan and annual plan processes.

Greenway Plans

51. Auckland’s Greenway Plans are a series of linked, visionary plans being developed from the “ground up” by local boards and their communities with the long-term aim of improving walking, cycling and ecological connections across the region.

52. Greenway Plans aim to provide cycling and walking connections which are safe and pleasant while also improving local ecology and access to recreational opportunities. To achieve this, greenways may cross existing areas of parkland and follow street connections between parks. The network typically follows natural landforms such as streams and coastlines as well as man-made features such as streets and motorways.

53. The status of Greenway Plans for each local board area is outlined in Attachment J. Greenway Plans have recently been superseded by the Auckland Paths project.

Structure Plans

54. Appendix 1 – Structure Plan Guidelines, of the AUP identifies the provision of open space, the integration of green networks with open space and pedestrian and cycle networks and the layout of the transport network and facilities as matters that a structure plan must identify, investigate and address.
55. Open space network plans, greenway plans and structure plans are/can be an effective tool in identifying future open space opportunities associated with road reserves and unformed legal road.

Examples from Other Cities of Road Reserve/Closed Roads Being Converted to (or Considered as) Open Space

56. Like Auckland, other cities in Australasia are recognising the open space benefits of roads or road reserves. Attachment F highlights examples from Sydney, Melbourne and Christchurch which illustrate this point.

Other Innovative Approaches

57. Innovative ways of providing open space and/or opportunities for recreation activities in urban areas are not limited to road reserves or unformed paper roads.

58. The Auckland Plan 2050 Homes and Places outcome (in Direction 4) states “we need to think differently about what we consider to be a public place and how we conceive its use. We also need to think differently about how we design and deliver them”.

59. There are a number of examples of innovative ways of providing open space and recreational opportunities in Auckland, other parts of New Zealand and overseas. Attachment G provides some examples of these. Existing mechanisms such as the Auckland Paths project, existing greenway plans, open space network plans, area plans, centre plans, structure plans and “regeneration plans” can be used to explore innovative responses to the need for additional open space/recreation facilities, particularly in established urban areas.

Advantages and Disadvantages of Different Options

60. Attachment K identifies possible options associated with converting road reserve, unformed legal roads and pedestrian accessways to open space and assesses the advantages and disadvantages. The three scenarios discussed at the Planning Committee meeting of 7 August 2018 are assessed. These are:
   - road ends (which are effectively the end portions of road reserve or unformed legal roads)
   - paper roads (or unformed legal roads)
   - pedestrian accessways.

61. Attachment K also provides an initial scoping of likely costs and benefits. If a plan change was to be pursued, a more detailed section 32 report of the costs and benefits would need to be prepared.

62. In summary, the key potential advantages of stopping and zoning unformed legal roads to open space are:
   - increases the amount of land zoned open space
   - there is a positive public perception
   - the opportunity in some situations to address breaches of the Treaty of Waitangi /Te Tiriti o Waitangi and achieve positive outcomes for Māori and the wider community.

63. The key disadvantages are:
   - the costs of the process of stopping roads (if they are to be stopped)
   - the possibility of Environment Court costs and delays if road stopping is appealed
   - in some cases, unformed legal roads provide access to adjacent private land, so access would need to be maintained
stopped roads may need to be offered back to the former land owner under the Public Works Act 1981 (although as noted above, this can also represent an opportunity to address breaches of the Treaty of Waitangi / Te Tiriti o Waitangi and achieve positive outcome for Māori and the wider community)

issue of maintenance responsibility (e.g. if retained in council ownership the transfer of responsibility from Auckland Transport to the Parks, Sport and Recreation department)

an open space zoning is generally more enabling than road reserve (in terms of allowing buildings and structures) so there could be opposition to any rezoning from potentially affected persons.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera Council group impacts and views

Views of Auckland Transport
64. All roads, including unformed roads are ‘owned’ by Auckland Council. Auckland Transport, as the road controlling authority, manages the road network for Auckland Council. If the function of a road, including unformed roads, is to change, Auckland Transport would need to support this change in function. If an unformed road was to be used for a public access purpose, like a pedestrian way/cycleway – this would not be a change of function – but there would be funding needed to develop unformed roads for this type of public access.

65. Auckland Transport staff agree that there are opportunities to convert some road reserves and unformed legal roads (paper roads) into open space, particularly in coastal areas. However, they consider that these situations need to be considered on a case by case basis. They also advise that road stopping is a difficult and expensive process and are of the view that a joined-up cross-Council management approach, without the “stopping of roads”, may be able to achieve the same outcomes.

