

## UNITARY PLAN UPDATE REQUEST MEMORANDUM

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

**FROM** Roger Eccles, Planner, Central and South Planning, Plans and Places

**DATE** 17 September 2021

**SUBJECT** **The partial removal of Designation 6733 in accordance with s182 of the Resource Management Act, Chapter K of the Auckland Unitary Plan (Operative in Part) (15 November 2016)**



This memorandum requests an update to Auckland Unitary Plan (Operative in Part) (AUP (OP))

<b>Reason for update – Partial Uplift of Designation 6733</b>	
<b>Chapter:</b>	AUP(OIP) GIS Viewer
<b>Section</b>	Designation 6733 (State Highway 20 - Interchange access from Maoro St, Mt Roskill).
<b>Designation only</b>	
<b>Designation</b>	Designation 6733 State Highway 20 - Interchange access from Maoro St Mt Roskill
<b>Locations:</b>	The partial removal of Designation 6733 (State Highway 20 - Interchange access from Maoro St, Mt Roskill) in the AUP (OIP) relates to 21-23 Ernie Pinches Street and 25 Ernie Pinches Street, Mount Roskill, Auckland.
<b>Lapse Date</b>	Given effect to (i.e., no lapse date)
<b>Purpose</b>	The purpose is the partial removal of the Designation 6733 and will result in the removal of Designation 6733 from the properties at 21-23 Ernie Pinches Street and 25 Ernie Pinches Street, Mount Roskill, Auckland.
<b>Changes to text (shown in underline and strikethrough)</b>	There are no changes to the text
<b>Changes to diagrams</b>	Not applicable (there are no diagrams)
<b>Changes to spatial data</b>	Remove Designation 6733 from the properties at 21-23 Ernie Pinches Street and 25 Ernie Pinches Street, Mount Roskill, Auckland.  Refer to Attachment B.
<b>Attachments</b>	<b>Attachment A:</b> Section 182 Report  <b>Attachment B:</b> Updated GIS Viewer

<p><b>Prepared by:</b>  Roger Eccles  Planner, Central and South Planning</p>	<p><b>Text Entered by:</b>  N/A  Planning Technician</p>
<p><b>Signature:</b>  </p>	<p><b>Signature:</b>  N/A</p>
<p><b>Maps prepared by:</b>  Mitesh Bhula  Geospatial Specialist</p>	<p><b>Reviewed by:</b>  Marc Dendale  Team Leader, Central and South Planning</p>
<p><b>Signature:</b>  </p>	<p><b>Signature:</b>  </p>
<p><b>Signed off:</b>  Celia Davison  Manager, Central and South Planning, Plans  and Places</p>	
<p><b>Signature:</b>  </p>	

# **Attachment A: Section 182 Report**

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



**To:** Marc Dendale, Team Leader, Central and South, Plans & Places

**From:** Roger Eccles, Planner, Central and South, Plans & Places

**Date:** 8 September 2021

**Subject:**

The partial removal of Designation 6733 (State Highway 20 - Interchange access from Maioro St, Mt Roskill) in the Auckland Unitary Plan (Operative in Part) relating to 21-23 Ernie Pinches Street and 25 Ernie Pinches Street, Mount Roskill, Auckland.

## Summary

Auckland Council has received a request from Waka Kotahi New Zealand Transport Agency under section 182 of the Resource Management Act 1991 (RMA), dated 20.07.2021, to remove in part Designation 6733 (State Highway 20 - Interchange access from Maioro St, Mt Roskill) from the Auckland Unitary Plan (Operative in Part) (AUP (OP)).

A section 182(1) report is required to uplift the existing designation in part from land which has been deemed surplus to requirements by Waka Kotahi New Zealand Transport Agency. The effected properties at 21-23 Ernie Pinches Street and 25 Ernie Pinches Street, Mt Roskill are zoned Residential - Terrace Housing and Apartment Building and are privately owned.

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. Waka Kotahi New Zealand Transport Agency has given notice to the owners/occupiers affected by the change in Designation.

It is recommended that the partial removal of Designation 6733 be accepted.

## Recommendation

1. That the section 182 request from Waka Kotahi New Zealand Transport Agency for the partial removal of Designation 6733 (State Highway 20 - Interchange access from Maioro St, Mt Roskill) in the Auckland Unitary Plan be **accepted** for the following reasons:
  - the decision to remove (in part) Designation 6733 to the extent shown in Map 3 and **Attachment A**, has been taken because these sections of the Designation are no longer required.
  - the effects of the removal of part of Designation 6733 on the remaining Designation are less than minor (s182(5)).

