

UNITARY PLAN UPDATE REQUEST MEMORANDUM

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

FROM Katrina David, Senior Policy Planner, Planning Central South, Plans and Places





DATE 24 November 2020

SUBJECT **Partial removal of Designations in accordance with s182 of the Resource Management Act 1991 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 – Partial removal of designation 9508	
Chapter	Chapter K Designations AUP GIS Viewer
Section	Schedules and Designations – Watercare Services Ltd
Designation only	
Designation #9508	Mill Road Reservoir Complex
Locations:	38 Mill Road, Alfriston
Lapse Date	Given effect to (i.e. no lapse date)
Purpose	Water supply purposes – reservoirs, pump stations and associated structures
Changes to text (shown in underline and strikethrough)	N/A
Changes to diagrams	N/A
Changes to spatial data	Refer to Section 182 Report, dated 16 November 2020 (Attachment 1). Amend Designation Overlay in GIS Viewer to partially remove Designation 9805 from properties as shown in Attachment A and legally described as: <ul style="list-style-type: none"> • Section 1 SO 514297 • Section 2 SO 514297 • Section 3 SO 514297 • Section 4 SO 514297 • Section 5 - 6 SO 514297 (Title 918957) • Section 9 SO 514297 • Lot 3 DP 64341 (Title 26D/656) • Pt Lot 2 DO 41583 (Title 90D/768) • Pt Lot 1 and Pt Lot 3 DP 41583 (Title 90D/763).
Attachments	Attachment 1: Section 182 Report Attachment 2: Updated GIS Viewer

Prepared by: Katrina David Senior Policy Planner	Maps prepared by: Aching Konyak Geospatial Specialist
Signature: 	Signature: 
Reviewed by: Katrina David Senior Policy Planner	Signed off by: Celia Davison Manager Planning, Central South
Signature: 	Signature: 

Attachment 1: Section 182
Report

**PARTIAL REMOVAL OF A DESIGNATION UNDER
SECTION 182 OF THE RESOURCE MANAGEMENT
ACT 1991**



To: Craig Cairncross – Team Leader, Planning Central and South
From: Katrina David – Senior Policy Planner
Date: 16 November 2020
Subject: Partial removal of Designation 9508 “Mill Road Reservoir Complex”

Summary

Auckland Council has received a request from Watercare Services Limited (**Watercare**) under section 182 of the Resource Management Act 1991 (**RMA**), to remove in part designation 9508 in the Auckland Unitary Plan (Operative in Part). Designation 9508 is for water supply purposes, including the operation of water storage reservoirs and pumping stations.

This section 182 request is dated 30 October 2020. The section 182 request is included in **Attachment 1**.

A section 182(1) request is required to uplift the existing designation in part from land which is no longer required for the purpose of the designation by Watercare.

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 Watercare Services Limited for the partial removal of Designation 9508, in the Auckland Unitary Plan be **accepted** for the following reason:
 - The extent of Designation 9508 that applies to the properties listed in Attachment 1 is no longer required by Watercare Services Limited for water supply purposes, including the operation of water storage reservoirs and pumping stations.
 - The effects of the partial removal of the designation will not be more than minor.

2. That Designation 9508 be partially removed as soon as reasonably practicable, in the Designation Overlay in the Auckland Unitary Plan (Operative in Part) GIS Viewer, from the properties legally described as:

- Section 1 SO 514297
- Section 2 SO 514297
- Section 3 SO 514297
- Section 4 SO 514297
- Section 5 - 6 SO 514297 (Title 918957)
- Section 9 SO 514297
- Lot 3 DP 64341 (Title 26D/656)
- Pt Lot 2 DO 41583 (Title 90D/768)
- Pt Lot 1 and Pt Lot 3 DP 41583 (Title 90D/763).

1.0 DESCRIPTION

1.1 References

Designation number:	Designation 9508
Lodgement date:	30 October 2020
Requiring authority:	Watercare Services Limited
Reporting officer:	Katrina David
Site addresses:	<p>38 Mill Road and part of road reserve, Alfriston.</p> <ul style="list-style-type: none"> • Section 1 SO 514297 • Section 2 SO 514297 • Section 3 SO 514297 • Section 4 SO 514297 • Section 5 - 6 SO 514297 (Title 918957) • Section 9 SO 514297 • Lot 3 DP 64341 (Title 26D/656) • Pt Lot 2 DO 41583 (Title 90D/768) • Pt Lot 1 and Pt Lot 3 DP 41583 (Title 90D/763)

Auckland Unitary Plan (Operative in part) Zoning:	<ul style="list-style-type: none"> • Rural – Mixed Rural Zone • Road
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2.0 BACKGROUND

2.1 Details of designation

Designation 9508 is a Watercare designation for the “Mill Road Reservoir Complex”. It applies to 38 Mill Road and part of the road reserve at Alfriston. The purpose of this designation is for water supply purposes – reservoir, pump stations and associated structures. The lapse date is when “given effect to (i.e. no lapse date)” and there are no conditions listed. This is a rollover of Designation 150 from the Auckland Council District Plan (Manukau Section).

2.2 Land affected by removal

Watercare has provided a list of properties where Designation 9508 is no longer required (Attachment 1). These parcels are legally described as:

- Section 1 SO 514297
- Section 2 SO 514297
- Section 3 SO 514297
- Section 4 so 514297
- Section 5 - 6 SO 514297 (Title 91895 7)
- Section 9 SO 514297
- Lot 3 DP 64341 (Title 26D/656)
- Pt Lot 2 DO 41583 (Title 90D/768)
- Pt Lot 1 and Pt Lot 3 DP 41583 (Title 90D/763)

Watercare has also provided a map showing the land to be removed from the designation, a map showing the extent of Watercare land holdings, and the digital title plan. These are in Attachment 2, Attachment 3 and Attachment 4 respectively.

All other properties not identified by the section 182 request would remain within the extent of the designation.

2.3 Consultation

Watercare has advised that the land legally described as Section 1, Section 2 and Section 9 SO 514297 was sold to Auckland Council in 2018 for the Auckland Transport Mill Road Corridor Project.

They have also advised that in September 2020 Watercare sold additional parcels to the Rahimi Family Trust (approx. 7.2 hectares). This includes Section 5 – 6 SO 514297 (Title 918957), Lot 3 DP 64341 (Title 26D/656), Pt Lot 2 DO 41583 (Title 90D/768) and Pt Lot 1 and Pt Lot 3 DP 41583 (Title 90D/763).

