

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Warren MacLennan, Manager, Plans and Places, Regional, North, West and Islands

FROM Alison Pye, Senior Planner, Plans and Places, Regional, North, West and Islands


DATE 15 July 2022

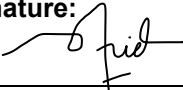

SUBJECT Partial uplift of Designation in accordance with s182 of the Resource Management Act of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016)



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

Reason for update – designation alteration	
Chapter	Chapter K - Designations
Section	Watercare Services Ltd
Designation only	
Designation # 9373	Old North Road, Huapai (Riverhead Reservoir)
Locations:	403 Old North Road, Huapai
Lapse Date	10 years from when the circumstances in section 175(1) of the Resource Management Act 1991 apply
Purpose	Water Supply Purposes
Changes to text (shown in underline and strikethrough)	N/A
Changes to diagrams	N/A
Changes to spatial data	Refer to s182 report (Attachment A to this memo). Amend Designation Overlay in GIS viewer to remove Designation 9373 notation from the locations listed below and in accordance with revised designation boundaries shapefiles provided by WaterCare Ltd: - LOT 2 DP 559143 (409 Old North Road)
Attachments	Attachment A: Section 182 Report Attachment B: Updated GIS Viewer

Prepared by: Alison Pye, Senior Policy Planner, Plans and Places, Regional, North, West and Islands	Text Entered by: Planning Technician
Signature: 	Signature: N/A
Maps prepared by: Natalia Liana	Reviewed by:

Geospatial Specialist	Peter Vari, Team Leader, Plans and Places, Regional, North, West and Islands
Signature: 	Signature: P Vari
Signed off by: Warren MacLennan Manager Plans and Places, Regional, North, West and Islands	
Signature: 	

Attachment A: Section 182 Report

Partial removal of a designation under section 182 of the Resource Management Act 1991



To: Peter Vari, Team Leader, Plans and Places, Regional, North, West and Islands

From: Alison Pye, Senior Policy Planner, Plans and Places, Regional, North, West and Islands

Date: 14 July 2022

Subject: Partial removal of Designation 9373 – Old North Road, Huapai (Riverhead Reservoir) in the Auckland Unitary Plan.

Summary

Auckland Council has received a request from Watercare Services Ltd under section 182 of the Resource Management Act 1991 (RMA), dated 8 July 2022, to remove in part Designation 9373 – Old North Road, Huapai (Riverhead Reservoir).

A section 182(1) request is required to uplift the existing designation in part from land which has been deemed surplus by Watercare Services Ltd.

Auckland Council, as the territorial authority, is required to amend its district plan, without using the process in Schedule 1, as soon as reasonably practicable after receiving a Section 182 request unless it considers that the effect of the removal of part of the designation on the remaining designation is more than minor.

It is recommended that the partial removal be accepted.

Recommendation

1. That the section 182 request from Watercare Services Ltd for the partial removal of Designation 9373 – Old North Road, Huapai (Riverhead Reservoir) in the Auckland Unitary Plan be **accepted** for the following reasons:

Watercare Services Ltd has advised that the land is surplus to operational requirements.

2. That as soon as reasonably practicable, Designation 9373 – Old North Road, Huapai (Riverhead Reservoir) in the Designation overlay of the Auckland Unitary Plan be partially up-lifted, to the extent that the designation notation currently shown on LOT 2 DP 559143 (409 Old North Road) is removed.

1. Description

1.1. References

Designation number:	Designation 9373 – Old North Road, Huapai (Riverhead Reservoir)
Lodgement date:	8 July 2022
Requiring authority:	Watercare Services Ltd
Reporting officer:	Alison Pye, Senior Policy Planner, Plans and Places, Regional, North, West, and Islands
Site address:	403 Old North Road, Huapai
UP Zoning:	Rural – Countryside Living zone

2.0 Background

2.1 Details of designation

Designation 9373 is identified in the AUP in Chapter K Designations, Designation Schedule for Watercare Services Ltd:

Designation Schedule - Watercare Services Ltd (1/3)

