

UNITARY PLAN UPDATE REQUEST MEMORANDUM

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

FROM Austin Fox, Senior Policy Planner, Regional, North, West, and Islands Planning, Plans and Places

DATE 05/03//2024

SUBJECT **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 – Partial removal of designation 1478 Matakana Link Road | |
|---|---|
| Chapter | Chapter K Designations AUP(OP) GIS viewer |
| Section | Schedules and Designations – Auckland Transport |
| Designation only | |
| Designation # | 1478 – Auckland Transport |
| Location: | State Highway 1 to Matakana Road, Warkworth |
| Lapse Date | Given effect to (no lapse date) |
| Purpose | Designate land to construct, operate and maintain a new 1.35km road between State Highway 1 and Matakana Road, Warkworth. |
| Changes to text | No changes to text |
| Changes to diagrams | No changes to diagrams |
| Changes to spatial data | Partially uplift designation 1478 - State Highway 1 to Matakana Link Road, Warkworth |
| Attachments | Attachment 1 - Section 182 Report & Notice of Removal Attachment 2 - Updated GIS viewer |

| | |
|--|---|
| Prepared by: Austin Fox Senior Planner | Text Entered by: N/A Planning Technician |
| Signature:  | Signature: |
| Maps prepared by: Dean Thompson Lead Geospatial Specialist | Reviewed by: Peter Vari Team Leader |
| Signature:  | Signature:  |
| Signed off by: Warren MacLennan Manager Regional, North, West, and Islands Planning, Plans and Places | |

Signature:

Wernat MacLennan.

Attachment 1:
Section 182 Report & Notice of Removal

NOTICE OF PARTIAL REMOVAL OF DESIGNATION UNDER SECTION 182 OF THE RESOURCE MANAGEMENT ACT 1991

To Auckland Council
Private Bag 92300
Auckland 1142
Attn: Warren Maclennan, Manager Planning – Regional, North, West and Island – Plans & Places

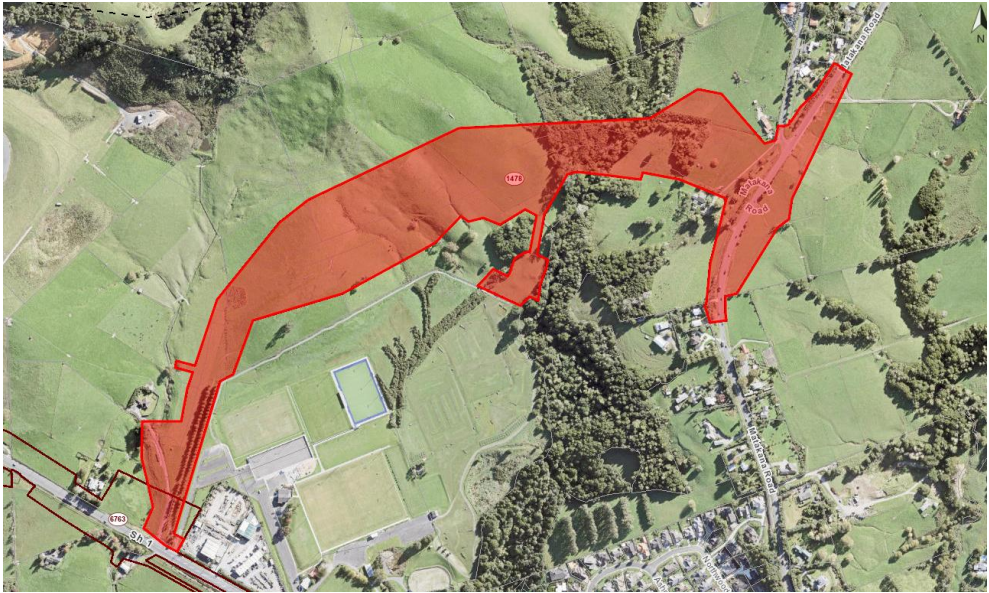
Via email: warren.maclennan@aucklandcouncil.govt.nz

And to

| Owner/Occupier | Postal Address | Property Address | Legal Description |
|-----------------------------------|--|--------------------------------|---|
| Templeton Warkworth Ridge Limited | 72 Access Road, Kumeu 0810 | 26 State Highway 1 | SECT 6 SO 588806, SECT 8 SO 588806, SECT 22 SO 588806, LOT 2 DP 531730, SECT 2 SO 548496, SECT 9 SO 588806, SECT 11 SO 588806 |
| AJ Membery & DA Steel | 245 Matakana Road, RD 5, Warkworth 0985 | 245 Matakana Road, Warkworth | SECT 13 SO 588806, SECT 16 SO 588806 |
| Clayden Investment Limited | PO Box 386, Warkworth 0941 | 2 Clayden Road, Warkworth | PT ALLT 175 PARO Mahurangi SECT 2 SO 532548 |
| Warkworth RV Limited | Floor 15, 29 Customs Street West, Auckland Central, Auckland, 1010 | Matakana Road, Warkworth | SECT 19 SO 588806, Lot 2 DP 375478, Lot 3 DP 76450, Lot 4 DP 76450 |
| Goatley Holdings Limited | 255 Baddeleys Beach Road, Rd 6, Warkworth, 0986 | State Highway 1, Warkworth | LOT 3 DP 61693, SECT 2 SO 528805, SECT 4 SO 588806, SECT 21 SO 588806 |
| | | 42A State Highway 1, Warkworth | SECT 1 SO 588806, SECT 20 SO 588806 |