Watercare has not advised whether the owners of these properties have been informed of this section 182 request.

2.4 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 2017), 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 and South and can be accepted or declined.

2.5 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 considers it be necessary. 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 Watercare has provided sufficient justification for the partial removal of Designation 9508 for the following reasons:

- The extent of Designation 9508 that applies to the properties shown in Attachment 2 is no longer required by Watercare for water supply purposes, including the operation of water storage reservoirs and pumping stations.
- The effects of the partial removal will not be more than minor.

3.0 RECOMMENDATION

That pursuant to Section 182 of the Resource Management Act 1991 that the partial removal of Designation 9508 “Mill Road Reservoir Complex” be **ACCEPTED** and the Auckland Unitary Plan (Operative in part) be amended accordingly.

Prepared by:

Katrina David, Senior Policy Planner, Planning Central and South

Date: 16 November 2020

Accepted by:

Craig Cairncross, Team Leader, Planning Central and South

Date: 18 November 2020

4.0 DETERMINATION

That the above partial removal of Designation 9508 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:



Craig Cairncross, Team Leader, Planning Central and South

Date: 18.11. 2020

SCHEDULE OF ATTACHMENTS:

Attachment 1:	Watercare Services Limited s182 Notice of partial removal of Designation 9508 dated 30 October 2020
Attachment 2:	Designation 9508 – Map showing alteration to designation (Annexure A)
Attachment 3:	Designation 9508 – Map showing Watercare Services Land Holdings (Annexure B)
Attachment 4:	Digital Title Plan – SO 514297

Attachment 1: Watercare Services Limited s182 Notice of partial removal of Designation 9508 dated 30 October 2020



30 October 2020

Auckland Council
Private Bag 92300
Auckland 1143

Attention: Celia Davison

Removal of part of Designation no 9508, at 38 Mill Road and Redoubt Road, Alfriston

We write in pursuant to Section 182(1) of the Resource Management Act to undertake the following:

- Remove part of the existing Watercare Services Limited Designation 9508 for Water Supply Purposes - Reservoirs, Pumping Stations and Associated Structures, under the under the Auckland Unitary Plan Operative in Part (AUP).

The legal descriptions of the properties from which part of the designations is to be removed are:

- Section 1 SO 514297
- Section 2 SO 514297
- Section 3 SO 514297
- Section 4 SO 514297
- Section 5 – 6 SO 514297 (Title 918957)
- Section 9 SO 514297
- Lot 3 DP 64341 (Title 26D/656)
- Pt Lot 2 DO 41583 (Title 90D/768)
- Pt Lot 1 and Pt Lot 3 DP 41583 (Title 90D/763)

Please find attached:

- Form 23 – Notice of Removal of Designation
- Certificates of Title
- Annexure A - Alteration to Watercare Designation 9508
- Annexure B – Watercare Services Land Holdings
- Shapefile

Watercare requests the Auckland Council amend the AUP accordingly as required by Section 182 of the Resource Management Act 1991.

Yours sincerely


Mark Bourne
Manager, Servicing & Consents
Watercare Services Limited

0.108.02.05

Form 23

Notice of Removal and Part Removal of Designation

Section 182 Resource Management Act 1991

To Auckland Council

Watercare Services Limited (**Watercare**) gives notice under Section 182 (1) to Auckland Council that it no longer requires part of the Designation 9508 for Water Supply Purposes - Reservoirs, Pumping Stations and Associated Structures Purposes under the Auckland Council Unitary Plan Operative in Part (AUP) on 38 Mill Road, Alfriston. The parcels no longer required are legally described as:

- Section 1 SO 514297
- Section 2 SO 514297
- Section 3 SO 514297
- Section 4 SO 514297
- Section 5 – 6 SO 514297 (Title 918957)
- Section 9 SO 514297
- Lot 3 DP 64341 (Title 26D/656)
- Pt Lot 2 DO 41583 (Title 90D/768)
- Pt Lot 1 and Pt Lot 3 DP 41583 (Title 90D/763)

Watercare has reviewed the designation boundary and identified areas no longer required for water supply purposes, including the operation of water storage reservoirs and pumping stations.

The land legally described as Section 1, Section 2 and Section 9 SO 514297 was sold to Auckland Council in 2018 for the Auckland Transport Mill Road Corridor Project. However, as per the attached plan, Watercare's Designation 9508 for water supply purposes still remains over the Auckland Council land.

In September 2020, Watercare sold additional parcels with an approximate area of 7.2 hectares to the Rahimi Family Trust. This includes Section 5 – 6 SO 514297 (Title 918957), Lot 3 DP 64341 (Title 26D/656) Pt Lot 2 DO 41583 (Title 90D/768) and Pt Lot 1 and Pt Lot 3 DP 41583 (Title 90D/763).

Pursuant to Section 182(1) of the Resource Management Act, Watercare has identified an area on the current designation no longer necessary for water supply purposes. The area of land no longer required is shown by diagonal blue hatching in Annexure A.

The boundary of the designation is to be amended to follow the yellow area shown Annexure B. The amended designation boundary reflects current property ownership, while ensuring protection of the Watercare's interests.

Watercare requests the Auckland Council amend the AUP accordingly as required by Section 182 of the Resource Management Act 1991.

.....
Signature on behalf of requiring authority:

30.10.2010

.....
Date

Address for service of requiring authority

Watercare Services Limited
Private Bag 92521
Wellesley Street
Auckland 1141

Telephone:

