

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Marc Dendale, Team Leader, Planning – Central/South

FROM David Wong, Senior Policy Planner, Planning – Central /South

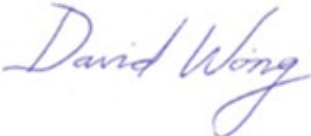
DATE 11 September 2023

SUBJECT **Partial removal of Designation 6304 in the Auckland Unitary Plan (Operative in part) in accordance with Section 182 of the Resource Management Act 1991**



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

Reason for update – Partial removal of Designation 6304 in the Auckland Unitary Plan (Operative in Part)	
Chapter	AUP GIS Viewer Chapter K Designations – KiwiRail Holdings Limited
Section	N/A
Designation only	
Designation #	Designation 6304: Onehunga Branch Railway Line
Locations:	2-8 Maurice Road, Penrose
Lapse Date	Given effect to
Purpose	The purpose of the designation is to develop, operate and maintain railways, railway lines, railway infrastructure, and railway premises as defined in the Railways Act 2005.
Changes to text (shown in underline and strikethrough)	N/A
Changes to diagrams	N/A
Changes to spatial data	Remove Designation 6304 from Section 1 Survey Office Plan 461472 – refer to shape files
Attachments	Attachment A: Section 182 Report Attachment B: Requirement Plan 2-8 Maurice Road Penrose Attachment C: Notice of Part Removal of Designation 6304 Attachment D: Updated GIS viewer

Prepared by: David Wong Senior Policy Planner	Text Entered by: N/A
Signature: 	Signature:

Maps prepared by: Dean Thompson Geospatial Specialist	Reviewed and Signed off by: Marc Dendale Team Leader, Planning – Central/South
Signature: 	Signature: 
Signed off by: Craig Cairncross Team Leader – Central/South Acting Manager Planning - Central/South	
Signature: 	

Attachment A: Section 182 Report

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



To: Marc Dendale, Team Leader Planning – Central/South, Plans and Places,

From: David Wong, Senior Policy Planner, Planning - Central/South, Plans and Places

Date: 11 September 2023

Subject: Partial removal of Designation 6304: Onehunga Branch Railway Line in the Auckland Unitary Plan.

Summary

Auckland Council has received a request from KiwiRail Holdings Limited under section 182 of the Resource Management Act 1991 (RMA), dated 17 August 2023, to remove part of Designation 6304: Onehunga Branch Railway Line.

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

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 and Reasons

1. That the section 182 request from KiwiRail Holdings Limited for part of Designation 6304: Onehunga Branch Railway Line to be removed from land described as Section 1 Survey Office Plan 461472 in the Auckland Unitary Plan be **accepted** for the following reasons:
 - KiwiRail Holdings Limited has advised that this land is no longer required for railway purposes and is surplus to its requirements.
2. That as soon as reasonably practicable, Designation 6304: Onehunga Branch Railway Line in the Designation overlay of the Auckland Unitary Plan be partially up-lifted, to the extent that the designation notation currently shown on Section 1 Survey Office Plan 461472 (part of 2-8 Maurice Road) is removed.

1. Description

1.1. References

Designation number:	Designation 6304: Onehunga Branch Railway Line
Lodgement date:	17 August 2023
Requiring authority:	KiwiRail Holdings Limited
Reporting officer:	David Wong, Senior Policy Planner, Plans and Places, Planning – Central/South
Site address:	2-8 Maurice Road, Penrose, Auckland 1061
UP Zoning:	Business – Light Industry Zone

2.0 Background

2.1 Details of designation

Designation 6304: Onehunga Branch Railway Line is identified in the Auckland Unitary Plan (AUP) in Chapter K Designations, Designation Schedule for KiwiRail Holdings Limited:

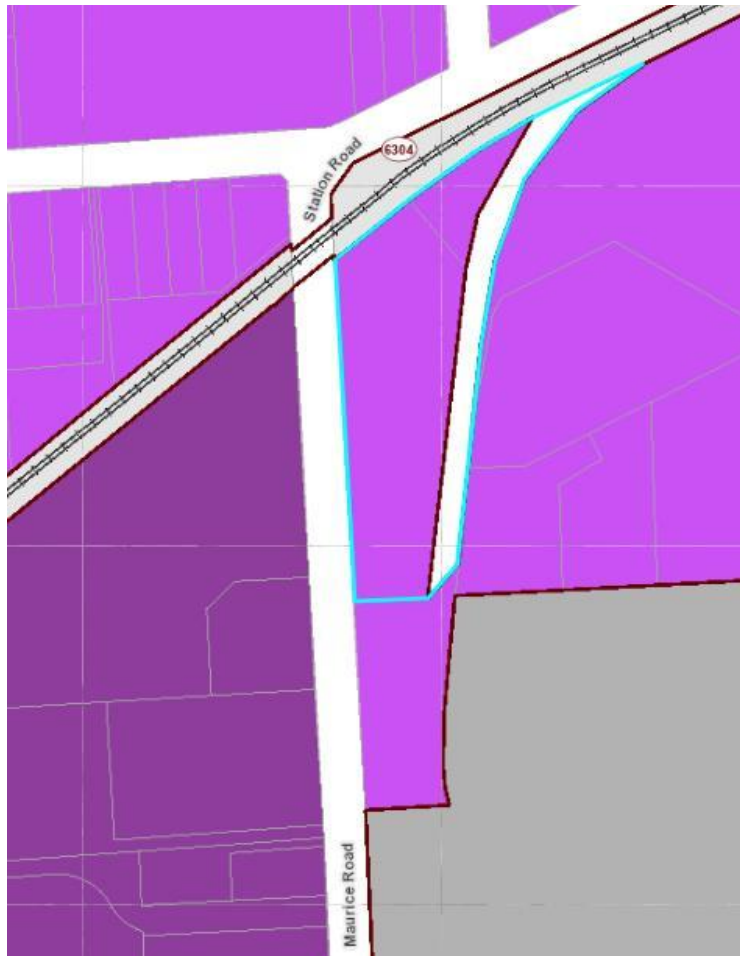
6304 Onehunga Branch Railway Line

Designation Number	6304
Requiring Authority	KiwiRail Holdings Ltd
Location	Onehunga Brach Railway Line from Onehunga Harbour Road, Onehunga to Station Road, Penrose and Neilson Street (Southdown Freight Terminal), Tepapa
Rollover Designation	Yes
Legacy Reference	Designation G12-07, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

The purpose of the designation is to develop, operate and maintain railways, railway lines, railway infrastructure, and railway premises as defined in the Railways Act 2005.

Designation 6304 is currently shown on part of 2-8 Maurice Road in the AUP GIS maps as follows:



1.2 Land affected by removal

KiwiRail Holdings Limited has provided a legal description 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:
Section 1 Survey Office Plan 461472, comprising 3,017m² of land at 2-8 Maurice Road.

1.3 Delegated authority to consider alterations to designations

The Team Leader, Planning – Central/South (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 (RMA) 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 Marc Dendale (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 KiwiRail Holdings Limited has provided sufficient justification for the partial removal of Designation 6304: Onehunga Branch Railway Line for the following reasons:

- Section 1 Survey Office Plan 461472 (the designated land) is owned by Maurice Holdings Limited and is now deemed surplus by KiwiRail for railway purposes.
- The removal of Designation 6304 from Section 1 Survey Office Plan 461472 will have no impact on the operation of the remainder of the designation.
- The removal of Designation 6304 from Section 1 Survey Office Plan 461472 solely affects Maurice Holdings Limited (the property owner), who supports and has requested the removal of the designation from 2-8 Maurice Road.

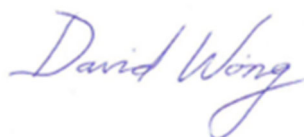
2.0 Recommendation

That pursuant to Section 182 of the Resource Management Act 1991 that the partial removal of Designation 6304: Onehunga Branch Railway Line from the land described as Section 1 Survey Office Plan 461472 be **accepted** and the Auckland Unitary Plan (Operative in part) designation overlay be amended accordingly.