Auckland Transport gives notice that it no longer requires the following part of a designation:

| | |
|----------------------------|--|
| Designation Number: | 1478 |
| District Plan | Auckland Unitary Plan (Operative in Part) 2016 |

| | |
|--------------------------------------|--|
| Requiring Authority: | Auckland Transport |
| Location: | State Highway 1 to Matakana Road, Warkworth |
| Existing Designation (red): |  |
| Purpose | Designate land to construct, operate and maintain a new 1.35km road between State Highway 1 and Matakana Road, Warkworth. |
| Designation part not required | Designation on private and public land adjoining Te Honohono ki Tai (Matakana Link Road) is no longer required. The designation will be retained over Te Honohono ki Tai (legal road) and two fee simple parcels owned by Auckland Transport / Auckland Council that contain stormwater wetlands (legally described as SECT 12 SO 588806 and SECT 14 SO 588806). Refer to Attachment A for the parts of the designation to be removed. |

Auckland Transport requests Auckland Council amend the Auckland Unitary Plan (Operative in Part) 2016 accordingly as required by Section 182 of the Resource Management Act 1991.

Yours faithfully,


Nesh Pillay

Acting Group Manager – Strategic Programmes and Property

Electronic address for service of requiring authority: kelly.durham@at.govt.nz

Telephone: 021 347 383

Postal address: 20 Viaduct Harbour Avenue, Auckland 1010

Contact person: Kelly Durham, Principal Planner

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



To: Peter Vari, Team Leader Planning – Regional North West and Islands Planning

From: Austin Fox, Senior Policy Planner – Regional, North, West, and Islands Planning

Date: 15/02/2024

Subject: Partial removal of Designation 1478 Matakana Link Road – State Highway 1 to Matakana Road, Warkworth – in the Auckland Unitary Plan (Operative in part).

Summary

Auckland Council has received a request from Auckland Transport under section 182 of the Resource Management Act 1991 (RMA) to remove in part Designation 1478 Matakana Link Road.

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

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 Auckland Transport for the partial removal of Designation 1478 Matakana Link Road in the Auckland Unitary Plan be **accepted** for the following reasons:
 - Auckland Transport has given notice that parts of the parcel of land designated as 1478 located between State Highway 1 and Matakana Road is no longer required for the designation purpose.
 - Auckland Transport has given notice that the remainder of the parcel of land designated as 1478 located at State Highway 1 to Matakana Road, Warkworth is still required for the designation purpose and should be retained.
2. That Designation 1478 Matakana Link Road be partially removed, as soon as reasonably practicable, in the Designation overlay in the Auckland Unitary Plan. No changes to the designation's text are required.

1. Description

1.1. References

| | |
|-----------------------------|---|
| Designation number: | 1478 Matakana Link Road |
| Lodgement date: | 06/10/23 |
| Requiring authority: | Auckland Transport |
| Reporting officer: | Austin Fox, Senior Policy Planner - Regional, North, West, and Islands Planning |
| Site address: | State Highway 1 to Matakana Road, Warkworth |
| UP Zoning: | Residential – Mixed Housing Urban Business – Light Industry Business – Neighbourhood Centre |

2.0 Background

2.1 Details of designation

The stated purpose of the designation is “Designate land to construct, operate and maintain a new 1.35km road between State Highway 1 and Matakana Road, Warkworth”.

2.2 Land affected by removal

Designation 1478 is currently shown in the AUP maps as follows:



Auckland Transport has provided seven site plans showing the extent of the designation which is to be partially removed (refer to **Attachment A** for details).

2.3 Delegated authority to consider alterations to designations

The Team Leader – Planning Regional, North, West, and Islands Planning (Plans and Places Tier 5) has delegated authority, in accordance with Schedule 2A of the Auckland Council Delegations: Chief Executive Officer (updated December 2023), 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 – Planning – Regional, North, West, and Islands Planning (Plans and Places Tier 5) and accepted or declined.