2. That Designation 6733 (State Highway 20 - Interchange access from Maioro St, Mt Roskill) be partially removed, as soon as reasonably practicable, from the Designation overlay in the Auckland Unitary Plan (Operative in Part).

## 1. Description

### 1.1. References

<b>Designation number:</b>	Designation 6733 (State Highway 20 - Interchange access from Maioro St, Mt Roskill)
<b>Lodgement date:</b>	19 July 2021
<b>Requiring authority:</b>	New Zealand Transport Agency
<b>Reporting officer:</b>	Roger Eccles, Planner, Plans and Places, CPO, Auckland Council
<b>Site addresses:</b>	21- 23 Ernie Pinches Road, Mount Roskill Section 1 Survey OP 460000  25 Ernie Pinches Road, Mount Roskill Lot 51 Deposited Plan 46179 and Section 72 SO 424134
<b>UP Zoning:</b>	Residential - Terrace Housing and Apartment Building zone

## 2.0 Background

### 2.1 Details of designation

The Designation is contained in Chapter K of the Auckland Unitary Plan (Operative in Part) and is shown as New Zealand Transport Agency Designation 6733 on the Auckland Council geospatial maps.

Waka Kotahi New Zealand Transport Agency intends to remove those parts of the Designation from the properties listed and legally described in Table 1. Designation 6733 was put in place to assist in the development of State Highway 20 and to facilitate the undertake maintenance, operation, use and improvement to the State Highway network. The decision to remove part of Designation 6733 has been taken because these sections of Designation 6733 are no longer required.

The partial up-lift of the Designation 6733 is in response to an enquiry from the property owner at 21- 23 Ernie Pinches Road, Mount Roskill. Waka Kotahi New Zealand Transport Agency has given notice to the owners/occupiers affected by the proposed changes to the Designation. (This correspondence is provided in **Attachment B**). The changes proposed to

Designation 6733 are indicated in Map 3 and covers the area between the existing blue boundary of Designation 6733 indicated on the map and the proposed yellow boundary of the Designation. The remaining area of Designations 6733 will retain its original purpose and remain unchanged. This includes access for maintenance services within the State Highway 20 area. The effects of the partial uplift will be less than minor on the existing Designation.

Waka Kotahi New Zealand Transport Agency considers that no other parties are considered affected by the uplift of the designation. Auckland Council having reviewed the AUP maps showing Designation 6733 concurs with this view.

The following land parcels shown in Table 1 are affected by the designation being up lifted.

Table 1: Land Parcels subject to the Designation 6733 (in part) being up lifted

Legal Description	Certificate of title	Current Use	Registered owners
Section Survey Office Plan 460000	60994	Urban residential	Private
Lot 51 Deposited Plan 46179	NA107B/712	Urban residential	Kāinga Ora