Prepared by: David Wong,
Senior Policy Planner, Plans and Places, Planning - Central and South

Accepted by: Marc Dendale,
Team Leader, Plans and Places, Planning – Central and South

Signature:



Signature:



Date: 11/09/2023

SCHEDULE OF ATTACHMENTS

Attachment A:

- KiwiRail Holdings Limited's covering letter dated 17 August 2023;
- KiwiRail Holdings Limited, Section 182 Notice of Removal of part of Designation 6304 – Form 23;
- Record of Title - Section 1 Survey Office Plan 461472.

17 August, 2023

Auckland Council
Unitary Plan
Private Bag 92300
Auckland 1142
Attn: Plan Policy Team

By email to: unitaryplan@aucklandcouncil.govt.nz

Dear Sir/Madam

Notice of Part Removal of KiwiRail Designation from Auckland Unitary Plan, Operative in Part, to remove part Onehunga Branch Railway Line designation from land at 2-8 Maurice Road, Penrose, under s182 of the Resource Management Act 199.

KiwiRail Holdings Limited (KiwiRail) wishes to give notice that it requires part of designation: 6304 Onehunga Branch Railway Line for railway purposes to be removed from land at 2-8 Maurice Road, Penrose.

The part of the Designation affected by this Notice is shown on the accompanying Requirement Plan and a shapefile has also been provided. The attached Requirement Notice refers to part of the area of land which is described as:

- Section 1 Survey Office Plan 461472, comprising 3017m²

Removal of the designation is required as this land is no longer required in connection with a rail work.

Assessment under s185(5)

The designated site was purchased by Maurice Holdings Limited in July 2013 and has been in private ownership since that time. The land was then surplus to KiwiRail's requirements as there were no plans for developing it for railway activities. This remains the case.

The landowner has requested that the designation be uplifted.

In terms of s182(5) the effects of the removal on the rail work are less than minor, as the land is not required for a rail work. This action solely affects the landowner who supports and has requested the removal of the designation from the site. The owner intends to proceed on a redevelopment of the site.



If you have any queries, please don't hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Pam Butler', with a horizontal line underneath.

Pam Butler

Senior RMA Advisor

KiwiRail Holdings Limited

Pam.butler@kiwirail.co.nz

**Resource Management Regulations 2003
Schedule 1, Form 23**

**Notice of Part Removal of KiwiRail Designation 6304 (Onehunga Branch
Railway Line) from Auckland Unitary Plan, Operative in Part
Under
Section 182 of the Resource Management Act 1991**

To: Auckland City Council

And

To: Maurice Road Holdings Limited, PO Box 653, Shortland Street, Auckland 1140

KiwiRail Holdings Limited (KiwiRail) gives notice that it requires part of the following designation: 6304 Onehunga Branch Railway Line for railway purposes to be removed from approx. 3017m² of land at 2-8 Maurice Road, Penrose.

The part of the Designation affected by this Notice is shown on the enclosed Requirement Plan. This Notice refers to part of the area of land described as:

- Section 1 Survey Office Plan 461472

Removal of the designation is required as this land, sold in 2013, is not required in connection with a rail work.

Written notice has been given to the owners of the land from which the designation is to be removed.

KiwiRail requests Auckland City Council to amend the Designation 6304 Onehunga Branch Railway Line in part as required under Section 182 of the Resource Management Act 1991.

Signed by:



Anna Allan
Executive General Manager Property
On behalf of KiwiRail Holdings Limited

Dated: 16/08/2023

Address for service

Telephone: 0275 708571

email: Pam.butler@kiwirail.co.nz

Contact person: Pam Butler, Senior Resource Management Act Advisor

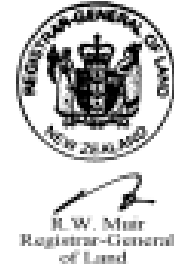
**Notice of Part Removal of KiwiRail Designation from Auckland Unitary Plan, Operative in Part
Designation 6304 for Onehunga Branch Line
under Section 182 of the Resource Management Act 1991
Requirement Plan**



Remove part Onehunga Branch Railway Line designation from highlighted area of land at 2-8 Maurice Road, Penrose. Site legally described as Section 1 Survey Office Plan 461472 comprising 3017m². Land no longer to be designated for 6304 Onehunga Branch Railway Line as shown highlighted (pink).



