

## UNITARY PLAN UPDATE REQUEST MEMORANDUM

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

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



**DATE** 13 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

<b>Reason for update – Extension of lapse dates in accordance with S184 to Designation 6772 Road Widening – State Highway 16 Whenuapai to Taupaki</b>	
<b>Chapter</b>	Chapter K Designations
<b>Section</b>	New Zealand Transport Agency
<b>Designation only</b>	
<b>Designation #6772</b>	<b>Road Widening - State Highway 16 Whenuapai to Taupaki</b>
<b>Locations:</b>	State Highway 16 from Brighams Creek Road, Whenuapai to Taupaki Road, Taupaki
<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 unless given effect to prior</del> <u>10 March 2027 unless given effect to prior</u>
<b>Changes to diagrams</b>	N/A
<b>Changes to spatial data</b>	N/A
<b>Attachments</b>	Attachment A: New Zealand Transport Agency s184 Application Attachment B: Commissioner's Decision Attachment C: Updated Text shown in strikethrough and underscore

<b>Prepared by:</b> Vanessa Leddra Policy Planner	<b>Text Entered by:</b> Bronnie Styles Planning Technician
<b>Signature:</b> 	<b>Signature:</b> 

<b>Maps prepared by:</b> Geospatial Specialist	<b>Reviewed by:</b> Craig Cairncross Team Leader
<b>Signature:</b>  n/a	<b>Signature:</b> 
<b>Signed off by:</b> Celia Davison Manager Planning – Central/South	
<b>Signature:</b> 	

**Attachment A**

**New Zealand Transport Agency s184 Application**

# **Extension of lapse period for designation 6772 in the Auckland Unitary Plan Operative in Part**

Waka Kotahi NZ Transport Agency

Designation 6772

Purpose: Road Widening

Location: State Highway 16 from eastern side of Lot 10 DP 65765 to Taupaki Road

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# APPLICATION FOR EXTENSION OF LAPSE PERIOD UNDER SECTION 184 OF THE RESOURCE MANAGEMENT ACT 1991

To: Auckland Council  
 North, West and Islands Planning: Plans and Places  
 Private Bag 92300  
 Auckland, 1142

From: Waka Kotahi NZ Transport Agency  
 Level 5, AMP Tower  
 Customs Street West  
 Private Bag 106602  
 Auckland 1143

Pursuant to Section 184 of the Resource Management Act 1991 (RMA) Waka Kotahi NZ Transport Agency (Waka Kotahi) applies for an extension of the lapse period for an existing designation. The application is being made within three months before the expiry of the current lapse date in accordance with the requirements of Section 184 RMA.

## Existing designation:

The existing designation, the existing lapse date and the proposed new lapse date are:

Designation Reference	Purpose	Date included in the Auckland Unitary Plan Operative in Part	Lapse Date	New Lapse Date
6772	Road Widening	29 September 2016	29 September 2021	29 September 2026

A copy of conditions of the existing designation is included in **Attachment A** of this Notice. The relevant planning map on which the designation is shown is included in **Attachment B** of this Notice.

## Ongoing need for the existing designation:

The SH16 Brigham Creek to Waimauku Project corridor is one of the sections of rural state highway identified for the Safe Roads and Roadsides Programme. This section of the SH16 corridor needs to be retrofitted with safety mechanisms specifically designed to reduce the incidents of deaths and serious injuries on this stretch of rural state highway. There is also limited provision of walking and cycling facilities on the existing state highway. This presents an intimidating route for users due to the high-speed environment and varying road shoulder widths.

As recommended by the SH16 Brigham Creek to Waimauku - Single Stage Business Case (Safe Roads Alliance, November 2017) and SH16 Brigham Creek to Waimauku - Cycling and Walking Addendum (Safe Roads Alliance, October 2018) this section of State Highway 16 is proposed to include:

- Shoulder and central median barriers
- Shared use path for pedestrians and cyclists
- Additional vehicle lanes

Designation 6772 is required in order to undertake these physical works. At this stage, construction is due to commence in 2023. As the designation currently lapses in September 2021 there is a need to extend the lapse date for designation 6772 for an additional period of 5 years.

