

## UNITARY PLAN UPDATE REQUEST MEMORANDUM

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

**FROM** Roger Eccles, planner, Central South Unit, Plans and Places





**DATE** 17 June 2020

**SUBJECT** **Partial uplift of a designation in accordance with s182 of the Resource Management Act of 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 – Partial Uplift	
<b>Chapter</b>	Chapter K Designations and AUP GIS Viewer
<b>Section</b>	<b>Chapter K – New Zealand Transport Agency</b>
<b>Designation only</b>	
<b>Designation #</b>	<b>6708 State Highway 20 – Manukau City to Wiri and Mangere</b>
<b>Locations:</b>	State Highway 20 from east of Great South Road, Manukau City Centre to Cavendish Drive interchange, Wiri
<b>Lapse Date</b>	Given effect to (i.e. no lapse date)
<b>Purpose</b>	South Western Motorway (State Highway 20)
<b>Changes to text (shown in underline and strikethrough)</b>	N/A
<b>Changes to diagrams</b>	N/A
<b>Changes to spatial data</b>	Remove designation 6708 from Section 2 SO 315367
<b>Attachments</b>	Attachment 1: Section 182 Partial Uplift Report  Attachment 2: Updated GIS Viewer to Designation 6708

<b>Prepared by:</b> Roger Eccles Planner	<b>Maps prepared by:</b> Mitesh Bhula Geospatial Analyst
<b>Signature:</b> 	<b>Signature:</b> 
<b>Reviewed by:</b> Roger Eccles Planner	<b>Signed off by:</b> Celia Davison Manager Planning – Central South Unit
<b>Signature:</b> 	<b>Signature:</b> 

Attachment 1: Section 182 Partial  
Uplift Report

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



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

**From:** Roger Eccles, Planner Planning Central South

**Date:** 24 July 2020

**Subject:** Partial removal of Designation 6708, South Western Motorway (State Highway 20) in the Auckland Unitary Plan (Operative in Part)

## Summary

Auckland Council has received a request from the New Zealand Transport Agency under section 182 of the Resource Management Act 1991 (RMA), to remove, in part, Designation 6708 South Western Motorway (State Highway 20) in the Auckland Unitary Plan (Operative in Part). The request was received on the 8 June 2020.

A section 182(1) request is required to remove the existing designation in part from land which has been deemed surplus by the New Zealand Transport Agency. Under Section 182(1)(b) (c) the requiring authority shall also give notice to:

- (b) every person who is known by the requiring authority to be the owner or occupier of any land to which the designation relates; and
- (c) every other person who, in the opinion of the requiring authority, is likely to be affected by the designation.

This correspondence in regard to Designation 6708 was provided to Auckland Council on the 15 July 2020 (**Attachment A**).

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 the New Zealand Transport Agency for the partial removal of Designation 6708 South Western Motorway (State Highway 20) in the Auckland Unitary Plan (Operative in Part) be **accepted** for the following reasons:
  - The land subject to the partial removal is no longer required to give effect to the designation.
  - The effects of the partial removal will be no more than minor.

2. That Designation 6708 South Western Motorway (State Highway 20) 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>	6708 South Western Motorway (State Highway 20)
<b>Lodgement date:</b>	8 June 2020
<b>Requiring authority:</b>	New Zealand Transport Agency
<b>Reporting officer:</b>	Roger Eccles, Planner
<b>Site addresses:</b>	16 Diversey Lane
<b>UP Zoning:</b>	Business – Light Industry

## 2. Background

### 2.1 Details of designation

Designation 6708 provides for the construction, operation and maintenance of the South Western Motorway (State Highway 20). The New Zealand Transport Agency (NZTA) has determined that part of Designation 6708 is no longer required to give effect to the designation. This is because construction of the South Western Motorway (State Highway 20) has been completed and the subject area is now considered surplus to NZTA's ongoing operation and maintenance of the motorway.

### 2.2 Land affected by removal

NZTA have provided an aerial map showing the extent of the designation which is to be partially removed which is shown as the hatched area on the Auckland Unitary Plan (Operative in Part) (AUP) figure 1 below (NZTA aerial figure 2 also shown below).

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

**Figure 1**, AUP zoning map indicating designation and extent of partial removal of the hatched area (Section 2 SO 315376)



**Figure 2:** NZTA aerial map indicating designation and extent of partial removal of 16 Diversey Lane Manukau (area in red).



### 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 the Auckland Council Combined Executives Delegation Register (updated December 2019) to exercise the Council's functions, powers, duties and discretions under the Resource Management Act 1991 in relation to Section 182 to receive withdrawals of designations and to amend the District Plan accordingly.

The section 182 request to remove the designation can therefore be considered by the Team Leader – Planning 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.