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



Identifier **610970**
Land Registration District **North Auckland**
Date Issued 05 July 2013

Prior References
NA105D/43 NA39D/660

Estate Fee Simple
Area 1.2953 hectares more or less
Legal Description Lot 1 Deposited Plan 19582 and Lot 1
Deposited Plan 83450 and Section 1
Survey Office Plan 461472

Registered Owners
Maurice Road Holdings Limited

Interests

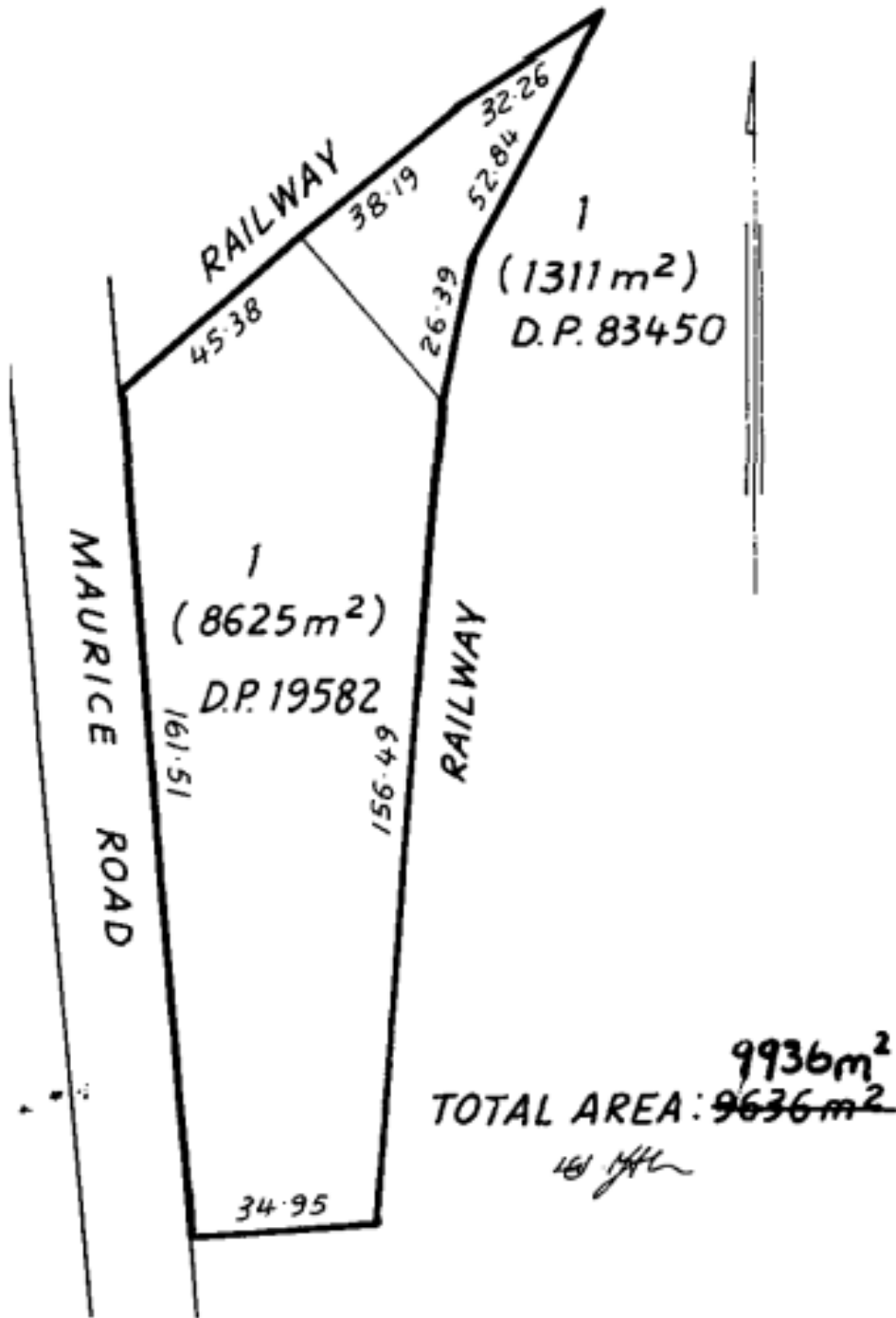
Subject to Part IV A Conservation Act 1987

