

UNITARY PLAN UPDATE REQUEST MEMORANDUM



TO Celia Davison, Manager Planning, Central and South Planning
FROM Ewen Patience, Policy Planner
DATE 3 February 2022



SUBJECT **Alteration of a Designation in accordance with s181(3) 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 – Alteration of Designation 1574 Service Lane - Hepburn Street to Picton Street	
Chapter	K Designations
Section	Designation 1574 (Auckland Transport) AUP(OIP) GIS Viewer
Designation only	
Designation # 1573	1574 Service Lane - Hepburn Street to Picton Street (Colin Shaw Lane)
Locations:	Ponsonby, between Hepburn and Picton Streets
Lapse Date	12 years from being operative in the Unitary Plan unless given effect to prior (unchanged)
Designation purpose (as altered)	“Service lane – Hepburn Street to Picton Street”
Changes to text (shown in underline and strikethrough)	Yes (attached)
Changes to diagrams	No
Changes to spatial data	Yes, altered footprint for AUP GIS viewer
Attachments	<p>Attachment A: Section 181(3) Report</p> <p>Attachment B: Updated text for D1574 (Strikethrough and underlined)</p> <p>Attachment C: Updated text for D1574 (Clean)</p> <p>Attachment D: Updated GIS Viewer (diagrams)</p>

Prepared by: Ewen Patience Policy Planner, Central/South	Text Entered by: Maninder Kaur Planning Technician
Signature: 	Signature: 
Maps prepared by: Rachel Joseph & Aching Konyak Geospatial Specialist	Reviewed by: Fiona Sprott Team Leader Central/South
Signature:	Signature:

Risph

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Signed off by:

Celia Davison
Manager Planning – Central / South

Signature:

C. C. Davison

Attachment A: Section 181(3) Report

Notice of requirement (NOR) for a minor alteration to a designation under section 181(3) of the Resource Management Act 1991



Notice of requirement description

Designation number:	1574 "Service Lane - Hepburn Street to Picton Street", known as Colin Shaw Lane in Freemans Bay, Auckland
Requiring authority:	Auckland Transport
Site address:	Between 2 Hepburn and 1 Picton Street, Ponsonby

Summary

Auckland Council has received a request from Auckland Transport under section 181(3) of the Resource Management Act 1991 (RMA), dated 2 September 2021, to alter Designation 1574 "Proposed service lane – 6m width" (the NOR). The service lane is known as 'Colin Shaw Lane'.

The existing service lane is to have a dog-leg removed to straighten it at the eastern end, 2-4 Hepburn Street. A new 20m length of lane is to be formed along with a slightly widened vehicle crossing serving both the lane and 4 Hepburn Street. The 'dog-leg' designation is to be removed. Also to be removed from the designation are 'segregation strips' of 100mm wide along the north side of the existing designation.

A combined land use and subdivision consent has preceded the NOR. It provides for the shifting of the house/office at 2 Hepburn Street to make room for the service lane, the construction and associated works of the lane, and the creation of the lots to vest as road (less the 100mm segregation strips). All the land involved is zoned Business- Town Centre zone.

Having considered the submitted notice and following a further assessment, involving communication with and further information from Auckland Transport, the proposed alteration meets the statutory tests of section 181(3) of the RMA and can be processed and confirmed as a minor alteration.

I have not visited the site in response to this application, due to covid 19 restrictions, but am familiar with the area and have been able to rely on Google Streetview to 'view' the service lane and adjoining streets. Site visits were undertaken for the resource consent applications.

Recommendation

1. That the proposed alteration of Designation 1574 "Proposed service lane – 6m width" in the Auckland Unitary Plan (operative in part) be confirmed, subject to the changes recommended in section 4 of this report, which have been agreed to by the requiring authority Auckland Transport, for the following reasons:
 - the alteration involves no more than minor changes to the effects on the environment associated with the use of the land;
 - there are only minor adjustments to the boundaries of the existing designation;

- both the requiring authority and Auckland Council agree with the alteration and the revised purpose statement and conditions; and
 - written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration.
2. That Designation 1574 “Proposed service lane – 6m width” is altered in the designation layer of the GIS maps as depicted in the submitted Proposed Land Requirement Plan and in Chapter K Designations of the Auckland Unitary Plan (operative in part) where the text needs to be altered to stipulate a revised purpose and new conditions, as set out in section 4 of this report.

1. Background

1.1. Minor alteration to a designation

Auckland Council has received a notice of requirement (NOR) for an alteration to a Designation 1574 “Proposed service Lane – 6m width” from Auckland Transport under section 181(3) of the RMA. The lane runs from Picton Street to Hepburn Street, just north of the Ponsonby Road commercial centre.

The alteration provides primarily for the removal of a dog-leg at the eastern end of the service lane where it connects to Hepburn Street. The lane will be straightened at this point to end between 2 and 4 Hepburn Street, following the consented relocation of the house at 2 Hepburn Street to provide for the necessary width for the lane (3.7m). Whereas the service lane presently dog-legs past the south side of the house, it will be relocated to the north side. The newly created land parcels that make up the realigned service lane would vest as road. All the land involved with the proposals is zoned Business – Town Centre zone.

The proposed work required (already consented BUN60358392 - LUC60358393 & SUB60358394) includes constructing a new portion of lane approximately 20m in length, including forming a carriageway and upgrading an existing over-width vehicle crossing. The removal of the existing vehicle crossing onto Hepburn Street will result in two additional angled on-street carparks in that location. A parallel park will be lost from in front of 2 Hepburn Street meaning a net gain of one space.

The subdivision consent granted also provides for narrow segregation strips 100mm wide to be subdivided off the existing land parcels that make up the existing lane. These strips are to have the designation of ‘proposed service lane’ removed from them so would not vest as road but remain in private ownership. These strips are to reinforce that no access can be created from or to the service lane from the Barrie Street residential properties which adjoin the north side of the lane.

The AEE to the notice describes in full the background to the alteration. This includes the land use and subdivision consent that provides for the relocation of the house at 2 Hepburn Street to make room for the straightened service lane to pass the house on its northern side. The subdivision consent amalgamates 2 Hepburn Street with the land adjoining it which is owned by the same land owner. The designation alteration provides for the rationalisation of this landholding which is now described as ‘Lot 3’ and is 1475 square metres in area. The land area to be formed as new lane is 77 sqm in area, and the land to have the ‘lane’ designation removed from it is 144 sqm in area. The four segregation strips 100mm wide are 2, 4, 6 and 8 square metres in area respectively.

The designation alteration is depicted below in Figure 1. Given the length and function of the service lane, and the written approvals of affected parties, the alteration proposed is considered to be minor and such that the Council can agree with the proposal.