2.4 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 Auckland Transport has provided sufficient justification for the partial removal of Designation 1478 Matakana Link Road, that being:

- The designation on private and public land adjoining Matakana Link Road is no longer required, and
- The designation will be retained over the legal road that formed the purpose of the designation and two fee simple parcels owned by Auckland Transport / Auckland Council that contain stormwater wetlands (legally described as SECT 12 SO 588806 and SECT 14 SO 588806).

3.0 Recommendation

That pursuant to Section 182 of the Resource Management Act 1991 that the partial removal of Designation 1478 Matakana Link Road be **accepted** and the Auckland Unitary Plan Operative in part designation overlay be amended accordingly.

Prepared by: Austin Fox
Senior Policy Planner
Regional, North, West,
and Islands Planning

Signature:



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

Signature:






Date: 15/02/2024

SCHEDULE OF ATTACHMENTS:


Attachment A: Parts of designation to be removed

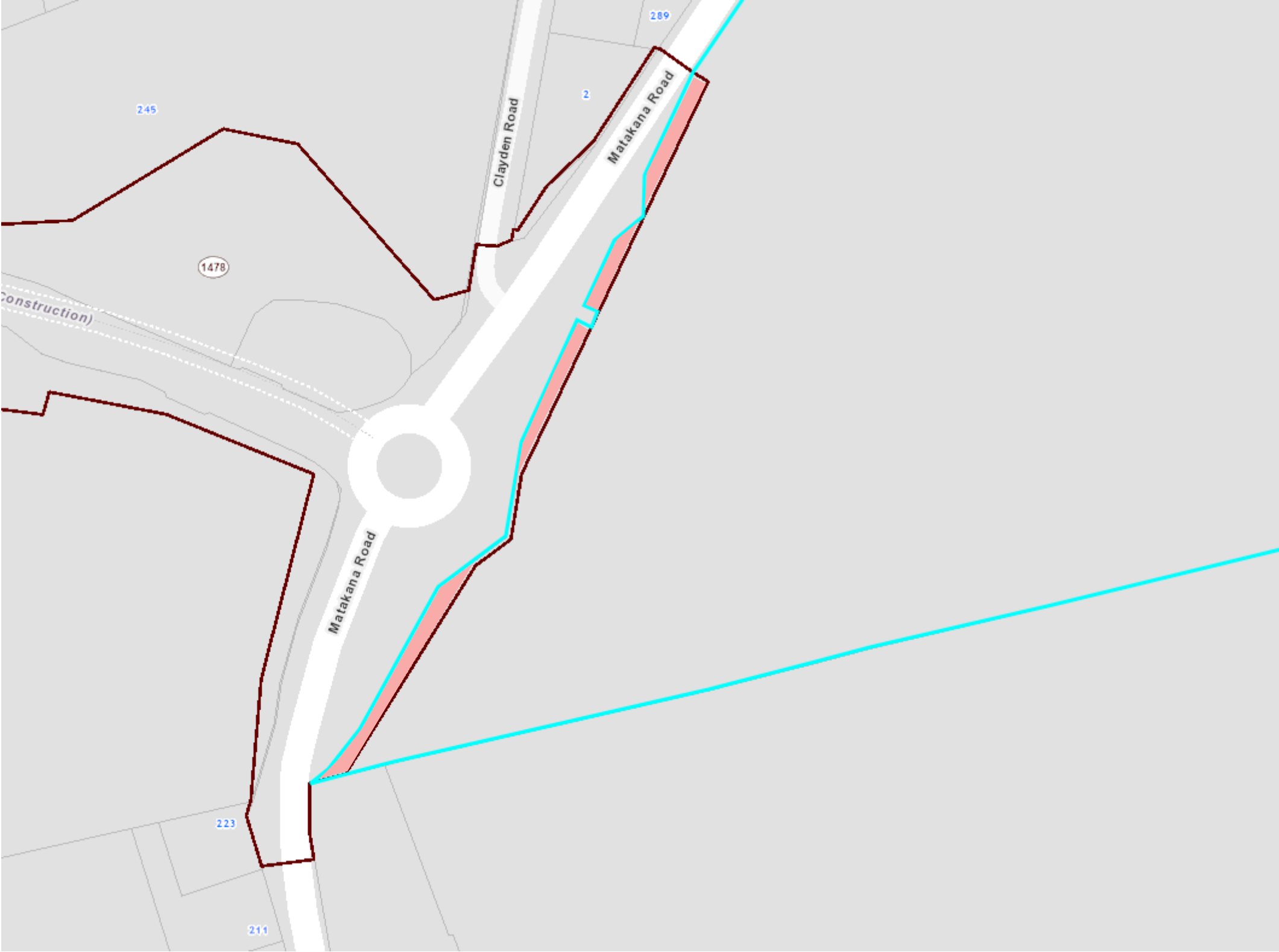
Attachment A – Parts of designation to be removed