Subject to Section 11 Crown Minerals Act 1991

Appurtenant to part Lot 1 DP 83450 and part Section 1 SO 461472 is a right of way specified in Easement Certificate 193162.1 - 10.10.1975 at 11:51 am

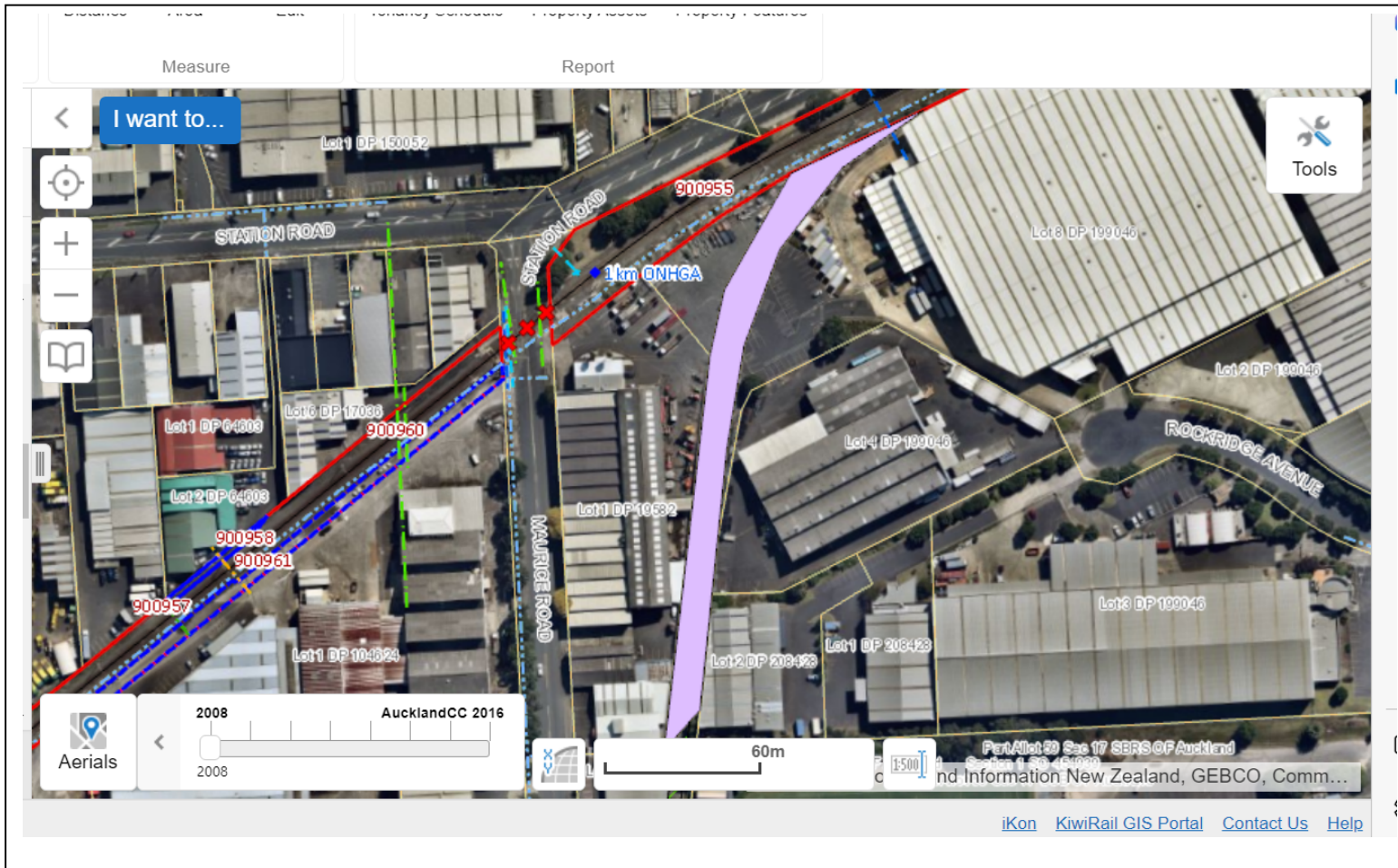
9716008.3 Lease Term Commencing 7 July 2013 and terminating 6 July 2033 CT 656719 issued - 9.5.2014 at 2:49 pm