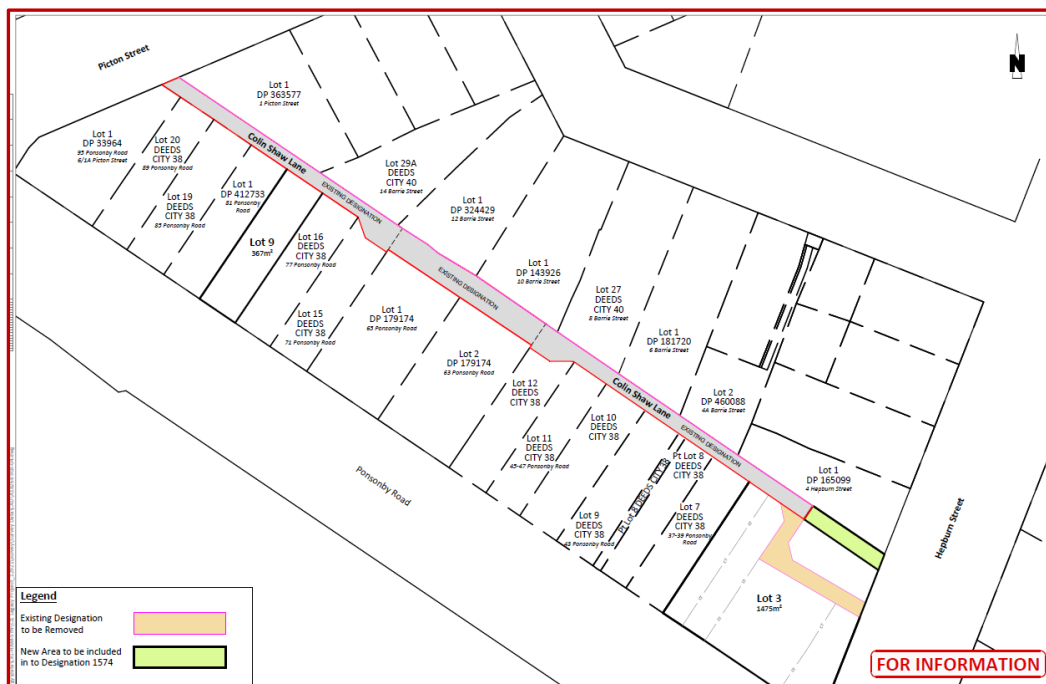
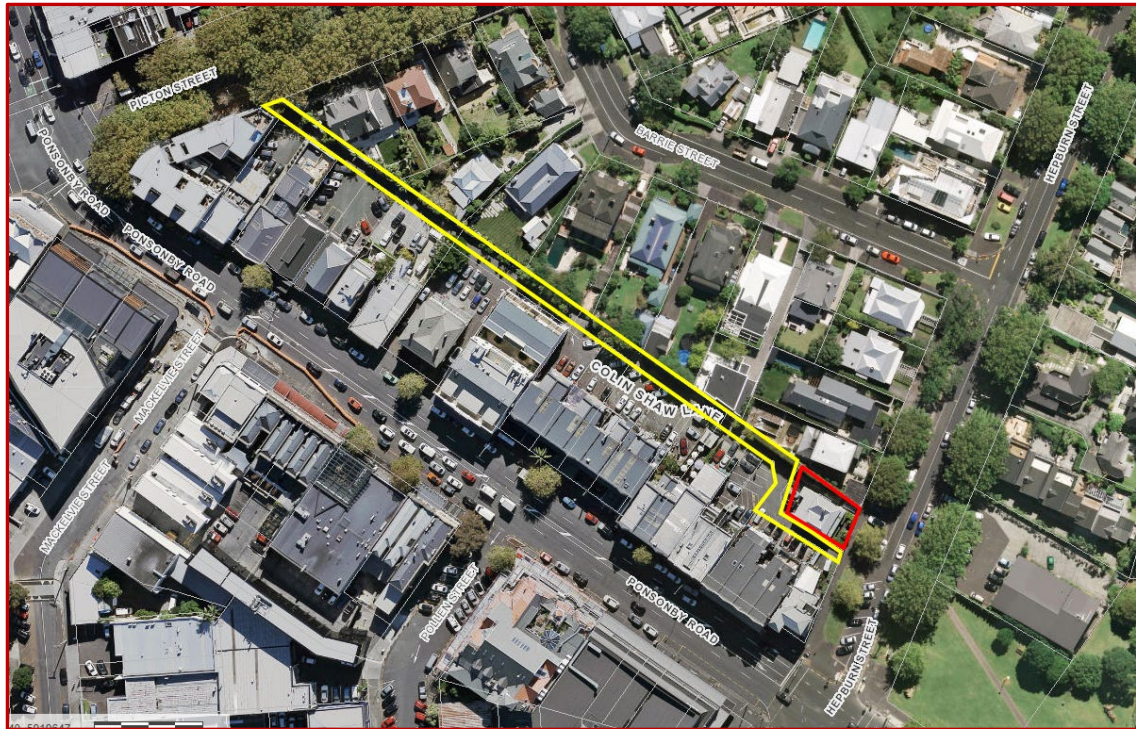


Figure 1: Overview of proposed designation alteration (note, segregation strips not shown on this plan)

1.2. Land directly affected by the alteration

The existing service land and land affected by the alteration to the designation is located between Picton Street and 2 Hepburn Street and is shown below: The existing Colin Shaw Lane is demarcated in yellow, and 2 Hepburn Street is in red.



More specifically, the land parcels affected by the proposed works arising from the designation alteration are described as:

- Part Lot 1 DEEDS City 38 (outlined in blue below); and
- 2 Hepburn Street, Ponsonby, legally described as Lot 1 Deeds Reg CITY 38, NA768/265.

In addition to these parcels the four 'segregation strips' already referred to are directly affected in that the designation of 'proposed service lane' will be removed from them. These are described as sections 1, 4, 6 and 7 on the Proposed Land Requirement Plan submitted with the application.



1.3. Description of the site and existing environment

The site and environment are described in the AEE to the notice. I concur with that description, at section 3.0.

In summary, the land use on the southern side of the site is predominantly business and retail, while the land use on the northern side is residential. Opposite the proposed vehicle access to Hepburn Street is a church, and south of this is the western end of Western Park which fronts Ponsonby Road.

As depicted above, all the directly affected land is zoned Business – Town Centre zone. The other site considered to be potentially affected is 4 Hepburn Street which is zoned Residential – Single House zone. All the business and residential land in this locality is subject to the Special Character Area overlay. The relocation of the house, including the reconstruction of the brick chimney above roof line, was approved in terms of the character overlay.

This part of the Ponsonby Road town centre is relatively busy, with Hepburn Street joining Ponsonby Road opposite Williamson Avenue, which is also a major collector street into the town centre. Hepburn Street at this intersection is southbound traffic only. The posted speed limit along Ponsonby Road is 40kph.

