

Memo

9 July 2020

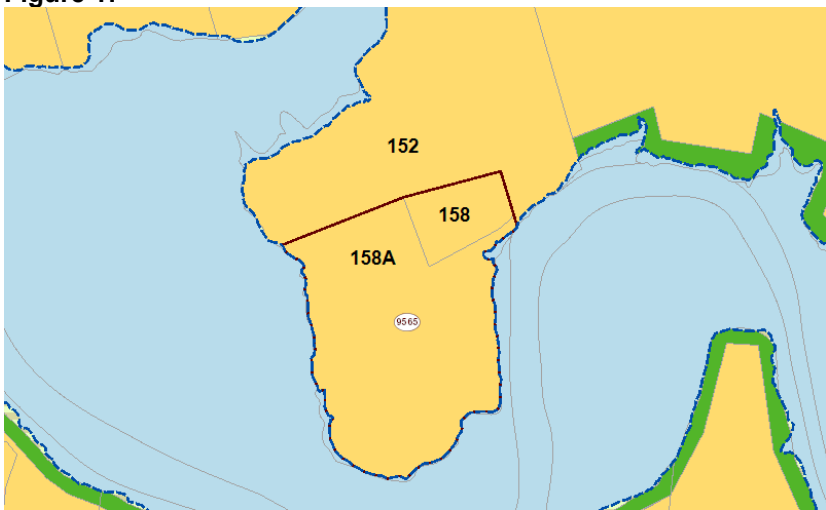
To: Celia Davison, Central South Manager

From: **Katrina David – Principal Planner**

Subject: **Plan Modification: Clause 20A Amendment to Chapter K of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016).**

Delegated authority to T4 manager through Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register (Updated May 2017).

This plan modification requires decision-making pursuant to clause 20A of the First Schedule to the Resource Management Act 1991, as corrections are required to the Auckland Unitary Plan (Operative in Part).

Rule or Section of Unitary Plan	Chapter K Designations Designation Schedule – Watercare Services Ltd (3/3) – South Designation 9565 Hingaia Pump Station
Subject Site (if applicable)	152, 158 and 158A Park Estate Road, Hingaia
Legal Description (if applicable)	SEC 1 SO 432649, SECT 1 SO 514825, SECT 2 SO 514825
Nature of change	<p>A minor change is required to correct two errors in Chapter K of the Auckland Unitary Plan (Operative in Part) (AUP). This relates to the listed location of Designation 9565 (Hingaia Pump Station) as shown in the Schedule of Watercare designations, and the text of the designation. It does not affect the mapping of the designation as shown in the GIS Viewer.</p> <p>Currently in the AUP the location of designation 9565 is:</p> <ul style="list-style-type: none"> • listed as Part of 152 and 158 Park Estate Road in the schedule of Watercare designations • listed as 158 Park Estate Road in the full designation • shown covering 158 and 158A Park Estate Road in the GIS Viewer. This is shown in figure 1 below. <p>Figure 1:</p> 

Correspondence was received from Watercare on 30 June 2020, noting an inconsistency with the listed location of designation 9565:

“Should the address associated with the designation instead be “158 and 158A Park Estate Road, Hingaia” assuming that the designation covers both sites in their entirety, and was modified to exclude 152 Park Estate Road in 2016?”

There are two issues that have been identified that need correcting in relation to the listed location of designation 9565.

1. Remove reference to “Part of 152 Park Estate Road” because the designation no longer applies to this site. This was amended through the Proposed AUP hearings process, but was not fully carried through into the AUP (Operative in Part).
2. Add “158A Park Estate Road” to the listed location in the Schedule of Watercare designations and to the text of the designation itself. This is the result of a subdivision. In 2017 158 Park Estate Road was subdivided into two sites creating 158 and 158A Park Estate Road.

These two issues are discussed in more detail below.

Issue 1

In the Proposed AUP designation 9565 applied to Part of 152 and 158 Park Estate Road, Hingaia. This address was listed in the schedule of Watercare designations in the south and in the actual designation. The GIS Viewer also showed the extent of the designation applied to part of 152 Park Estate Road and part of 158 Park Estate Road.

Through the hearings process Watercare and submitter Hugh Green Group reached agreement that the extent of designation 9565 should be amended to remove it from 152 Park Estate Road. The agreed extent also extended to include all of 158 Park Estate Road, which at the time included what is now 158 and 158A.

The Independent Hearings Panel (IHP) recommendation report on designations (16 May 2016 and as amended 20 June 2016) recommended the amendments to designation 9565 as agreed by Watercare and Hugh Green Group.

An extract of the IHP report showing the agreed amendments is shown below. This clearly shows that the designation should be removed from 152 Park Estate Road and that the text be amended accordingly.

