

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Celia Davison, Manager Planning, Central / South

FROM Vanessa Leddra Policy Planner, Central / South





DATE 12 April 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 1449 Road Widening – Great North Road	
Chapter	Chapter K Designations
Section	Auckland Transport
Designation only	
Designation #1449	Road Widening - Great North Road
Locations:	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.
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)	<p>Lapse Date Five years from being operative in the Unitary Plan 15 November 2026 unless given effect to prior</p> <p>Conditions</p> <p>2. Designation Lapse Date In accordance with section 184 <u>184(2)(b)</u> of the Resource Management Act 1991, this designation will lapse on on the expiry of 5 (five) years after the date on which it is included in the Unitary Plan 15 November 2026 unless:</p>
Changes to diagrams	N/A
Changes to spatial data	N/A
Attachments	Attachment A: Auckland Transport s184 Application Letter Attachment B: Commissioner's Decision Attachment C: Updated Text shown by strikethrough and underscore

Prepared by: Vanessa Leddra Policy Planner	Text Entered by: Bronnie Styles Planning Technician
Signature: 	Signature: 
Maps prepared by: Geospatial Specialist	Reviewed by: Craig Cairncross Team Leader
Signature: n/a	Signature: 
Signed off by: Celia Davison Manager Planning – Central/South	
Signature: 	

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 1449 – GREAT NORTH ROAD

Auckland Transport is the requiring authority for Designation 1449 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.



1449 Road Widening - Great North Road

Designation Number	1449
Requiring Authority	Auckland Transport
Location	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
Rollover Designation	Yes
Legacy Reference	Designation WCCRW4, 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 purposes.

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.

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.

Business case

This project is part of the wider Connected Communities initiative, one of the major AT programmes across the coming decade. The programme will upgrade major arterial routes to improve transport options including walking, cycling and public transport through a “dig once” philosophy that reduces disruption. Due to the size and scale of the programme, AT will generally be delivering one or two of these upgrades at any given time as there is simply not capacity within either the design or construction sectors to undertake all corridors simultaneously. The first cab off the rank is Great North Road (Grey Lynn section) for construction, with the 11km New North Road – Symonds Street corridor recently completing initial public consultation.

A business case for the Great North Road (New Lynn-Henderson) corridor is underway and once it has been finalised and approved, the project will then transition into a consultation phase – similar to that recently completed for New North Road – before turning to design and implementation.

Property purchase

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

Address	Project
281 Great North Road	GNR Bus Lane Project
1 Buscomb Ave	Regional Designation Programme

Funding

Funding of \$583million has been committed towards the Connected Communities package which includes this corridor in the Regional Land Transport Plan, with an excerpt shown as Figure 2 below.



Connected Communities

The geography of Tāmaki Makaurau means that key strategic arterial roading corridors, mostly on the isthmus in Mt Eden, Mt Roskill, Remuera, Sandringham, Ponsonby, Grafton, Ellerslie, Panmure, Pakuranga and Manukau can become choked at certain times of day resulting in reduced productivity and impacting on the mental and physical wellbeing of Aucklanders.

A key driver for AT’s Connected Communities programme is separating buses on frequent transit routes from general traffic lanes with a network of whole-of-route bus or transit lanes, thereby creating more capacity in the remaining general traffic lanes for those who have no choice but to use private motor vehicles.

This project also pioneers AT’s ‘dig once’ philosophy to minimise disruption in local communities, incorporating and delivering 15km to 20km of safe cycling environments (and safety and walking improvements) along a number of key arterials. Notably 25 percent of DSI on strategic roading corridors are targeted by the programme.

Priority corridors for investment include:

- Symonds Street
- New North Road
- Sandringham Road
- Great North Road
- Ponsonby Road
- Mt Eden Road
- Manukau Road
- Ellerslie Panmure Highway
- Pakuranga Road.

PROJECT NAME	RESPONSIBLE AGENCY	TEN 10-YEAR CAPITAL EXPENDITURE (\$MILLION)
Connected Communities	AT	583

Figure 2

Source: Regional Land Transport Plan 2021-2031, p.56

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 1449 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,

Jane Small
Group Manager Property & Planning
Integrated Networks Division

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 1449 Road Widening - Great North Road in the Auckland Unitary Plan (Operative in Part).