Views of Auckland Council Parks and Recreation Policy Unit
66. The Council’s Parks and Recreation Policy Unit also agree that there are opportunities via road reserve and unformed legal road to expand and enhance the open space network. These are being identified through the Auckland Paths project and the development of open space network plans. In addition, an evaluation of the network plans in the future will be able to identify further opportunities. Parks and Recreation Policy staff are of the view there is not a great deal of value in closing unformed legal roads where they are located in existing parks and already have an open space zoning, as there is no impact in terms of additional open space. They also advise that the New Zealand Walking Access Commission frequently utilises unformed legal roads to develop walking and cycling trails.

67. Parks and Recreation Policy staff also advise that converting all unutilised or unformed legal roads to open space may not accord with council policy and could have significant resource and financial implications. The Council’s Open Space Provision Policy identifies six specific open space typologies:

- Pocket parks
- Neighbourhood parks
- Suburb parks
- Destination parks
- Civic space
- Connection and linkage open space

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1 These open spaces provide contiguous networks of open space that establish recreational, walking, cycling and ecological connections, integrated with on-street connections. Road and stormwater reserves are not considered open space because they do not provide contiguous or continuous functionality for passive and active recreation. The location of these reserves has no impact on open space provision levels.
68. Some unutilised or unformed legal roads could provide connection and linkage open space, particularly those adjoining existing parks or esplanade reserves. However, each site would need to be assessed against the Parks and Open Space Acquisition Policy (2013). Undertaking these assessments would have resource implications in terms of staff time. Auckland Council would need to acquire any assets from Auckland Transport based on net book value in accordance with the internal asset transfer policy. The governing body would need to consider the trade-offs between this expenditure and the acquisition of new open space.

69. Parks and Recreation Policy staff support the current approach to pedestrian accessways whereby those that link roads are shown as “road” and those that link to open space/parks have the same zoning as the park/open space. They point out that should pedestrian accessways linking roads be converted to open space this may raise maintenance issues for parks.

Views of Auckland Council’s Parks, Sport and Recreation Department

70. The Council’s Parks, Sport and Recreation department staff consider that the most significant opportunities to utilise road reserve and unformed legal road are as part of the Auckland Paths project. This project represents a $900 million capital investment in Auckland’s walking and cycling network over the next 10 years. This is the largest ever capital investment in active travel in Auckland. This project is being delivered by NZTA, Auckland Transport and the Council’s local boards, with the potential for third party investment through corporate sponsorship.

71. In new growth areas, the acquisition of open space is guided by the open space provision guidelines. In existing urban areas, the emphasis is on improving the quality of existing open spaces. In many cases, “road ends” are currently being used for open space/recreation purposes. There is always potential to add more but these need to be considered on a case by case basis. Where existing infrastructure is repurposed (e.g. Te Ara I Whiti – the Lightpath, and the Highline in New York), there is significant potential to add to open space and recreational assets.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe

Local impacts and local board views

72. Consultation has not yet occurred with local boards. If the recommendations of this report are supported, consultation would occur with the respective local boards through the Auckland Paths project and the development, implementation and future review of open space network plans and structure plans.

73. Representatives of the Devonport-Takapuna and Hibiscus and Bays Local Boards attended a workshop on the issue of converting road reserve and unformed legal road to open space. Email correspondence was also received from the Albert Eden Local Board. The key point made by all three boards was the need to ensure that where road reserve and unformed legal road is utilised as open space and/or for recreation purposes, this is in addition to the normal open space provision standards for a local board area.

Tauākī whakaaweawe Māori

Māori impact statement

74. Development and expansion of Auckland has negatively affected Mana Whenua taonga and the customary rights and practices of Mana Whenua within their ancestral rohe. Mana Whenua participation in resource management decision-making and the integration of mātauranga Māori and tikanga into resource management are of paramount importance to ensure a sustainable future for Mana Whenua and for Auckland as a whole.
75. Chapter B6 Mana Whenua (Regional Policy Statement) of the Auckland Unitary Plan identifies the following issues of significance to Māori and to iwi authorities in the region:

- recognising the Treaty of Waitangi/Te Tiriti o Waitangi and enabling the outcomes that treaty settlement redress is intended to achieve;
- protecting Mana Whenua culture, landscapes and historic heritage;
- enabling Mana Whenua economic, social and cultural development on Māori alnd and treaty Settlement Land;
- recognising the interests, values and customary rights of Mana Whenua in the sustainable management of natural and physical resources, including integration of mātauranga Māori and tikanga in resource management processes;
- increasing opportunities for mana Whenua to play a role in environmental decision-making, governance and partnerships;
- enhancing the relationship between Mana Whenua and Auckland’s natural environment, including customary uses.

76. Any proposed road stopping would involve engagement with iwi. This needs to be undertaken as early as possible in the process and be guided by:

a) the Treaty of Waitangi /Te Tiriti o Waitangi principles;
b) Auckland Council’s Māori responsiveness framework;
c) the Māori Plan for Tāmaki Makaurau;
d) the Auckland Plan (especially Strategic Direction 2);
e) the Auckland Unitary Plan (especially Chapter B6: Mana Whenua);
f) other relevant plans and strategies e.g. Open Space Strategies, Local Board Plans.