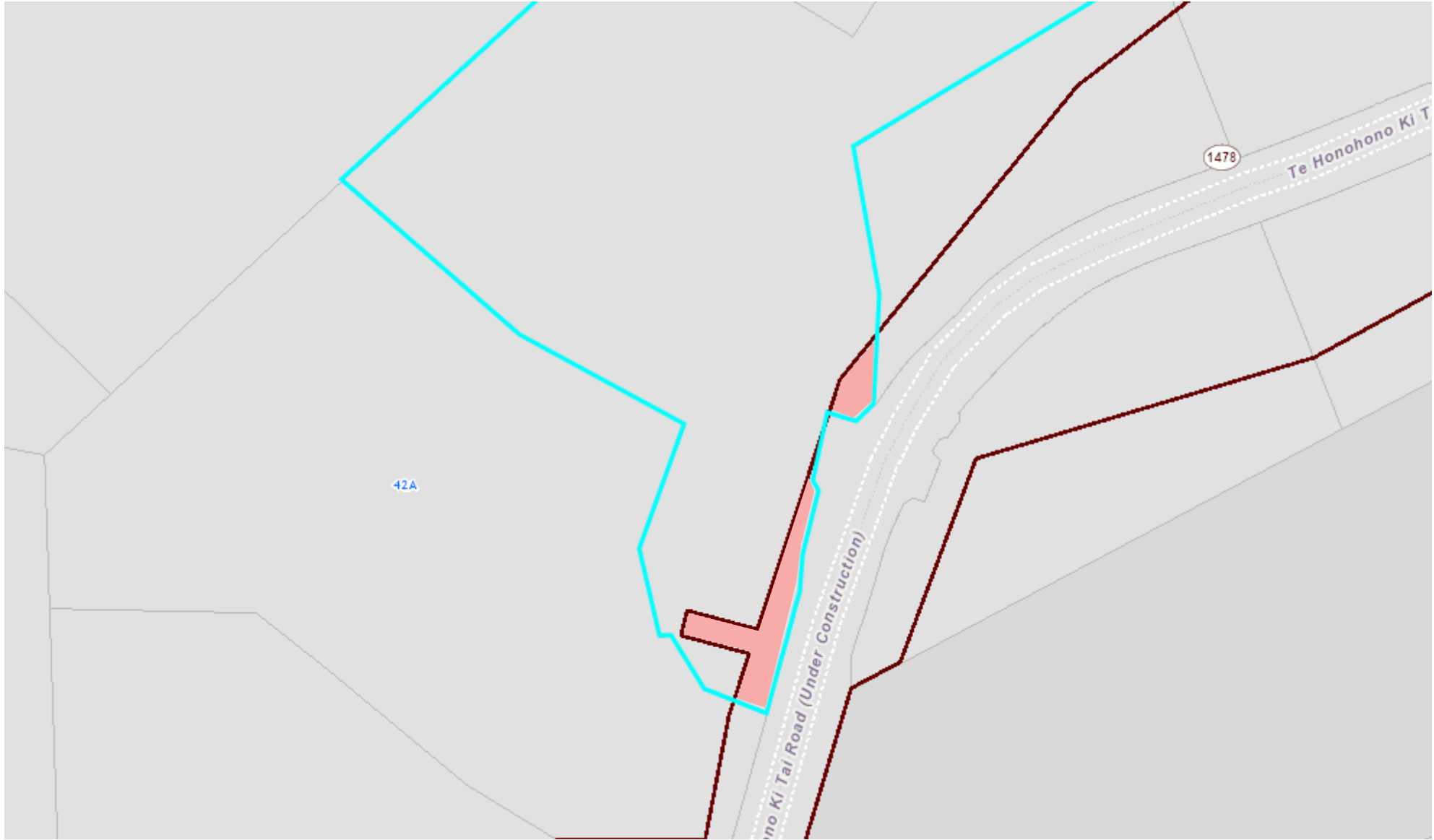
| Legend | |
|---|-------------------------------|
|  | Property Boundary |
|  | Existing Designation Boundary |
|  | Designation to be removed |