12777421.1 Variation of Lease 9716008.3 - 12.7.2023 at 9:36 am

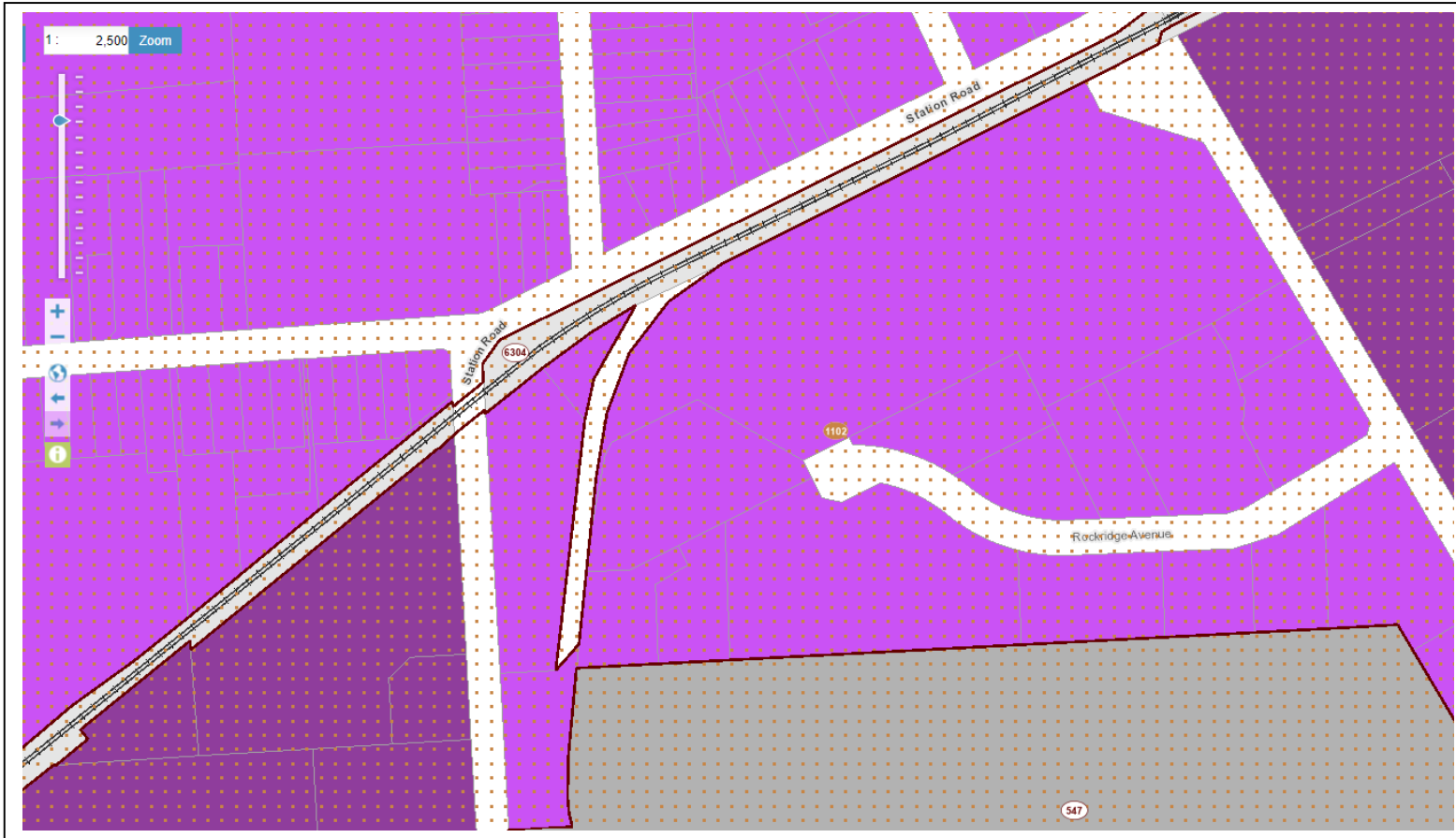


**Attachment B: Requirement Plan
2-8 Maurice Road Penrose**

Notice of Part Removal of KiwiRail Designation from Auckland Unitary Plan, Operative in Part Designation 6304 for Onehunga Branch Line under Section 182 of the Resource Management Act 1991 Requirement Plan



Remove part Onehunga Branch Railway Line designation from highlighted area of land at 2-8 Maurice Road, Penrose. Site legally described as Section 1 Survey Office Plan 461472 comprising 3017m². Land no longer to be designated for 6304 Onehunga Branch Railway Line as shown highlighted (pink).