77. Under section 40 of the Public Works Act, where land is no longer required for a public work it must be offered back to the former land owner or their successors. As many paper roads came into existence in the original subdivision of land by the Crown in the 19th century for sale to settlers, the original owners are likely to be Māori.

78. Under section 41 of the Public Works Act 1981, where former Māori land is not required for a public work it must be offered back to the former owner(s).

79. Under Section 42 of the Public Works Act 1981, where any offer to sell land under section 40 is not accepted, a local authority may offer the land for sale to the adjacent owner or offer the land for sale by public auction, public tender, private treaty, or by public application at a specified price.

80. Where any stopped road is Crown Land, that land potentially becomes available for Treaty Settlements with iwi having the first right of refusal.

81. The stopping of unformed legal roads and/or formed legal roads and offering the land back to Māori can potentially provide a number of benefits which may include:

- protection of sites of significance;
- protection of cultural landscapes;
- enabling customary rights to be undertaken;
- enhancing water quality;
- enabling Māori cultural values, history and heritage to be reflected;
- addressing issues of members of the public straying onto adjacent land.

82. Māori are also potentially impacted through the Auckland Paths project and the development of open space network and structure plans. The development of these plans includes engagement with relevant iwi.
Ngā ritenga ā-pūtea
Financial implications

83. Costs are associated with any road closure and/or plan change process, including possible appeal costs and opportunity costs (loss of the opportunity for council staff to work on other projects). These costs need to be considered alongside the benefits.

84. In addition, the Finance department advises that the transfer of road reserve to open space would need to be paid for by the council at net book value.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

85. A number of greenway plans, open space network plans and structure plans have been completed recently. If these planning tools are the primary means by which additional open space opportunities are identified and they did not explore or identify all options, there is a risk that opportunities to secure additional open space by way of road reserve and/or unformed legal roads will not be realised for some time when these plans are next reviewed. This risk is mitigated to some extent by opportunities that will be created through the Auckland Paths project.

86. Any “global approach” to converting road reserve or unformed legal road to open space would overlook local and site-specific issues. Following the non-statutory and statutory processes available and assessing each location on a case by case basis will enable potential advantages and disadvantages to be identified before determining the most appropriate approach.

Ngā koringa ā-muri
Next steps

87. An initial assessment of converting unformed legal road and/or pedestrian accessway to an open space zone indicates there are both advantages and disadvantages. The exact nature and degree of these will depend on the context. They therefore need to be looked at on a case by case basis.

88. Auckland Council already has suitable mechanisms and processes underway – the Auckland Paths project, existing greenway plans, open space network plans and structure plans, for identifying opportunities for additional open space across local board areas (see Attachment I for examples) and opportunities to achieve positive outcomes for Māori and the wider community through the stopping of unformed roads (paper roads). These planning processes already include the assessment of whether road reserve or unformed legal roads could be appropriately converted to or used as open space. The implementation of these plans is the next step in the process. Other innovative approaches to securing open space could also be explored.

89. Any proposed road stopping needs to involve engagement with iwi. This needs to be undertaken as early as possible in the process.

90. The Auckland Paths project represents a significant opportunity to add to Auckland’s open space and recreational resources. This project will utilise both road reserve and unformed legal roads (paper roads).

91. Auckland Transport would need to be closely involved in any proposal to convert unformed legal roads to open space as they are the road controlling authority on behalf of Auckland Council.
Ngā tāpirihanga
Attachments

<table>
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<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
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Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Tony Reidy - Team Leader Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>John Duguid - General Manager - Plans and Places</td>
</tr>
<tr>
<td></td>
<td>Megan Tyler - Chief of Strategy</td>
</tr>
</tbody>
</table>
Attachment A - Local Government Act 1974 (Road Stopping)

319 General powers of councils in respect of roads

(1) The council shall have power in respect of roads to do the following things:

(h) to stop or close any road or part thereof in the manner and upon the conditions set out in section 342 and Schedule 10:

342 Stopping and closing of roads

(1) The council may, in the manner provided in Schedule 10,—

(a) stop any road or part thereof in the district:

provided that the council shall not proceed to stop any road or part thereof in a rural area unless the prior consent of the Minister of Lands has been obtained; or

(b) close any road to traffic or any specified type of traffic (including pedestrian traffic) on a temporary basis in accordance with that schedule and impose or permit the imposition of charges as provided for in that schedule.

