

## UNITARY PLAN UPDATE REQUEST MEMORANDUM

**TO** Celia Davison, Manager Planning, Central / South

**FROM** Vanessa Leddra Policy Planner, Central / South



**DATE** 8 June 2022

**SUBJECT** Extension of Designation lapse dates in accordance with s184 of the Resource Management Act to the Unitary Plan (AUP) Operative in part (15 November 2016)



This memorandum requests an update to Auckland Unitary Plan Operative in part

|  |   |
|--|---|
| <b>Reason for update – Extension of lapse dates in accordance with S184 to Designation 1467 Road Widening – Hobsonville Road</b> |   |
| <b>Chapter</b>   | <b>Chapter K Designations</b>   |
| <b>Section</b>   | <b>Auckland Transport</b>   |
| <b>Designation only</b>  |   |
| <b>Designation # 1467</b>  | <b>Road Widening – Hobsonville Road</b>   |
| <b>Locations:</b>  | Hobsonville Road from Brighams Creek Road to Upper Harbour Drive and Brighams Creek Road and Hobsonville Road intersection, Hobsonville   |
| <b>Lapse Date</b>  | Five years from being operative in the Unitary Plan unless given effect to prior  |
| <b>Purpose</b>   | Road Widening   |
| <b>Changes to text (shown in underline and strikethrough)</b>  | <b>Lapse Date</b> <del>Five years from being operative in the Unitary Plan</del> <u>11 April 2027</u> unless given effect to prior  |
| <b>Changes to diagrams</b>   | N/A   |
| <b>Changes to spatial data</b>   | N/A   |
| <b>Attachments</b>   | Attachment A: Auckland Transport s184 Application Letter and email<br>Attachment B: Commissioner's Decision<br>Attachment C: Updated Text shown with strikethrough and underscore |

|  |  |
|--|--|
| <b>Prepared by:</b><br>Vanessa Leddra<br>Planner   | <b>Text Entered by:</b><br>Bronnie Styles<br>Planning Technician   |
| <b>Signature:</b><br> | <b>Signature:</b><br> |
| <b>Maps prepared by:</b><br>Geospatial Specialist  | <b>Reviewed by:</b><br>Craig Caincross<br>Team Leader  |
| <b>Signature:</b>  | <b>Signature:</b>  |

N/A

A handwritten signature in blue ink, consisting of a large, stylized letter 'D' followed by a horizontal line extending to the right.

**Signed off by:**  
Celia Davision  
Manager Planning – Central/South

**Signature:**

A handwritten signature in black ink, reading 'C. Davison' in a cursive style.

**Attachment A**

**Auckland Transport s184 Application Letter**

29 October 2021

Plan and Places  
Auckland Council  
Private Bag 92300  
Auckland 1142  
Attn: Jo Hart - Senior Policy Planner; Kasey Zhai - Policy Planner  
Via email: [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

Dear Jo and Kasey,

## **SECTION 184(1)(b) APPLICATION FOR DESIGNATION 1467 – HOBSONVILLE ROAD**

Auckland Transport is the requiring authority for Designation 1467 in the Auckland Unitary Plan. The purpose of this designation is “road widening” and it has a lapse date of 15 November 2021, being five years from the effective operative (in part) date of the Auckland Unitary Plan.

Pursuant to section 184(1)(b) of the Resource Management Act 1991 (**RMA**), Auckland Transport seeks to extend the lapse date of this designation by 5 years to 15 November 2026. Please accept this letter as our application under section 184(1)(b).

### **1 Designation Details**

An excerpt of the designation is shown as Figure 1 below.



## 1467 Road Widening - Hobsonville Road

|                      |   |
|----------------------|---|
| Designation Number   | 1467  |
| Requiring Authority  | Auckland Transport  |
| Location             | Hobsonville Road from Brighams Creek Road to Upper Harbour Drive and Brighams Creek Road and Hobsonville Road intersection, Hobsonville |
| Rollover Designation | Yes   |
| Legacy Reference     | Designation NZTARW1, Auckland Council District Plan (Waitakere Section) 2003  |
| Lapse Date           | Five years from being operative in the Unitary Plan unless given effect to prior  |

### Purpose

Road widening.

