

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	
Chapter	Chapter K Designations and AUP GIS Viewer
Section	Chapter K – New Zealand Transport Agency
Designation only	
Designation #	6716 State Highway 20 – Manukau City Centre to Wiri
Locations:	State Highway 20 from Great South Road, Manukau City Centre to Cavendish Drive interchange, Wiri
Lapse Date	Given effect to (i.e. no lapse date)
Purpose	South Western Motorway – State Highway 20 (connection to State Highway 1)
Changes to text (shown in underline and strikethrough)	N/A
Changes to diagrams	N/A
Changes to spatial data	Remove Designation 6716 from Section 1 SO 315376, Section 1 SO 502584, Section 5 SO 502584, Lot 23 DP 495832, Noeal Burnside Road and Cavendish Drive (excluding approach to SH on/off ramp)
Attachments	Attachment 1: Section 182 Partial Uplift Report Attachment 2: Updated GIS Viewer to Designation 6716

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

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 6716 South Western Motorway-State Highway 20 (connection to State Highway 1) 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 6716 regarding the South Western Motorway-State Highway 20 (connection to State Highway 1). 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 6716 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 6716 South Western Motorway-State Highway 20 (connection to State Highway 1) 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 we be no more than minor
2. That Designation 6716 South Western Motorway-State Highway 20 (connection to State Highway 1) 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

Designation number:	6716 South Western Motorway-State Highway 20 (connection to State Highway 1)
Lodgement date:	8 June 2020
Requiring authority:	New Zealand Transport Agency
Reporting officer:	Roger Eccles, Planner
Site addresses:	8A Diversey Lane, 91 Noel Burnside Road, 12 Diversey Lane
UP Zoning:	Business – Light Industry: 8A and 12 Diversey Lane Business – Light Industry: 91 Noel Burnside Road Strategic Road Corridor zone and Business – Light Industry: 12 Diversey Lane

2. Background

2.1 Details of designation

Designation 6716 provides for the construction, operation and maintenance of the South Western Motorway-State Highway 20 (connection to State Highway 1). The New Zealand Transport Agency (NZTA) has determined that part of Designation 6716 is no longer required to give effect to the designation. This is because construction of State Highway 20 has been completed and the subject areas are 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 and which are shown as the hatched areas on the Auckland Unitary Plan (Operative in Part) map below. The NZTA aerial map is also shown below.

Figure 1, AUP zoning map indicating designation and extent of partial removal at 8A Diversey Lane, 12 Diversey Lane and 91 Noel Burnside Road.