022 0116507

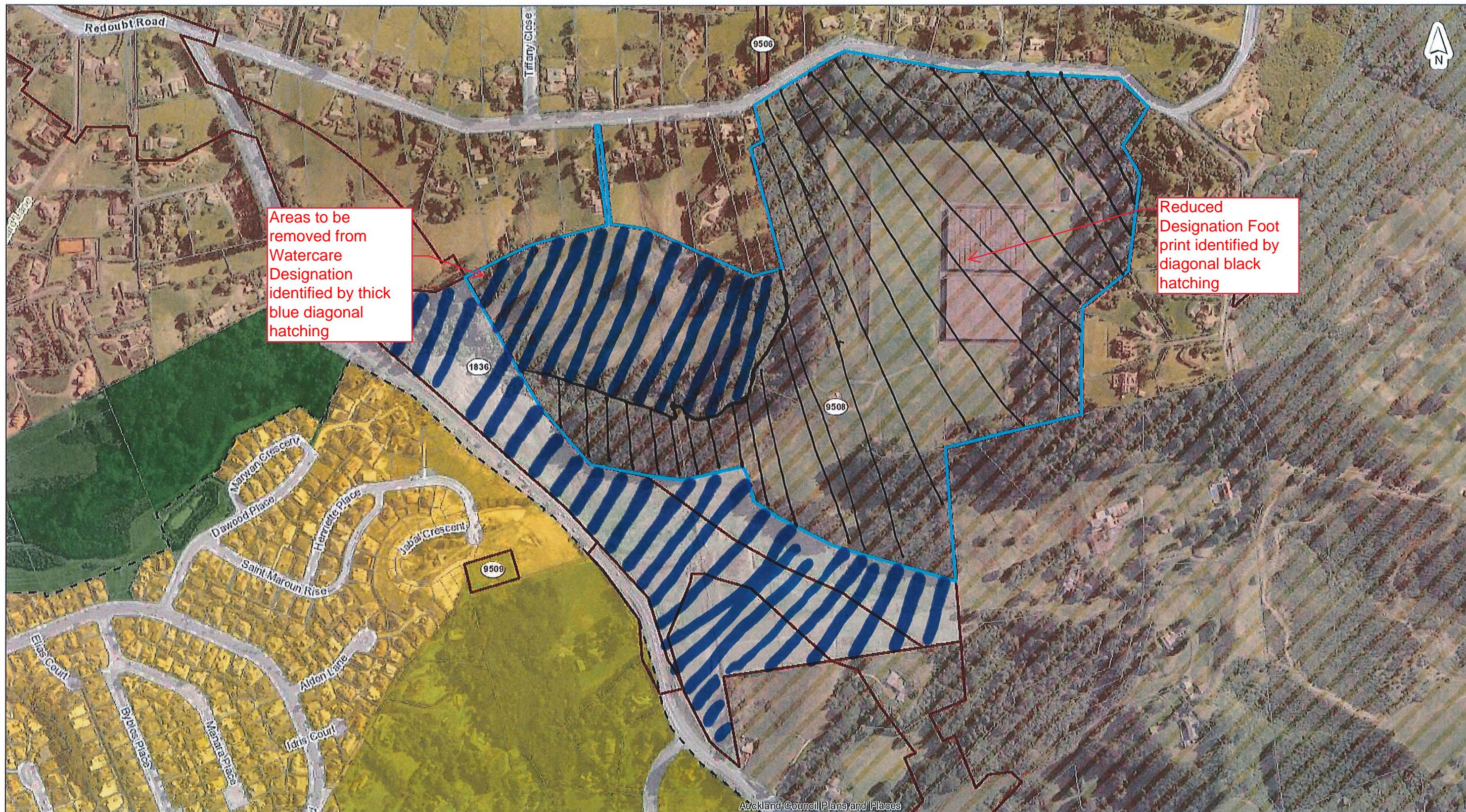
Email:

Lindsay.Wilson@water.co.nz

Contact person:

Lindsay Wilson

Attachment 2: Designation 9508 – Map showing alteration to designation (Annexure A)



Areas to be removed from Watercare Designation identified by thick blue diagonal hatching

Reduced Designation Foot print identified by diagonal black hatching

Auckland Council Plans and Places

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 Height datum: Auckland 1946.

Alteration to Watercare Designation 9508



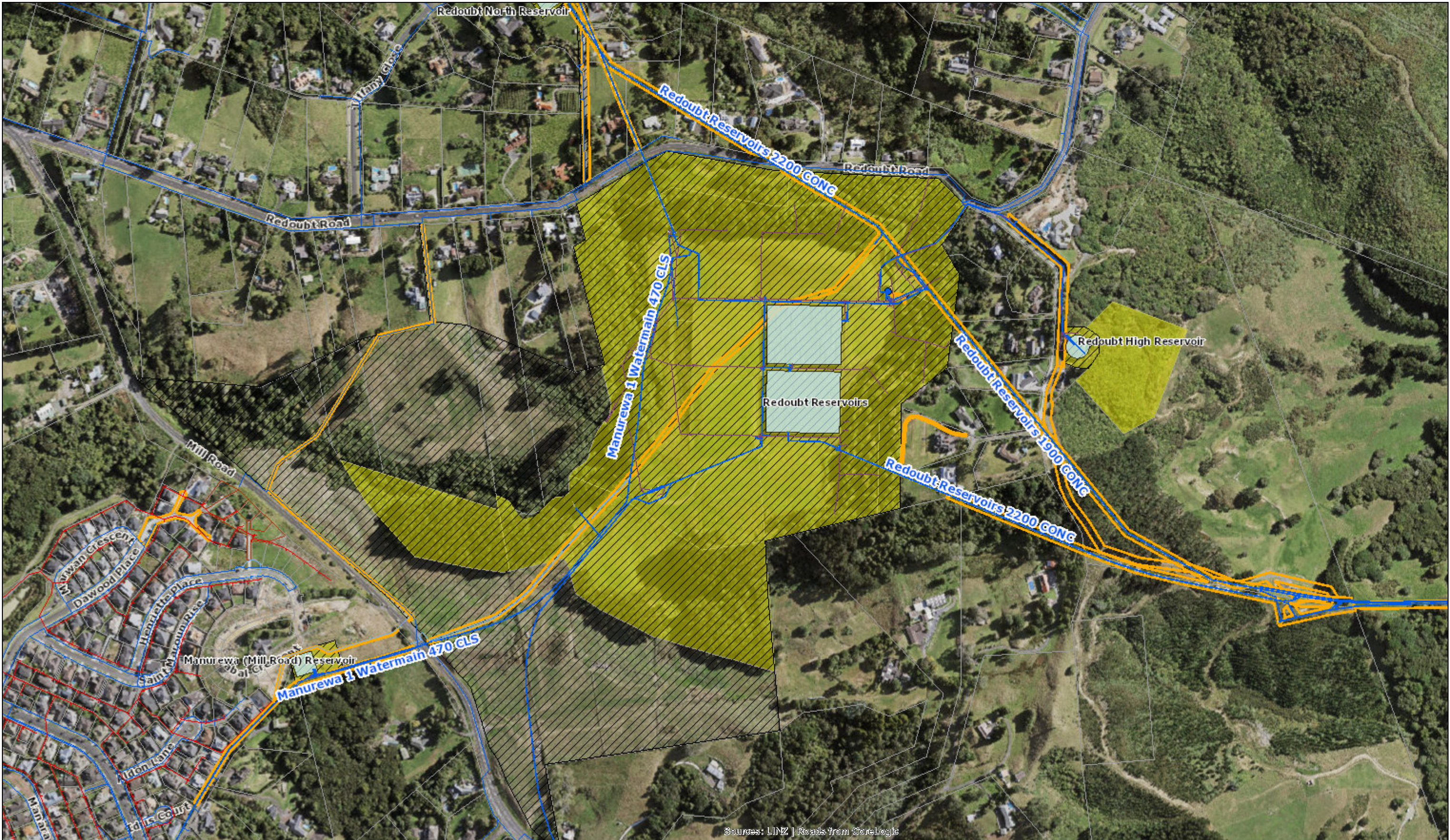
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 = 1:5,000