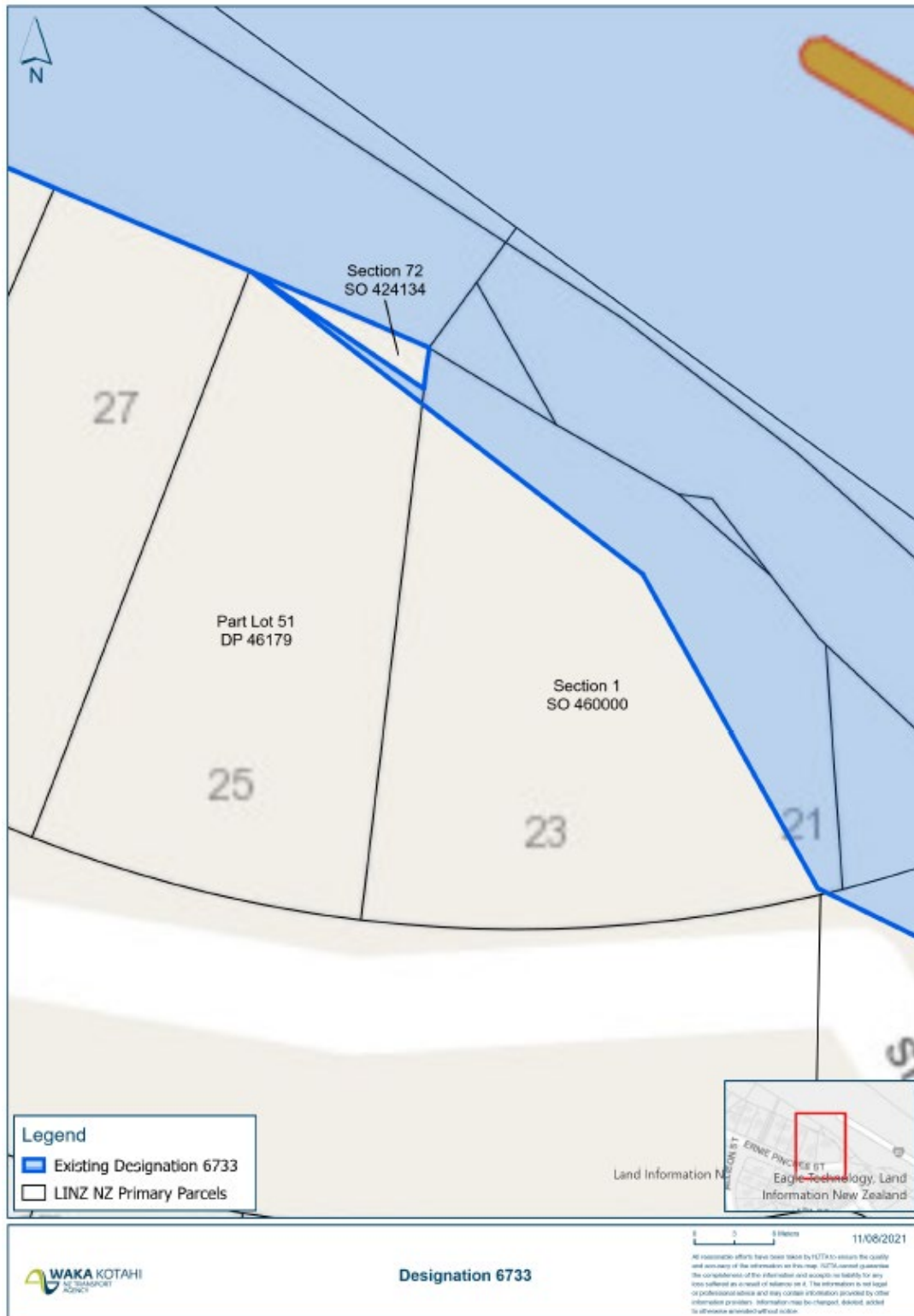
## 2.2 Land affected by removal

The designation is currently shown in the Auckland Unitary Plan (Operative in Part) map as follows.

Map 1, Map showing AUP (OP) Designation 6733



Map 2, Map showing existing Designation 6733 and Section 72 SO 424134



Waka Kotahi New Zealand Transport Agency has provided a site plan showing the extent of the designation which is to be partially uplifted in Map 1. (This is also provided in **Attachment A**).

Map 3, Designation 6733 area of partial removal. (The area to be uplifted is between the blue and yellow lines on the map).



### 2.3 Delegated authority to consider alterations to designations

The Team Leader – Planning, Central and South, (Plans and Places Tier 5) has delegated authority, in accordance with Schedule 2A of the Auckland Council Delegations: Chief Executive Officer (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 – Marc Dendale (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.



## Attachment A

It is considered that Waka New Zealand Transport Agency has provided sufficient justification for the partial removal of Designation 6733 (State Highway 20 in the vicinity of Earnie Pinches Street, Mt Roskill) for the following reasons:

- the decision to remove (in part) Designation 6733 to the extent shown in **Attachment A** has been taken because these sections of the Designation are no longer required.
- A request was made by one of the effected land owner for Waka Kotahi to consider whether the full Designation was still required.
- the effects of the removal of part of Designation 6733 on the remaining Designation is less than minor (s182(5)).

### 3.0 Recommendation

That pursuant to Section 182 of the Resource Management Act 1991 that the partial removal of Designation 6733 (State Highway 20 in the vicinity of Ernie Pinches Street, Mt Roskill) be **accepted** and the designation overlay in the Auckland Unitary Plan (Operative in part) be amended accordingly.

**Prepared by:** Roger Eccles  
Planner  
Planning Central and South

**Accepted By:** Marc Dendale  
Team Leader  
Planning Central and South

**Signature**



**8 September 2021**

**Signature**



**8 September 2021**

**SCHEDULE OF ATTACHMENTS:**

**Attachment A**

Designation 6733 area of partial removal. (The area to be uplifted is between the blue and yellow lines drawn on the map).




