

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Celia Davison – Manager Central and South Planning, Plans and Places

FROM Elisabeth Laird – Policy Planner, Central and South Planning, Plans and Places





DATE 20 September 2021

SUBJECT **Partial removal of designation in accordance with s182 of the Resource Management Act, in the Auckland Unitary Plan (AUP) Operative in part (15 November 2016)**

This memorandum requests an update to Auckland Unitary Plan Operative in part

Reason for update – Designation to be removed in part																																															
Chapter	AUP(OIP) GIS Viewer																																														
Section	AUP(OIP) GIS Viewer																																														
Designation only																																															
Designation #6730	6730 State Highway 20 - Waterview Connection Mt Roskill																																														
Locations:	State Highway 20 from Maioro Street to Alan Wood Reserve, Mt Roskill																																														
Lapse Date	Given effect to (i.e. no lapse date)																																														
Purpose	Surface designation for construction, operation and maintenance of the SH20 surface component from Maioro Street Interchange to the tunnels.																																														
Changes to text (shown in underline and strikethrough)	No changes to text																																														
Changes to diagrams	No changes to diagrams																																														
Changes to spatial data	<p>Remove designation 6730 from the following sites, as per Attachment 2.</p> <table border="1"> <tr><td>37 Hendon Ave</td><td>Section 14 SO 441004; Section 1 SO 504170</td></tr> <tr><td>39 Hendon Ave</td><td>Section 223 SO 434446</td></tr> <tr><td>41 Hendon Ave</td><td>Section 10 SO 441004; Section 5 SO 504170</td></tr> <tr><td>43 Hendon Ave</td><td>Section 221 SO 434446</td></tr> <tr><td>45A Hendon Ave</td><td>Section 14 SO 503564</td></tr> <tr><td>45B Hendon Ave</td><td>Section 19 SO 503564</td></tr> <tr><td>45C Hendon Ave</td><td>Section 20 SO 503564</td></tr> <tr><td>45D Hendon Ave</td><td>Section 9 SO 503564</td></tr> <tr><td>47 Hendon Ave</td><td>Section 12 SO 503564</td></tr> <tr><td>49 Hendon Ave</td><td>Section 11 SO 503564</td></tr> <tr><td>57 Hendon Ave</td><td>Section 6 SO 503564</td></tr> <tr><td>59 Hendon Ave</td><td>Section 3 SO 503564</td></tr> <tr><td>61 Hendon Ave</td><td>Section 2 SO 503564</td></tr> <tr><td>89A Hendon Ave</td><td>Section 3 SO 526568</td></tr> <tr><td>No address</td><td>Section 2 SO 526568</td></tr> <tr><td>93A Hendon Ave</td><td>Section 8 SO 526568</td></tr> <tr><td>95A Hendon Ave</td><td>Section 6 SO 512442; Section 10 SO 526568</td></tr> <tr><td>101A Hendon Ave</td><td>Section 17 SO 526568</td></tr> <tr><td>107 Hendon Ave</td><td>Section 22 SO 526568</td></tr> <tr><td>109 Hendon Ave</td><td>Section 25 SO 526568</td></tr> <tr><td>109A Hendon Ave</td><td>Section 26 SO 526568</td></tr> <tr><td>111 Hendon Ave</td><td>Section 29 SO 526568</td></tr> <tr><td>113 Hendon Ave</td><td>Section 30 SO 526568</td></tr> </table>	37 Hendon Ave	Section 14 SO 441004; Section 1 SO 504170	39 Hendon Ave	Section 223 SO 434446	41 Hendon Ave	Section 10 SO 441004; Section 5 SO 504170	43 Hendon Ave	Section 221 SO 434446	45A Hendon Ave	Section 14 SO 503564	45B Hendon Ave	Section 19 SO 503564	45C Hendon Ave	Section 20 SO 503564	45D Hendon Ave	Section 9 SO 503564	47 Hendon Ave	Section 12 SO 503564	49 Hendon Ave	Section 11 SO 503564	57 Hendon Ave	Section 6 SO 503564	59 Hendon Ave	Section 3 SO 503564	61 Hendon Ave	Section 2 SO 503564	89A Hendon Ave	Section 3 SO 526568	No address	Section 2 SO 526568	93A Hendon Ave	Section 8 SO 526568	95A Hendon Ave	Section 6 SO 512442; Section 10 SO 526568	101A Hendon Ave	Section 17 SO 526568	107 Hendon Ave	Section 22 SO 526568	109 Hendon Ave	Section 25 SO 526568	109A Hendon Ave	Section 26 SO 526568	111 Hendon Ave	Section 29 SO 526568	113 Hendon Ave	Section 30 SO 526568
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Attachments	Attachment 1 – Section 182 Report Attachment 2 – Updated GIS Viewer