Schedule 10 Conditions as to stopping of roads and the temporary prohibition of traffic on roads

1 The council shall prepare a plan of the road proposed to be stopped, together with an explanation as to why the road is to be stopped and the purpose or purposes to which the stopped road will be put, and a survey made and a plan prepared of any new road proposed to be made in lieu thereof, showing the lands through which it is proposed to pass, and the owners and occupiers of those lands so far as known, and shall lodge the plan in the office of the Chief Surveyor of the land district in which the road is situated. The plan shall separately show any area of esplanade reserve which will become vested in the council under section 345(3).


2 On receipt of the Chief Surveyor’s notice of approval and plan number the council shall open the plan for public inspection at the office of the council, and the council shall at least twice, at intervals of not less than 7 days, give public notice of the proposals and of the place where the plan may be inspected, and shall in the notice call upon persons objecting to the proposals to lodge their objections in writing at the office of the council on or before a date to be specified in the notice, being not earlier than 40 days after the date of the first publication thereof. The council shall also forthwith after that first publication serve a notice in the same form on the occupiers of all land adjoining the road proposed to be stopped or any new road proposed to be made in lieu thereof, and, in the case of any such land of which the occupier is not also the owner, on the owner of the land also, so far as they can be ascertained.
3 A notice of the proposed stoppage shall, during the period between the first publication of the notice and the expiration of the last day for lodging objections as aforesaid, be kept fixed in a conspicuous place at each end of the road proposed to be stopped:

provided that the council shall not be deemed to have failed to comply with the provisions of this clause in any case where any such notice is removed without the authority of the council, but in any such case the council shall, as soon as conveniently may be after being informed of the unauthorised removal of the notice, cause a new notice complying with the provisions of this clause to be affixed in place of the notice so removed and to be kept so affixed for the period aforesaid.

4 If no objections are received within the time limited as aforesaid, the council may by public notice declare that the road is stopped; and the road shall, subject to the council’s compliance with clause 9, thereafter cease to be a road.

5 If objections are received as aforesaid, the council shall, after the expiration of the period within which an objection must be lodged, unless it decides to allow the objections, send the objections together with the plans aforesaid, and a full description of the proposed alterations to the Environment Court.


6 The Environment Court shall consider the district plan, the plan of the road proposed to be stopped, the council’s explanation under clause 1, and any objection made thereto by any person, and confirm, modify, or reverse the decision of the council which shall be final and conclusive on all questions.


7 If the Environment Court reverses the decision of the council, no proceedings shall be entertained by the Environment Court for stopping the road for 2 years thereafter.


8 If the Environment Court confirms the decision of the council, the council may declare by public notice that the road is stopped; and the road shall, subject to the council’s compliance with clause 9, thereafter cease to be a road.


9 Two copies of that notice and of the plans hereinbefore referred to shall be transmitted by the council for record in the office of the Chief Surveyor of the land district in which the road
is situated, and no notice of the stoppage of the road shall take effect until that record is made.

10 The Chief Surveyor shall allocate a new description of the land comprising the stopped road, and shall forward to the District Land Registrar or the Registrar of Deeds, as the case may require, a copy of that description and a copy of the notice and the plans transmitted to him by the council, and the Registrar shall amend his records accordingly.
Attachment B – Examples of the Different Ways Unformed Legal Roads and Pedestrian Accessways are Dealt With in the Auckland Unitary Plan

Road End’s - Winscombe Street & Westwell Road, Belmont
Paper Roads Shown as Road – Unnamed Road in Kauri Point Domain & Defense Land
Paper Roads Show as Road – Unnamed Road off Piha Road, Piha
Road Reserve Zoned as Open Space - Omana Reserve, Maraetai
Pedestrian Walkways (Road to Road) – View Road & The Esplanade, Campbells Bay
Pedestrian Walkways (Road to Reserve) – Whitby Crescent, Mairangi Bay
ANALYSIS OF UNFORMED ROADS

(Information only)

Legend
- Unformed roads (zoned road and not in parks database) = 271
- Unformed roads (in Parks Asset database and zoned road) = 241
- Rural Urban Boundary (RUB)
- Open space (Unitary Plan)

Document Path: /auckland.govt.nz/Shared/CO/F/P/G/LLP/G5/G571Miscellaneous/Papers/Roads analysis/analysis.md
Attachment D – Auckland Plan 2050 – Outcomes, Focus Areas and Directions Relating to Open Space

Auckland Plan

Outcome: Belonging and Participation

**Direction 1:** Foster an inclusive Auckland where everyone belongs

**Focus area 1:** Create safe opportunities for people to meet, connect, participate in, and enjoy community and civic life

**Focus area 7:** Recognise the value of arts, culture, sports and recreation to quality of life

Outcome: Homes and Places

**Direction 4:** Provide sufficient public places and spaces that are inclusive, accessible and contribute to urban living

The Auckland Plan contains the following statement on the need for different thinking on public places/spaces.

“As Auckland’s population increases and becomes more urbanised, our public places and spaces will become even more important to our wellbeing. This is particularly the case in areas of high growth, increased density and socio-economic need.