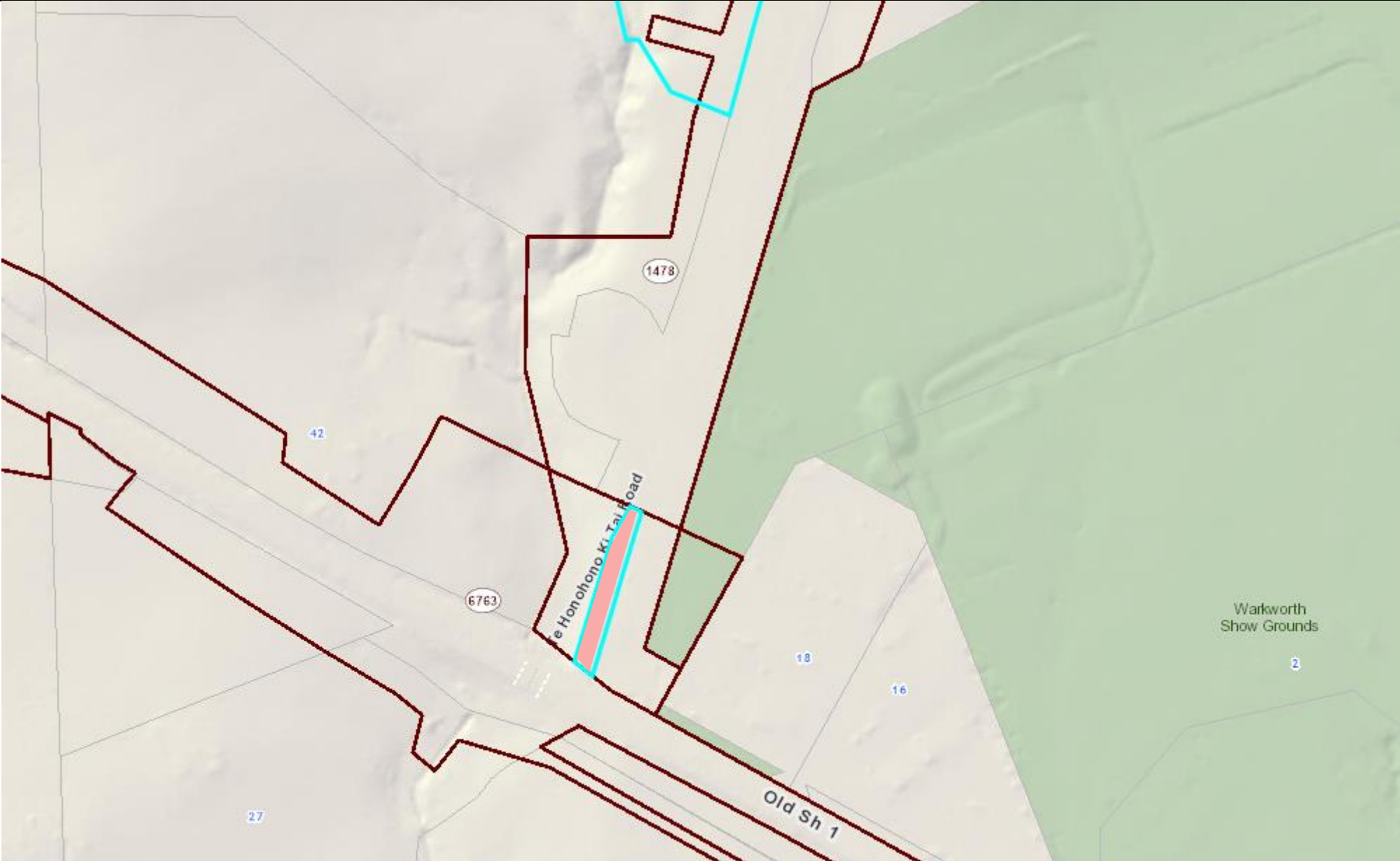
| Owner | Address | Legal Description | |
|------------------------------|-------------------------------------|---|--|
| Templeton Warkworth Ridge | 26 State Highway 1, Warkworth | SECT 6 SO 588806, SECT 8 SO 588806, SECT 22 SO 588806, LOT 2 DP 531730, SECT 2 SO 548496, SECT 9 SO 588806, SECT 11 SO 588806 | |