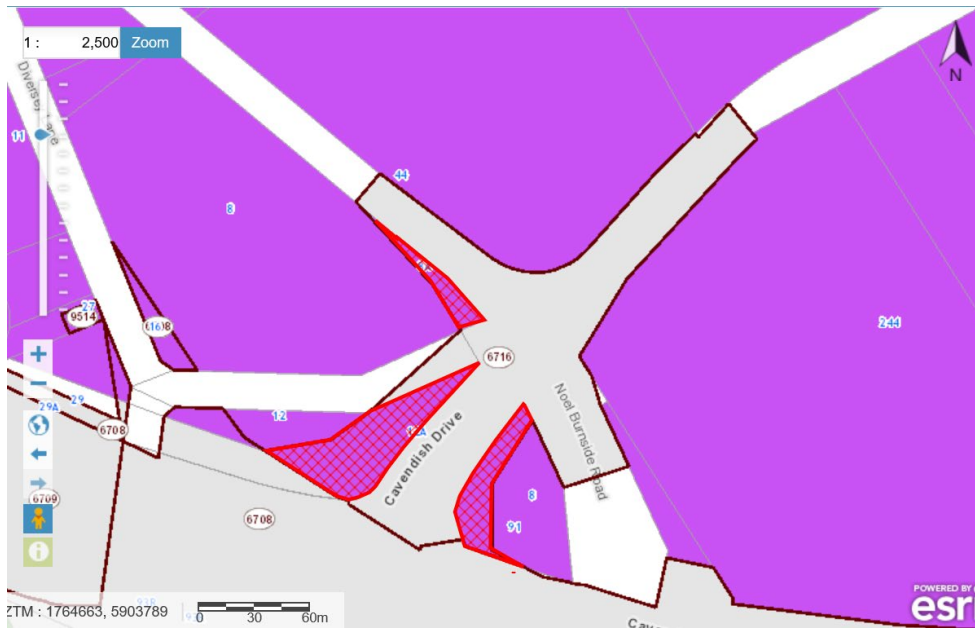
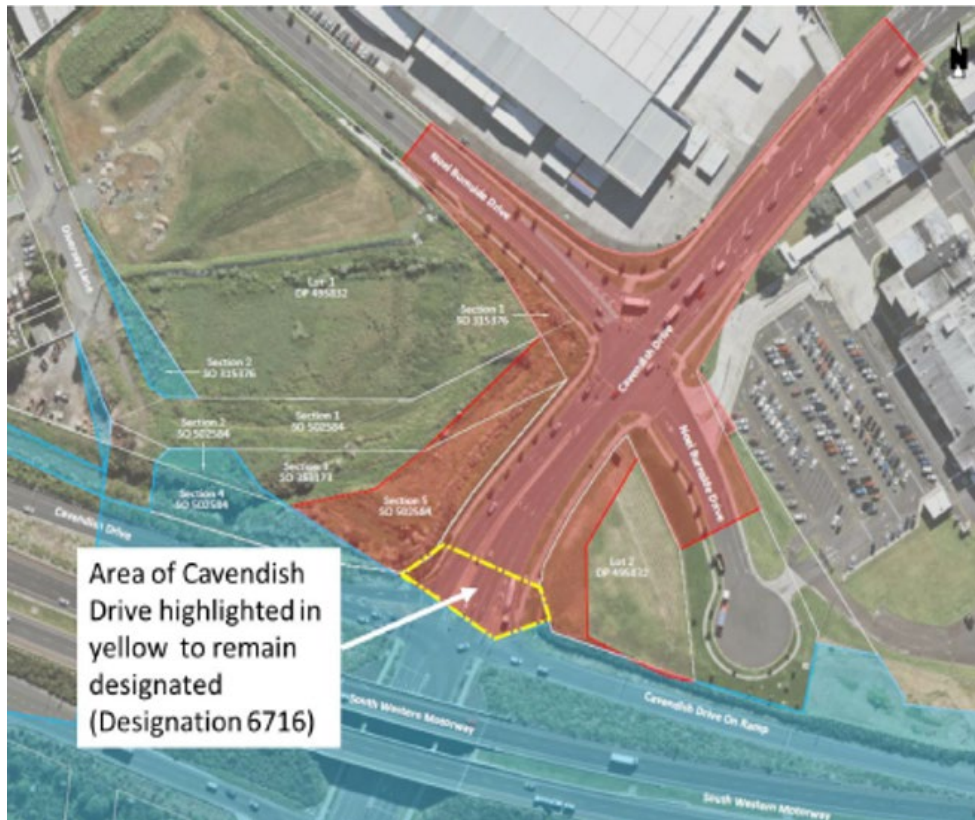


Figure 2: NZTA aerial map indicating designation and extent of the partial removal (excluding area highlighted by yellow line).



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 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 and 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.

The NZTA has demonstrated that the partial removal of Designation 6716 accords with section 182 of 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 affect 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 6716 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:



Signature:



Date 24 July 2020

Date 24 July 2020

4. DETERMINATION

That the above partial removal of Designation 6716 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 and South,
Plans & Places

Date: 24 July 2020

SCHEDULE OF ATTACHMENTS:

Attachment A: NZTA s182 Notice of Removal

(Including NZTA Correspondence to CDL Land NZ Limited, Aintree Properties Limited, Auckland Council and Auckland Transport).

**Attachment 2: Updated GIS Viewer to
Designation 6716**

BEFORE



- Property Parcel
- Designations

AFTER



- Property Parcel
- Partial Removal of Designation 6716



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 (6716)