

Memo

Date 6 July 2022

To: Celia Davison – Manager – Central / South Planning

From: Vanessa Leddra, Policy Planner
Planning – Central/South

Subject: **Plan Modification: Clause 20A modification to Auckland Unitary Plan**

Corrections are required to the Auckland Unitary Plan (Operative in Part) 2016 (the AUP).




I seek your approval of this plan modification pursuant to clause 20A, first schedule, Resource Management Act 1991.

You have delegated authority, as a tier four manager, to make a decision to correct an error to an operative plan under clause 20A. Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register¹ authorises all powers, functions, and duties under RMA's first schedule (except clause 17 which cannot be delegated) to tier four positions.

Rule or Section of Unitary Plan	Chapter K Designations Auckland Transport <ul style="list-style-type: none"> • 1573 - Halsey Street • 1802 - Ormiston Road and • 1833 - Murphys Road and Flat Bush School Road
Subject Site (if applicable)	Designation 1573: 109 Fanshawe Street Designation 1802: 128 Ormiston Road Designation 1833: Murphys Road and Flat Bush School Road
Legal Description (if applicable)	Designation 1573: LOT 9 DP 507168 Designation 1802: SEC 4 SO 446394, SEC 7 SO 446394 Designation 1833: N/A
Nature of change	<p>A Clause 20A modification is required to correct Chapter K Designations.</p> <p>Discussion</p> <p>In accordance with Section 184A of the Resource Management Act (the Act), designations lapse five years after being included in the plan unless the designation has been given effect to or the designation specified a different period when incorporated into the plan.</p> <p>Auckland Transport, as the territorial authority, may within three months before the expiry of a lapse date, resolve that it has made, and is continuing to make, substantial progress or effort towards giving effect to the designation and fix a longer period (section 184A(3)(b) of the Act).</p> <p>In February 2021, Auckland Council (Plans and Places)] advised AT about these lapsing designations as set out above and requested:</p> <ol style="list-style-type: none"> 1. Confirmation as to which any designations due to expire in 2021/2022 had either been given effect to and if not whether a longer lapse period

	<p>is required</p> <ol style="list-style-type: none"> 2. Alternatively if the designations should be allowed to lapse and be removed from the AUP 3. A review and confirmation of whether the information of each designation was correct. <p>AT has advised that there are designations [eleven in total] which according to AT, have already been given effect to before the end of the lapse period. These designations will remain in the AUP unless and until AT requests their removal.</p> <p>This update to the AUP relates to three designations as requested by AT. AT have provided the date at which works permitted by this designation purpose and/or the conditions were considered to be completed. See Figure 1 below.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Designation Number</th> <th style="text-align: center;">Designation Name/Details</th> <th style="text-align: center;">Purpose</th> <th style="text-align: center;">Address</th> <th style="text-align: center;">Confirmed into AUP</th> <th style="text-align: center;">Lapse Date</th> <th style="text-align: center;">Date "Given Effect to" i.e. completed</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1573</td> <td>Halsey Street</td> <td>Building line for road widening purposes</td> <td>109 Fanshawe Street</td> <td style="text-align: center;">11/4/17</td> <td style="text-align: center;">11/4/22</td> <td style="text-align: center;">December 2017</td> </tr> <tr> <td style="text-align: center;">1802</td> <td>Ormiston Road</td> <td>Road widening</td> <td>128 Ormiston Road</td> <td style="text-align: center;">14/12/16</td> <td style="text-align: center;">14/12/21</td> <td style="text-align: center;">December 2015</td> </tr> <tr> <td style="text-align: center;">1833</td> <td>Murphys Road and Flat Bush School Road</td> <td>Road widening</td> <td>Murphys Road and Flat Bush School Road</td> <td style="text-align: center;">14/12/16</td> <td style="text-align: center;">14/12/21</td> <td style="text-align: center;">August 2020</td> </tr> </tbody> </table>	Designation Number	Designation Name/Details	Purpose	Address	Confirmed into AUP	Lapse Date	Date "Given Effect to" i.e. completed	1573	Halsey Street	Building line for road widening purposes	109 Fanshawe Street	11/4/17	11/4/22	December 2017	1802	Ormiston Road	Road widening	128 Ormiston Road	14/12/16	14/12/21	December 2015	1833	Murphys Road and Flat Bush School Road	Road widening	Murphys Road and Flat Bush School Road	14/12/16	14/12/21	August 2020
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Effect of change	<p>These three Auckland Transport designations are to be 'given effect to' as per the email request dated 25 March 2022 (see Attachment 1).</p> <p>Effectively this means that the lapse date for the designations set out in Chapter K Designations, Auckland Council's schedule of designations can be amended from 'five years from being operative in the Unitary Plan unless given effect to prior' to 'given effect to i.e. no lapse date'.</p> <p>These changes are minor in nature. The amendments do not change the application or intent of the provisions and are administrative to reflect that the designations have been given effect to.</p> <p>Therefore it is considered that this can be done via a First Schedule, clause 20a update to the AUP.</p>																												