- Hobsonville Road from Brighams Creek Road to Upper Harbour Drive:
  - 11.5m from centre line (both sides); and
  - 1.44m from the existing boundary (both sides).
- Hobsonville Road from a point adjacent to Pt 15 SO 2599, being approximately 500mm from the Brighams Creek- Hobsonville Road intersections to a second point at the corner opposite Pt 25 DP 41296:
  - 13m from the centre line (west side only); and
  - 2.88m from the existing boundary (west side only).

### Conditions

- Appropriate sedimentation and erosion control measures shall be employed for any earthworks on the designated site.

*Explanation: This Plan outlines erosion and sediment control measures for earthworks which are above a certain threshold, with that threshold varying according to the particular environment. Compliance with these measures would generally satisfy condition 1. Note that major earthworks may require a consent from the Auckland Council.*

### Attachments

No attachments.

**Figure 1 – Details of designation**

**Source: Auckland Unitary Plan, Chapter K**



## 2 Statutory context

### 184 *Lapsing of designations which have not been given effect to*

- (1) *A designation lapses on the expiry of 5 years after the date on which it is included in the district plan unless—*
- (a) *it is given effect to before the end of that period; or*
  - (b) *the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made and fixes a longer period for the purposes of this subsection; or*
  - (c) *the designation specified a different period when incorporated in the plan.*

### 3 Assessment against section 184(1)(b)

In accordance with the requirements of section 184(1)(b) of the RMA, Auckland Transport has made substantial progress and effort towards giving effect to the designation and continues to do so.

#### **Supporting Growth Alliance**

The Supporting Growth Alliance (SGA) was set up by AT and Waka Kotahi to route protect the preferred network for the North, Northwest and Southern greenfield growth areas. The Northwest area covers several corridors including Hobsonville Road, which will be widened to provide additional capacity for urban growth.

SGA has progressed through both indicative business case and detailed business case stages for the Northwest area, including for Hobsonville Road. Alongside the business cases, SGA has prepared designs for the Hobsonville Road corridor. To accommodate growth, the road will need to be widened beyond its current extent in order to provide transit lanes, and improved walking and cycling facilities. These facilities will require usage of the Designation 1467 alignment.

#### **Property purchase**

Within the designation, the following properties have been acquired by Auckland Council or the Crown:

| Address              | Owner            |
|----------------------|------------------|
| 431 Hobsonville Road | Auckland Council |
| 30 Clark Road        | Crown land       |



## Funding

Funding towards this project has been committed in the Regional Land Transport Plan, with an excerpt included as Figure 2 below.

| PROJECT NAME  | RESPONSIBLE AGENCY | TEN 10-YEAR CAPITAL EXPENDITURE (\$MILLION) |
|---|--------------------|---|
| Projects supporting Auckland Housing Programme (additional central government investment anticipated) | AT                 | 401   |
| Drury Local Road Improvements   | AT                 | 243   |
| Northwest Growth Improvements   | AT                 | 186   |
| Greenfield transport infrastructure – Northwest   | AT                 | 142   |
| SH18 Squadron Drive interchange upgrade   | Waka Kotahi        | 68  |
| Greenfield Transport Infrastructure Supporting Growth Post Lodgement and Property                     | AT                 | 65  |
| Supporting Growth Route Protection Programme  | Waka Kotahi        | 44  |

Figure 2

Source: Regional Land Transport Plan 2021-2031, p.71

## Summary

Overall, in our opinion, the assessment above demonstrates the progress and effort that Auckland Transport has made, and continues to make, towards giving effect to this designation.

### 4 Conclusion

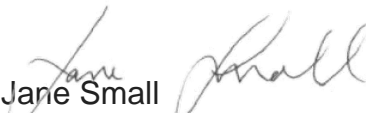
Based on the above, there is no reason precluding Auckland Council from extending the lapse date of Designation 1467 by 5 years, in line with section 184(1)(b) of the RMA.

Auckland Transport has provided the following purchase order number for lodgement and processing fees: **4200072941**.



Please contact Lloyd Johnson on 09 447 4607 or [lloyd.johnson@at.govt.nz](mailto:lloyd.johnson@at.govt.nz) if you have any queries about this application.