Prepared by: Elisabeth Laird – Policy Planner, Central and South Planning, Plans and Places	Text Entered by: N/A Planning Technician
Signature: 	Signature: N/A
Maps prepared by: Mitesh Bhula Geospatial Specialist	Reviewed by: Fiona Spratt Team Leader Central and South Planning, Plans and Places
Signature: 	Signature: 
Signed off by: Celia Davison – Manager Central and South Planning, Plans and Places	
Signature: 	

Attachment 1 – Section 182 Report

Partial removal of a designation under section 182 of the Resource Management Act 1991



To: Fiona Sprott – Team Leader, Planning Central/South

From: Elisabeth Laird – Planner, Planning Central/South

Date: 1 September 2021

Subject: Partial removal of Designation 6730 Western Ring Route: Waterview Connection in the Auckland Unitary Plan

Summary

Auckland Council has received a request from Waka Kotahi New Zealand Transport Agency (NZTA) under section 182 of the Resource Management Act 1991 (RMA), dated 9 August 2021, to remove, in part, Designation 6730 Western Ring Route: Waterview Connection.

A section 182(1) request is required to remove the existing designation in part from land which has been deemed surplus by NZTA.

Auckland Council, as the territorial authority, is required to amend its district plan, without using the process in Schedule 1, as soon as reasonably practicable after receiving a Section 182 request unless it considers that the effect of the removal of part of the designation on the remaining designation is more than minor.

It is recommended that the partial removal be accepted.

Recommendation

1. That the section 182 request from Waka Kotahi New Zealand Transport Agency for the partial removal of Designation 6730 Western Ring Route: Waterview Connection in the Auckland Unitary Plan be accepted for the following reasons:
 - The land subject to the partial removal is no longer needed to give effect to the designation.
 - The effects of the removal on the remaining designation are no more than minor
2. That Designation 6730 Western Ring Route: Waterview Connection be partially removed, as soon as reasonably practicable, in the Designation overlay in the Auckland Unitary Plan (Operative in Part).

1. Description

1.1 References

Designation number:	6730 Western Ring Route: Waterview Connection																																																												
Lodgement date:	9 August 2021																																																												
Requiring authority:	Waka Kotahi New Zealand Transport Agency (NZTA)																																																												
Reporting officer:	Elisabeth Laird																																																												
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UP Zoning:	<p>Residential - Mixed Housing Urban Zone (37-61, Hendon Ave, Owairaka)</p> <p>Strategic Transport Corridor Zone (89A, 93A, 95A, 101A, 115A, 123A Hendon Ave, Owairaka)</p> <p>Residential - Terrace Housing and Apartment Building Zone (107-123 Hendon Ave, Owairaka)</p>																																																												

2. Background

2.1 Details of designation

The purpose of designation 6730 is for construction, operation and maintenance of the SH20 surface component from Maioro Street Interchange to the tunnels. The subject sites were used for construction, access and storage.

NZTA have determined that part of this designation is no longer required for NZTA's work, and that the subject sites are surplus to requirements.

Designation 6730 is a surface designation, which is why it would need to be partially removed in order to allow for other uses of the subject sites.

Designation 6728 also partially covers some of the subject sites. This is an NZTA strata (subsoil) designation for construction, operation and maintenance of tunnels, restricting subsurface activities beneath certain properties; and the construction, operation and maintenance and protection of SH20 subsurface works (tunnels).