The proposed extension to the lapse period of Designation 1449 Road Widening - Great North 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 1449 Road Widening - Great North Road by 5 years to 15 November 2026.

References

Designation number	1449
Purpose	Road widening purposes
Location	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.
Date of request to extend lapse date:	29 October 2021
Requiring authority:	Auckland Transport

3. Designation 1449 Road Widening - Great North Road provides for the widening of Great North Road. The designation applies to the properties as set out above, the majority of which are located on Great North Road in two locations being:
 - (i) Land in, and adjacent, the Henderson Town Centre, and

- (ii) from Waikumete Cemetery to the Kelston Local Centre at the corner West Coast Road.
4. Auckland Transport’s application outlines that the road widening provided for by the designation is part of the wider Connected Communities initiative, one of Auckland Transport’s major programmes in the coming decade. The programme will upgrade major arterial routes to improve transport options including walking, cycling and public transport through a “dig once” philosophy that reduces disruption. Due to the size and scale of the programme, Auckland Transport will generally only be able to deliver one or two of these upgrades at any given time as there is not the capacity within either the design or construction sectors to undertake all corridors simultaneously. The first section is Great North Road (Grey Lynn section) for construction.
 5. A business case for the Great North Road (Henderson- New Lynn) corridor, which includes the land subject to this designation, is underway and once it has been finalised and approved, the project will then transition into a consultation phase – before turning to design and implementation.
 6. Funding of \$583million has been committed in the Regional Land Transport Plan towards the Connected Communities package which includes this corridor. Within the designation, two properties have already been acquired by Auckland Council or Auckland Transport, being 261 Great North Road and 1 Buscomb Aveue.
 7. The designation is currently shown in the AUP maps as follows:

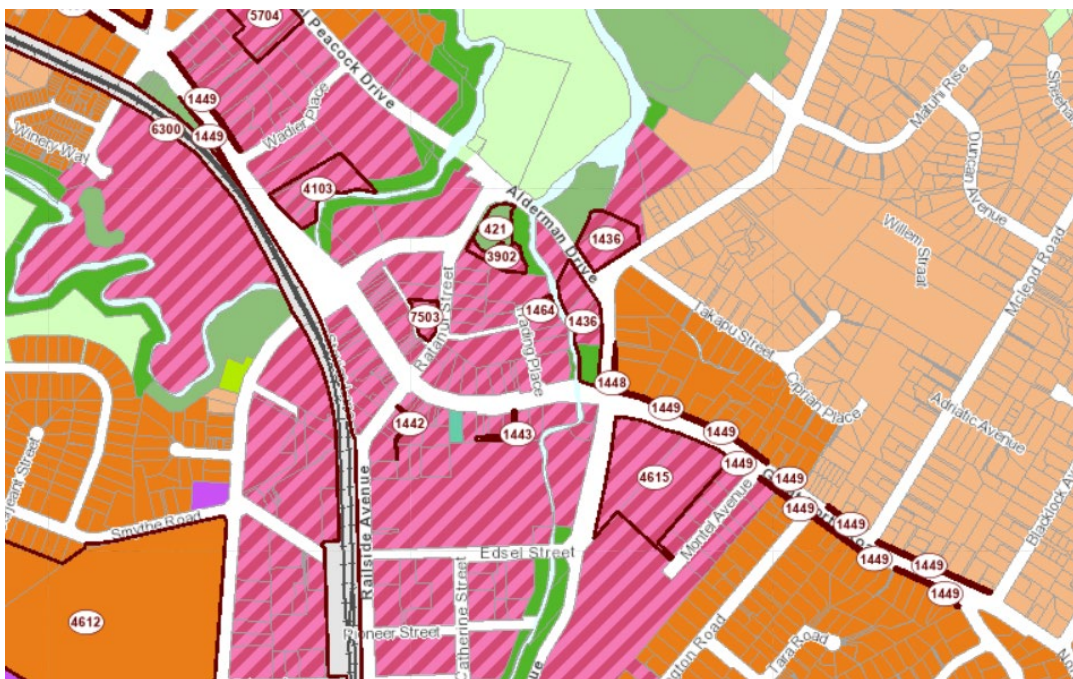


Figure 1: Designation 1449 Road Widening from 1 Buscomb Ave Henderson in the north to 2 Blacklock Ave