Yours sincerely,

  
Jane Small  
**Group Manager Property and Planning**  
**Integrated Networks Division**



EMAIL FROM LLOYD JOHNSTON AT 31 MARCH 2022

Kia ora Vanessa,

Thank you for your patience with these queries. In summary:

- Updated lapse dates – reflected in the table provided
- Address queries for Whangaparaoa Road – will require further AT investigation
- Ormiston / Chapel Road designation – will require further AT investigation
- New PO for 2022 – to be provided

Please find detailed updates below.

### Updated lapse dates

I can confirm that Auckland Transport is seeking new lapse dates for these designations as per Table 01 below. Please let me know if any additional information is useful, or if these need to be submitted in letter format?

**Table 1 – Corrected lapse dates sought for rollover designations**

| Designation number | Designation name   | Address(es)   | Purpose                | Lapse date from AUP |
|--------------------|--|---|------------------------|---------------------|
| 1404               | Road Widening - Whangaparaoa Road                        | 470-502, 473-475, 504-522A, 529-549, 540, 585-587, 593-601, 609-  | Road widening          | 10 March 2022       |
| 1434               | Road - Marinich Drive Extension                          | 125A Metcalfe Road to 46 Ranui Station Road, Ranui  | Road widening purposes | 14 December 2021    |
| 1449               | Road Widening - Great North Road                         | 267-287, 290-300, 295-297A, 301-309, 304-318A, 311-325, 429-447, 450, 4004-4012, 4007-4035, 4018, 4022-4024, 4040-4048, 4052-4054, 4070, 4087-4131, 4092-4094, 4098 and 4104-4118A Great North Road, 1-3 West Coast Road, 1 and 2 Montel Avenue, 2 Blacklock Avenue and 1 Buscomb Avenue, Henderson to Te Atatu | Road widening purposes | 14 December 2021    |
| 1467               | Road Widening - Hobsonville Road                         | Hobsonville Road from Brighams Creek Road to Upper Harbour Drive and Brighams Creek Road and Hobsonville Road intersection, Hobsonville   | Road widening          | 11 April 2022       |
| 1468               | Road Widening – State Highway 16 (Westgate to Whenuapai) | Fred Taylor Drive from Westgate Motorway Interchange, Westgate to Brighams Creek Road, Whenuapai  | Road widening          | 10 March 2022       |

|             |  |  |  |                  |
|-------------|--|--|--|------------------|
| <b>1571</b> | Road widening -<br>Beaumont Street             | 101-107 Beaumont Street,<br>Auckland Central   | Building line for<br>road widening<br>purposes | 11 April 2022    |
| <b>1572</b> | Road Widening -<br>Westhaven Drive             | 2 Westhaven Drive, Auckland<br>Central   | Building line for<br>road widening<br>purposes | 11 April 2022    |
| <b>1809</b> | Road Widening - Allens<br>Road and Smales Road | 2, 5, 17, 22-38, 47-59, 56-60 and<br>67 Allens Road, 3-9 Smales Road,<br>1,2 Harris Road, 2 Ross Reid Place<br>and 61 Sir William Avenue, East<br>Tamaki | Road widening                                  | 14 December 2021 |

**Attachment B**

**Commissioners Decision**

# Decision on application to extend the lapse period under section 184 of the Resource Management Act 1991



## Decision of Commissioner on an application to extend the lapse period of Designation 1467 – Hobsonville Road in the Auckland Unitary Plan (Operative in Part).

The proposed extension to the lapse period of Designation 1467 Road Widening – Hobsonville Road by five years is **APPROVED**.

### Introduction

1. This recommendation is made on behalf of the Auckland Council (“**the Council**”) by Independent Hearing Commissioner Janine Bell (sitting alone) appointed and acting under delegated authority under section 34A of the Resource Management Act 1991 (“**the RMA**”).
2. The Council has received a request from Auckland Transport under section 184 of the RMA, dated 29 October 2021, to extend the lapse period of Designation 1467 Road Widening – Hobsonville Road by 5 years to 11 April 2027.

