

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Celia Davison, Manager Planning, Central / South

FROM Vanessa Leddra Policy Planner, Central / South


DATE 10 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

Reason for update – Extension of lapse dates in accordance with S184 to Designation 1468 Road Widening – State Highway 16 (Westgate to Whenuapai)	
Chapter	Chapter K Designations
Section	Auckland Transport
Designation only	
Designation # 1468	Road Widening – State Highway 16 (Westgate to Whenuapai)
Locations:	Fred Taylor Drive from Westgate Motorway Interchange, Westgate to Brighams Creek Road, Whenuapai
Lapse Date	Five years from being operative in the Unitary Plan unless given effect to prior
Purpose	Road Widening
Changes to text (shown in underline and strikethrough)	Lapse Date Five years from being operative in the Unitary Plan <u>10 March 2027</u> unless given effect to prior
Changes to diagrams	N/A
Changes to spatial data	N/A
Attachments	Attachment A: Auckland Transport s184 Application Letter and email Attachment B: Commissioner's Decision Attachment C: Updated Text shown with strikethrough and underscore

Prepared by: Vanessa Leddra Planner	Text Entered by: Bronnie Styles Planning Technician
Signature: 	Signature: 
Maps prepared by: Geospatial Specialist	Reviewed by: Craig Caincross Team Leader

Signature:

N/A

Signature:

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 Davison
Manager Planning – Central/South

Signature:

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

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

Dear Jo and Kasey,

SECTION 184(1)(b) APPLICATION FOR DESIGNATION 1468 – FRED TAYLOR DRIVE

Auckland Transport is the requiring authority for Designation 1468 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.



1468 Road Widening - State Highway 16 (Westgate to Whenuapai)

Designation Number	1468
Requiring Authority	Auckland Transport
Location	Fred Taylor Drive from Westgate Motorway Interchange, Westgate to Brighams Creek Road, Whenuapai
Rollover Designation	Yes
Legacy Reference	Designation NZTARW2, 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.

1. Fred Taylor Drive from the Westgate Motorway Interchange to intersection with Brighams Creek Road:
 - a. 15m from the centre line (both sides); and
 - b. 4.88m from the existing road boundary (both sides).

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.

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 Fred Taylor Drive, 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 Fred Taylor Drive. Alongside the business cases, SGA has prepared designs for the Fred Taylor Drive corridor. To accommodate growth, the road will need to be widened beyond its current extent in order to provide additional travel lanes. These facilities will require usage of the Designation 1468 alignment.



Property purchase

There is a high volume of AT property purchases along this corridor, along with a rapidly changing situation due to ongoing negotiations with developers. Due to this high volume, only a total number of sites purchased is provided.

In total, 50 of 113 required sites have been fully purchased to date, or around 44%.

	Section 1 Motorway to Don Buck Road roundabout	Section 2 Don Buck Road roundabout to Dunlop Road	Section 3 Dunlop Road to Northside Drive	Section 4 Northside Drive to Brigham Creek Road	TOTAL
Purchased	0	1	25	25	50
To Purchase	12	7	14	29	63
Total	12	8	39	54	113

Funding

Funding towards this project has been committed in the Regional Land Transport Plan, with an excerpt shown 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 1468 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 if you have any queries about this application.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jane Small', is positioned above the printed name.

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	Roading 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

1571	Road widening - Beaumont Street	101-107 Beaumont Street, Auckland Central	Building line for road widening purposes	11 April 2022
1572	Road Widening - Westhaven Drive	2 Westhaven Drive, Auckland Central	Building line for road widening purposes	11 April 2022
1809	Road Widening - Allens Road and Smales Road	2, 5, 17, 22-38, 47-59, 56-60 and 67 Allens Road, 3-9 Smales Road, 1,2 Harris Road, 2 Ross Reid Place and 61 Sir William Avenue, East 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 1468 – State Highway 16 [SH16] - Westgate to Whenuapai [known as Fred Taylor Drive] in the Auckland Unitary Plan (Operative in Part).

The proposed extension to the lapse period of Designation 1468 Road Widening – State Highway 16 (Westgate to Whenuapai) 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 1468 Road Widening – State Highway 16 (Westgate to Whenuapai) by 5 years to 10 March 2027.

References

Designation number	1468
Purpose	Road widening purposes
Location	Fred Taylor Drive from Westgate Motorway Interchange, Westgate to Brighams Creek Road, Whenuapai
Date of request to extend lapse date:	29 October 2021, updated 31 March 2022 ¹
Requiring authority:	Auckland Transport

3. Designation 1468 Road Widening – State Highway 16 (Westgate to Whenuapai) provides for the widening of 1. Fred Taylor Drive from the Westgate Motorway Interchange to intersection with Brighams Creek Road:
 - (a) 15m from the centre line (both sides); and
 - (b) 4.88m from the existing road boundary (both sides).

¹ Email From Lloyd Johnston 31 March 2022

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 Fred Taylor Drive, 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 Fred Taylor Drive. Alongside the business cases, SGA has prepared designs for the Fred Taylor Drive corridor. To accommodate growth, the road will need to be widened beyond its current extent to provide additional travel lanes. Designation 1468 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. Many properties within corridor have been purchased and this is evolving, negotiation discussion continue owners. Auckland Transport indicates that 50 of 113 required sites have been purchased to date, as set out in Table 1 below.