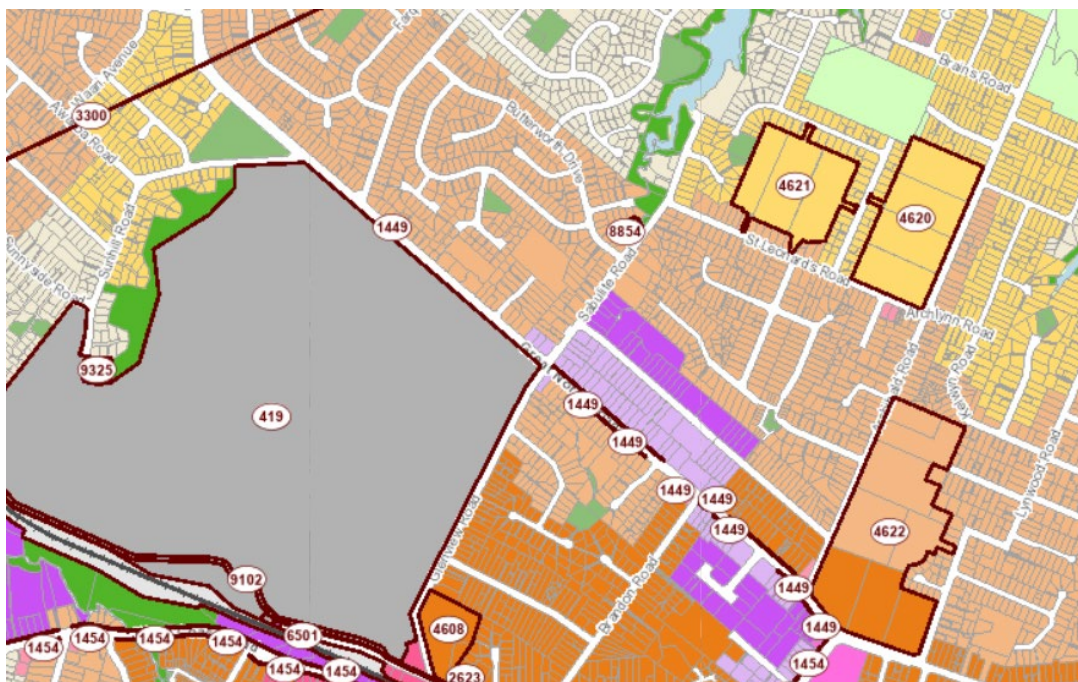


Figure 2 Designation 1449 Road Widening including addresses in Great North Road to 1-3 West Coast Road in the south

8. The designation has a lapse date of 15 November 2021 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)(a), the Council officers have reviewed the proposal and formed a view that the designation has not been given effect to as the works provided for in the purpose of the designation are not in place.
12. 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.
13. 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:
- This project is part of the wider Connected Communities initiative, one of the major Auckland Transport programmes in the next 10 years which upgrades arterial routes to improve transport options including walking, cycling and public transport. The business case for this part of the road widening is underway, followed by consultation and then design and implementation
 - Two properties within the designation have been acquired by Auckland Council and Auckland Transport.
 - Funding for this corridor is in the approved Regional Land Transport Plan 2021-2031.
14. 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 15 November 2026.

Conclusion

15. 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 land acquisition and physical works provided for in the designation. Therefore, the proposed extension to the lapse period for Designation 1449 Road Widening - Great North Road, by five years to 15 November 2026 is appropriate.

Decision

That pursuant to Section 184 of the Resource Management Act 1991 that the extension to the lapse date of Designation 1449 Road Widening - Great North Road to 15 November 2026 is **approved**.

Approved

Janine A. Bell
Independent Hearing Commissioner

Signature :

A handwritten signature in blue ink that reads "J. Bell". The signature is written in a cursive style with a large loop for the letter 'J' and a horizontal line underlining the name.

Date : 21 March 2022

Attachment C

Updated designation text

1449 Road Widening - Great North Road

1449 Road Widening - Great North Road

Designation Number	1449
Requiring Authority	Auckland Transport
Location	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
Rollover Designation	Yes
Legacy Reference	Designation WCCRW4, Auckland Council District Plan (Waitakere Section) 2003
Lapse Date	Five years from being operative in the Unitary Plan <u>15 November 2026</u> unless given effect to prior

Purpose

Road widening purposes.

Conditions

1. In accordance with section 184(2)(b) 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~~ 15 November 2026 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.