## Attachment A

## Attachment B

### Correspondence to owners of properties affected by the partial removal of Designation 6733

#### 1) 21- 23 Ernie Peaches Street, Mt Roskill, Auckland

 This message was sent with High importance.

**Sent:** Friday, 5 March 2021 12:18 PM

**To:** [tauseef.ahmed25@hotmail.com](mailto:tauseef.ahmed25@hotmail.com)

**Subject:** NZTA - Your case reference 2021-0326

Good Afternoon Tauseef,

Thanks for contacting the NZTA for the proposed uplift in part, of Designation 6733 in order to enable you to develop your property.

I'm writing to let you know that I am currently undertaking an assessment of your request which will also include seeking comment from a number of internal team members. Once I have received this feedback, I will be in touch.

I note the Council Planners advice on seeking approval first for the development of the house and then, progress of the alteration of the designation. That process is actually incorrect and we have a much cleaner and straightforward process to deal with requests such as these. Such requests fall under s182 of the RMA and involves the preparation of a number of reports which will then lead to NZTA giving notice to Auckland Council requesting that it remove the designation (should we support to the proposal).

In the mean time, can you please provide me with the Certificate of title(s) for the properties that are impacted by the said designation.

Regards,

Ngā mihi

**Lauren Rae** Planner - Environmental Planning

System Design

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#### 2) Kāinga Ora 25 Ernie Peaches Street, Mt Roskill, Auckland

##### Designation Uplift - 6733 (in part) - Waka Kotahi New Zealand Transport



**Lauren Rae** <[Lauren.Rae@nzta.govt.nz](mailto:Lauren.Rae@nzta.govt.nz)>





To:  Juanita Salanoa;  Robert Graham



2021-05-10 Cover Letter Final.pdf  
.pdf File



2021-04-21 - Form 23 FINAL.pdf  
.pdf File

 Reply  Reply All  Forward 

Thu 19/08/2021 7:01 /

Good morning Juanita and Robert,

Waka Kotahi have submitted a notice to Auckland Council requesting uplift of Designation 6733 from the property held under ownership by Kainga Ora, known as 25 Ernie Pinches Street Mount Roskill Auckland 1041 and legally described as Lot 51 Deposited Plan 46179.

This came as a result of a request to remove Designation 6733 from the adjoining land owner at 21-23 Ernie Pinches Road. The designation will be pulled back on this property but it still required in part for maintenance purposes.

I have attached for you the Form 23 and Cover Letter which was sent to Council

If you have any questions, please don't hesitate to contact me.

Regards,

Ngā mihi

**Lauren Rae**

Planner, Environmental Planning

Poutiaki Taiao | System Design

Email: [lauren.rae@nzta.govt.nz](mailto:lauren.rae@nzta.govt.nz)

**Attachment C:  
Waka Kotahi NZ Transport Agency Notice for Removal of Part Designation**

Form 23

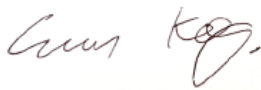
NOTICE OF REMOVAL OF DESIGNATION OR PART OF DESIGNATION UNDER SECTION 182 OF THE  
RESOURCE MANAGEMENT ACT 1991

*Section 182, Resource Management Act 1991*

To: Chief Executive Officer  
Auckland Council  
35 Graham Street  
Auckland CBD  
Auckland 1010

And to: Tauseef Ahmed - 21-23 Ernie Pinches St, Wesley, Auckland  
Kāinga Ora – Homes and Communities PO Box 74598, Greenlane, Central Auckland 1548

- 1.0 Waka Kotahi NZ Transport Agency ('Waka Kotahi') gives notice that it no longer requires part of the following designation:  
  
Designations - 6733, State Highway 20 in the vicinity of Ernie Pinches Street, Mt Roskill.
- 2.0 The designation is contained in Chapter K of the Auckland Unitary Plan (Operative in Part) and is shown as NZTA Designation 6733 on the Auckland Council geospatial maps.
- 3.0 Waka Kotahi intends to remove those parts of the designation from the property listed and legally described in Table 1. The changes proposed to Designation 6733 are indicated in Appendix 1.
- 4.0 The decision to remove (in part) Designation 6733 to the extent shown in Appendix 1 has been taken because these parts of the designations are no longer required.
- 5.0 The remaining area of Designations 6733 will continue under its original purpose.
- 6.0 Waka Kotahi requests the territorial authority to amend the district plan accordingly as required by section 182 of the Resource Management Act 1991.