Designation 6303 is adjacent to a number of the subject sites. This is a KiwiRail designation for the Avondale Southdown Railway Line.

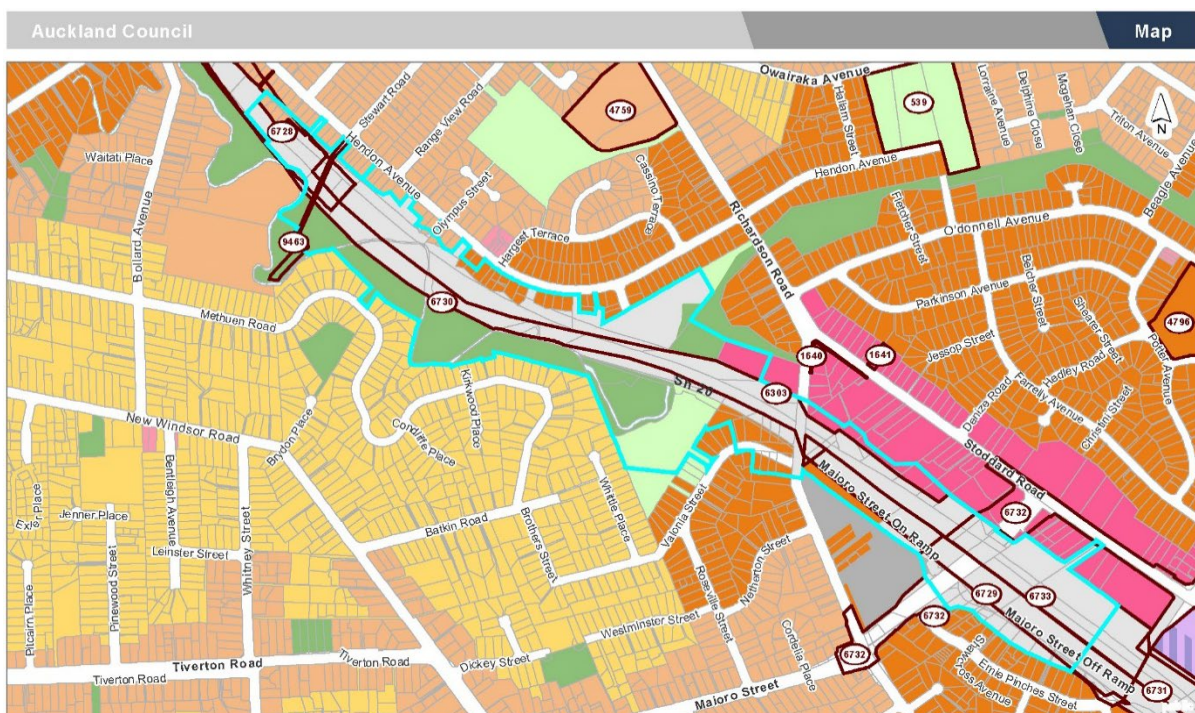
Airspace Restriction Designation ID 1102 also covers the subject sites. This is an Auckland International Airport Ltd designation for the protection of aeronautical functions - obstacle limitation surfaces. This designation will not affect the use of the land to be uplifted from the designation.

Designation 9463 is situated between two of the subject sites but does not touch either site. This is a Watercare Services Ltd designation for the Alan Wood Reserve Pump Station.

2.2 Land affected by removal

The designation is currently shown in the Auckland Unitary Plan (Operative in Part) (AUP) maps as follows (line highlighted blue):

Figure 1: Current designation



DISCLAIMER:
This map is for information only and all information should be independently verified before making any action.
Copyright Auckland Council. Land Parcel Boundary Information from LINZ (Ordnance Survey). All other data has been taken from Auckland Council. Auckland Council gives no warranty as to the accuracy and completeness of any information on this map and accepts no liability for any errors, omissions or use of the information. Height datum: Auckland 1948.