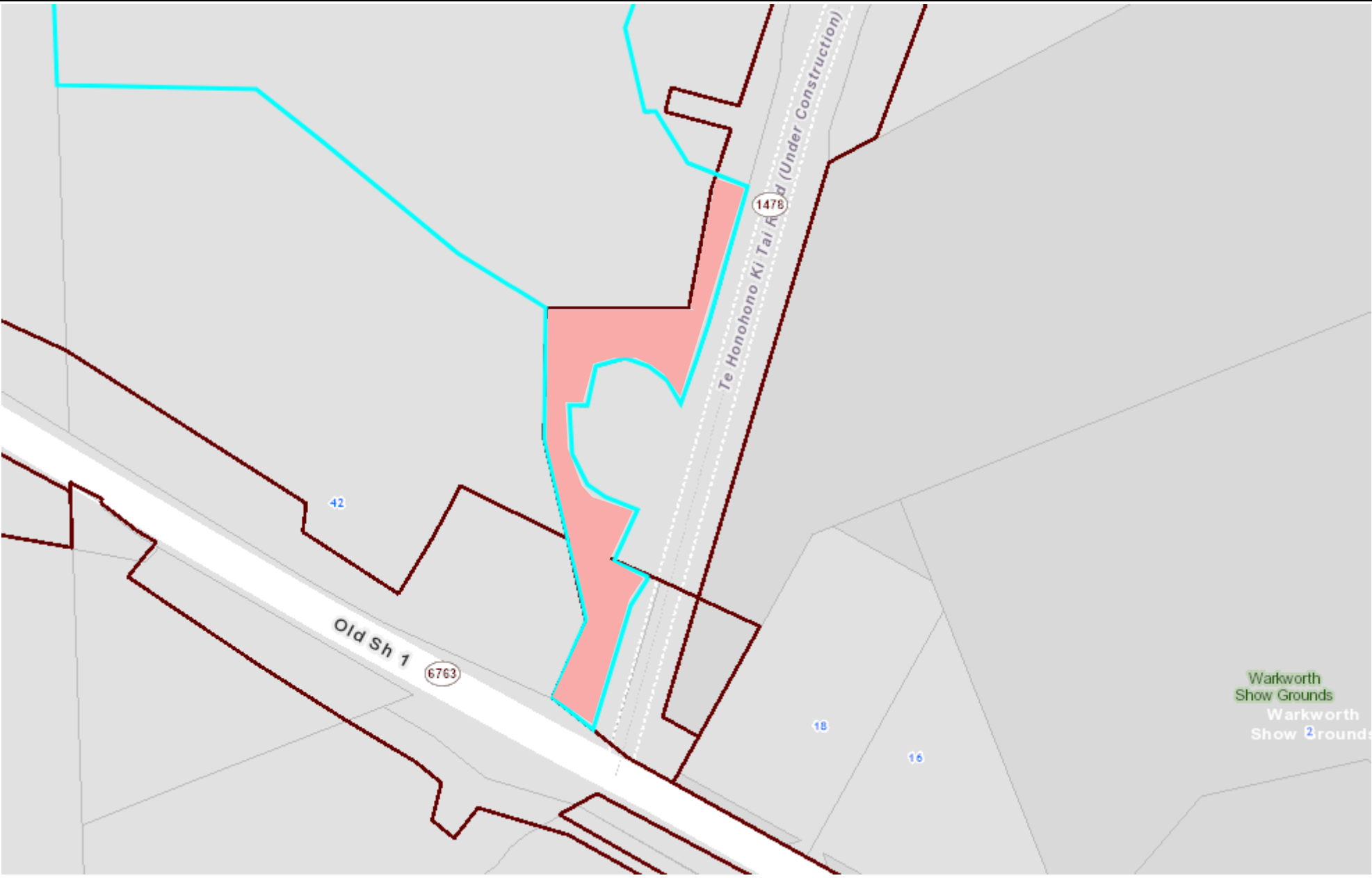
| Owner | Address | Legal Description | |
|-----------------------|------------------------------|--------------------------------------|--|
| AJ Membedy & DA Steel | 245 Matakana Road, Warkworth | SECT 13 SO 588806, SECT 16 SO 588806 | |

| Owner | Address | Legal Description | |
|----------------------------|----------------|---|---|
| Clayden Investment Limited | 2 Clayden Road | Pt Allt 175 Paro Mahurangi Sect 2 SO 532548 |  An aerial photograph of a rural area with a property boundary outlined in red. A specific section of this boundary is highlighted in cyan. The map shows several roads: 'CLAYDEN ROAD' at the bottom, 'MATAKANA ROAD' running diagonally across the center, and 'CLAYDEN I' at the top. A road number '289' is visible in the upper right. There are also some small blue numbers '4' and '2' on the map. |

| Owner | Address | Legal Description | |
|----------------------|--------------------------|--|---|
| Warkworth RV Limited | Matakana Road, Warkworth | SECT 19 SO 588806, Lot 2 DP 375478, Lot 3 DP 76450, Lot 4 DP 76450 |  An aerial map showing a road network. Matakana Road is the central feature, running from the bottom left towards the top right. It has a white circular roundabout in the middle. To the north of the roundabout, Clayden Road branches off to the right. Further north, another road branches off to the right, labeled 'Matakana Road'. The map shows several lots, some with blue numbers: 245, 1478, 289, 2, 223, and 211. A red outline follows the path of Matakana Road and its branches. A cyan line runs parallel to the right side of Matakana Road. A dashed line with the text '(Construction)' is visible on the left side of the map. The background is a light gray aerial photograph. |