Date Printed:
 29/10/2020



**Attachment 3: Designation 9508 – Map showing Watercare Services
Land Holdings (Annexure B)**

Watercare Services Limited - Designation 9508



Sources: LINZ | Roads from CoreLogic

DISCLAIMER
 This map/plan is illustrative only and all information should be independently verified on site before taking any action. Copyright Watercare Services Limited. Land Parcel Boundary information from LINZ (Crown Copyright Reserved). Stormwater information where shown is supplied by Auckland Council. Whilst due care has been taken, Watercare Services Limited 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. Height datum: Auckland 1946.



A3 Scale: 1:5000
 Created: 30/10/2020



NOTE: Where applicable, Water supply is shown in BLUE, Wastewater is shown in RED and Stormwater in GREEN



Attachment 4: Digital Title Plan – SO 514297



Title Plan - SO 514297

Survey Number SO 514297
Surveyor Reference U3308
Surveyor Simon John Reid
Survey Firm CKL
Surveyor Declaration I Simon John Reid, being a licensed cadastral surveyor, certify that:
(a) this dataset provided by me and its related survey are accurate, correct and in accordance with the Cadastral Survey Act 2002 and the Rules for Cadastral Survey 2010, and
(b) the survey was undertaken by me or under my personal direction.
Declared on 26 Oct 2017 01:43 PM

Survey Details

Dataset Description Sections 1-9
Status Approved as to Survey
Land District North Auckland
Submitted Date 26/10/2017
Survey Class Class B
Survey Approval Date 27/10/2017
Deposit Date

Territorial Authorities

Auckland Council

Comprised In

CT NA82C/323
CT NA90D/776
CT NA90D/769

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Section 1 Survey Office Plan 514297	Legalisation	6.5273 Ha	
Section 2 Survey Office Plan 514297	Legalisation	6.0025 Ha	
Section 3 Survey Office Plan 514297	Legalisation	0.2774 Ha	
Section 4 Survey Office Plan 514297	Legalisation	0.0073 Ha	
Section 5 Survey Office Plan 514297	Fee Simple Title	0.2253 Ha	
Section 6 Survey Office Plan 514297	Fee Simple Title	1.0125 Ha	
Section 7 Survey Office Plan 514297	Fee Simple Title	1.7574 Ha	
Section 9 Survey Office Plan 514297	Legalisation	0.7334 Ha	
Area A Survey Office Plan 514297	Easement		
Area B Survey Office Plan 514297	Easement		
Area C Survey Office Plan 514297	Easement		
Section 8 Survey Office Plan 514297	Fee Simple Title	5.2639 Ha	
Total Area		21.8070 Ha	

Schedule / Memorandum

Land Registration District

NORTH AUCKLAND

Plan Number

SO 514297

Territorial Authority (the Council)