Figure 2 below shows the existing environment at 2-4 Hepburn Street and the existing 9m wide vehicle crossing which is proposed to be widened to 10.4m (cf AUP maximum width of 6m). This widening has been consented and council's traffic engineer in reviewing this designation alteration application has found the proposed crossing acceptable.



Figure 2: The existing shared vehicle crossing of 2 and 4 Hepburn Street (9m wide, to become 10.4m, widened on its southern side – where the bollards are. Note the hedge in front of the villa, 2 Hepburn Street, which is to be to a stipulated height to maintain visibility)

1.4. Delegated authority

Tier 5 Team Leaders have delegated authority in accordance with Schedule 2A (under RMA functions, powers and duties: *Designations*) 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 181(3).

The NOR can therefore be considered by delegated authority and confirmed or declined under section 181(3)(c).

1.5. Relevant statutory provisions

Section 181 "Alteration of designation" of the Resource Management Act 1991 states:

- (1) A requiring authority that is responsible for a designation may at any time give notice to the territorial authority of its requirement to alter the designation.*
- (2) Subject to subsection (3), sections 168 to 179 and 198AA to 198AD shall, with all necessary modifications, apply to a requirement referred to in subsection (1) as if it were a requirement for a new designation.*
- (3) A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed district plan if-*
 - (a) The alteration-*
 - (i) Involves no more than minor changes to the effects on the environment associated with the use or proposed use of land or any water concerned; or*
 - (ii) Involves only minor changes or adjustments to the boundaries of the designation or requirement; and*
 - (b) Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and*
 - (c) Both the territorial authority and the requiring authority agree with the alteration –*

and sections 168 to 179 and 198AA to 198AD shall not apply to any such alteration.
- (4) This section shall apply, with all necessary modifications, to a requirement by a territorial authority to alter its own designation or requirement within its own district.*

2. Analysis of the proposed alteration

The relevant matters to consider are contained in section 181(3) of the RMA as outlined above.

2.1. Assessment of environmental effects (s181(3)(a)(i))

The requiring authority has provided an assessment of environmental effects (AEE) with the NOR. The following effects have been considered:

- (a) Effects on the safety of the transportation network; and
- (b) Effects on amenity values of adjacent properties.

Safety of the transport network

With respect to (a) the AEE notes - "Overall, no crashes occurred along Colin Shaw Lane, indicating the existing environment is generally safe. The proposed realignment should also result in a minor safety improvement as the dog-leg is straightened and the new vehicle access will be located further from the existing intersection between Hepburn Street and Ponsonby Road. It can be considered the proposed realignment will not adversely affect the existing safety record in this area."

Council's traffic engineer (May (Chunhong) Huang) has reviewed the application and concurs with this 'road safety' assessment (at section 2.6 of her report). I note also that the Stantec report has addressed fully the matter of turning curves for vehicles exiting and entering the service lane at Hepburn Street and Council's traffic engineer supports the conclusions reached in this regard.

Safety of pedestrians

It can be seen in Figure 2 above that the proposed lane (Figure 1) emerges adjacent to the garage at 4 Hepburn Street which is built to the front boundary. Pedestrians would not therefore be quite as visible to drivers of vehicles exiting the lane towards Hepburn Street. The present exit point is more open to the north of the lane although it can be seen that the hedge has the potential to grow and obscure the view of pedestrians walking from north to south (left to right). There is a judder bar in the existing lane and also a sign indicating 'pedestrians crossing'.



Figure 3: The existing exit point from the service lane at 2 Hepburn Street. Note the hedge on the left which has the potential to obscure visibility of pedestrians.

Further information received from Auckland Transport on 19 October 2021 specifically addresses the safety of pedestrians traveling south past 4 and 2 Hepburn Street and the new exit point of the lane. Auckland Transport states:

“Whilst the existing exit point is more open, other safety considerations have been taken into account regarding the proposed minor alteration. For instance, straightening the dog-leg on Colin Shaw Lane will increase visibility and safety for vehicles utilising the lane. Overall, the TIA demonstrates that effects on the safety of the transportation network as a result of the realignment will be no more than minor.”

It is noted that the NOR proposes to address pedestrian safety in two main ways (in addition to the straightening referred to):

- (1) the existing yellow and black ‘pedestrians ahead’ warning sign that drivers see will be relocated to in front of 2 Hepburn Street (to face west up the lane) and
- (2) the existing judder bar in the lane (a few metres back from the road boundary) would be placed at the road boundary of the lane (this has subsequently been amended to be placed one metre in from the boundary).

Council’s traffic engineer supports these installations.

These factors do not however provide the drivers of vehicles exiting the lane with any clear visibility of pedestrians walking south past the exit point of the lane. Due to the garage of 4 Hepburn Street, pedestrians will remain out of sight until the driver has started to exit the lane. For pedestrians walking north past the lane, the hedge in front of 2 Hepburn Street has the potential to block the driver’s view of them. Pedestrians may not therefore be aware of vehicles exiting the lane.

The option of a convex mirror at the end of the lane to address this was put to Auckland Transport and their consultant engineers (Stantec) agreed with this, for placement in the road berm. Council’s traffic engineer did not consider this warranted a designation condition, due to the low traffic volumes on the lane. I consider however that Auckland Transport should be

required to install one because the judder bar and pedestrian sign are not fully sufficient to ensure an appropriate degree of pedestrian safety, and the height of the fence/hedge at the front of 2 Hepburn Street cannot be the subject of a condition (addressed further below). Accordingly I support the view of Stantec in this matter and recommend that a designation condition is imposed requiring the installation of a convex mirror in the road berm to assist with pedestrian safety.

While not supporting a convex mirror, Council's traffic engineer recommended the following condition in terms of the safety of pedestrians in the vicinity of the service lane at Hepburn Street (memo, 11 October 2021)

"The consent holder shall ensure that at all times the height of the fencing/planting on the southern side of the vehicle crossing along the front boundary of 2 Hepburn Street must be less than 800mm over a length of 2.5m from the service lane, to the satisfaction of the Team Leader Central Area Monitoring."

When Auckland Transport was advised of this requested condition, it was acknowledged that it amounted to a requirement on a third party (the owner of 2 Hepburn Street) and therefore was not directly enforceable by the Council and could not be the subject of a designation condition (and ideally should have been a condition of the BUN consent). Auckland Transport did however refer the matter to its advisers (Stantec) who provided the following response (email 19 October 2021):

"Having discussed with the third party, Samson have agreed to condition a maximum fence height of 1.15m for 2.5m along Hepburn Street to the south and along the lane as far back as the villa (which is to retain its existing setback (of approximately 3.5m) in accordance with the resource consent to relocate it)." (Samson Corporation Ltd)

While this 'agreement' cannot be a condition of the designation, it is recommended that it be recorded in an advice note to the designation. I consider that the convex mirror in the road berm will assist to address the same issue of ensuring pedestrian safety, in conjunction with the judder bar and the 'pedestrians' sign. The combined effect of these requirements will in my opinion ensure that the issue of pedestrian safety at the Hepburn Street end of the service lane will be appropriately addressed. The resultant change in environmental effects as regards pedestrian safety will be no more than minor compared with the existing situation.