**Substantial progress or effort towards giving effect to the designation:**

Since the designation was included in the Auckland Unitary Plan Operative in Part, substantial progress has been made by Waka Kotahi towards giving effect to designation 6772 and is continuing to be made including:

- SH16 Brigham Creek to Waimauku - Single Stage Business Case (completed November 2017)
- SH16 Brigham Creek to Waimauku - Cycling and Walking Addendum (completed October 2018)
- Preliminary design for this section of corridor is nearing completion (due 2<sup>nd</sup> Quarter 2021)

Signed by:



Belinda Petersen  
Principal Planner, Environmental Planning  
Transport Services

Pursuant to authority delegated by Waka Kotahi NZ Transport Agency

2 March 2021

Address for Service:

Waka Kotahi NZ Transport Agency  
Level 5, AMP Tower  
Customs Street West  
Private Bag 106602  
Auckland 1143

Attention: Ian Blundell  
Ph: (021) 246 9011  
E-mail: [ian.blundell@nzta.govt.nz](mailto:ian.blundell@nzta.govt.nz)

**Attachment A** – Designation 6772 Conditions

**Attachment B** – Planning Map of Designation 6772

## Attachment A Designation 6772 Conditions (source Auckland Unitary Plan Operative in Part)

### 6772 Road Widening - State Highway 16 Whenuapai to Taupaki

Designation Number	6772
Requiring Authority	New Zealand Transport Agency
Location	State Highway 16 from Brighams Creek Road, Whenuapai to Taupaki Road, Taupaki
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. State Highway 16 from eastern side of Lot 10 DP 65765 to Taupaki Road:
  - a. 15m from the centre line (south side only); and
  - b. 4.88m from the existing road boundary (south 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.



**Attachment B**  
**Planning Map showing Designation 6772**



**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 6772 Road Widening - State Highway 16 Whenuapai to Taupaki in the Auckland Unitary Plan (Operative in Part).

The proposed extension to the lapse period of Designation 6772 Road Widening - State Highway 16 Whenuapai to Taupaki 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 Waka Kotahi NZ Transport Agency (“**Waka Kotahi**”) under section 184 of the RMA, dated 10 January 2022, to extend the lapse period of Designation 6772 Road Widening - State Highway 16 Whenuapai to Taupaki by 5 years to 10 March 2027.

### References

<b>Designation number</b>	6772
<b>Purpose</b>	Road widening purposes
<b>Location</b>	State Highway 16 from Brighams Creek Road, Whenuapai to Taupaki Road, Taupaki
<b>Date of request to extend lapse date:</b>	10 January 2022
<b>Requiring authority:</b>	New Zealand Transport Agency

3. The purpose of Designation 6772 Road Widening - State Highway 16 Whenuapai to Taupaki provides for the widening of State Highway 16 from eastern side of Lot 10 DP 65765 to Taupaki Road:
  - (i) 15m from the centre line (south side only); and
  - (ii) 4.88m from the existing road boundary (south side only).
4. Waka Kotahi’s application outlines that this road widening designation is part of the State Highway 16 Brigham Creek to Waimauku Project Corridor which is identified for the Safe Roads and Roadsides Programme. This section of the corridor will

need to be retrofitted with safety mechanisms specifically designed to reduce the incidents of deaths and serious injuries including:

- Shoulder and central median barriers
- A shared use path for pedestrians and cyclists
- Additional vehicle lanes.

5. Designation 6772 has a lapse date of 10 March 2022 in accordance with s184(1)(b) of the RMA.
6. The designation is currently shown in the AUP maps as follows:



Note that this application refers to Designation 6772 which is highlighted in red in the map above. The street address is known as 264 – 366 State Highway 16.

### Relevant Statutory Provisions

7. 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**

8. 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.
9. 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.
10. In terms of s184(2)(b) the application has been made by Waka Kotahi 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.
11. A detailed description of the progress that has been completed or partly completed is provided on page 3 of the application, dated 10 January 2022. In summary this includes:
- Completion of the State Highway 16 Brigham Creek to Waimauku – Single Stage Business Case in November 2017.
  - Completion of the State Highway 16 Brigham Creek to Waimauku – Cycling and Walking Addendum in October 2018.
  - Consultation with affected landowners has occurred from 2016 to 2021.
  - Completion of preliminary design for this section of corridor with detailed design expected to be completed in 2022.
12. 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

13. 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. The additional five years sought will enable the completion of the works provided for in the designation. Therefore, the proposed extension to the lapse period for Designation 6772 Road Widening - State Highway 16 Whenuapai to Taupaki, by five 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 1449 Road Widening - Great North Road to 10 March 2027 is **approved**.

**Approved**

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

**Signature :**



**Date : 21 March 2022**

## **Attachment C**

### **Updated designation text**

**6772 Road Widening - State Highway 16 Whenuapai to Taupaki**

## 6772 Road Widening - State Highway 16 Whenuapai to Taupaki

Designation Number	6772
Requiring Authority	New Zealand Transport Agency
Location	State Highway 16 from Brighams Creek Road, Whenuapai to Taupaki Road, Taupaki
Rollover Designation	Yes
Legacy Reference	Designation NZTARW2, Auckland Council District Plan (Waitakere Section) 2003
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## Attachments

No attachments.