

## UNITARY PLAN UPDATE REQUEST MEMORANDUM

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

**FROM** Nicholas Lau, Senior Policy Planner, Central South Unit





**DATE** 26 January 2021

**SUBJECT** **Partial Removal of Designation 6708 in accordance with s181 of the Resource Management Act in the Auckland 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</b> – A decision has been made to confirm partial removal of a designation under Section 182 of the RMA	
<b>Chapter</b>	AUP GIS Viewer
<b>Section</b>	AUP GIS Viewer
<b>Designation only</b>	
<b>Designation 6708</b>	State Highway 20 - Manukau City to Wiri and Mangere
<b>Locations:</b>	State Highway 20 from (1) east of Great south Road, Manukau City Centre to Cavendish Drive interchange, Wiri and from (2) Massey Road to Walmsley Road, Mangere
<b>Lapse Date</b>	Given effect to (i.e. no lapse date)
<b>Purpose</b>	South Western Motorway (State Highway 20)
<b>Changes to text (shown in underline and strikethrough)</b>	N/A
<b>Changes to diagrams</b>	N/A
<b>Changes to spatial data</b>	Remove a portion of designation 6708 as described in Attachment A.
<b>Attachments</b>	Attachment A: s182 Report Attachment B: Updated GIS Viewer

<b>Prepared by:</b> Nicholas Lau Senior Policy Planner, Central South Unit	<b>Maps prepared by:</b> Aching Konyak Geospatial Analyst
<b>Signature:</b> 	<b>Signature:</b> 
<b>Reviewed by:</b> Nicholas Lau Senior Policy Planner, Central South Unit	<b>Signed off by:</b> Celia Davison Manager Planning, Central South Unit
<b>Signature:</b> 	<b>Signature:</b> 

## Attachment A: s182 Report

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



**To:** Marc Dendale – Team Leader, Planning Central and South

**From:** Nicholas Lau – Principal Planner

**Date:** 13 January 2021

**Subject:**

Removal of Designation 6708 – South Western Motorway (State Highway 20) from 21 and 29 Diversey Lane, Manukau Central, in the Auckland Unitary Plan (Operative in Part)

**Summary**

Auckland Council has received a request from Waka Kotahi New Zealand Transport Agency under section 182 of the Resource Management Act 1991 (**RMA**), dated 20 November 2020, to remove Designation 6708- South Western Motorway (State Highway 20) from 21 and 29 Diversey Lane, Manukau Central, in the Auckland Unitary Plan (Operative in Part) (**AUP**).

A section 182(1) request is required to uplift the existing designation from land which is no longer required for the purpose of the designation by Waka Kotahi New Zealand Transport Agency.

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 Waka Kotahi New Zealand Transport Agency for the removal of Designation 6708- South Western Motorway (State Highway 20) from 21 and 29 Diversey Lane, Manukau Central in the Auckland Unitary Plan be **accepted** for the following reasons:
  - This part of the designation is no longer required by Waka Kotahi New Zealand Transport Agency for their ongoing operations and maintenance of State Highway 20.
  - The effects of the removal will not be more than minor
2. That Designation 6708- South Western Motorway (State Highway 20) be removed from 21 and 29 Diversey Lane, Manukau Central, as soon as reasonably practicable, in the Auckland Unitary Plan Chapter K and Designation overlay.

## 1.0 DESCRIPTION

### 1.1 References

<b>Designation number:</b>	Designation 6708- South Western Motorway (State Highway 20)
<b>Lodgement date:</b>	4 December 2020
<b>Requiring authority:</b>	Waka Kotahi New Zealand Transport Agency
<b>Reporting officer:</b>	Nicholas Lau
<b>Site address:</b>	21 and 29 Diversey Lane, Manukau Central
<b>UP Zoning:</b>	Business – Light Industry Zone and Strategic Transport Corridor Zone