Amenity values of adjacent properties

With respect to amenity effects, the submitted AEE states the alteration means that the house at 4 Hepburn Street would be subject to some traffic noise from the lane whereas at present the house at 2 Hepburn Street is used for office uses (which will continue, albeit further away). These effects are discounted as the owners/occupiers of 4 Hepburn Street have given their written consent to the alteration; they were also consulted at the time of the resource consent application.

Conclusion

The requiring authority considers that overall, the proposed alteration to the designation involves no more than minor changes to the effects on the environment and has agreed that the conditions that are proposed are appropriate to ensure this will be the outcome. In my opinion, the conditions which have been agreed to will ensure this is this case and that section 181(3)(a)(i) will be satisfied.

2.2. Assessment of minor changes or adjustments to the boundary (s181(3)(a)(ii))

The NOR states that the alteration to the designation involves a “minor adjustment to the physical extent of the designation” but does not explain how this is concluded. In a sense, the changes at the Hepburn Street end are more than *minor changes or adjustments to the boundaries of the designation*. They involve a significant land swap and the relocation of a house such that the service lane now abuts a house that presently has a house/office adjoining it, separated by a side yard. However, relative to the length and total land area of the lane and the number of properties adjoining it and served by it, the proposed ‘changes or adjustments’ to the designation can be considered minor and this is my conclusion.

2.3. Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners and occupiers agree with the alteration (s181(3)(b))

Auckland Transport gave written notice to the owners/occupiers of 4 Hepburn Street and has obtained their written consent.

There is a note on the signed agreement which states:

- “Bollard to protect garage if possible!!” (dated 6/7/2020)

Auckland Transport has advised that Sampson Corporation (the land owner of 2 Hepburn St) will carry out this work as part of giving effect to its land use and subdivision consent, as part of the physical work required to enable the formation of the realigned service lane. Accordingly, this is not required or appropriate as a condition of the designation, but is however something that will be recorded in the altered designation through an advice note.

Auckland Transport also sought and obtained the written consent of the owners/occupiers of 65-67 Ponsonby Road which abuts the service lane and which gains ‘rear of shop’ access to parking spaces off the lane. Auckland Transport was asked why other landowners/occupiers that backed onto the service lane were not also given notice of the NOR and asked for their consents. The response follows (email of 19 October 2021):

“The other Ponsonby Road Landowners are not considered to be “directly affected’ by the NOR. Colin Shaw Lane currently functions as two-way, ensuring access from Picton Street to Colin Shaw Lane is not affected. Furthermore, AT’s s176 written approval condition requires Samson provide “reasonable access over their property” until the straightened lane is constructed and operational. This means that access to Colin Shaw Lane from both Picton Street and Hepburn Street will continue to be provided.”

Auckland Transport was also asked why the landowners/occupiers of the Barrie Street residential properties were not advised of the application and asked for their consent. AT advised as follows (email 2 November 2021):

“A review of the relevant Records of Title has determined that there are no registered easements that would enable the identified properties to gain pedestrian access, or any other form of access, to the adjoining Colin Shaw Lane currently. The segregation strips, which will be retained in the ownership of the consent holder (Samson), will prevent access to Colin Shaw Lane from these properties, however will not technically result in change from the current situation, given that there is currently no right for these properties to obtain access to or from the lane.”

“The purpose of the segregation strips is to ensure that these properties cannot obtain vehicle access from Colin Shaw Lane following the vesting of the lane as road, and

therefore undermine the purpose and safe operation of the lane in servicing the rear of the businesses fronting Ponsonby Road. “

As previously noted, the segregation strips are to have the designation of ‘proposed service lane’ removed from them, so they will appear as very narrow strips zoned Business - Town Centre. However, they will not be readily discernible to readers of the AUP maps (GIS viewer) because the linework of the maps is not fine enough to demarcate land strips only 100mm wide. To all intents and purposes, nothing changes for land owners adjoining the service lane and these narrow strips.

In conclusion I consider that all directly affected parties have been consulted and the relevant written consents obtained, therefore s 181(3)(b) is satisfied.

2.4. Agreement of both the territorial authority and the requiring authority (181(3)(c))

The alteration to the designation has been requested by the requiring authority, and therefore it agrees to the alteration.

I consider Auckland Council can agree with the proposed alteration for the following reasons:

- The alteration involves no more than minor changes to the environmental effects associated with the operation of the service lane (subject to the agreed conditions)
- The alteration involves only minor changes to the boundaries and footprint of the designation relative to the total length and land area of the designation
- The owners and/or occupiers of all land directly affected by the proposed alteration have been given notice and have consented to the proposed alteration
- Auckland Transport has sought and relied upon advice from independent traffic engineering consultants and Council’s traffic engineer concurs with that advice; and
- Adherence with recommended and agreed conditions will ensure any potential adverse effects are avoided, remedied or mitigated and are no more than minor when compared with the existing situation. This includes conditions of the land use and subdivision consent which facilitate the designation alteration and its vesting as road, which require:
 - The formation of the lane, with continued access for users over the designated dog-leg while formation occurs
 - The widening of the Hepburn Street vehicle crossing to accommodate the turning of larger vehicles
 - The reinstatement as berm of the redundant vehicle crossing.

It is noted that condition 4 of the land use consent (LUC60358393) is:

“No physical works must commence until evidence has been provided to the satisfaction of council that the Notice of Requirement and /or Alteration of Designation has been agreed (as per relevant sections of the RMA).”

Finally, I propose (and the requiring authority agrees) that the ‘purpose’ of the designation should be changed as follows:

Proposed Service lane - ~~6m width~~ Hepburn Street to Picton Street

The reasons for this are: Once the land parcels for the service lane are vested as road (to be controlled by Auckland Transport) the lane will no longer be ‘proposed’, but operational. Furthermore the lane is, on average, approximately 3.6m in width and not of “6m width”, so it makes sense to refer instead to its geographical positioning. The existing width has been

found to be acceptable and appropriate by the requiring authority and its professional advisers. Council's traffic engineer concurs with their findings.

3. CONCLUSIONS AND RECOMMENDATIONS

3.1. Conclusions

The proposed alteration meets the statutory tests of Section 181(3) of the Resource Management Act 1991, in that:

- The alteration involves no more than minor changes to the environmental effects associated with the operation of the (realigned) service lane.
- Recommended conditions will ensure any potential adverse effects are avoided, remedied or mitigated and that the change in effects is no more than minor when compared with the existing situation.
- There are only minor changes or adjustments to the boundaries of the existing designation relative to the total length and land area of the designation.
- The owners and/or occupiers of all land directly affected agree with the alteration and have given their written approvals.
- The council and the requiring authority agree with the alteration and the imposition of the recommended conditions and revised 'purpose' statement.