Onehunga
Line Ref
6304

Extract from AUP OP where part 6304 Onehunga Line Designation is shown over land at 2-8 Maurice Road, Penrose and is sought to be removed.

Attachment C: Notice of Part Removal of Designation 6304

**Resource Management Regulations 2003
Schedule 1, Form 23**

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Railway Line) from Auckland Unitary Plan, Operative in Part
Under
Section 182 of the Resource Management Act 1991**

To: Auckland City Council

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Signed by:



Anna Allan
Executive General Manager Property
On behalf of KiwiRail Holdings Limited

Dated: 16/08/2023

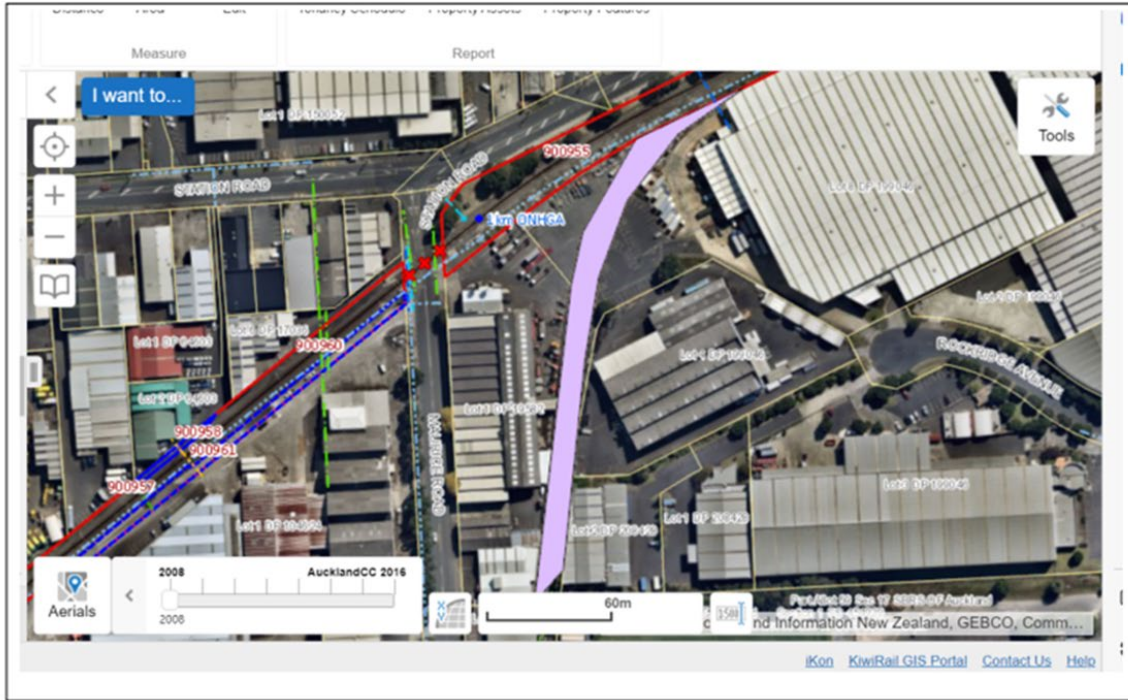
Address for service

Telephone: 0275 708571

email: Pam.butler@kiwirail.co.nz