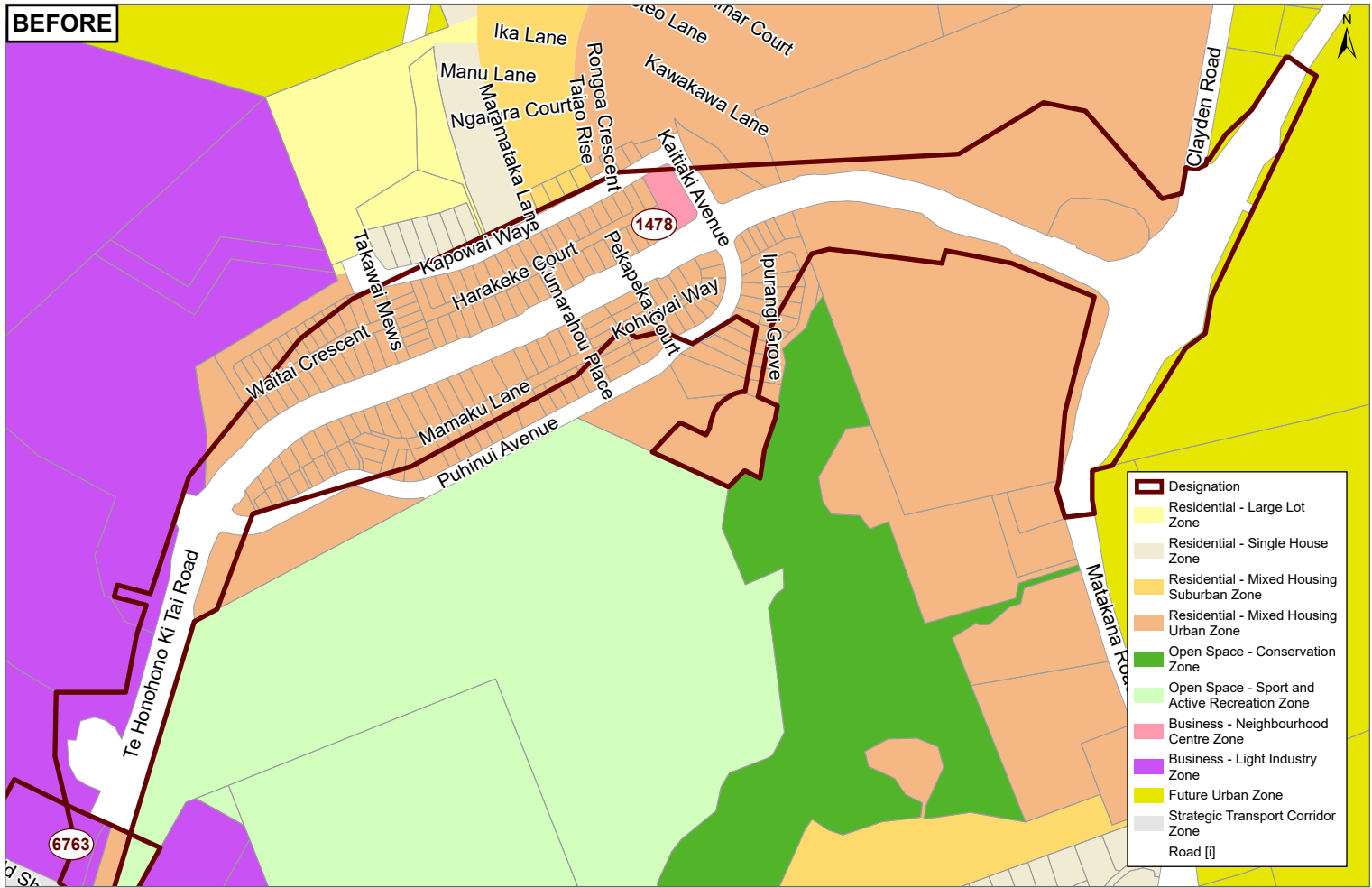
| Owner | Address | Legal Description | |
|--------------------------|----------------------------|---|--|
| Goatley Holdings Limited | State Highway 1, Warkworth | LOT 3 DP 61693, SECT 2 SO 528805, SECT 4 SO 588806, SECT 21 SO 588806 |  <p>The map displays a grey-toned land area with several parcels outlined in cyan and red. A road labeled 'no Ki Tai Road (Under Construction)' runs vertically through the center-right. To its right, a road labeled 'Te Honohono Ki T' runs diagonally. A road marker '1478' is visible on the right side. A blue label '42A' is located in the lower-left quadrant of the map area.</p> |

| Owner | Address | Legal Description | |
|-------|---------|-------------------|--|
| | | |  <p>The image is an aerial map with overlaid property boundaries. A specific parcel is highlighted with a red border and a cyan fill. This parcel is situated along a road labeled 'e Honohono Ki-Tai Road'. To the south of this parcel is a road labeled 'Old Sh 1'. To the east is a large green area labeled 'Warkworth Show Grounds'. Several other parcels are marked with numbers: 1478, 42, 6763, 18, 16, 27, and 2. The map also shows a cyan line representing a utility or boundary line running north-south through the highlighted parcel.</p> |