NZTA has demonstrated that the partial removal of Designation 6708 accords with Section 182 of the RMA for the following reasons:

- The land subject to the partial removal is no longer required to give effect to the designation.
- The construction phase of State Highway 20 has been completed.
- The effects of the partial removal will be no more than minor and will not effect NZTA's ongoing operation and maintenance of State Highway 20 or current levels of motorway access to the area over which the designation is being removed.

### 3. Recommendation

That pursuant to Section 182 of the Resource Management Act 1991 that the partial removal of Designation 6708 South Western Motorway (State Highway 20) be **ACCEPTED** and the Auckland Unitary Plan (Operative in Part) designation overlay be amended accordingly.

**Prepared by:** Roger Eccles  
Planner  
Planning Central/South  
Plans and Places

**Accepted by:** Marc Dendale  
Team Leader-Planning  
Central/South  
Plans and Places

**Signature:**



**Date** 24 July 2020

**Signature:**



**Date** 24 July 2020

#### 4.0 DETERMINATION

That the above partial removal of the Designation 6708 has been considered under Delegated Authority by the Auckland Council and is hereby **CONFIRMED** in accordance with Section 182 of the Resource Management Act 1991 and that the Auckland Unitary Plan (Operative in Part) be amended accordingly without further formality.

**Signed:**



Marc Dendale Team Leader – Planning, Central/South, Plans & Places

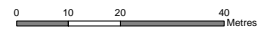
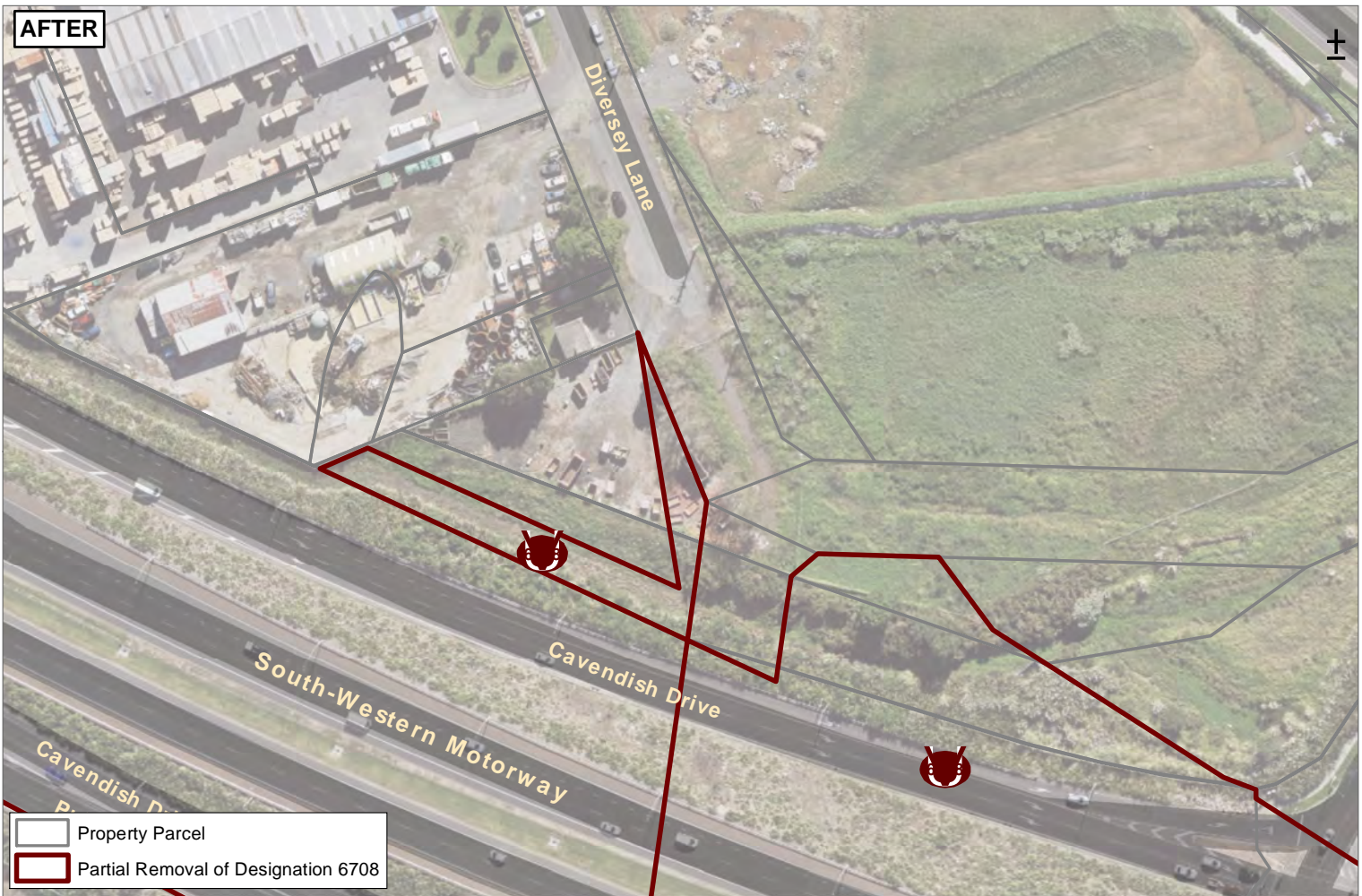
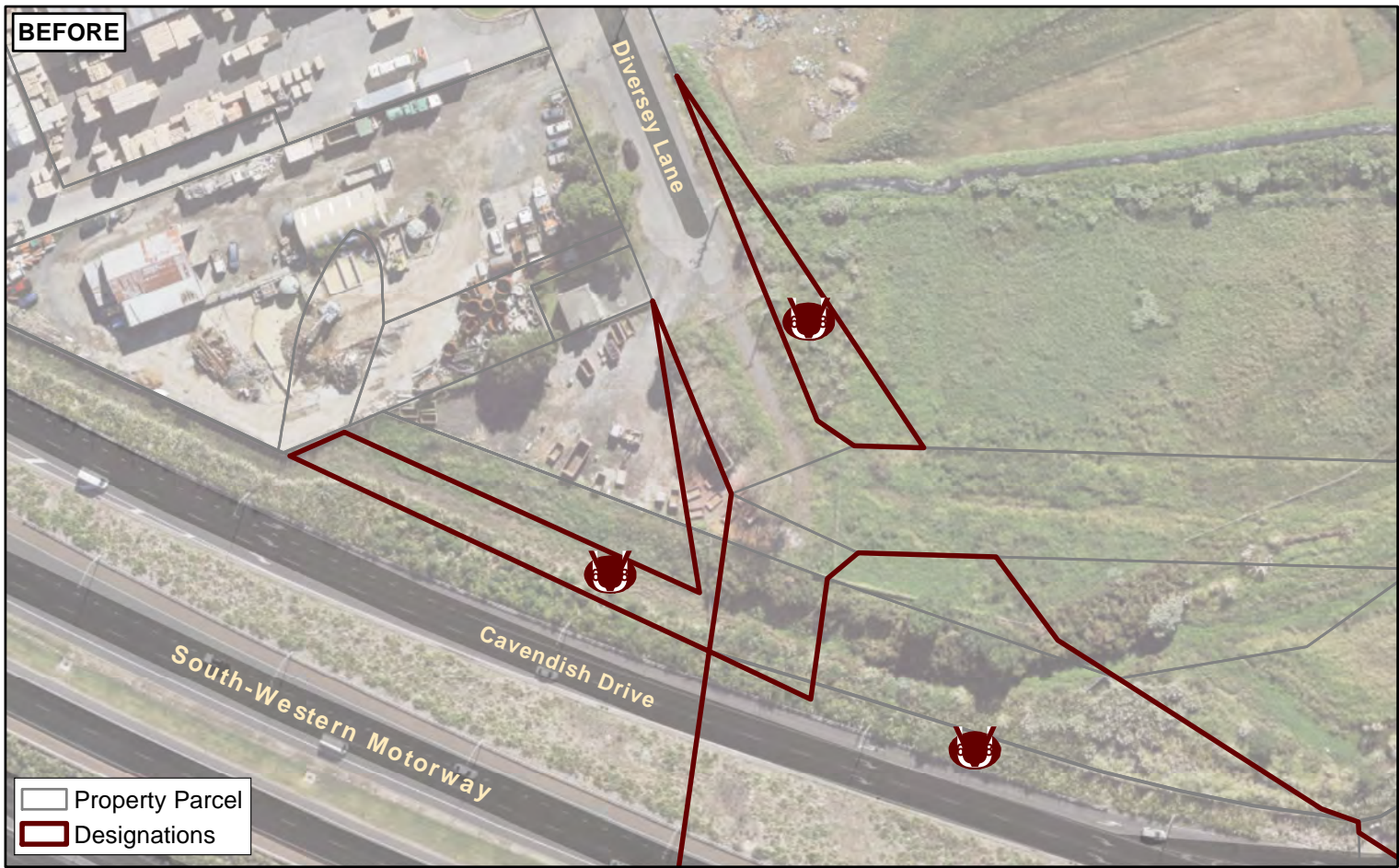
24 July 2020

#### SCHEDULE OF ATTACHMENTS:

**Attachment A:** NZTA s182 Notice of Removal  
(Including correspondence to CDL Land NZ Limited)

## Attachment 2: Updated GIS Viewer to Designation 6708





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: 6/08/2020

### Partial Removal of NZTA (6708)