Changes required to be made (text/in-text diagrams)	<u>Designations to be Given effect to (i.e no lapse date)</u>			
	Amend Chapter K Designations – Auckland Transport for the following designations:			
	Designation Number	Designation Name	Purpose	Location
	1573	Halsey Street	Building line for widening purposes	109 Fanshawe Street
1802	Ormiston Road	Road widening	128 Ormiston Road	
1833	Murphys Road and Flat Bush School Road	Road widening	Murphys Road and Flat Bush School Road	
Changes required to be made (maps)	N/A			
Attachments	Attachment 1: AT’s request – email and attachment dated 25 March 2022 - Designations 1573, 1802 and 1833 Attachment 2: Corrections to text (strikethrough/underlines)			

Prepared by: Vanessa Leddra Policy Planner	Text Entered by: Bronnie Styles Planning Technician
Signature: 	Signature: 
Maps prepared by: Geospatial Analyst	Reviewed by: Craig Cairncross Team Leader
Signature: n/a	Signature: 
Decision: I agree to authorise the Clause 20A	

modification using my delegated authority

Celia Davison
Manager Planning – Central/South
Date: 6/07/2022

Signature:



Attachment 1
Auckland Transport
Given effect to request

25 March 2022

Plans and Places
Auckland Council
Private Bag 92300
Auckland 1142

Attn: Jo Hart – Senior Policy Planner

Via email: unitaryplan@aucklandcouncil.govt.nz

Dear Jo,

Auckland Transport designations which have been given effect to - UPDATED

This letter is an updated version of my earlier letter to you dated 18 November 2021. Table 1 below has been updated so that the “designation details” and “purpose” fields match more precisely Schedule K of the Unitary Plan.

Auckland Transport is the requiring authority for multiple designations under the Auckland Unitary Plan (the Unitary Plan) which would lapse in November or December 2021, unless given effect to. We have already applied separately to extend the lapse dates for several of these designations, pursuant to section 184(1)(b) of the Resource Management Act 1991.

As part of our application for those extensions, we have demonstrated that we have given “substantial progress or effort...towards giving effect to the designation[s]”, as per section 184(1)(b).

There are other designations which have already been given effect to. These designations will therefore remain in the Unitary Plan unless and until Auckland Transport requests their removal.

The purpose of this letter is to specify, for record-keeping purposes, the eleven designations that Auckland Transport considers have been given effect to and therefore will not lapse in November or December 2021. These designations are listed in Table 1 below.

Table 1 – Designations which have been given effect to

Source: AUP, Chapter K

Designation number	Designation details	Purpose	Address
1439	Road Access - Fairbanks Place	Roading Access Purposes	7 Fairbanks Place, Glendene
1441	Road Access - Ranui Station Road	Road Access Purposes	35 Ranui Station Road, Ranui
1442	Service Lane - Henderson Square A	Service Lane	342-344 Great North Road, Henderson
1444	Service Lane - McNaughton Way	Service Lane	McNaughton Way to 11 High Brown Drive, New Lynn
1445	Service Lane - James Laurie Street	Service Lane	60 James Laurie Street to 240C-D Great North Road, Henderson
1447	Road Widening - Clark Street	Road Widening purposes	2-16, 24-26, 28-30 Clark Street, New Lynn
1452	Road Widening - Te Atatu South Road	Road Widening purposes	241-275, 272-294, 281-314, 300-326, 330-332, 338-342 and 354-358 Te Atatu Road South, 93 Royal View Road, 1, 82 and 85 Jaemont Avenue, 1A and 2A Covil Avenue and 2A Bridge Avenue , Te Atatu
1469	Albany Highway	Road widening and improvement works	Albany Highway, Albany
1573	Road Widening - Halsey Street	Building line for road widening purposes	109 Fanshawe Street, Auckland Central
1802	Road Widening - Ormiston Road	Road Widening	128 Ormiston Road, Flat Bush
1833	Road Widening - Murphy's Road and Flat Bush School Road	Road Widening	Flat Bush School Road and Murphys Road, Flat Bush

I appreciate that the team has also requested dates for completion for each of these projects. We are still working to identify this information and will provide it once available.

