


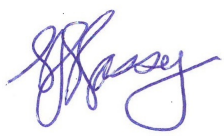


UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Warren MacLennan, Manager Planning, North, West, & Islands
FROM Alison Pye, Principal Planner
DATE 22 September 2020
SUBJECT **Partial removal of Designation 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 – A decision has been made to confirm a partial removal of Designation 6768 under Section 182 of the Resource Management Act.	
Chapter	AUP GIS Viewer
Section	Chapter K – New Zealand Transport Agency
Designation only	
Designation #	Designation 6768 State Highway 16 Road Widening - Kumeu/Huapai
Locations:	State Highway 16 (Main Road), Kumeu and Huapai
Lapse Date	31 August 2022
Purpose	Road Widening.
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 15 July 2020 Amend GIS layer in AUP – Designation 6768 State Highway 16 in accordance with revised designation boundary shapefiles provided by New Zealand Transport Agency.
Attachments	Attachment 1: Section 182 Partial uplift report Attachment 2: Updated GIS viewer

Prepared by: Alison Pye Principal Planner	Maps prepared by: Shelley Glassey Senior Geospatial Analyst
Signature: 	Signature: 
Reviewed by: Alison Pye Principal Planner	Signed off by: Warren MacLennan Manager Planning – North, West, & Islands
Signature: 	Signature: 

Attachment 1: Section 182 Partial uplift report

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



To: Peter Vari, Team Leader Planning North, West and Islands

From: Alison Pye, Principal Planner

Date: 15 July 2020

Subject:

Partial removal of Designation 6768 Road Widening - SH16 in the Auckland Unitary Plan (Operative in Part).

Summary

Auckland Council has received a request from Transport Agency under section 182 of the Resource Management Act 1991 (RMA), dated 15 June 2020, to remove in part Designation 6768 – Road Widening, SH16 from land which is no longer required for the NZ Transport Agency’s work programme for State Highway 16.

A section 182(1) request is required to partially uplift the existing designation from land which has been deemed surplus to the designation by the Transport Agency.

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.

The NOR has been assessed in accordance with statutory requirements. It is recommended that the partial removal be accepted.

Recommendation

1. That the section 182 request from the NZ Transport Agency for the partial removal of Designation 6768 in the Auckland Unitary Plan be **accepted**
2. That Designation 6768 – be partially removed, as soon as reasonably practicable, in the Designation overlay in the Auckland Unitary Plan.

1. Description

1.1. References

Designation number:	Designation 6768
Lodgement date:	2 July 2020
Requiring authority:	New Zealand Transport Agency (Transport Agency)
Reporting officer:	Alison Pye, Principal Planner
Site address:	State Highway 16, Main Road, Kumeu and Huapai
UP Zoning:	Business – General Business zone

2.0 Background

The Transport Agency has given notice that it no longer requires part of the designation 6768, and intends to remove Designation 6768 from the properties of 74 and 76 Main Road Kumeu.

2.1 Details of designation

2.2 Land affected by removal

The part of Designation 6768 that is no longer required relates to the following site addresses and legal descriptions:

Address	Legal Description	Removal of Designation
74 Main Road, Kumeu	Lot 1 Deposited Plan 115539 (CT65D/27)	Full removal
76 Main Road, Kumeu	Lot 3 Deposited Plan 92369 (CT48D/1098)	Full removal

Designation 6768 Road Widening -SH16 is comprised of non-contiguous areas of land adjacent to SH16. The section of designation 6768, that is the subject of this application is located on 74 and 76 Main Road, Kumeu, and the underlying zoning (Auckland Unitary Plan – Operative in Part) is shown in figure 1 below. The legal description and extent of the proposed partial removal is shown in figure 2.

Figure 1 – Current extent of Designation 6768 (blue outline) and underlying zoning (AUP)

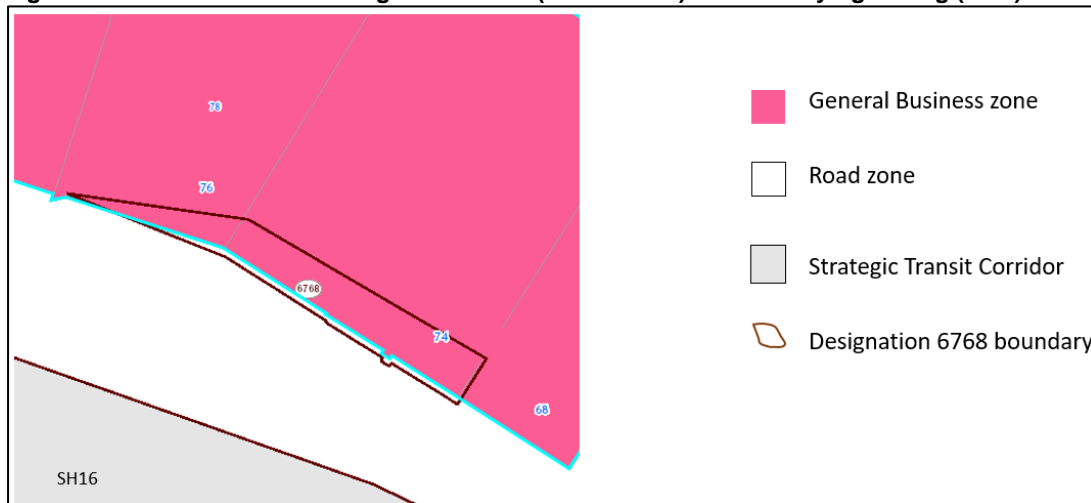


Figure 2 - Extent of proposed partial removal of Designation 6768



2.3 Delegated authority to consider alterations to designations

The Team Leader – Planning, North West and Islands (Plans and Places Tier 5) has delegated authority, in accordance with Schedule 2A of the Auckland Council Delegations: Chief Executive Officer (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 approve a removal of a designation.

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

It is considered that NZTA has provided sufficient justification for the partial removal of Designation 6768 – Road Widening for the following reasons:

NZTA has identified in the supporting documentation that:

- The Transport Agency has advised the decision to remove (in part) Designation 6768 has been taken because this part of the designation is no longer required for the NZ Transport Agency's work programme for State Highway 16.


3.0 Recommendation

1. That pursuant to Section 182 of the Resource Management Act 1991 that the partial removal of Designation 6768 – Road Widening, SH16 as sought in the notice at Attachment A be **accepted**
2. The Auckland Unitary Plan Operative in part designation overlay be amended accordingly as soon as reasonably practicable in the designation overlay in the Auckland Unitary Plan.

Prepared by: Alison Pye, Principal Planner
Planning - North West and Islands

Accepted by: Peter Vari, Team Leader
Planning - North West and Islands

Signature: 

Signature: 

Date : 16/07/2020

Date : 16/7/2020



SCHEDULE OF ATTACHMENTS:

Attachment A: Form 23 Notice of removal of part of Designation 6768


Attachment 2: Updated GIS viewer




Legend

-  Existing Designation
-  New Designation

N



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Partial removal of Designation 6768