This has implications for the number, size and location of our public places. It is also an important reason why we need to think differently about what we consider to be a public place and how we conceive its use. We also need to think differently about how we design and deliver them.

They have to:

- support multiple uses
- be able to adapt and change in the future
- reflect who we are as communities, Aucklanders and New Zealanders.

As Auckland grows and intensifies, space will be at an even higher premium.

Acquiring new public space is expensive. Auckland must therefore complement any new public places by getting more out of what we already have. Innovative and thoughtful design will be key ways of meeting this challenge”.

Outcome: Transport and Access

**Direction 1:** Better connect people, places, goods and services

**Direction 2:** Increase genuine travel choices for a healthy, vibrant and equitable Auckland

**Direction 3:** Maximise safety and environmental protection

**Focus area 1:** Make better use of existing transport networks

**Focus area 4:** Make walking, cycling and public transport preferred choices for many more Aucklanders
Focus area 5: Better integrate land-use and transport

Quality open space is a critical component of attractive and liveable high density urban areas. Therefore, high quality open space can facilitate the regeneration and growth of urban centres. The existing urban area of Auckland has an established, well distributed, open space network. The ability to significantly expand the urban network is constrained due to the land supply and budget constraints. Therefore, council’s investment in open space in the existing urban area prioritises improving the existing network.
Attachment E – Parks Acquisition Strategies and Policies

Parks and Open Spaces Strategic Action Plan 2013
1. The Parks and Open Spaces Strategic Action Plan, 2013 focuses on creating a green network across Auckland by physically and visually connecting parks, open spaces and streets. The priorities for the next 10 years are to:
   • Create greenways across Auckland
   • See our streets as places
   • Create a regional trail network
   • Connect our natural areas
   • Link with the transport network
   • Use parks and open space to create attractive urban areas
2. Actions identified in the plan include:
   • (P3) Develop greenway plans for all local board areas that identify and prioritise opportunities to enhance connection between local destinations and provide recreational opportunities through streets, parks and open spaces.
   • (P4) Develop local park network plans for all local board areas based on analysis of the current network and that prioritise actions for improvement.
   • (P5) Develop a regional park network plan based on analysis of the current network and that prioritises actions for improvement.
   • (P6) Develop a regional open space network plan based on analysis of the provision of parks and open spaces across Auckland and outlines investment priorities at a regional scale.
   • (P7) Plan and implement a regional trail network that aims to provide destinations for walking and riding that will attract users from across Auckland and tourists.
   • (D6) Prioritise upgrading and investment in new parks, open spaces and streetscapes in areas identified for growth (intensification and greenfield development) in the Auckland Unitary Plan.
   • (D6) Develop our network of walkways and cycleways through parks and open spaces to implement connections identified in greenway plans.

Parks and Open Space Acquisitions Policy 2013
3. The Parks and Open Space Acquisition Policy sets the framework for acquiring new land for parks and open space.
4. The policy identifies four acquisition criteria and high and medium priorities. It also identifies matters that are “not a priority” within each of those criteria.
5. The high priorities within each of the criteria that are potentially relevant to utilising road reserve and/or unformed legal road as open space are outlined in the table below:
<table>
<thead>
<tr>
<th>Criteria</th>
<th>High Priorities</th>
</tr>
</thead>
</table>
| Meeting community needs, now and in the future | Land to increase the accessibility or capacity of the parks and open space network that serve areas identified as most change and significant change in the Auckland Development Strategy.  
                                           | Land to meet a significant current and future need identified in a council endorsed needs assessment or parks and open space network plan.             |
| Connecting our parks and open space          | Land that will establish a significant area of contiguous park or open space that enhance recreation, ecological or landscape values.  
                                           | Land required to establish regional or sub-regional recreation connections (walkways, bike trails) identified in an endorsed council plan (e.g. greenways plan, parks and open space network plan).  
                                           | Riparian land (such as esplanade reserves) that provides access to or along the coast or waterways.  
                                           | Land that connects areas of habitat or significant ecological value.                                                                         |
| Protecting and restoring Auckland’s unique features and meanings | Land containing or protecting rare or threatened indigenous ecological values.  
                                           | Land containing historic heritage or cultural value, including taonga of significance to Mana Whenua, of regional significance or greater and that has public open space values.  
                                           | Land of geological or landscape value of regional significance or greater and that has public open space values.                                   |
| Improving the parks and open space we already have | Land that will improve the accessibility and functionality of an existing park or open space that serves an area of most and significant change identified in the Auckland Development Strategy.  
                                           | Land that provides access to an existing park from an area with poor access to parks and open space.                                        |

Open Space Provision Policy 2016

6. The Open Space Provision Policy 2016 gives effect to the Parks and Open Spaces Strategic Action Plan. It informs the council’s investment, asset and acquisition
activities in open space, and guides spatial planning by both the council and the private sector.