Yours faithfully,



Lloyd Johnson
Principal Planner – Consent Planning



RE: Auckland Transport designations - given effect to

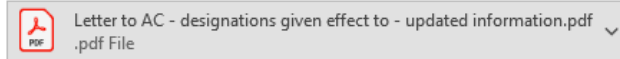


Lloyd Johnson (AT)

To Unitary Plan

Cc Vanessa Leddra; Jo Hart

You forwarded this message on 28/03/2022 10:07 am.



Kia ora Bronnie,

Thank you for your patience in waiting for a response to the query below.

Please find attached an updated letter that contains a new Table 1, using the precise text from the AUP rather than our in-house references and descriptions.

I can also advise of completion dates for the following projects, and will advise of the others once available:

Designation number	Designation details	Purpose	Address	Date complete
1573	Road Widening - Halsey Street	Building line for road widening purposes	109 Fanshawe Street, Auckland Central	December 2017
1802	Road Widening - Ormiston Road	Road Widening	128 Ormiston Road, Flat Bush	December 2015
1833	Road Widening - Murphy's Road and Flat Bush School Road	Road Widening	Flat Bush School Road and Murphys Road, Flat Bush	August 2020

Ngā mihi,

Lloyd Johnson ([he / him](#)) | Principal Planner

Consent Planning | Integrated Networks

Auckland Transport

20 Viaduct Harbour Avenue, Auckland 1010

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Let's go there



Attachment 2

Updated designation text

1573 Road Widening – Halsey Street

1802 Road Widening – Ormiston Road

1833 Road Widening - Murphy's Road and Flat Bush School Road

1573 Road Widening - Halsey Street

Designation Number	1573
Requiring Authority	Auckland Transport
Location	109 Fanshawe Street, Auckland Central
Rollover Designation	Yes
Legacy Reference	Designation 383, Auckland Council District Plan (Central Area Section) 2005
Lapse Date	Five years from being operative in the Unitary Plan unless given effect to prior <u>Given effect to (i.e. no lapse date)</u>

Purpose

Building line for road widening purposes.

Conditions

1. In accordance with section 184 of the Resource Management Act 1991, this designation will lapse five 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.

Attachments

No attachments.

1802 Road Widening - Ormiston Road

Designation Number	1802
Requiring Authority	Auckland Transport
Location	128 Ormiston Road, Flat Bush
Rollover Designation	Yes
Legacy Reference	Designation 250, Auckland Council District Plan (Manukau Section) 2002
Lapse Date	5 years from being operative in the Unitary Plan unless given effect to prior <u>Given effect to (i.e. no lapse date)</u>

Purpose

Road widening.

Conditions

1. In accordance with section 184 of the Resource Management Act 1991, this designation will lapse on the expiry of 5 (five) years after the date on which it is included 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.

Attachments

No attachments.

1833 Road Widening - Murphy's Road and Flat Bush School Road

Designation Number	1833
Requiring Authority	Auckland Transport
Location	Flat Bush School Road and Murphys Road, Flat Bush
Rollover Designation	Yes
Legacy Reference	No number, Auckland Council District Plan (Manukau Section) 2002
Lapse Date	Five years from being operative in the Unitary Plan unless given effect to prior <u>Given effect to (i.e. no lapse date)</u>

Purpose

Road widening.

Conditions

1. The Council's administrative charges for receiving and determining of this Notice of Requirement or for any specified or additional matter in accordance with section 36 of the Act or any regulation under the Act, or as necessary to enable Council to recover its actual and reasonable costs in respect of this application, must be paid in full within 20 days of receipt of the invoice for this decision and this decision shall not be exercised prior to such payment.

2.

a. For the purpose of these conditions, "Works" has the same meaning as in the Notices of Requirement by Auckland Council (Transportation Planning) for a designation to upgrade Murphys Road and Flat Bush School Roads (MCC 1) and for - a designation to upgrade Murphys Road, Flat Bush (MCC2), dated March 2010.

b. That the works to give effect to the Designation, subject to final design and any modification required to comply with the conditions set out below, shall be generally in accordance with the plans and information submitted by Auckland Council (Transportation Planning) in support of these Notices of Requirement in the documents referenced Proposal 37139 (sheets 1-2) by Council.

c. For the purpose of these conditions the "Council" shall mean the "Auckland Council".