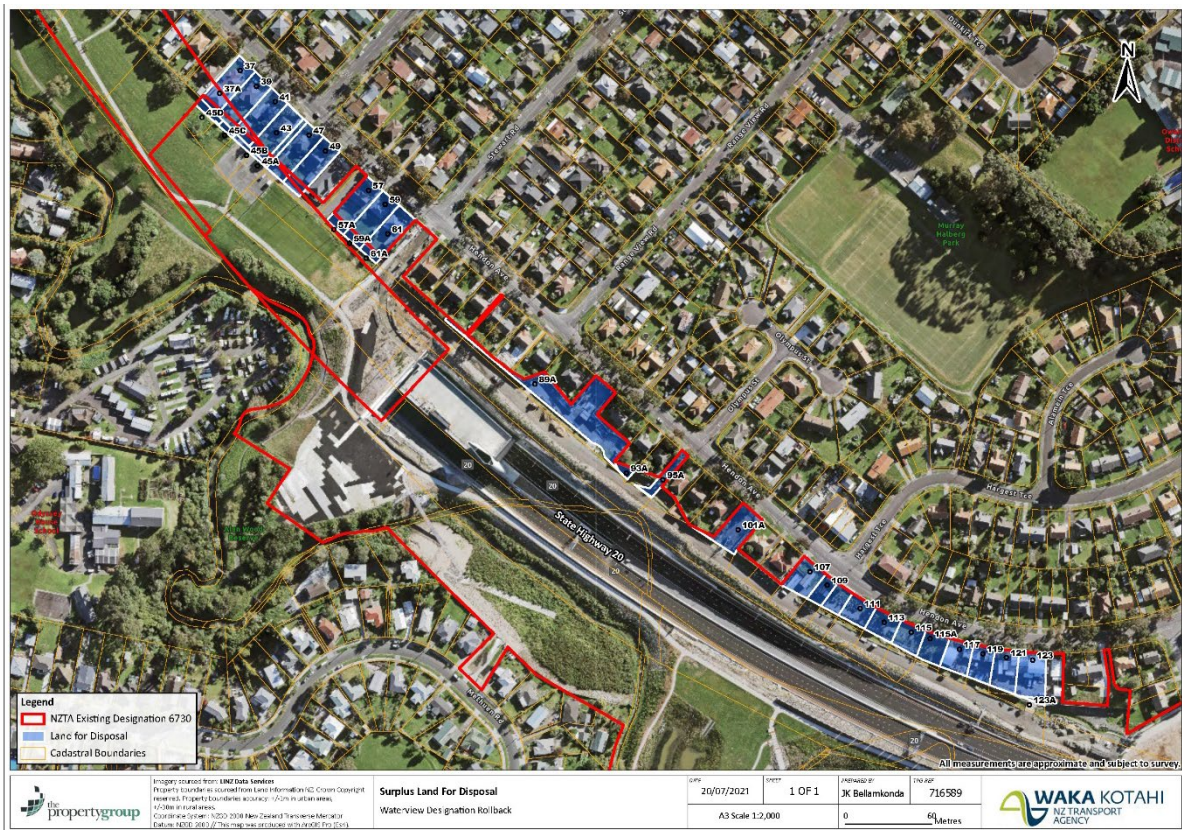
Designation 6730

0 10 20 30 40
Meters
Scale @ A4
= 1:8,000
Date Printed:
25/08/2021



NZTA has provided a site plan showing the parts of the designation which are to be removed (see Figure 2 below).

Figure 2: NZTA existing Designation 6730 and land for disposal



89A, 93A, 95A, 101A, 115A, 123A Hendon Ave, Owairaka

This land is zoned Strategic Transport Corridor Zone. This purpose of this zone is to provide for state highway and railway corridors to be:

- developed and used for a wide range of activities associated with the transportation of people and goods;
- used as a single, integrated transport system operated by more than one agency;
- used for interim non-transport related activities that do not undermine the future use of the corridor for transport purposes.

This was an appropriate zoning for the land at the time of the AUP because the land was being developed for state highway purposes. The combination of the zone and the designation ensured that the use of the land would complement the necessary infrastructure construction.