AUCKLAND COUNCIL

CKL Ref#

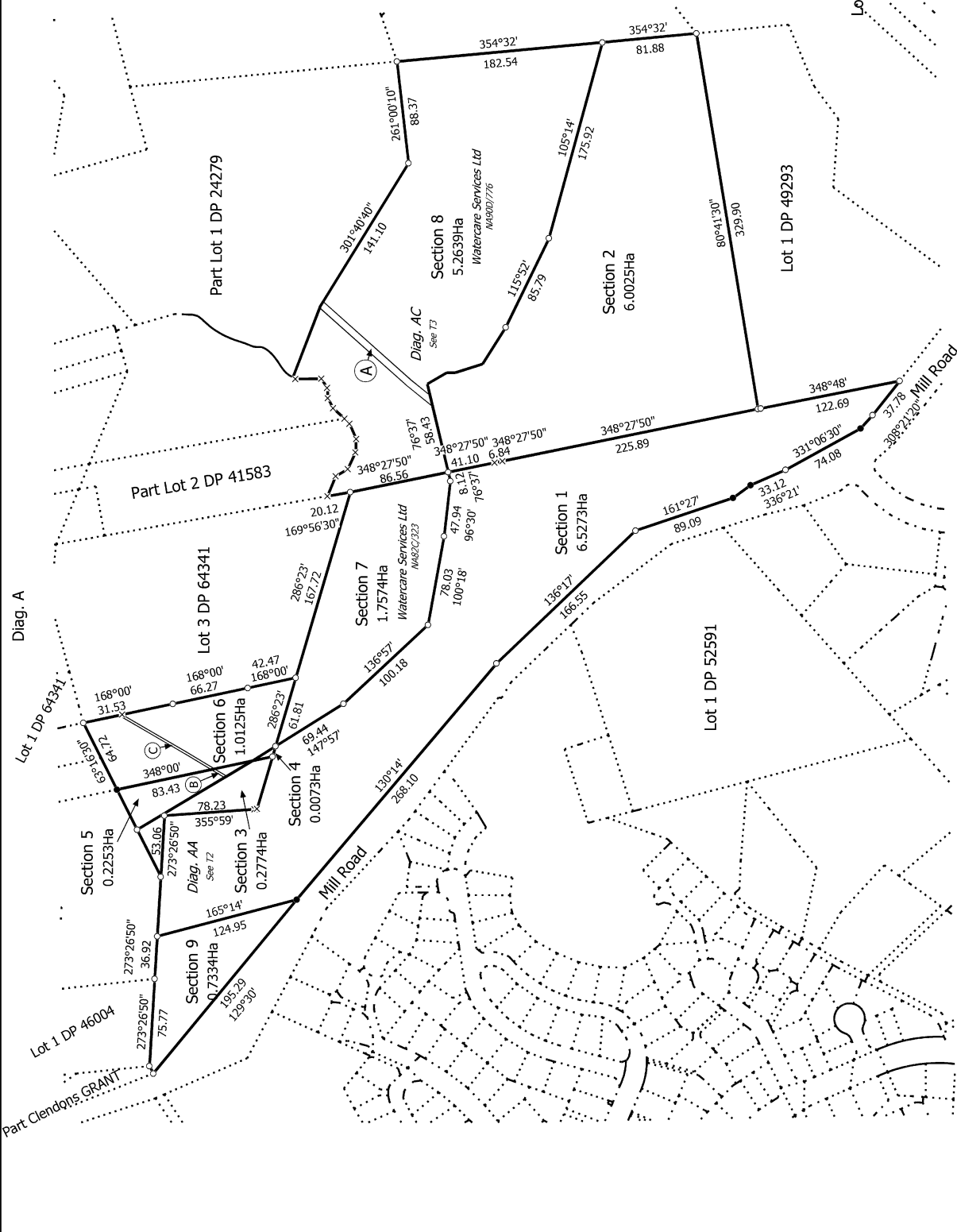
U3308

Schedule of Existing Easements in Gross

Purpose	Shown	Servient Tenement	Created by
Water Pipeline Right	A	Section 8 SO 514297	Transfer 533316
Water Supply Right	B	Section 5 SO 514297	Transfer C273026.1
	C	Section 6 SO 514297	

Schedule of Existing Easement

Purpose	Servient Tenement	Created By
Water Pipeline Right	Area contained within Sections 5, 6 and 7	Transfer 538485



T 1/5

Land District: North Auckland
Digitally Generated Plan
 SO 514297
 Approved on: 27/10/2017

Surveyor: Simon John Reid
 Firm: CKL

Sections 1-9

Part Clendinning GRANT
 Part Lot 1 DP 46004