3. The scope and extent of the works envisaged within the designations shall be in accordance with the Notices of Requirement and the plans submitted with the Notice of Requirements (identified as Council reference Notices of Requirement MCC1 and MCC2) and subject to any modification required to comply with the conditions set out below.

4. The provisions of the Notices of Requirement shall be inserted into the Auckland Council Operative District Plan to reflect the nature and extent of the requirements.

5. The proposed works shall be undertaken in accordance with Auckland Council Engineering Quality Standards.

6. The stormwater reticulation provided as part of the proposed works -shall comply with the following

requirements:

- a. The reticulation shall be designed for the 20% AEP storm flow.
 - b. The outlets from the reticulation shall in a suitable position to be included in the future piped reticulation of the downstream property.
7. The proposed temporary stormwater outlets shall be replaced with a permanent outlet by the Requiring Authority when the downstream land is developed and a suitable inlet to the piped reticulation within that land is provided.
8. The earthwork construction shall be undertaken in accordance with:
- a. The erosion and sediment control plan as detailed in the plans provided as part of the Requirement.
 - b. Auckland Regional Council Technical Publication 90 - TP90 Erosion and Sediment Control.
9. The works shall be undertaken in such a manner as to ensure that beyond the boundary of the site there should be no 'dust' or 'soil erosion/siltation', which in the opinion of the Team Leader - Resource Compliance, is objectionable, offensive or has the potential to create an adverse effect on the receiving environment.
10. The proposed sediment control measures shall be put in place before any other earthworks are undertaken on the site.
11. Control measures shall be in place to ensure that any trucks leaving the site do not deposit soil or other debris on public roads. Any such material deposited on any public road shall be cleaned up immediately at the Requiring Authority's expense.
12. Adequate access shall be maintained to each affected property in consultation with the occupier of the property, with a temporary access provided as necessary to allow the occupant convenient access.
13. Prior to development commencing, the Requiring Authority shall ensure that the owners and occupiers of all adjoining properties are notified in writing of the development in general, its expected duration, the times at which it will be undertaken, and the name of a responsible person with whom they can liaise if the need arises.
14. Land taken or held for the works shall be maintained to a reasonable standard until the physical works commence and for the duration of the construction works.
15. All traffic control measures shall conform to the current version, at the time of construction, of the Transit New Zealand manual entitled "Code of Practice for Temporary Traffic Control".
16. All necessary and practicable steps are to be taken to avoid damage to other utility services, the reading network, or private property.
17. All reinstatement within the road reserve is to be carried out in accordance with the current version of Council's "Code of Practice for Working in the Road".
18. The road construction works proposed are to be undertaken in a manner which ensures that the land on adjoining properties remain stable at all times.
19. During construction, New Zealand noise standard "NZS 6803:1999 Acoustics - Construction

Noise" shall apply and that noise shall comply with the limits set down in Table 2 of NZS6803:1999 or where that is impractical alternative strategies shall be implemented to ensure that construction noise does not exceed agreed levels with affected persons.

20. All earthworks on the designated land are to be undertaken in a manner so as to minimise 'dust' or 'soil erosion/siltation' beyond the boundary of the site, which in the opinion of an enforcement officer who is employed by the Council, might be objectionable, offensive or have the potential to create an adverse effect on the receiving environment.

21. The hours of work shall generally be between 7.30am and 6.00pm, Monday to Saturday inclusive. However it is recognised that there will be occasions when, for the sake of maintaining access to properties and minimising disruption to traffic and property owners in the area, that working outside those hours will be of benefit to those people and to progress of the construction. Such occasions shall be part of the consultation process with those affected and shall also be agreed by specific approval of the Team Leader- Resource Compliance.

22. A protective fence of Day-Glo mesh attached to closely spaced Waratah standards should be erected at the driplines of the protected trees to be retained. The fences shall remain in place for the duration of all works in the vicinity of the particular tree/s. The area of ground enclosed by the protective fence shall be treated as a total exclusion zone. No storage of materials or equipment, or passage of vehicles or machinery, shall occur in that area.

23. An arborist shall be present when the excavations are being undertaken within the root zone of any of the protected trees identified for retention within the project area. Any roots encountered shall be cleanly severed under observation of the arborist in order to prevent unnecessary tearing.

24. Any contouring carried out in the vicinity of any retained tree should avoid the severance of roots of significant size or function. Any roots that may be encountered during the definition of the edge of the new road, where within the root zone of any protected tree, shall be severed cleanly at the excavation face under observation of the arborist required in Condition 23. This section of the edge of the road shall be defined by hand (spade) to the depth required prior to any scrape by machine.

Attachments

No attachments.