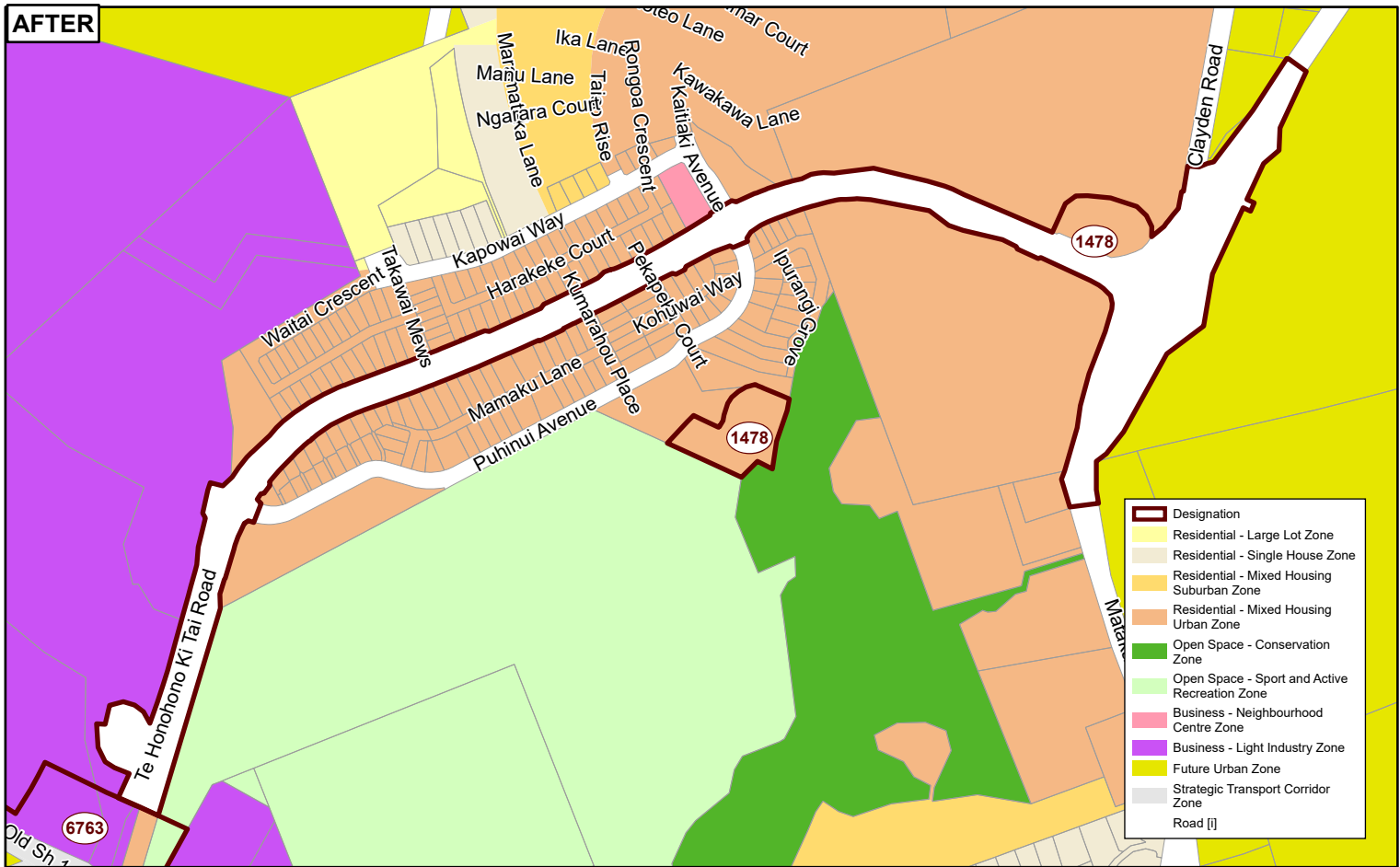
| Owner | Address | Legal Description | |
|-------|---------------------|--|---|
| | 42A State Highway 1 | SECT 1 SO 588806, SECT 20 SO 588806 |  <p>The map displays a geographical area with several key features. A prominent road, 'Old Sh 1', is shown with a road number '6763' in a circle. Another road, 'Te Honohono Ki Tai Road (Under Construction)', is shown with a road number '1478' in a circle. A red-shaded area is outlined in cyan, representing the land parcels described in the legal description. The map also shows 'Warkworth Show Grounds' in green text. Other road numbers visible include '42', '18', and '16'.</p> |

Attachment 2:
Updated GIS viewer

BEFORE



AFTER



0 50 100 200 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: 28/02/2021

S182 – Partial Uplift of Designation - ID 1478



Plans and Places