### References

|  |   |
|--|---|
| <b>Designation number</b>                    | 1467  |
| <b>Purpose</b>                               | Road widening purposes  |
| <b>Location</b>                              | Hobsonville Road from Brighams Creek Road to Upper Harbour Drive and Brighams Creek Road and Hobsonville Road intersection, Hobsonville |
| <b>Date of request to extend lapse date:</b> | 31 March 2022 <sup>1</sup> [updated from initial application dated 29 October 2021]   |
| <b>Requiring authority:</b>                  | Auckland Transport  |

3. Designation 1467 Road Widening – Hobsonville Road provides for the widening of Hobsonville Road from Brighams Creek Road to Upper Harbour Drive and Brighams Creek Road and Hobsonville Road intersection, Hobsonville. The designation applies to the following properties:
  - (a) Hobsonville Road between Brighams Creek Road and Upper Harbour Drive;

<sup>1</sup> Email From Lloyd Johnston 31 March 2022

- (i) 11.5m from the centre line [both sides], and
  - (ii) 1.44m from the existing road boundary [both sides].
- (b) Hobsonville Road from a point adjacent to Pt 15 SO 2599, being approximately 500mm from the Brighams Creek- Hobsonville Road intersections to a second point at the corner opposite Pt 25 DP 41296:
- (i) 13m from the centre line (west side only); and
  - (ii) 2.88m from the existing boundary (west side only)
4. Auckland Transport’s application outlines that the Supporting Growth Alliance (SGA) was set up by Auckland Transport and Waka Kotahi to route protect the preferred network for the North, Northwest and Southern greenfield growth areas. The Northwest area covers several corridors including Hobsonville Road, which will be widened to provide additional capacity for urban growth.
  5. That the SGA has progressed through both indicative business case and detailed business case stages for the Northwest area, including for Hobsonville Road. Alongside the business cases, SGA has prepared designs for the Hobsonville Road corridor. To accommodate growth, the road will need to be widened beyond its current extent in order to provide transit lanes, and improved walking and cycling facilities. Designation 1467 will be used to provide for these facilities.
  6. Funding of \$186 million has been committed in the Regional Land Transport Plan towards the Northwest Growth Improvements. Within the designation, two properties have already been acquired by Auckland Council or the Crown, being 431 Hobsonville Road and 30 Clark Road.
  7. The designation is currently shown in the AUP maps as follows:

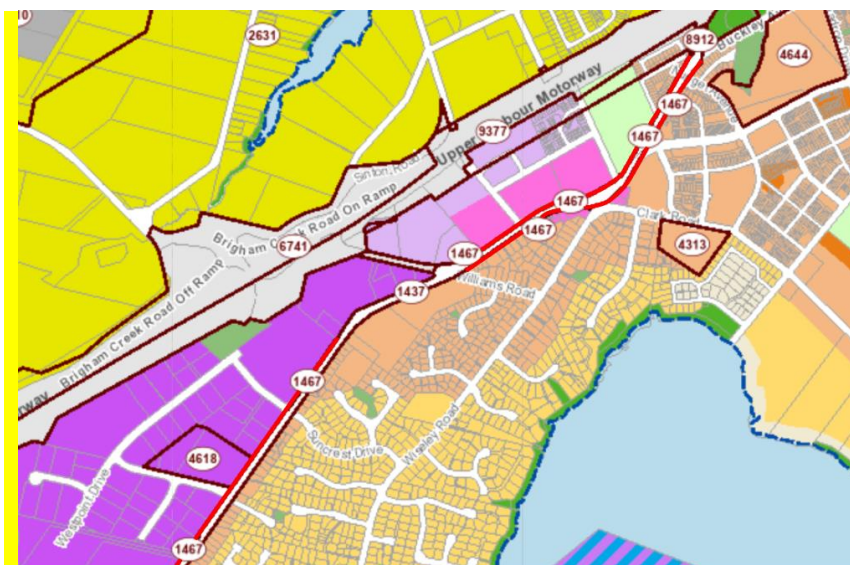


Figure 1: Designation 1467 Road Widening – Hobsonville Road

8. The designation has a lapse date of 11 April 2022 in accordance with s184(1)(b) of the Resource Management Act 1991 (RMA).