3.2 Recommendation

1. That pursuant to Section 181(3) of the Resource Management Act 1991, Auckland Transport's notice of requirement dated 2 September 2021 for an alteration to Designation 1574 "Proposed service lane - 6m width" (Colin Shaw Lane) is **agreed and confirmed** subject to the amended conditions recommended in section 4 of this report and the designation 'purpose' being amended to "Service lane - Hepburn Street to Picton Street", for the reasons set out in section 3.1 above.
2. That Designation 1574 is **amended** in the AUP/GIS maps designation overlay as depicted in the Proposed Land Requirement Plan (set out at 5. below), and that Chapter K Designations (Designation Schedule - Auckland Transport) of the AUP (operative in part), is amended as set out in section 4 of this report.
3. That the matters that cannot be the subject of conditions, in particular those matters that pertain to agreements between the requiring authority and a third party, as identified in the report, be recorded in the form of advice notes to the altered designation.

4. Agreed alterations

The text alterations that have been agreed between Auckland Council and Auckland Transport are shown below. Amendments are shown as either strikethrough or underlined:

1574 Service Lane – Hepburn Street to Picton Street

Designation Number	1574
Requiring Authority	Auckland Transport
Location	Hepburn Street to Picton Street, Central Auckland
Rollover Designation	Yes

Legacy Reference	Designation C07-26, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan unless given effect to prior

Purpose

~~Proposed~~ Service lane - 6m width - Hepburn Street to Picton Street

Conditions

1. In accordance with section 184 of the Resource Management Act 1991, this designation will lapse 12 years from being operative in the Unitary Plan unless:

- a. It is given effect to before the end of that period; or
- b. The territorial authority resolves that it has made, and is continuing to make, substantial progress or effort towards giving effect to the designation and fixes a longer period to give effect to the designation; or
- c. The designation lapses earlier by virtue of the Unitary Plan ceasing to be operative.

2. There shall be installed and maintained in perpetuity, at the Hepburn Street end of the service lane (in connection with Section 2 shown in the designation alteration land requirement plans, CKL A18268 Dwgs 903-906 Rev 04, 22 May 2020) to ensure the ongoing safety of pedestrians:

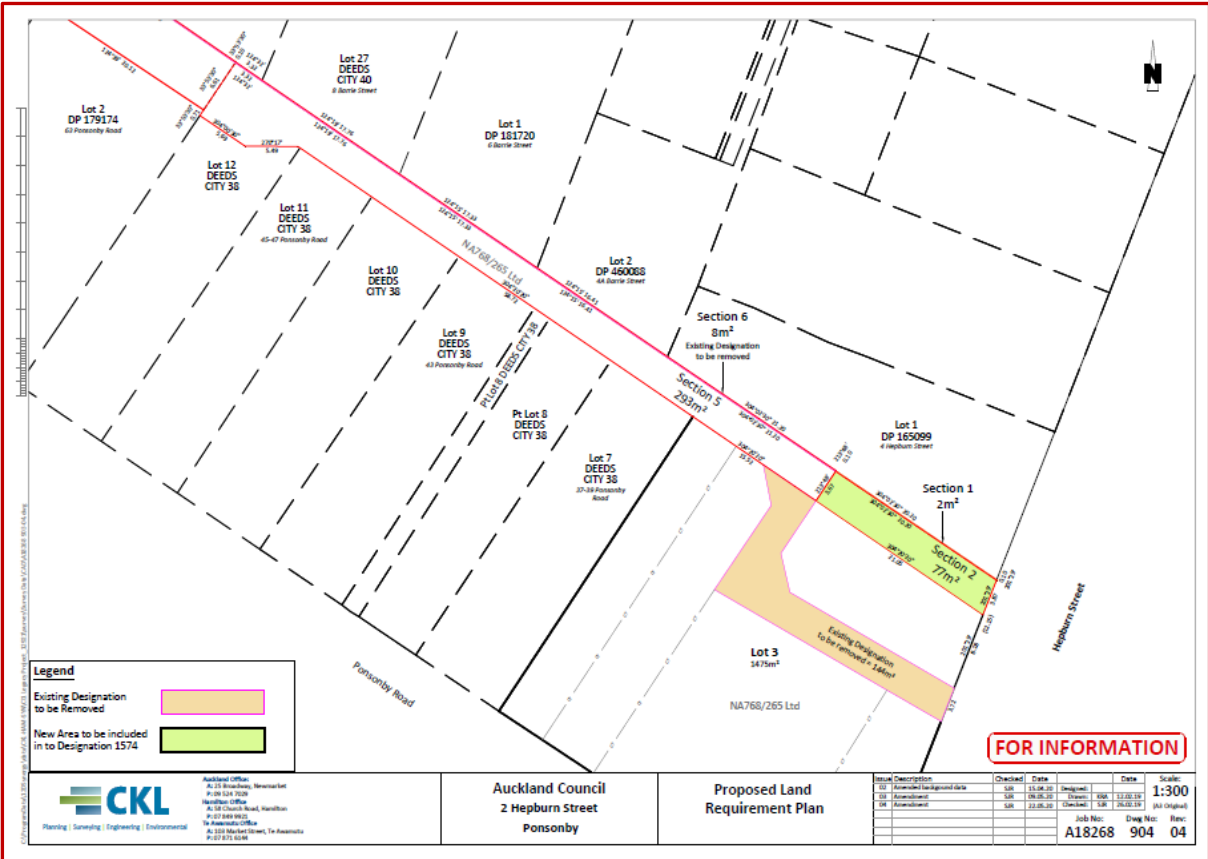
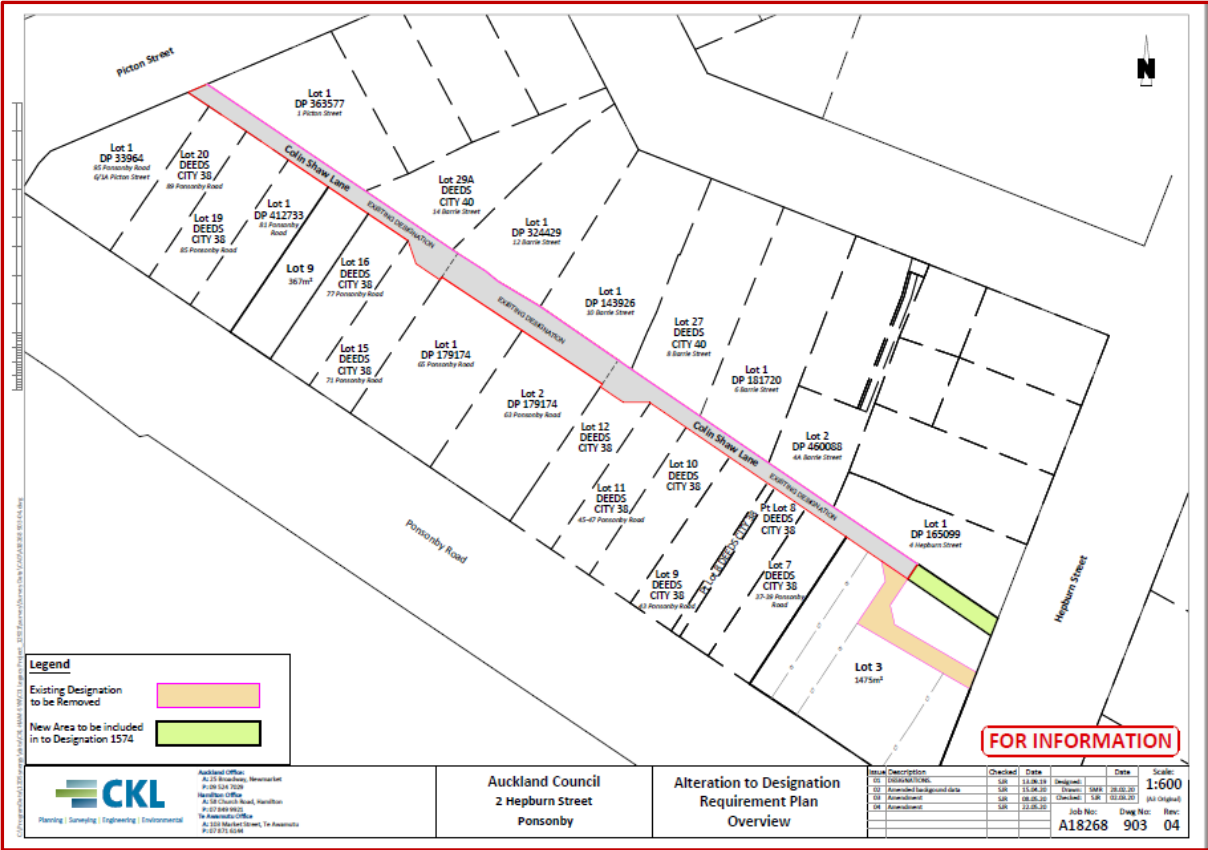
- a. A black and yellow judder bar on the surface of the lane approximately 1 metre west of the Hepburn Street road boundary; and
- b. A sign which faces west and indicates 'pedestrians crossing' to vehicle drivers; and
- c. A convex mirror in the road berm that provides vehicle drivers with a view of pedestrians on the footpath walking in either direction along Hepburn Street but particularly for pedestrians walking south towards Ponsonby Road.