North and West

9373	Water supply purposes	403 Old North Road, Huapai
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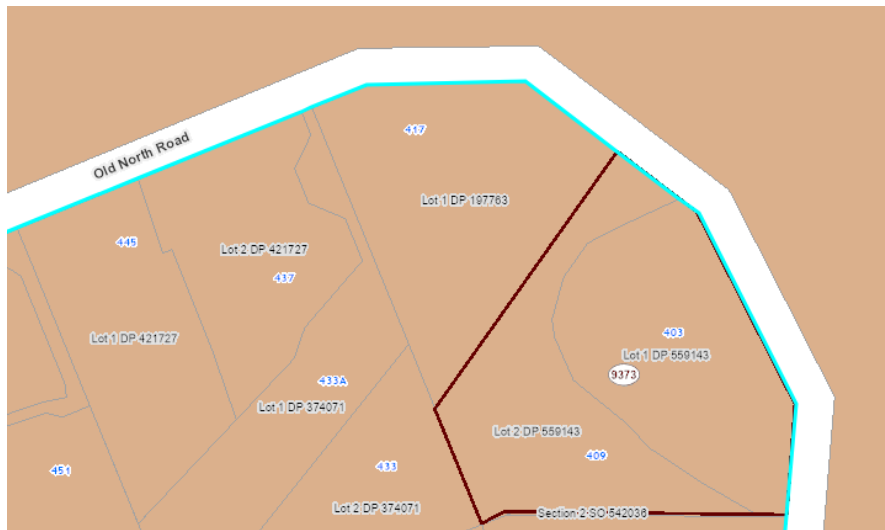
9373 Old North Road Huapai (Riverhead Reservoir)

Designation Number	9373
Requiring Authority	Watercare Services Limited
Location	403 Old North Road, Huapai
Rollover Designation	Yes
Legacy Reference	Designation 956, Auckland Council District Plan (Rodney Section) 2011
Lapse Date	10 years from when the circumstances in section 175(1) of the Resource Management Act 1991 apply

Purpose

Water Supply Purposes

Designation 9373 is currently shown in the AUP GIS maps as follows:



1.2 Land affected by removal

Watercare Services Ltd has provided legal descriptions outlining the part of the designation which is to be partially removed.

The legal description of the property from which the designation is to be removed is:
LOT 2 DP 559143 (409 Old North Road);

The legal description of the property on which the designation is to remain is:
LOT 1 DP 559143 (403 Old North Road).

1.3 Delegated authority to consider alterations to designations

The Team Leader – Planning, Regional, North, West, and Islands (Plans and Places Tier 5) has delegated authority, in accordance with Schedule 2A of the Auckland Council Delegations: Chief Executive Officer (updated May 2022), to exercise the Council's functions, powers, duties and discretions under the Resource Management Act 1991 in relation to Section 182 to approve a removal of a designation.

The section 182 request to remove the designation can therefore be considered by the Team Leader – Mr Peter Vari, (Plans and Places Tier 5) and accepted or declined.

1.4 Relevant Statutory Provisions

Section 182 of the RMA allows a requiring authority to remove a designation or part of a designation if it no longer wants it. This section also applies to a notice by a territorial authority, to withdraw its own designation or part of a designation within its own district.

Section 182(2) states that as soon as reasonably practicable the territorial authority shall, without using the process in Schedule 1, amend its district plan accordingly. If the territorial authority considers that the effect of the removal of part of a designation on the remaining designation is more than minor, it may, within 20 working days of receipt of a section 182 notice, decline to remove that part of the designation.

It is considered that Watercare Services Ltd has provided sufficient justification for the partial removal of Designation 9373 – Old North Road, Huapai (Riverhead Reservoir) for the following reasons:

- Watercare Services Limited has subdivided the land underlying the designation into two new sites, being LOT 1 DP 559143 (403 Old North Road, still under Watercare ownership) and LOT 2 DP 559143 (409 Old North Road, under new ownership).
- Water supply infrastructure has been built on the land still under Watercare Services Limited ownership LOT 1 DP 559143 (403 Old North Road), thereby giving effect to Designation 9373 which will remain in place over 403 Old North Road.
- LOT 2 DP 559143 (409 Old North Road, under new ownership) is now deemed surplus to operational requirements. The removal of Designation 9373 from LOT 2 DP 559143 will have no impact on the operation of the remainder of the designation.

2.0 Recommendation

That pursuant to Section 182 of the Resource Management Act 1991 the partial removal of Designation 9373 – Old North Road, Huapai (Riverhead Reservoir) be **accepted**, and the Auckland Unitary Plan (Operative in part) designation overlay be amended accordingly.

Prepared by: Alison Pye,
Senior Policy Planner, Plans and Places, Regional, North, West, and Islands

Accepted by: Peter Vari,
Team Leader
Plans and Places, Regional, North, West, and Islands

Signature : 

Signature : 

Date : 13/07/2022

14/7/2022

SCHEDULE OF ATTACHMENTS:

Attachment A: Watercare Services Ltd s182 Notice of Removal of part of Designation; Form 23 Notice of Removal of part of Designation; Record of Title Lot 2 DP559143; WSL GIS Ownership 403 and new ownership 409 Old North Rd; AUP GIS Current Watercare Designation 9373.