### **Relevant Statutory Provisions**

9. Section 184 of the RMA, states:

*(1) A designation lapses on the expiry of 5 years after the date on which it is included in the district plan unless—*

*(a) it is given effect to before the end of that period; or*

*(b) the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made and fixes a longer period for the purposes of this subsection; or*

*(c) the designation specified a different period when incorporated in the plan.*

*(2) Where paragraph (b) or paragraph (c) of subsection (1) applies in respect of a designation, the designation shall lapse on the expiry of the period referred to in that paragraph unless—*

*(a) it is given effect to before the end of that period; or*

*(b) the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made and fixes a longer period for the purposes of this subsection.*

### **Assessment**

10. Section 184 of the RMA states that a designation will lapse on the expiry of 5 years after the date of its inclusion in a plan unless it has been given effect to before the end of that period, or if the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and fixes a longer period.
11. In terms of s184(2)(b) the application has been made by Auckland Transport within 3 months before the expiry of the designation lapse period and sets out the progress and effort that has been made and continues to be made towards giving effect to the designation.
12. The application outlines the progress that has been made, and continue to be made, to give effect to the designation. A detailed description of the progress that has been completed or partly completed is provided on pages 3 and 4 of the application, dated 29 October 2021. In summary this includes:

- Progression through the indicative and detailed business case stages for the Northwest area via SGA.
- Designs have been prepared for the Hobsonville Road corridor.
- Two sites being 431 Hobsonville Road and 30 Clark Road. have been purchased.
- Funding is approved for the Northwest Growth Improvements in the approved Regional Land Transport Plan 2021-2031.

13. The Council officers have reviewed the application and are satisfied that the requiring authority has made and continues to make substantial effort / progress towards giving effect to the designation and therefore recommends extending the lapse period by five years to 11 April 2027.

### **Conclusion**

While the works provided for by the designation has not been completed, as set out in the application documents, substantial effort and progress has been made and continues to be made towards giving effect to the designation, including the acquisition of two properties required to undertake the road widening. The additional five years sought will enable the completion of the current discussions and is considered adequate by the requiring authority to give effect to the designation. Therefore, the proposed extension to the lapse period for Designation 1467 – Hobsonville Road by 5 years to 11 April 2027 is appropriate.

### **Decision**

That pursuant to Section 184 of the Resource Management Act 1991 that the extension to the lapse date of Designation 1467 – Hobsonville Road by 5 years to 11 April 2027 is **approved**.

**Approved**

**Janine A. Bell**  
**Independent Hearing Commissioner**

**Signature:**



**Date:**

**01 June 2022**

**Attachment C**

**Updated designation text**

**1467 Road Widening - Hobsonville Road**



## 1467 Road Widening - Hobsonville Road

|                      |   |
|----------------------|---|
| Designation Number   | 1467  |
| Requiring Authority  | Auckland Transport  |
| Location             | Hobsonville Road from Brighams Creek Road to Upper Harbour Drive and Brighams Creek Road and Hobsonville Road intersection, Hobsonville |
| Rollover Designation | Yes   |
| Legacy Reference     | Designation NZTARW1, Auckland Council District Plan (Waitakere Section) 2003  |
| Lapse Date           | <del>Five years from being operative in the Unitary Plan</del> <u>11 April 2027</u> unless given effect to prior                        |

## Purpose

Road widening.

1. Hobsonville Road from Brighams Creek Road to Upper Harbour Drive:

- a. 11.5m from centre line (both sides); and
- b. 1.44m from the existing boundary (both sides).

2. Hobsonville Road from a point adjacent to Pt 15 SO 2599, being approximately 500mm from the Brighams Creek- Hobsonville Road intersections to a second point at the corner opposite Pt 25 DP 41296:

- a. 13m from the centre line (west side only); and
- b. 2.88m from the existing boundary (west side only).

## Conditions

1. Appropriate sedimentation and erosion control measures shall be employed for any earthworks on the designated site.

*Explanation: This Plan outlines erosion and sediment control measures for earthworks which are above a certain threshold, with that threshold varying according to the particular environment.*

*Compliance with these measures would generally satisfy condition 1. Note that major earthworks may require a consent from the Auckland Council.*

## Attachments

No attachments.