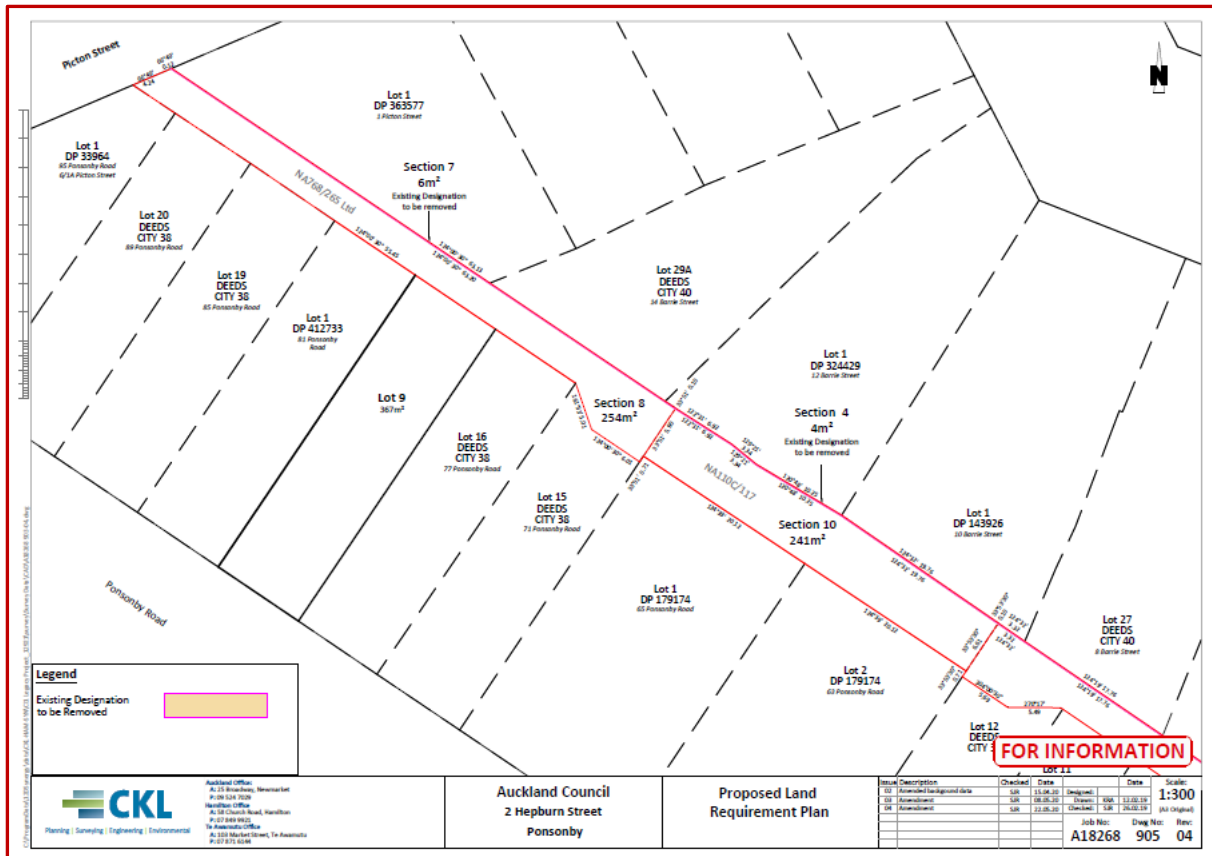
Advice notes


It is recorded that

1. The land use and subdivision consent holder (Samson Corporation Ltd, BUN60358392 - LUC60358393 & SUB60358394) has agreed, subsequent to those consents, to install a bollard (or bollards) on the edge of the service lane to protect the garage at 4 Hepburn Street, as part of the works required to create the realigned service lane.
2. Samson Corporation Ltd has agreed with Auckland Transport that it will keep the fence/hedge around the front of 2 Hepburn Street at a height not exceeding 1.15 metres for 2.5 metres along the front boundary and as far back as the villa (where it abuts the service lane) which will be approximately 3.5m from the front boundary.