 Lot 1 DP 46004
 Lot 1 DP 49293
 Lot 1 DP 52591
 Lot 1 DP 55413



Diag. AA

Lot 1 DP 64341

Lot 2 DP 117140

Lot 1 DP 117140

Lot 2 DP 137412

Lot 1 DP 46004

Part Clendons GRANT

Lot 3 DP 64341

Section 5
0.22253Ha

Section 9
0.7334Ha

Section 1
6.5273Ha

Section 3
0.2774Ha

Section 6
1.0125Ha

Mill Road
Legal Road

Lot 1 DP 114320

Lot 3 DP 473204

Lot 4 DP 473204

Section 7
1.7574Ha

T 2/5

Land District: North Auckland

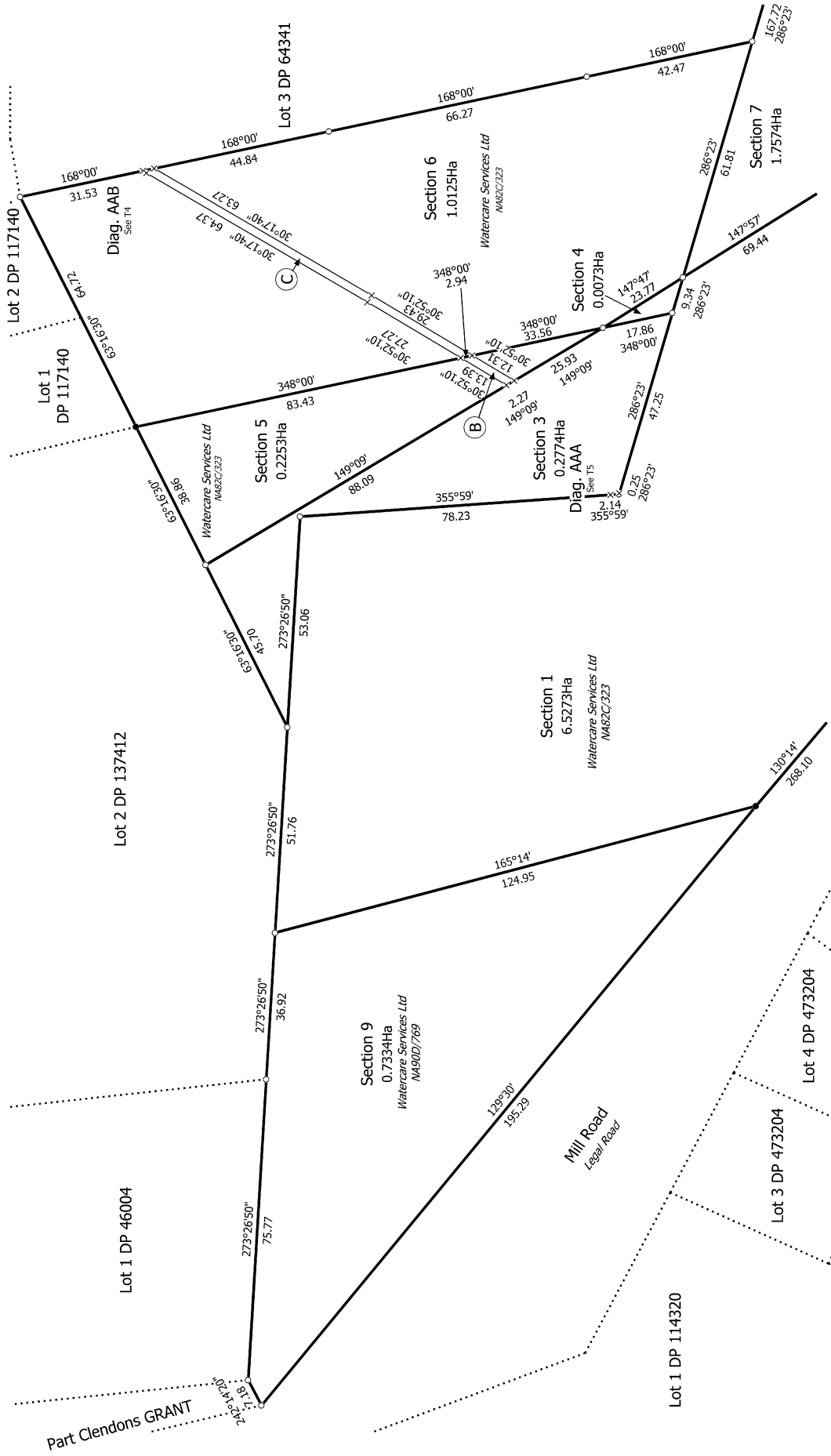
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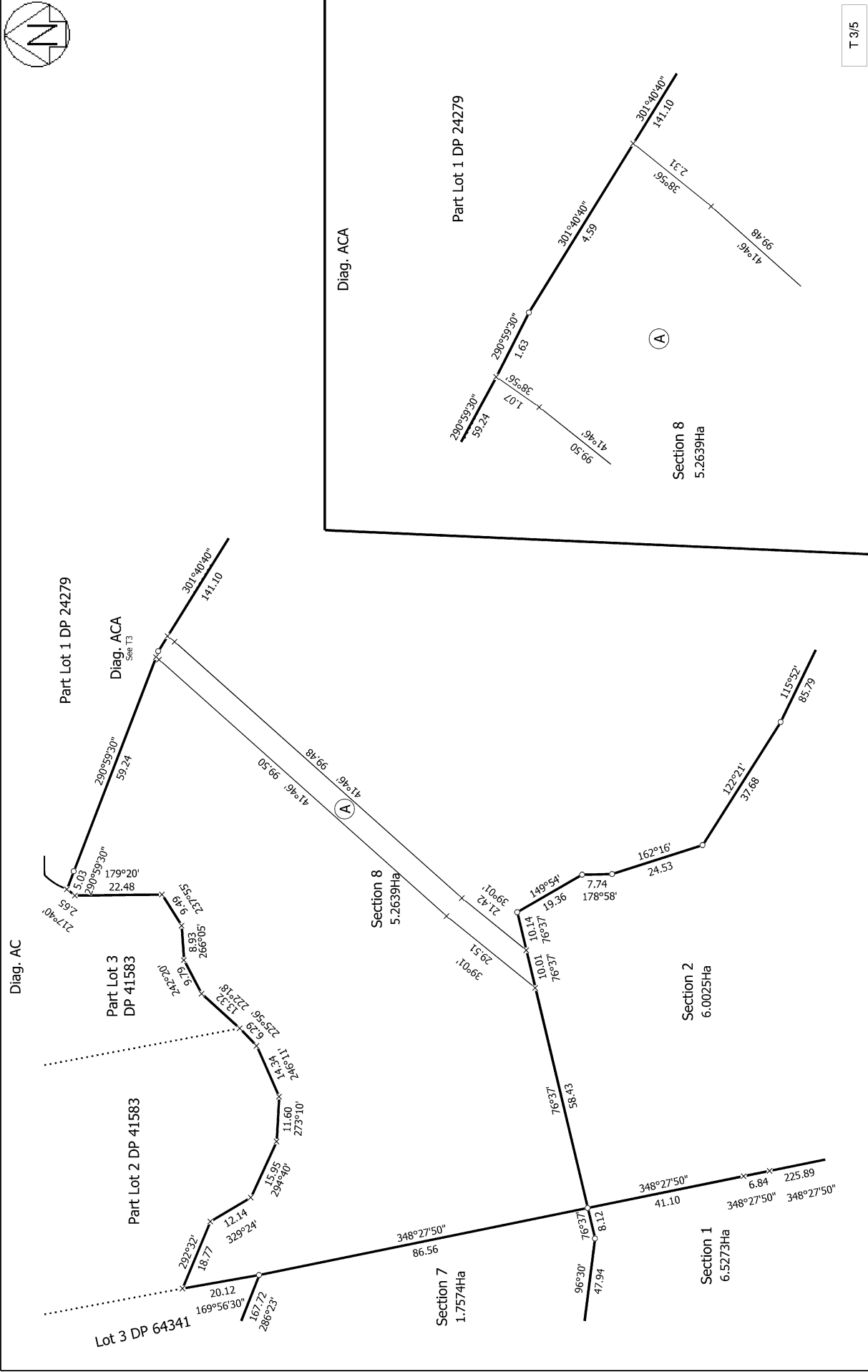
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Sections 1-9