## 2.0 BACKGROUND

### 2.1 Details of designation

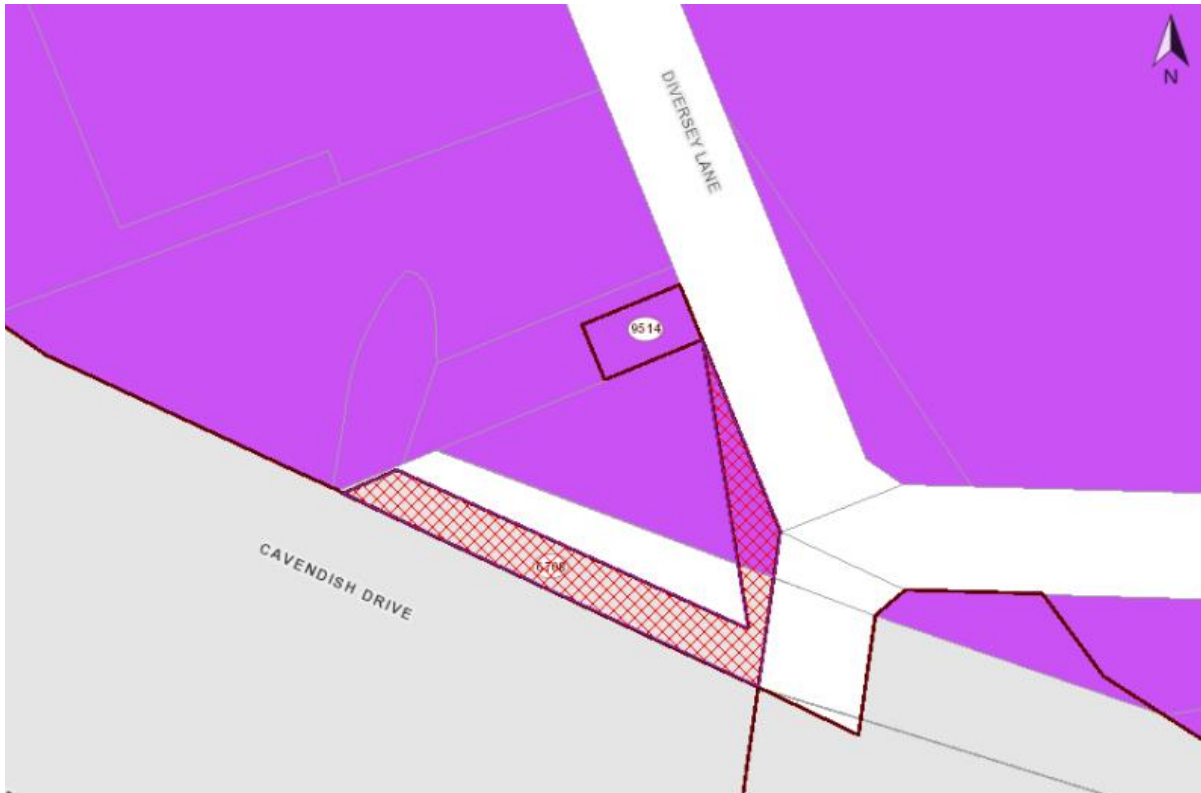
The request to partly remove Designation 6708 covers a 3.5km stretch of land, between 60m-80m in width, associated with the State Highway 20 corridor located between the Great South Road - State Highway 1 interchange and the Cavendish Drive interchange. The purpose of the designation is recorded as “South Western Motorway (State Highway 20)”.

The designation is a ‘roll-over’ from the Auckland Council District Plan: Operative Manukau Section 2002 and forms part of the wider designated route for the State Highway 20 corridor.

### 2.2 Land affected by removal

The spatial extent of Designation 6708 in the AUP which is to be partly removed is shown in figure 1 below, and the land from which the designation will be removed is described as follows:

Address	Legal Description
21 Diversey Lane, Manukau Central	Section 1 SO 451977
29 Diversey Lane, Manukau Central	Section 2 SO 526995 and SECT 3 SO 451977



**Figure 1. Part of Designation 6708 to be removed (red hatched area)**

### **2.3 Delegated authority to consider alterations to designations**

The Team Leader – Planning Central and South (Plans and Places Tier 5) has delegated authority, in accordance with Schedule 2A of the Auckland Council Delegations: Chief Executive Officer (updated September 2020), to exercise the Council’s functions, powers, duties and discretions under the Resource Management Act 1991 in relation to Section 182 to approve full or partial removal of a designation.

The section 182 request to partly remove the designation can therefore be considered by the Team Leader – Central and South and can be 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 considers it to be necessary. 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 Waka Kotahi New Zealand Transport Agency has provided sufficient justification for the removal of Designation 6708 from 21 and 29 Diversey Lane, Manukau Central for the following reasons:

- This part of the designation is no longer required by Waka Kotahi New Zealand Transport Agency for their ongoing operations and maintenance of State Highway 20.

- The effects of the removal will not be more than minor

### **3.0 RECOMMENDATION**

That pursuant to Section 182 of the Resource Management Act 1991, the removal of Designation 6708- South Western Motorway (State Highway 20) from 21 and 29 Diversey Lane, Manukau Central be **ACCEPTED** and the Auckland Unitary Plan (Operative in Part) be amended accordingly.