The land is currently bare land, used primarily for access and parking areas.

37-61 Hendon Ave, Owairaka

This land is zoned as Residential - Mixed Housing Urban. This zone provides for medium to high-intensity residential development. This land is currently occupied by a mix of occupied houses, bare land, unoccupied houses and construction sites.

107-123 Hendon Ave, Owairaka

This land is zoned Residential - Terrace Housing and Apartment Building. This zone provides for high-intensity residential development. These sites are currently bare land.

Overlays

There is a Significant Ecological Area Overlay (SEA_T_6097, Terrestrial) which partially covers or is adjacent to all the subject sites. The AUP Chapter E15 (Vegetation Management) rules continue to apply through section 9(2) of the RMA.

A Quality-Sensitive Aquifer Management Areas Overlay (Auckland Isthmus Volcanic) applies to all the subject sites.

A Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay (Viewshaft A1, Mount Albert) partially covers two of the subject sites. Removal of these sites from the designation will mean that these district level overlay rules will now apply.

2.3 Delegated authority to consider withdrawal of designations

The Team Leader - Planning Central/South (Plans and Places Tier 5) has delegated authority, in accordance with Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register (updated February 2021), to exercise the Council's functions, powers, duties and discretions under the Resource Management Act 1991 in relation to Section 182 to approve a removal of a designation.

The section 182 request to remove the designation can therefore be considered by the Team Leader – Central/South (Plans and Places Tier 5) and accepted or declined.

2.4 Relevant Statutory Provisions

Section 182 of the RMA allows a requiring authority to remove a designation or part of a designation if it no longer wants it. This section also applies to a notice by a territorial authority, to withdraw its own designation or part of a designation within its own district.

Section 182(2) states that as soon as reasonably practicable the territorial authority shall, without using the process in Schedule 1, amend its district plan accordingly. If the territorial authority considers that the effect of the removal of part of a designation on the remaining designation is more than minor, it may, within 20 working days of receipt of a section 182 notice, decline to remove that part of the designation.

It is considered that NZTA has provided sufficient justification for the partial removal of Designation 6730 Western Ring Route: Waterview Connection for the following reasons:

- A robust assessment has been able to be made on the effects of the partial removal of the designation on the remaining designation (see below).

3. Effect of partial removal of designation on remaining designation

NZTA has provided the following reasons for the partial removal of Designation 6730 Western Ring Route: Waterview Connection:

- The land subject to the partial removal is no longer needed to give effect to the designation.
- Land surplus to requirements for the State Highway and is in the process of being disposed of pursuant to Section 40 of the Public Works Act 1981.
- The remaining area of Designation 6730 will continue under its original purpose for maintenance, operation and use of the State Highway network. A wider uplift of the Western Ring Route designations along SH16 and SH20 is in the process of being prepared and this is expected to be submitted to Auckland Council in September 2021. As the parcels in this application are ready to be disposed, the uplift has been separated into stages – this being the first stage of the partial uplift – to facilitate the disposals process.
- This partial uplift will not have any impact on the remaining part of the designation which has been established and physical works completed. Any necessary access requirements to the Designation/SH for maintenance purposes are maintained through the balance of 6730.
- No other changes are proposed to the existing Designation 6730.

3.1 Assessment

89A, 93A, 95A, 101A, 115A, 123A Hendon Ave, Owairaka

The zoning of these sites is Strategic Transport Corridor.

The removal of the designation will remove NZTA's ability to exert control over the use of the land no longer subject to their designations under s176 of the RMA. The ability of NZTA to exert influence through ownership will also stop once the sites have been disposed of. Since the sites are no longer being used for construction and not required for operation and maintenance, it is appropriate that NZTA no longer exert this influence.

However, the current zoning means that the effects from non-transport related activities will need to be assessed under the Strategic Transport Corridor zone, which will consider compatibility with surrounding land uses, reverse sensitivity, the land reverting to a transport use, and effects on surrounding land (including the adjoining land which remains designated). Removal of the designation on these sites will still enable transport uses to be maintained under the existing zone.