Surveyor: Simon John Reid
Firm: CKL

Title Plan
SO 514297
Approved on: 27/10/2017





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Land District: North Auckland

Digitally Generated Plan
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Sections 1-9

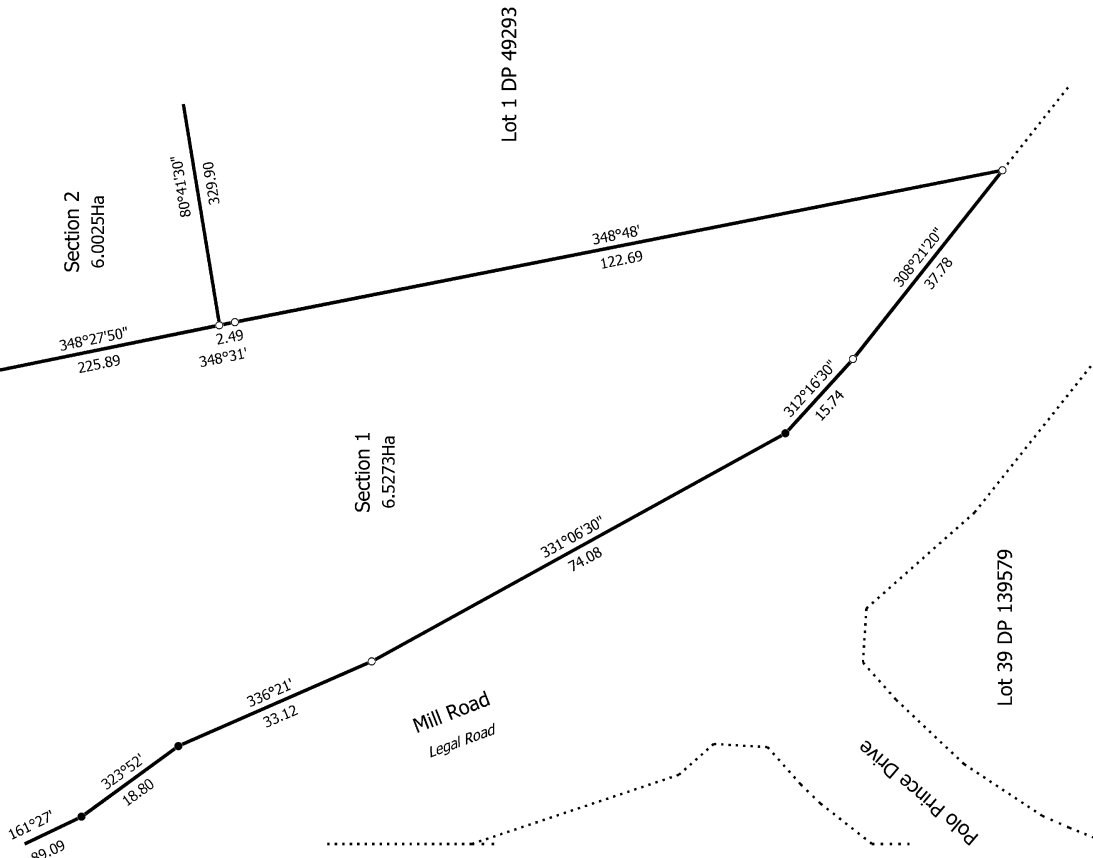
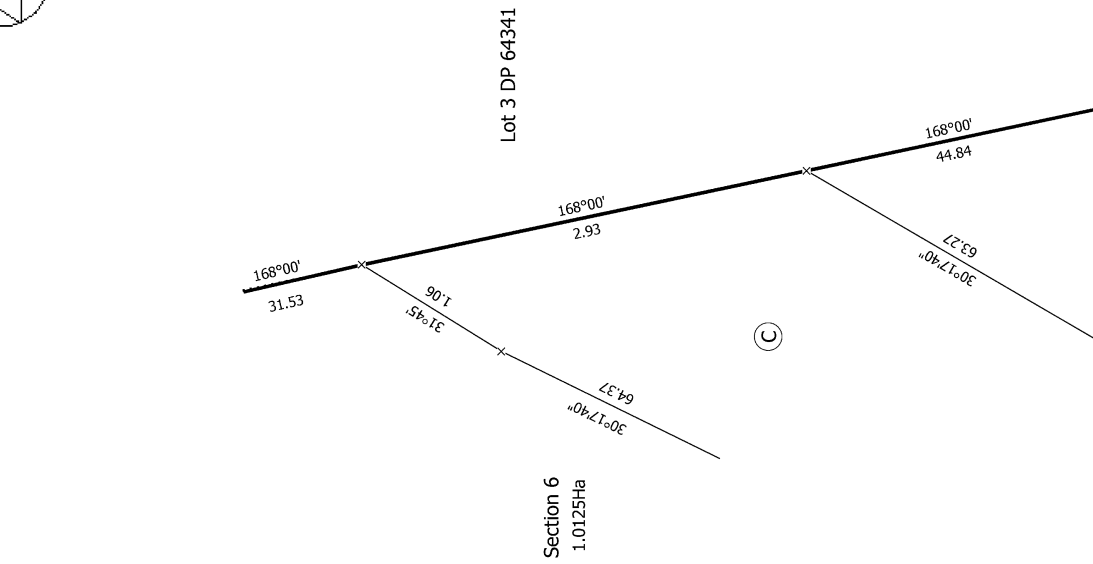
Surveyor: Simon John Reid
Firm: CKL