ATTACHMENT A

08 July 2022

Auckland Council
Private Bag 92300
Auckland 1143
[By Email]

Attention: Warren Maclennan
Manager – Planning North-West

Re: Removal of part of Watercare Designation 9373 (legacy reference Designation 956, Auckland Council District Plan Rodney Section 2011) at 403 and 409 Old North Road, Huapai.

We write pursuant to Section 182(1) of the Resource Management Act to undertake the following:

Reduce the area of Designation 9373 purpose “water supply purposes” under the Auckland Unitary Plan Operative in Part.

The legal description of the property from which the designation is to be removed is:

- LOT 2 DP 559143 (409 Old North Road)

The legal description of the property on which the designation is to remain is:

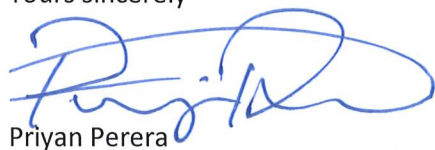
- LOT 1 DP 559143 (403 Old North Road)

Please find attached:

- Section 182 letter - Notice of Part Removal of Watercare Services Limited Designation 9373
- Form 23 – Notice of Removal/Removal of Part of Designation
- Record of Title - Lot 2 Deposited Plan 559143
- AUP GIS Map – Current designation 9373 over 403 and 409 Old North Road, Huapai
- WSL GIS Map – Showing ownership of 403 Old North Road and 409 Old North Road
- Shape files reflecting 409 Old North Road, area from which Designation 9373 is to be removed

Watercare requests the Auckland Council amend the AUP Operative in Part accordingly as required by Section 182 of the Resource Management Act 1991.

Yours sincerely



Priyan Perera
Head of Strategy and Planning
Watercare Services Limited

Form 23

Notice of removal of designation or heritage order or part of designation or heritage order

Section 182 Resource Management Act 1991

To Auckland Council

Watercare Services Limited gives notice under Section 182 (1) to Auckland Council that it no longer requires part of the following designation:

- Designation 9373 purpose "water supply purposes" under the Auckland Council Unitary Plan Operative in Part (legacy reference Designation 956, Auckland Council District Plan Rodney Section 2011) at 403 Old North Road, Huapai.
- Watercare Services Limited opted to subdivide the above property and sell off a portion of the land which was deemed superfluous to operational requirements. Legal descriptions for the subdivided property are now LOT 1 DP 559143 (403 Old North Road, still under Watercare ownership) and LOT 2 DP 559143 (409 Old North Road, under new ownership).

The owners of property address 409 Old North Road have asked that the designation be uplifted from their land to facilitate consenting of construction. Water supply infrastructure has been built on the land still under Watercare Services Limited ownership, thereby giving effect to Designation 9373 which will remain in place over 403 Old North Road.

Watercare Services Limited requests that Auckland Council amend the AUP accordingly as required by Section 182 of the Resource Management Act 1991.



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Signature on behalf of requiring authority
Priyan Perera
Head of Strategy & Planning
Watercare Services Limited

.....
8/7/2022
Date

Address for service of requiring authority:

Watercare Services Limited
Private Bag 92521
Wellesley Street
Auckland 1141
022 6579509
Rod.Finlayson@water.co.nz
Rod Finlayson

Telephone:

Email:

Contact person:



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier **995958**
Land Registration District **North Auckland**
Date Issued 12 May 2021

Prior References

919128

Estate Fee Simple
Area 1.1522 hectares more or less
Legal Description Lot 2 Deposited Plan 559143