5. The 'designation alteration land requirement plans' are set out below:






Report prepared by: Ewen Patience, Policy Planner 	Date: 3 December 2021
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6. SECTION 181(3) DETERMINATION

Having read the Council planner’s report and recommendations on the notice of requirement dated 2 September 2021 from Auckland Transport, I am satisfied I have adequate information to consider the matters required by the Resource Management Act 1991 (the RMA) and make a decision under delegated authority.

Accordingly, the notice of requirement for an alteration to Designation 1574 (Colin Shaw Lane) is confirmed under section 181(3) of the RMA as agreed and set out in section 4 of this report.

Name:	Fiona Sprott
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Title:	Team Leader, Central South Planning
Signed:	
Date:	10 December 2021

SCHEDULE OF ATTACHMENTS

Refer –

U:\CPO\RLP\FC\LUP\UP MODIFICATIONS\DESIGNATIONS\1574ServiceLaneHepburnToPictonSt\AlterationColinShawLane

Attachment A:	NOTICE OF A REQUIREMENT FOR A MINOR ALTERATION TO DESIGNATION UNDER SECTION 181(3) OF THE RESOURCE MANAGEMENT ACT 1991 (Auckland Transport - Form 18 dated 2 September 2021, designation plans and AEE by Stantec) – on file (as per path above)
Attachment B	Assessment of traffic and transportation effects (Stantec) – on file (as per path above)
Attachment C	Written approvals lodged with the NOR – on file (as per path above)
Attachment D	Council's traffic engineering report dated 13 October 2021– on file (as per path above)
Attachment E	All emails referred to in the report – on file in U drive (as per path above)

Attachment B: Updated text for D1574
(Strikethrough and underlined)

1574 Service Lane - Hepburn Street to Picton Street

Designation Number	1574
Requiring Authority	Auckland Transport
Location	Hepburn Street to Picton Street, Central Auckland
Rollover Designation	Yes
Legacy Reference	Designation C07-26, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan unless given effect to prior

Purpose

~~Proposed Service lane - 6m width - Hepburn Street to Picton Street~~

Conditions

1. In accordance with section 184 of the Resource Management Act 1991, this designation will lapse 12 years from being operative in the Unitary Plan unless:
 - a. It is given effect to before the end of that period; or
 - b. The territorial authority resolves that it has made, and is continuing to make, substantial progress or effort towards giving effect to the designation and fixes a longer period to give effect to the designation; or
 - c. The designation lapses earlier by virtue of the Unitary Plan ceasing to be operative.

2. There shall be installed and maintained in perpetuity, at the Hepburn Street end of the service lane (in connection with Section 2 shown in the designation alteration land requirement plans, CKL A18268 Dwgs 903-906 Rev 04, 22 May 2020) to ensure the ongoing safety of pedestrians:
 - a. A black and yellow judder bar on the surface of the lane approximately 1 metre west of the Hepburn Street road boundary; and
 - b. A sign which faces west and indicates 'pedestrians crossing' to vehicle drivers; and
 - c. A convex mirror in the road berm that provides vehicle drivers with a view of pedestrians on the footpath walking in either direction along Hepburn Street but particularly for pedestrians walking south towards Ponsonby Road.

Advice notes

It is recorded that

1. The land use and subdivision consent holder (Samson Corporation Ltd, BUN60358392 - LUC60358393 & SUB60358394) has agreed, subsequent to those consents, to install a bollard (or bollards) on the edge of the service lane to protect the garage at 4 Hepburn Street, as part of the works required to create the realigned service lane.
2. Samson Corporation Ltd has agreed with Auckland Transport that it will keep the fence/hedge around the front of 2 Hepburn Street at a height not exceeding 1.15 metres for 2.5 metres along the front boundary and as far back as the villa (where it abuts the service lane) which will be approximately 3.5m from the front boundary.

Attachments

No attachments.

**Attachment C: Updated text for
D1574 (Clean)**

1574 Service Lane - Hepburn Street to Picton Street

Designation Number	1574
Requiring Authority	Auckland Transport
Location	Hepburn Street to Picton Street, Central Auckland
Rollover Designation	Yes
Legacy Reference	Designation C07-26, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan unless given effect to prior

Purpose

Service lane - Hepburn Street to Picton Street

Conditions

1. In accordance with section 184 of the Resource Management Act 1991, this designation will lapse 12 years from being operative in the Unitary Plan unless:
 - a. It is given effect to before the end of that period; or
 - b. The territorial authority resolves that it has made, and is continuing to make, substantial progress or effort towards giving effect to the designation and fixes a longer period to give effect to the designation; or
 - c. The designation lapses earlier by virtue of the Unitary Plan ceasing to be operative.
2. There shall be installed and maintained in perpetuity, at the Hepburn Street end of the service lane (in connection with Section 2 shown in the designation alteration land requirement plans, CKL A18268 Dwgs 903-906 Rev 04, 22 May 2020) to ensure the ongoing safety of pedestrians:
 - a. A black and yellow judder bar on the surface of the lane approximately 1 metre west of the Hepburn Street Road boundary; and
 - b. A sign which faces west and indicates 'pedestrians crossing' to vehicle drivers; and
 - c. A convex mirror in the road berm that provides vehicle drivers with a view of pedestrians on the footpath walking in either direction along Hepburn Street but particularly for pedestrians walking south towards Ponsonby Road.