Contact person: Pam Butler, Senior Resource Management Act Advisor

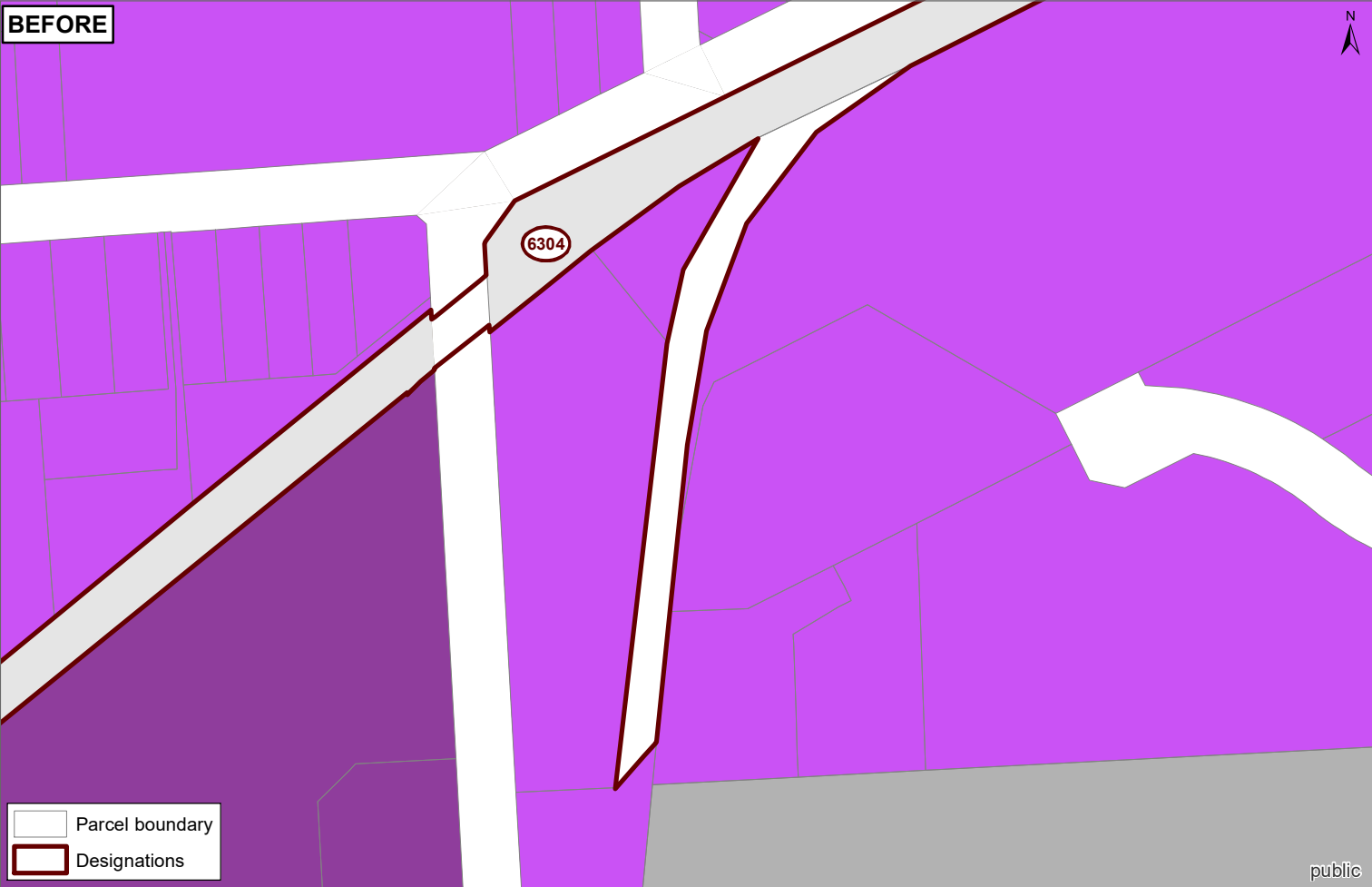
Notice of Part Removal of KiwiRail Designation from Auckland Unitary Plan, Operative in Part Designation 6304 for Onehunga Branch Line under Section 182 of the Resource Management Act 1991 Requirement Plan





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Attachment D: Updated GIS viewer

BEFORE



-  Parcel boundary
-  Designations

public

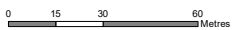
AFTER



- Legend**
-  Parcel boundary
 -  Designations

Major Recreation Facility

public



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: 6/10/2023

Partial Uplift to Designation 6304

Auckland Council
 Te Kaunihera o Tāmaki Makaurau



Plans and Places