Table 1

	Section 1 Motorway to Don Buck Road roundabout	Section 2 Don Buck Road roundabout to Dunlop Road	Section 3 Dunlop Road to Northside Drive	Section 4 Northside Drive to Brigham Creek Road	TOTAL
Purchased	0	1	25	25	50
To Purchase	12	7	14	29	63
Total	12	8	39	54	113

7. The designation is currently shown in the AUP maps as follows:

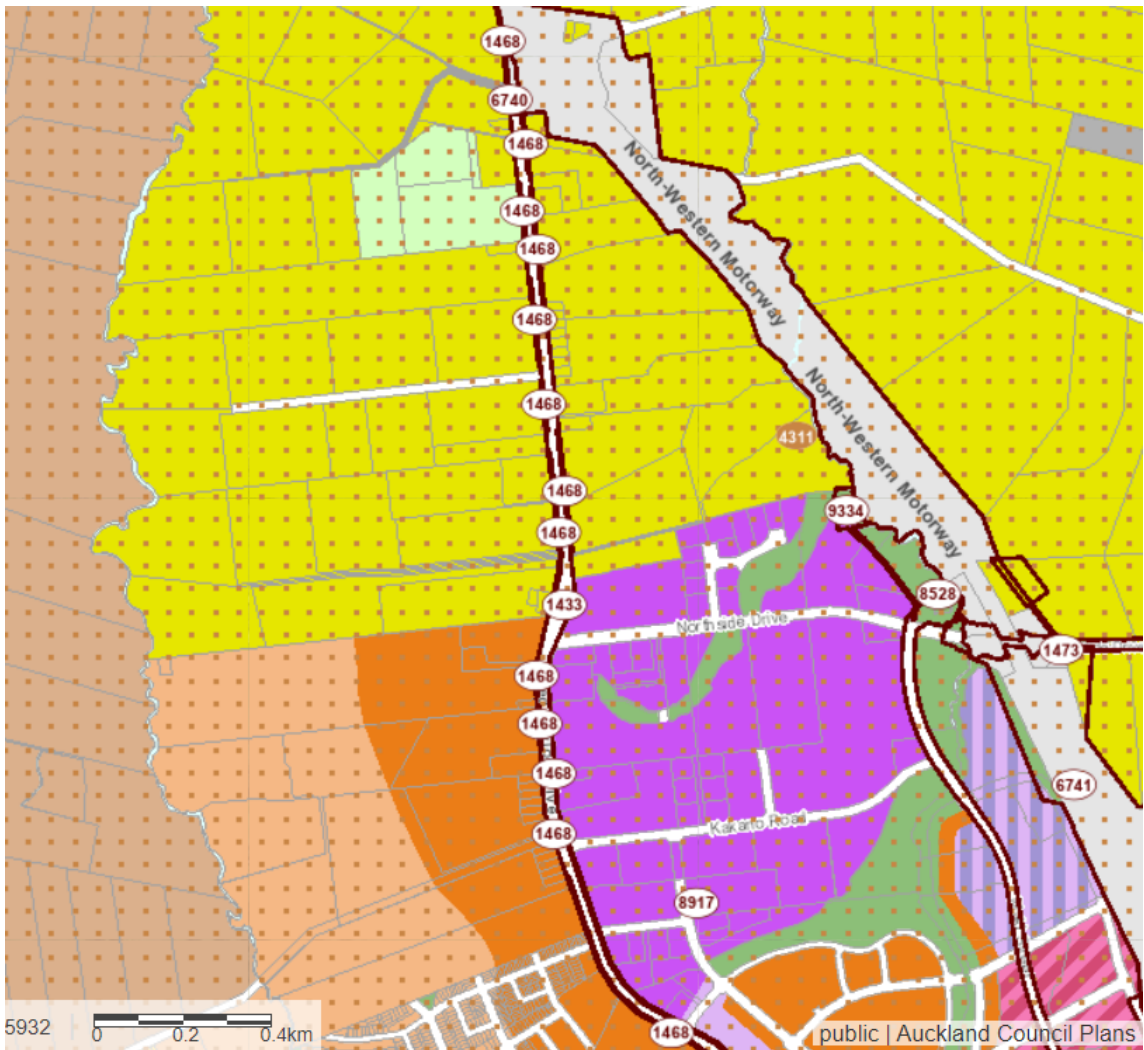


Figure 1: Designation 1468 from Brigham's Creek Road in the north to Spring Garden Avenue



Figure 2 Designation 1468 from Spring Garden Avenue to Upper Harbour Highway

8. The designation has a lapse date of 10 March 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 Fred Taylor Drive corridor.
- 50 of the 113 required sites have been purchased.
- Funding for the Northwest Growth Improvements is 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 10 March 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 1468 Road Widening – State Highway 16 (Westgate to Whenuapai) by 5 years to 10 March 2027 is appropriate.

Decision

That pursuant to Section 184 of the Resource Management Act 1991 that the extension to the lapse date of Designation 1468 Road Widening – State Highway 16 (Westgate to Whenuapai) by 5 years to 10 March 2027 is **approved**.

Approved

Janine A. Bell
Independent Hearing Commissioner

Signature:



Date:

01 June 2022

Attachment C

Updated designation text

1468 Road Widening - State Highway 16 (Westgate to Whenuapai)

1468 Road Widening - State Highway 16 (Westgate to Whenuapai)

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