**Prepared by:**

Nicholas Lau, Senior Policy Planner, Planning Central and South

Date: 13 January 2021

**Accepted by:**

Marc Dendale, Team Leader, Planning Central and South

Date: 14 January 2021

### **4.0 DETERMINATION**

That the above partial removal of Designation 6708 has been considered under Delegated Authority by the Auckland Council and is hereby **CONFIRMED** in accordance with Section 182 of the Resource Management Act 1991 and that the Auckland Unitary Plan (Operative in Part) be amended accordingly without further formality.

**Signed:**



Marc Dendale, Team Leader, Planning Central and South

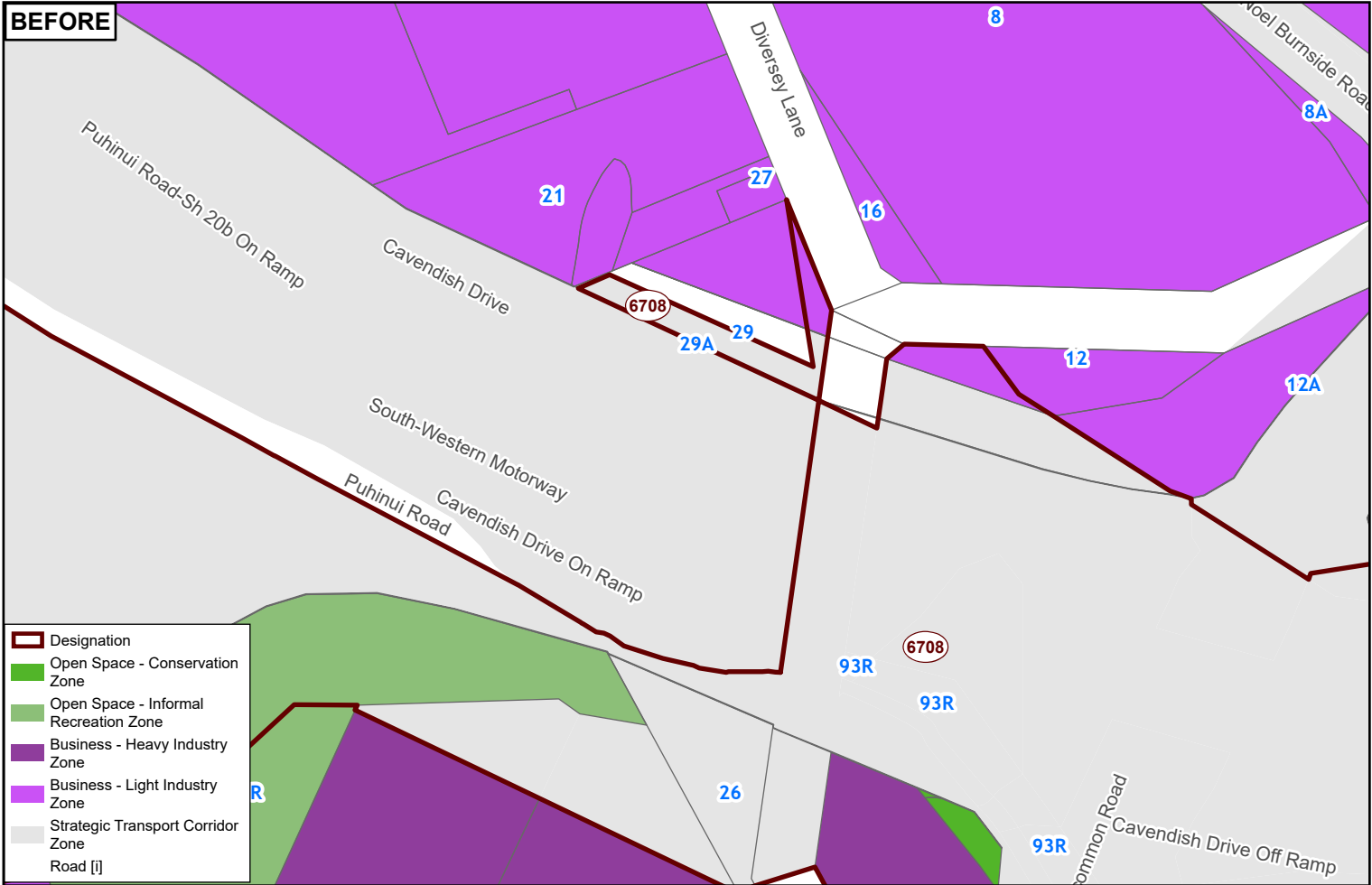
Date: 14 January 2021

### **SCHEDULE OF ATTACHMENTS:**

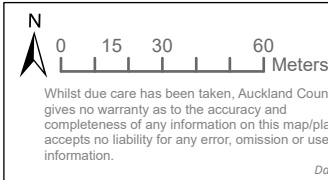
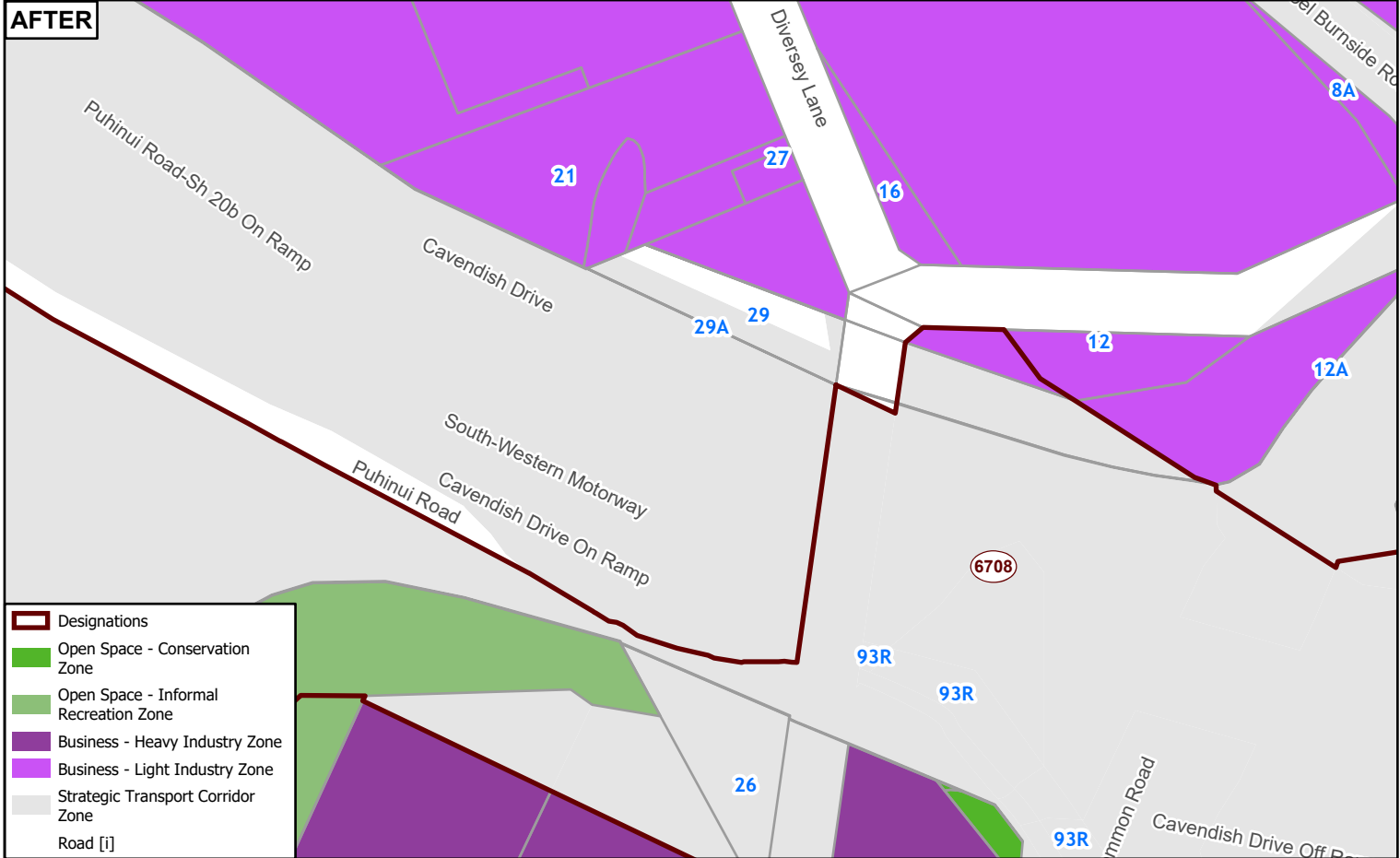
**Attachment A:** Waka Kotahi New Zealand Transport Agency s182 Notice of Removal of Partial Designation and supporting documents

## Attachment B: Updated GIS Viewer

**BEFORE**



**AFTER**



**Alteration to Designation 6708**



Plans and Places

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Date: 9/02/2021