7. The focus for investment in open space in the existing urban areas is:
   - investing in the established open space network to offer a wider range of activities for more people;
   - improving linkages between open space, such as establishing greenways;
   - optimising assets through land exchange and reconfiguration;
   - acquiring new open spaces as opportunities allow, particularly in large brownfield developments.

8. The focus for investment in open space in greenfield areas is:
   - investing in new open space when growth occurs;
   - integrating open space with stormwater, transport, schools and community facilities;
   - creating a resilient and multi-functional open space network that can evolve with changing community needs over time;
   - connecting new and existing open space networks.

9. The policy sets out principles to deliver high quality parks and open spaces across the region. The principles align to the four areas of focus of the Parks and Open Spaces Strategic Action Plan – treasure, connect, enjoy and utilise.

10. The principles most relevant to the potential use of unformed legal roads and road reserve include:
    - Provide regular access points to coastal open space networks and the foreshore from adjoining streets;
    - Locate corridors of multifunctional public space along the coast, streams and floodplains that provide for green infrastructure, conservation and recreation outcomes;
    - Form contiguous open space networks along waterways, the coastline and floodplains, particularly where esplanade reserves or green infrastructure corridors are required;
    - Retrofit linkages and improve access to open space in the existing urban area where opportunities arise;
    - Use greenways and ‘green streets’ with generous berms, street trees, wide footpaths and cycleways to connect parks and open spaces and create recreational circuits for walking, running and cycling;
    - Implement connections identified in greenway plans, walking and cycling strategies, or other spatial plans;
    - Ensure esplanade reserves are wide enough to provide for access and environmental outcomes. Expect to provide a 20-metre wide esplanade reserve or strip along all qualifying water bodies;
    - Integrate the design of civic space and adjoining streets to create larger spaces, and add interest to the street.

11. The Open Space Provision Policy 2016 also contain metrics for the provision of open space.
Attachment F – Examples From Other Cities of Road Reserve/Closed Roads Being Converted to (or Considered as) Open Space

City of Sydney

1. The City of Sydney’s "Open Space, Sports and Recreation Needs Study 2016" identifies street closures as one of its open space classifications. The classifications are:
   - Park
   - Pocket Park
   - Foreshore Park
   - School
   - Street closure
   - Civic
   - Ancillary link
   - Open space not controlled by the City of Sydney

2. The strategy notes that "key to creating open space linkages is the City’s Liveable Green Network and at a wider regional level the State Government's Sydney Green Grid. These projects will make walking and cycling a viable option to access the open space and recreation network as well as being part of a greater recreation/fitness network."

City of Melbourne

3. The City of Melbourne’s investigations into open space opportunities for North and West Melbourne (Open Space Opportunities In North and West Melbourne – City of Melbourne (undated)) includes a number of road reserves adjacent to existing parks.

4. Although North and West Melbourne possess few large parks, the local street pattern produces two important open space assets. Thoroughfares are wide, and pockets of open space occur where different street grids intersect. Some of these streets and intersections are intensively landscaped. These areas provide green corridors and green areas within a dense fabric of residential and mixed – use buildings. However, the potential of many other streets and sites remains unrealized. In their current form they are too small, too inaccessible or too sparsely planted to provide valuable recreational amenities.

5. The study focuses on the irregular "left over" spaces that occur between North and West Melbourne’s skewed street grids. It examines how these accidental open spaces can become more significant components of the city’s recreational open space system.

6. The analysis recommends full and partial (narrowing of the road reserve) road closures and the incorporation of land into adjacent reserves.
Christchurch City

7. The Christchurch City Council Public Open Space Strategy covers the following categories:
   - ‘green spaces’ (parks used for recreation and amenity purposes and for the protection of biodiversity and cultural heritage);
   - ‘blue spaces’ (the city’s waterways and wetlands);
   - ‘grey space’ (streets, malls and squares).

8. Grey Spaces primarily refers to the street network. In addition to its transportation function, it also provides for passive recreation, amenity, potential connectivity between parks and other civic features, as well as areas for exercise.

9. Grey spaces also incorporate elements of green, such as grass berms and plantings and make a major contribution to the landscape character of the city. A high proportion of urban Christchurch’s open space consists of street networks.

10. Examples of roads enhanced for pedestrian use include civic squares, pedestrian malls and living streets such as Cathedral Square, City Mall and New Regent Street.