Registered Owners

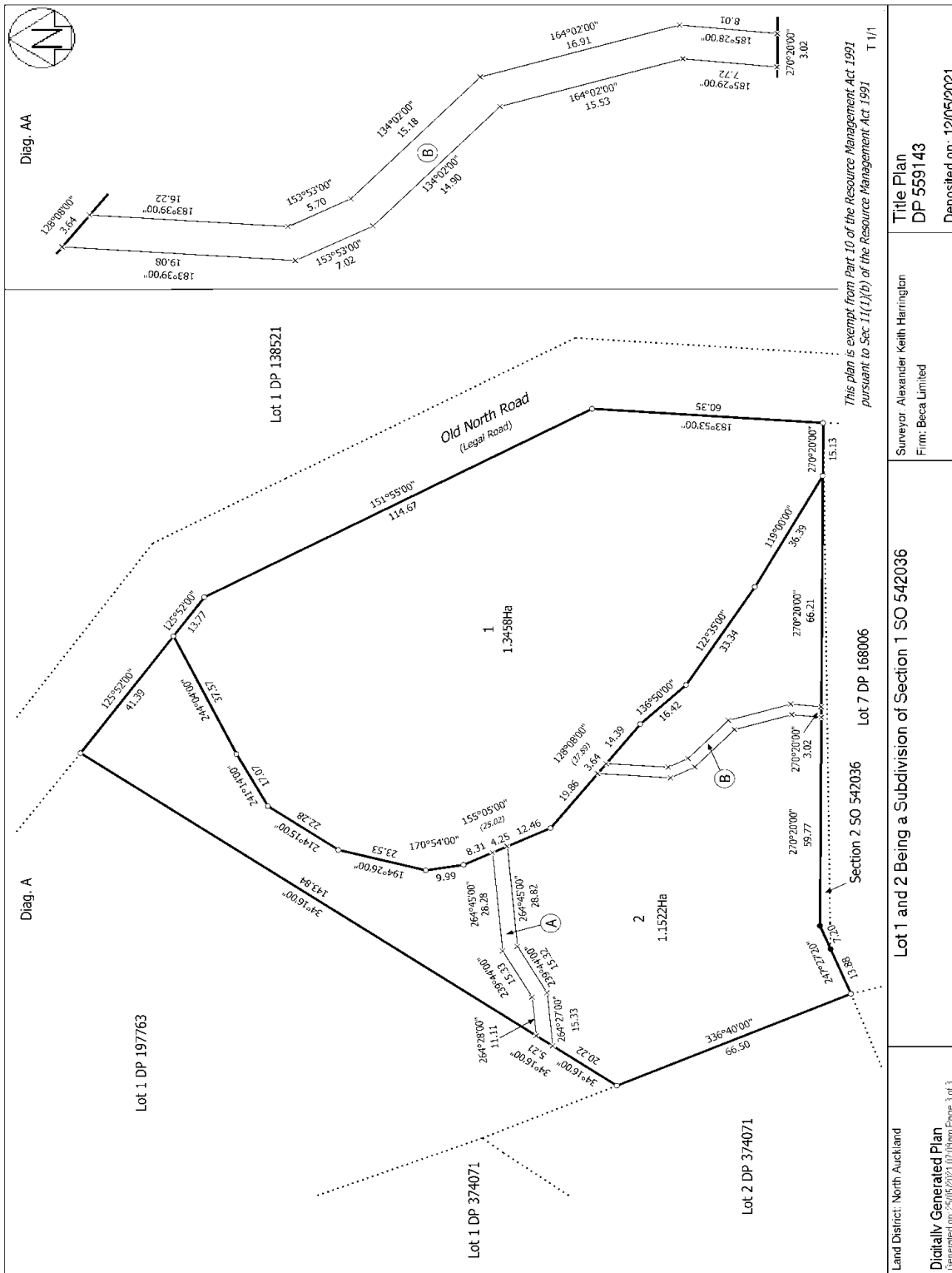
Ian Bruce Wards

Interests

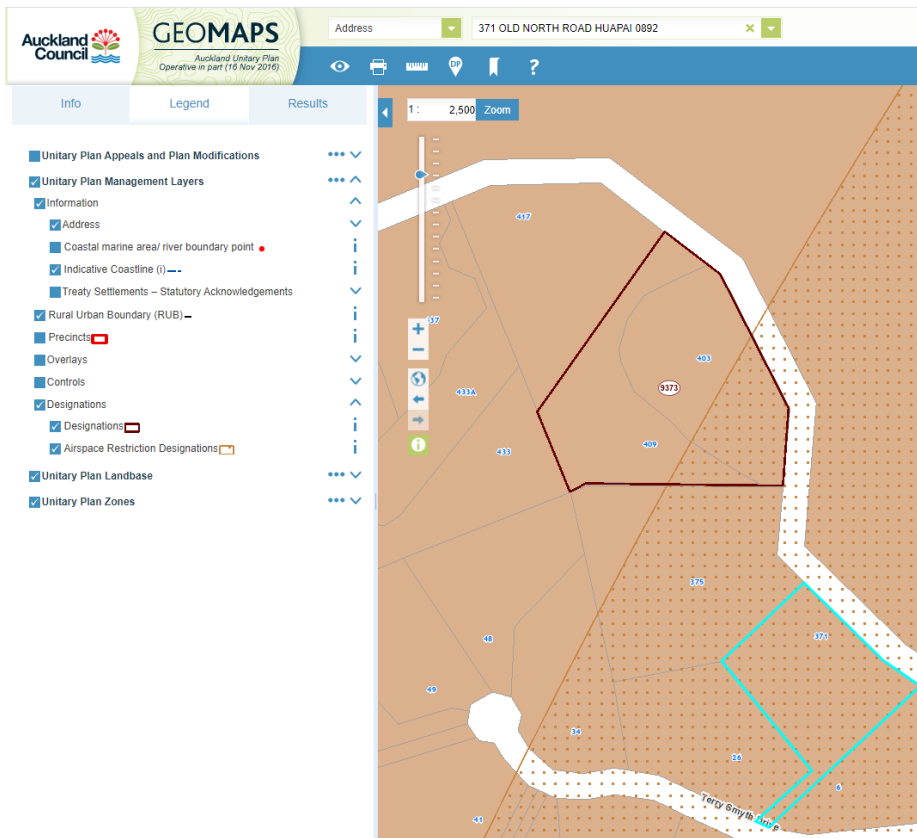
Subject to Section 206 Land Act 1924

Fencing Covenant in Transfer 12103097.1 - 12.5.2021 at 1:15 pm

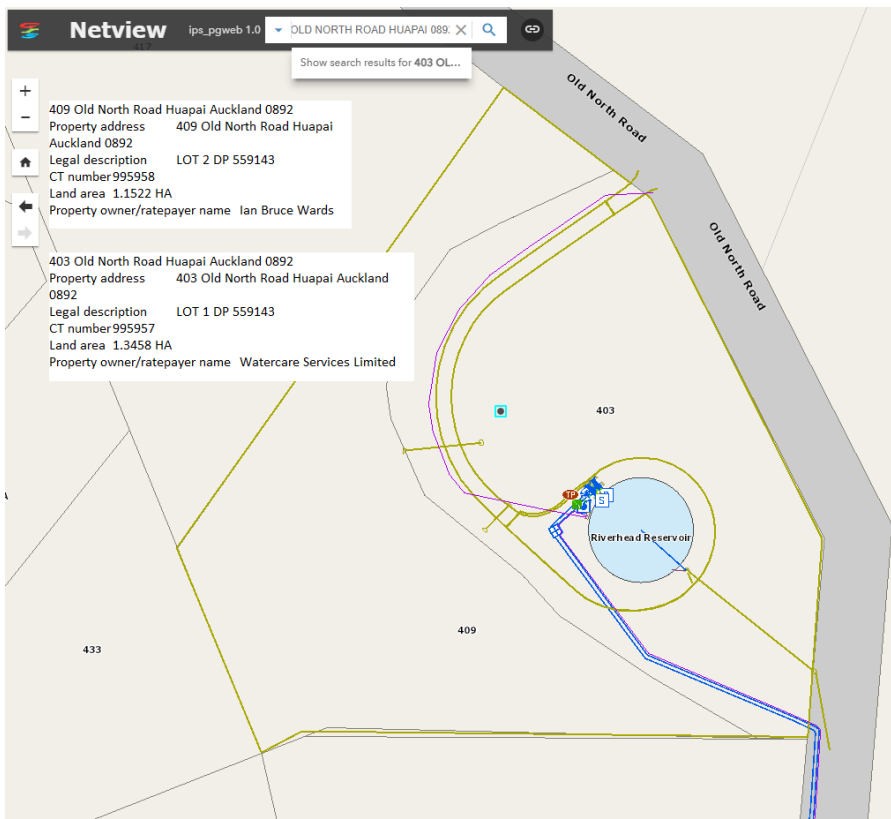
Subject to a right to drain water over part marked A and B on DP 559143 created by Easement Instrument 12103097.3 - 12.5.2021 at 1:15 pm



AUP GIS_Current Watercare Designation 9373



WSL GIS_Ownership 403 and new ownership 409 Old North Rd



Attachment B: Updated GIS Viewer

BEFORE



Old North Road

9373

- Parcel boundary
- Designations

AFTER

Old North Road

9373

- Parcel boundary
- Designations

0 15 30 60 Metres

Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Date: 26/07/2022

Designation Number 9373 Old North Road Huapai (Riverhead Reservoir)



Plans and Places