Advice notes

It is recorded that

1. The land use and subdivision consent holder (Samson Corporation Ltd, BUN60358392 - LUC60358393 & SUB60358394) has agreed, subsequent to those consents, to install a bollard (or bollards) on the edge of the service lane to protect the garage at 4 Hepburn Street, as part of the works required to create the realigned service lane.
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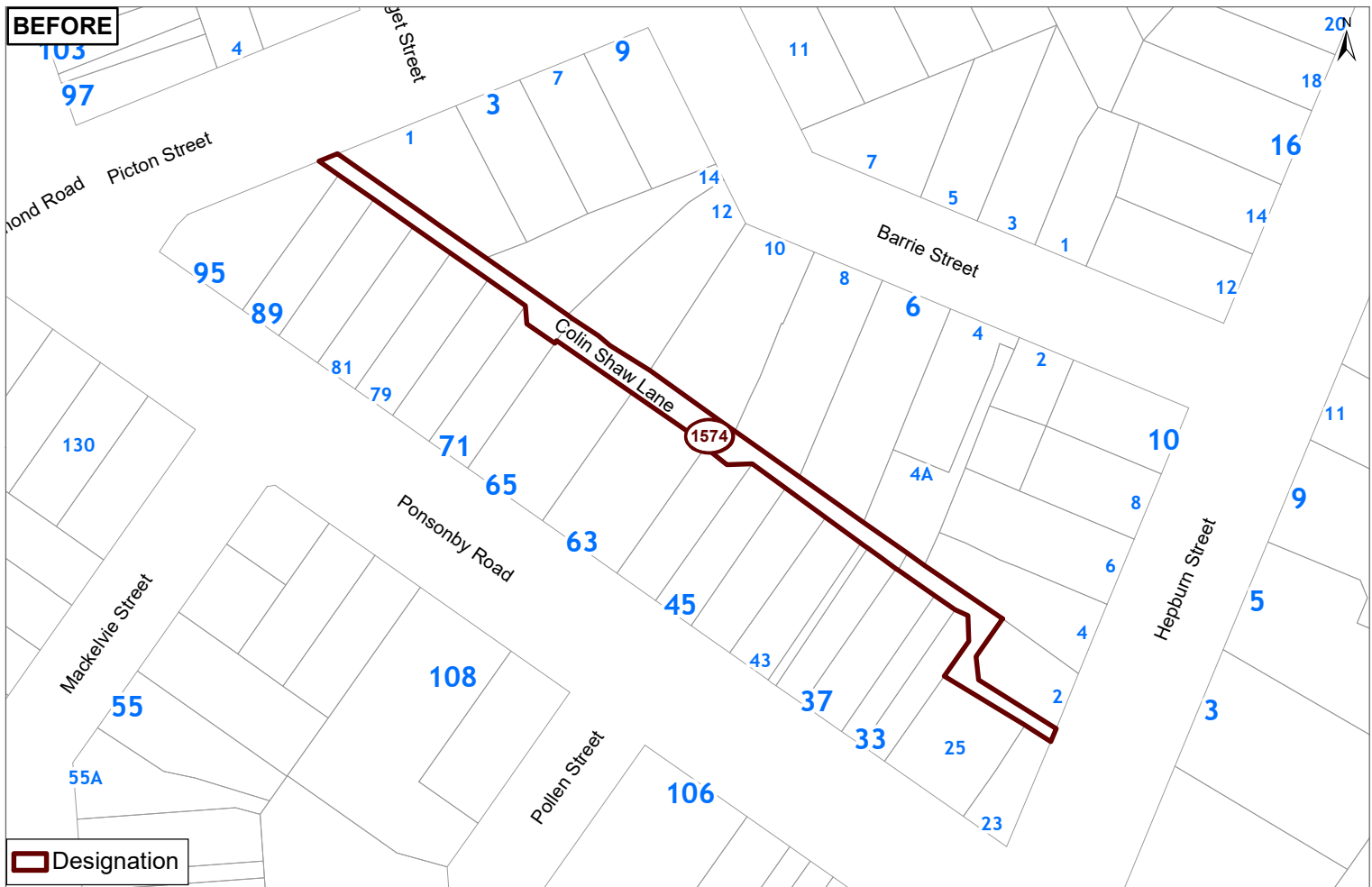
front boundary and as far back as the villa (where it abuts the service lane) which will be approximately 3.5m from the front boundary.

Attachments

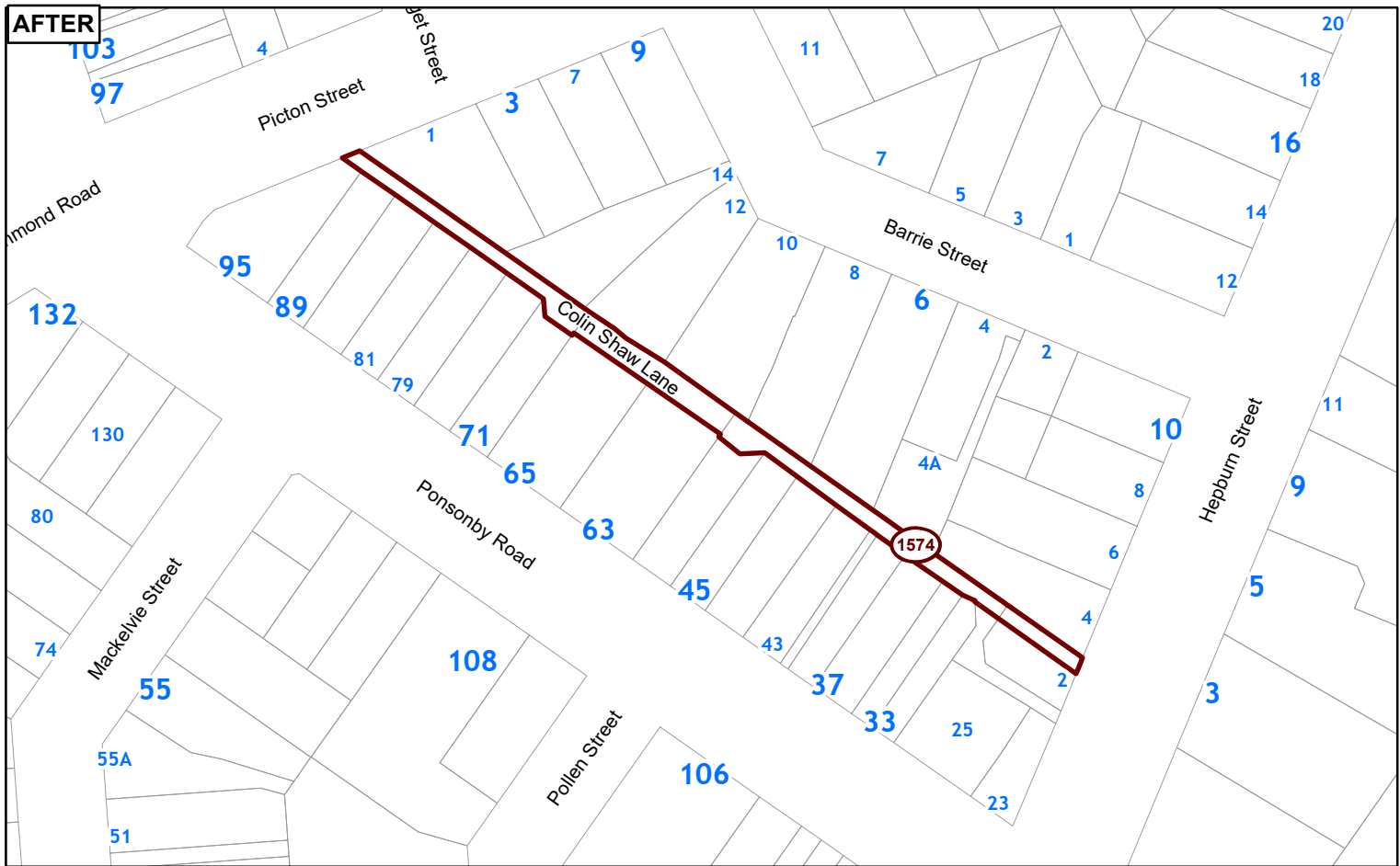
No attachments.

**Attachment D: Updated GIS Viewer
(diagrams)**

BEFORE



AFTER



Alteration to Designation ID 1574

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: 8/02/2022



Plans and Places