11. Open space issues identified in the strategy include:
   - Provision of adequate parks space is needed to meet the day-to-day requirements of existing and future residents in areas with open space deficiency and urban intensification including the Central City;
   - Improved pedestrian friendly linkages, including streets, are needed within the Central City to link existing open space features;
   - Generally, Christchurch urban parks are not well linked either by pedestrian friendly streets or green or blue open space;
   - Better access through rural areas for walking and cycling using Council-owned unformed legal roads is needed.
Attachment G – Examples of Innovative Ways of Providing Open Space and Recreational Opportunities

1. Use of road reserve e.g skatepark on Greville Reserve, Forrest Hill Road, Auckland

![Skatepark Image](image1)

![Aerial Image](image2)
2. Open Space Over Railway Yards e.g Millennium Park, Chicago
3. Cycle and walking trails around the perimeter of golf courses

Oregon, USA

Chamberlain Park/Northwestern cycleway
4. Roof top parks/open spaces

Gangbuk Gu, South Korea
5. On top of existing infrastructure (Greville Reserve, Forrest Hill water reservoir (learn to ride course)
6. Disused infrastructure e.g rail lines

The High line, New York City

The 606, Chicago
7. Purpose built bridges, aerial parks (e.g. Frank Kitts Park, Wellington)

Grafton Street Land Bridge
8. Stairways (e.g. Freyburg Place, Auckland City)

Hurstmore Green (Takapuna)
9. Over water

Westhaven Promenade, Auckland

Santa Monica Pier, Los Angeles
10. Abandoned or converted infrastructure - railway lines, motorways

Central Otago Rail Trail

Light Path, Auckland
11. Disused Quarries (e.g. Bellwood Quarry/Park, Atlanta)
12. Vacant Land

Wellesley Street Temporary Park, Auckland
13. Carparks (e.g. Proposed Takapuna Square, Takapuna central carpark)

Golden Shoe carpark area, Singapore
14. Walls (e.g. Millennium Park, Chicago)
Attachment H

Item 11
### Attachment J - The current status of Open Space Network Plans for the Auckland Region's Local Boards

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<thead>
<tr>
<th>Local Board</th>
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<tr>
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<td>Franklin</td>
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<tr>
<td>Great Barrier</td>
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<tr>
<td>Henderson-Massey</td>
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<tr>
<td>Hibiscus and Bays</td>
<td>2019</td>
</tr>
<tr>
<td>Howick</td>
<td>2019</td>
</tr>
<tr>
<td>Kaipatiki</td>
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<tr>
<td>Māngere- Otāhuhu</td>
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## Attachment K - The Status of Greenway Plans for Each Local Board Area

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<td>Franklin (Pohutukawa Coast Trails)</td>
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<tr>
<td>Franklin (Waiuku Te Ara Hikoi – Waiuku Trails)</td>
<td>Dec 2017</td>
</tr>
<tr>
<td>Great Barrier</td>
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</tr>
<tr>
<td>Henderson-Massey</td>
<td>In 2018/19 Board work plan. Referred to as a connections plan rather than a greenway plan</td>
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<tr>
<td>Hibiscus and Bays</td>
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<tr>
<td>Howick (Walking and Cycling Network)</td>
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<tr>
<td>Manurewa</td>
<td>No plan although the Board intend to develop one</td>
</tr>
<tr>
<td>Maungakiekie-Tāmaki</td>
<td>Dec 2012</td>
</tr>
<tr>
<td>Ōrāko</td>
<td>Aug 2016</td>
</tr>
<tr>
<td>Ōtara-Papatoetoe</td>
<td>April 2017</td>
</tr>
<tr>
<td>Papakura</td>
<td>Sept 2016</td>
</tr>
<tr>
<td>Pukeptapapa</td>
<td>April 2012</td>
</tr>
<tr>
<td>Rodney (Puhou to Pakiri Greenways Local Paths Plan)</td>
<td>May 2017</td>
</tr>
<tr>
<td>Rodney (Wellsford Greenways)</td>
<td>July 2015</td>
</tr>
<tr>
<td>Rodney (Kumeu, Huapai, Waimaukau &amp; Riverhead)</td>
<td>Dec 2016</td>
</tr>
<tr>
<td>Rodney (West Rodney Greenways Local Paths Plan)</td>
<td>Currently being developed</td>
</tr>
<tr>
<td>Upper Harbour</td>
<td>Nov 2015</td>
</tr>
<tr>
<td>Waiheke</td>
<td>Currently being developed</td>
</tr>
<tr>
<td>Waitakere Ranges</td>
<td>Oct 2018 – draft version only, soon to be adopted</td>
</tr>
<tr>
<td>Waiataroa</td>
<td>July 2013</td>
</tr>
<tr>
<td>Whau (Whau Neighbourhood Greenways Plan)</td>
<td>Aug 2015</td>
</tr>
</tbody>
</table>
1. Road Reserve and Unformed Legal (Paper) Roads