If this part of the designation is removed, the adjusted designation boundary will be more complicated than currently but it will still be legible. During my assessment I observed that the removal of 95A Hendon Ave from the designation may (due to the shape of 95A) limit access to the retained part of the designation that is located between 93A and 95A Hendon Ave. NZTA has advised that they are aware of this and that there will not be access issues, which I consider to adequately address this concern. The adjusted designation boundary will not isolate any part of the remaining designation.

For these reasons, I consider that the effects of removing this part of Designation 6730 (i.e. on these sites) on the remainder of Designation 6730 will be less than minor.

It is noted though that the resulting Strategic Transport zone, even without a surface designation, may cause some problems for future land uses, e.g. housing. The zone provides for non-transport related activities (H22.2(4)) only if they do not generate adverse

reverse sensitivity effects on the operation of the corridor. Policy H22.3(3) provides for non-transport related activities only where they will not prevent the land reverting to transport uses when required. There is a complicated arrangement in the activity table for activities not relating to transport uses using adjoining zoning.

The current zone protects the sites for use as transport related activities. The removal of this designation does not affect those outcomes for the zone. This designation removal may need to be followed by a plan change should the intention for the land be for non-transport activities e.g. housing.

Sites	Zone
37,37A, 39, 41, 43, 45A, 45B, 45C, 45D, 47, 49, 57, 59, 61 Hendon Ave, Owairaka	Residential – Mixed Housing Urban
107, 109, 109A, 111, 113, 115, 115A, 117, 119, 121, 123 Hendon Ave, Owairaka	Residential - Terrace Housing and Apartment Building Zone

The removal of Designation 6730 on these sites will allow them to be used for a variety of activities such as residential use, visitor accommodation, or non-residential activities that support the social and economic well-being of the community.

If Designation 6730 is removed from these sites and development in accordance with the underlying zones is enabled, I consider that the effect on the remainder of the designation will be less than minor because:

- The part of the designation that is on these sites is not required for access to or maintenance of the tunnel.
- This part of the designation is no longer needed by NZTA to fulfil the purpose of the designation.
- If this part of the designation is removed, the adjusted designation boundary will be more complicated than currently, as it will remain in place along part of Hendon Avenue, but it will still be legible and will not isolate any part of the remaining designation.

Effects on other designations

Designation 6728 will not be affected as the proposed removal does not affect subsoil controls. The Waterview Ring Route tunnels and subsurface works will continue to be protected by Designation 6728.

Airspace Restriction Designation ID 1102 will not be affected by the partial removal of Designation 6730.

Designation 6303 (KiwiRail) and Designation 9463 (Watercare) do not overlap with any of the subject sites. The proposed removal will not limit these designations' functions.

As laid out above, it is my assessment that the effects of the removal of the parts of Designation 6730 on the land at:

- 89A, 93A, 95A, 101A, 115A, 123A Hendon Ave, Owairaka
- 37,37A, 39, 41, 43, 45A, 45B, 45C, 45D, 47, 49, 57, 59, 61 Hendon Ave, Owairaka
- 107, 109, 109A, 111, 113, 115, 115A, 117, 119, 121, 123 Hendon Ave, Owairaka

on the remainder of Designation 6730 to be no more than minor.

4. Recommendation

That pursuant to Section 182 of the Resource Management Act 1991 that the partial removal of Designation 6730 Western Ring Route: Waterview Connection be **accepted** and the Auckland Unitary Plan (Operative in Part) designation overlay be amended accordingly.

Prepared by: Elisabeth Laird
Planner
Planning Central/South

Accepted by: Fiona Sprott
Team Leader
Planning Central/South

Signature:



Signature:



Date 1 September 2021

Date 1 September 2021

Attachment 2 – Updated GIS Viewer

BEFORE



Designations

public

AFTER



Designation Rollback of 6730

public

0 35 70 140 Metres

Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Date: 5/10/2021

Proposed Designation Rollback of 6730



Plans and Places