Title Plan
SO 514297
Approved on: 27/10/2017



Diag. AAB

Diag. AB



T 4/5

Title Plan
SO 514297
Approved on: 27/10/2017

Surveyor: Simon John Reid
Firm: CKL

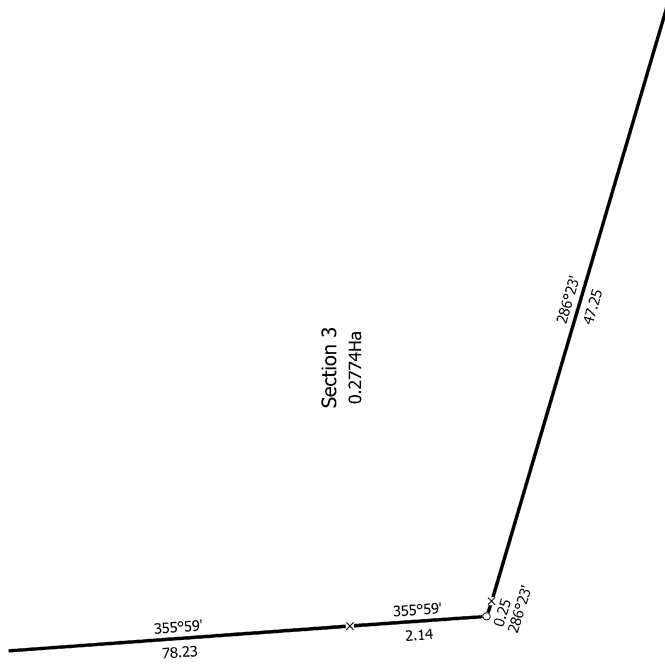
Sections 1-9

Land District: North Auckland

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Diag. AAA

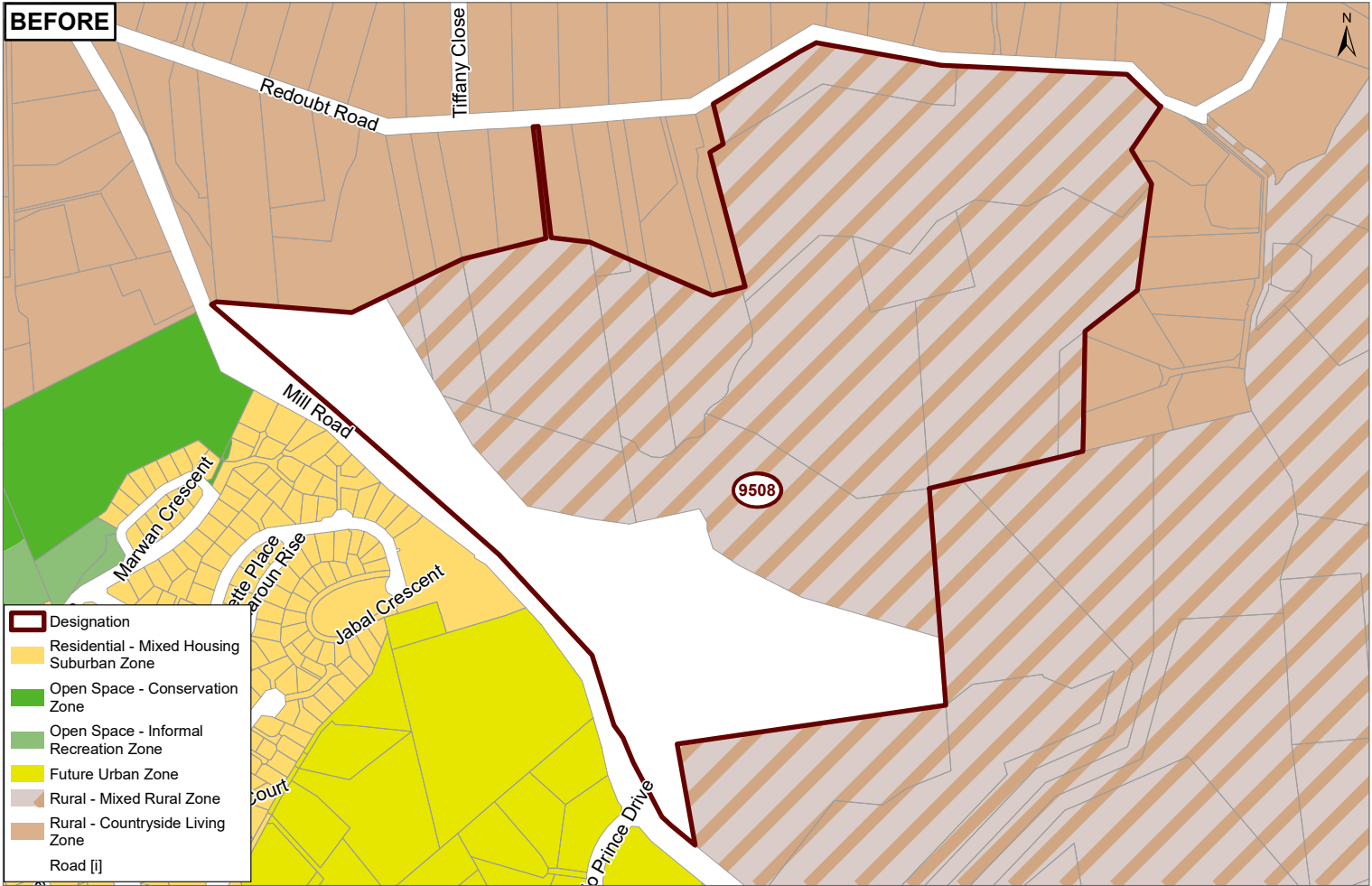


Section 3
0.2774Ha

Section 1
6.5273Ha

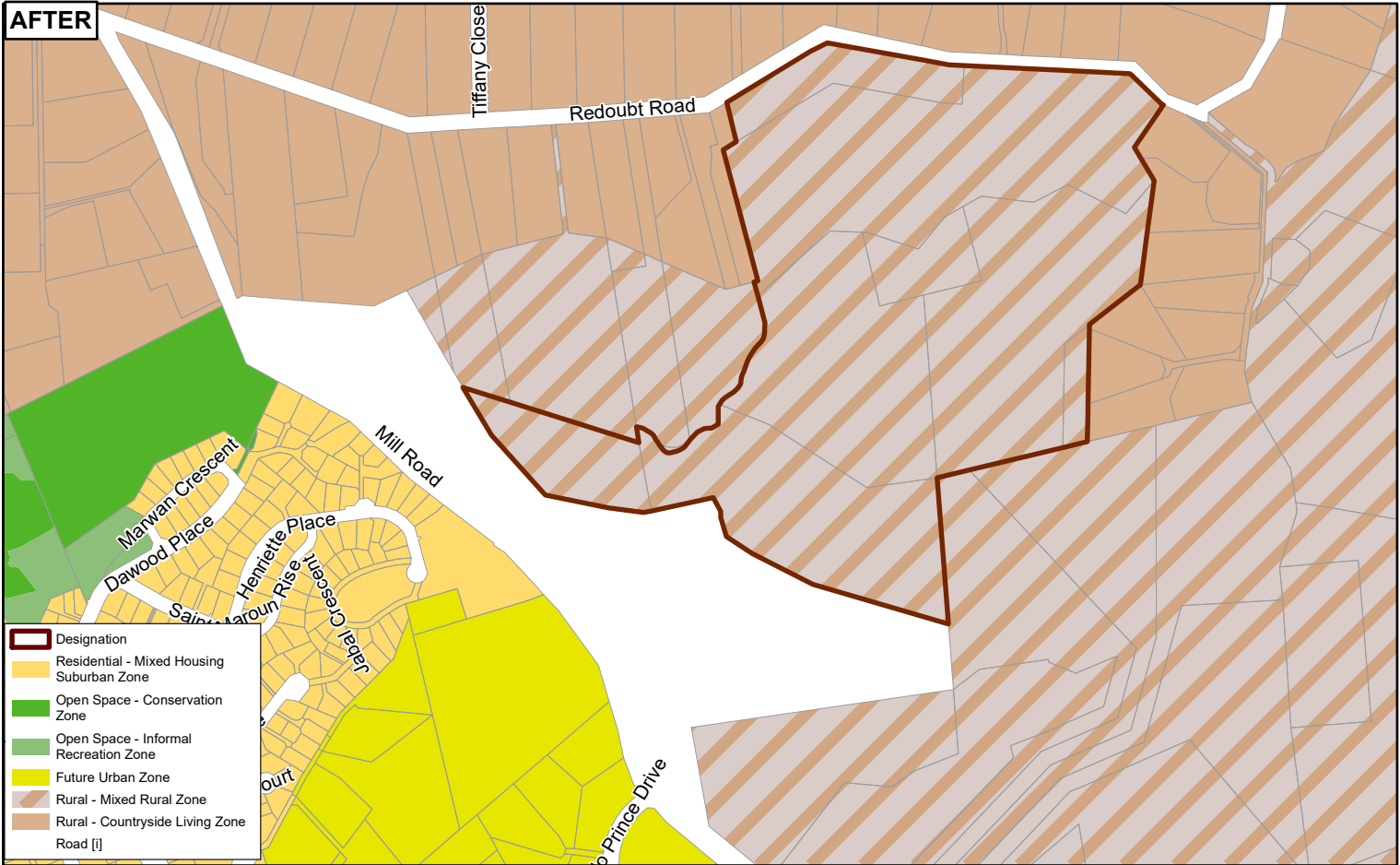
Attachment 2: Updated GIS Viewer

BEFORE

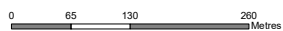


- Designation
- Residential - Mixed Housing Suburban Zone
- Open Space - Conservation Zone
- Open Space - Informal Recreation Zone
- Future Urban Zone
- Rural - Mixed Rural Zone
- Rural - Countryside Living Zone
- Road [i]

AFTER



- Designation
- Residential - Mixed Housing Suburban Zone
- Open Space - Conservation Zone
- Open Space - Informal Recreation Zone
- Future Urban Zone
- Rural - Mixed Rural Zone
- Rural - Countryside Living Zone
- Road [i]



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Date: 3/12/2020

Alteration to Designation - ID 9508



Plans and Places