Option 1a - Road Stopping Option

<table>
<thead>
<tr>
<th>Advantages/benefits</th>
<th>Disadvantages/costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secures additional public open space</td>
<td>Road stopping costs (e.g. survey, valuation, legal costs - $25-$30,000 for average road stopping)</td>
</tr>
<tr>
<td>Positive public perception (adding/securing additional open space)</td>
<td>Costs of the process (e.g. Committee reports, signage etc, vesting of land as reserve)</td>
</tr>
<tr>
<td>The stopping of unformed legal roads and/or formed legal roads and offering the land back to Māori can potentially provide a number of benefits which may include:</td>
<td>Possibility of Environment Court costs (if any of the changes are appealed)</td>
</tr>
<tr>
<td>• Protection of sites of significance;</td>
<td></td>
</tr>
<tr>
<td>• Protection of cultural landscapes;</td>
<td></td>
</tr>
<tr>
<td>• Enabling customary rights to be undertaken;</td>
<td></td>
</tr>
<tr>
<td>• Enhancing water quality;</td>
<td></td>
</tr>
<tr>
<td>• Enabling Maori cultural values, history and heritage to be reflected</td>
<td></td>
</tr>
</tbody>
</table>

Stopped road may need to be offered back to original land owners (although this can also provide the opportunity to achieve positive outcomes for Māori and the wider community)

In some cases, road ends provide access to adjacent private land and so would need to be assessed on a case by case basis

Maintenance responsibility shift to Parks

Option 1b - Non Road Stopping Option but Zoning Change

<table>
<thead>
<tr>
<th>Advantages/benefits</th>
<th>Disadvantages/costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>No road stopping costs (as road remains open but a portion of it is “zoned” open space – note GIS are able to create a phantom boundary for the zone boundary)</td>
<td>Plan Change costs – changing the “zoning” from road to open space</td>
</tr>
<tr>
<td>Secures additional public open space</td>
<td>Possibility of Environment Court costs (if any of the changes are appealed)</td>
</tr>
<tr>
<td>Positive public perception (adding/securing additional open space)</td>
<td>Maintenance responsibility may shift to Parks</td>
</tr>
<tr>
<td>Open Space zoning reflects current use of that portion of the road reserve</td>
<td>Potential lost opportunity to achieve positive outcomes for Māori and the wider community,</td>
</tr>
</tbody>
</table>
### Option 1c – Non Road Stopping & No Zoning Change

<table>
<thead>
<tr>
<th>Advantages/benefits</th>
<th>Disadvantages/costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secures additional public open space if paper road is currently shown as road</td>
<td>No net gain in public open space(^1) (unless paper road is currently shown as road) as it is not adding to the open space resource</td>
</tr>
<tr>
<td>Positive public perception (adding/securing additional open space)</td>
<td>Maintenance responsibility may shift to Parks</td>
</tr>
<tr>
<td>Paper road remains available for public access</td>
<td>Less of an opportunity for a positive public message (adding/securing additional open space)</td>
</tr>
<tr>
<td>No costs of the process of road stopping (e.g. Committee reports, signage etc, vesting of land as reserve)</td>
<td>Often the public are unaware of paper roads or if aware they can be difficult to identify or locate</td>
</tr>
<tr>
<td>No Environment Court costs (associated with either road stopping or zone changes)</td>
<td>Potential lost opportunity to achieve positive outcomes for Māori and the wider community.</td>
</tr>
</tbody>
</table>

### 2. Pedestrian Accessways

#### Option 2a - Pedestrian Accessways Providing Access Between Roads Rezoned to Open Space

<table>
<thead>
<tr>
<th>Advantages/benefits</th>
<th>Disadvantages/costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secures additional land as public open space (although its use does not change)</td>
<td>Plan Change costs (but could be bundled with other open space changes)</td>
</tr>
<tr>
<td></td>
<td>Possibility of Environment Court costs (if any of the changes are appealed)</td>
</tr>
<tr>
<td></td>
<td>Issues of maintenance responsibility AT v Parks</td>
</tr>
<tr>
<td></td>
<td>Existing access (some properties utilise walkways to access their property – legally if these are identified as road)</td>
</tr>
</tbody>
</table>

#### Option 2b – Pedestrian Accessways Providing Access Between Roads - No Change

<table>
<thead>
<tr>
<th>Advantages/benefits</th>
<th>Disadvantages/costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walkway remains available for pedestrian access</td>
<td>No additional open space secured(^1)</td>
</tr>
<tr>
<td>Retains existing access to those properties which utilise walkways to access their property – legally if these are identified as road</td>
<td></td>
</tr>
<tr>
<td>No costs associated with a plan change</td>
<td></td>
</tr>
<tr>
<td>No possibility of Environment Court costs</td>
<td></td>
</tr>
<tr>
<td>Maintenance responsibility remains with Auckland Transport</td>
<td></td>
</tr>
</tbody>
</table>

### Notes

\(^1\) If road reserves/walkways are recognised as part of the open space network (i.e can be used and are recognised in the metrics) then what they are zoned is not really relevant