.....  
Signature on behalf of requiring authority

Evan Keating

.....  
Date: 5/5/2021

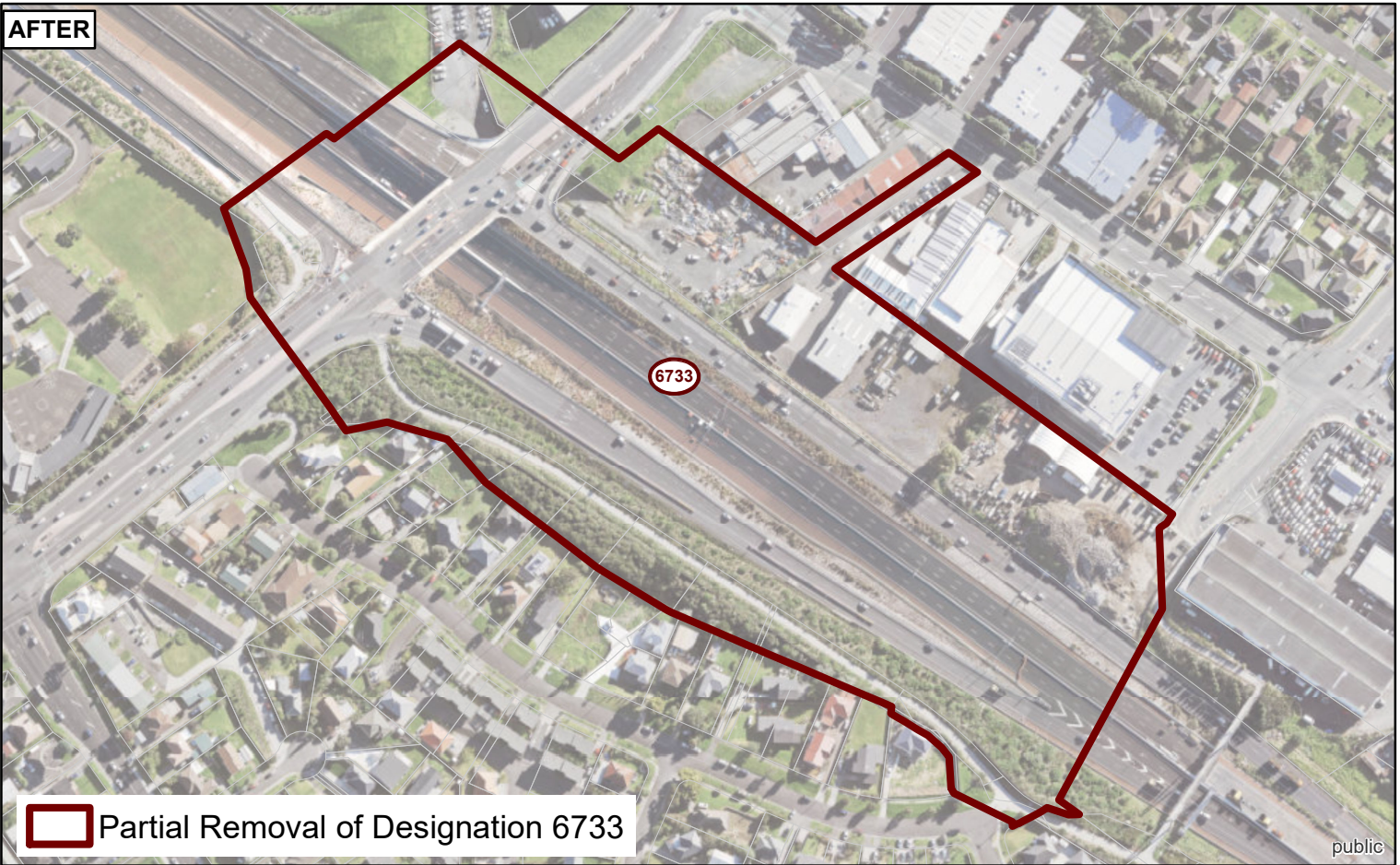
## **Attachment B: Updated GIS Viewer**


**BEFORE**



 Designation 6733

**AFTER**



 Partial Removal of Designation 6733

0 25 50 100 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: 4/10/2021

## Partial removal of Designation 6733



Plans and Places