WSL 009 Attachment 1 changes to text of PAUP

Designation Schedule - Watercare Services Ltd (3/3)

South

...9565	Wastewater purposes - pump station and associated structures	Part of 152 and 158 Park Estate Road, Hingaia
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....

9565 Hingaia Pump Station

Designation Number	9565
Requiring Authority	Watercare Services Ltd
Location	452 and 158 Park Estate Road, Hingaia
Rollover Designation	Yes
Legacy Reference	Designation 10, Auckland Council District Plan (Papakura Section) 1999
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

Wastewater purposes - pump station and associated structures.

Conditions

No conditions.

Attachments

No attachments.

WSL 009 Attachment 2 changes to Proposed Unitary Plan maps

Amend the designation boundary to match the hatched area below, except that the designation boundary should not extend beyond mean high water springs.



On 19 August 2016, Auckland Council accepted the IHP recommendations on the Watercare designations as set out in the IHP recommendation report 16 May 2016 (as amended 20 June 2016).¹ However not all of the amendments to designation 9565 were accurately carried through into the AUP and the location listed in the Schedule of Watercare designations still referred to Part of 152 Park Estate Road. This is clearly a matter of human error that should be corrected so that the listed location of designation 9565 is consistent across the AUP.

Issue 2

In 2017 158 Park Estate Road was subdivided, creating two sites. These

¹ Decisions of the Auckland Council on recommendations by the Auckland Unitary Plan Independent Hearings Panel on submissions and further submissions to the Proposed Auckland Unitary Plan Attachment E, 19 August 2016

	<p>sites became 158A Park Estate Road and 158 Park Estate Road. This means that the land that designation 9565 applies to now has two addresses, but the physical extent of the designation is not changed.</p> <p>This is not a matter of human error, but rather an instance of where the subdivision of a site has now created inaccuracies in the AUP that should be corrected.</p>
<p>Effect of change</p>	<p>Issue 1 – remove 152 Park Estate Road from the listed location in the Schedule of Watercare designation (9565) The effect of correcting this error is not more than minor and will reflect what was agreed by the effected landowners, what was recommended by the IHP, and what was adopted by the council when it made its decision on the Proposed AUP.</p> <p>Furthermore Chapter K1.2.1 Schedules states: The schedule(s) for each requiring authority are a quick reference list of all the designations a requiring authority is responsible. <i>The schedules do not form part of a designation and the full text version of a designation should be relied upon for information on a designation. (emphasis added)</i></p> <p>Issue 2 – add 158A Park Estate Road to the listed location in the Schedule of Watercare designations, and to the designation (9565) The effect of correcting this inaccuracy in the AUP is not more than minor and would ensure that the listed location in the text of the designation aligns with the extent of the designation shown in the GIS Viewer.</p> <p>This issue could be corrected using one of two methods provided for by the Resource Management Act 1991:</p> <ul style="list-style-type: none"> • Section 181 Alteration of designation; or • Schedule 1, Clause 20A Correction to operative policy statement or plan <p>In my opinion Clause 20A is appropriate to use to correct this inaccuracy. This amendment would not involve changing the extent of the designation, the purpose of the designation or any conditions contained in the designation. However if the requiring authority wanted to change the extent of the designation, for example to remove it from 158A Park Estate Road, then that should be done through a Section 181 process.</p> <p>152 Park Estate Road is the only site adjacent to the designation. Any effects on this site resulting from this change would be not more than minor. 152 Park Estate Road is owned by Hugh Green Residential Ltd, and it was Hugh Green Ltd that submitted and agreed on the extent of the designation through the Proposed AUP process. Amending the listed location to align with the new address created through the subdivision would not change the extent of the designation as agreed by the parties through the Proposed AUP process.</p> <p>Auckland Council is the listed owner of 158A Park Estate Road and Watercare Ltd is the listed owner of 158 Park Estate Road.</p>
<p>Changes required to be made</p>	<p>Amend Chapter K Designations, Designation Schedule – Watercare Services Ltd (3/3) of the AUP.</p>

Text shown ~~struck through~~ means to delete the text.
 Text shown underlined means to add the text.
 The use of ellipses (...) indicate that there is more text, but it is not being changed.
 For clarity all amendments are also highlighted yellow.

Amend the AUP as follows:




Number	Purpose	Location
...		
9565	Wastewater purposes – pump station and associated structures	Part of 152 <u>158A</u> and 158 Park Estate Road, Hingaia
...		

...

9565 Hingaia Pump Station

Designation Number	9565
Requiring Authority	Watercare Services Ltd
Location	<u>158A and</u> 158 Park Estate Road, Hingaia
Rollover Designation	Yes
Legacy Reference	Designation 10, Auckland Council District Plan (Papakura Section) 1999
Lapse Date	Given effect to (i.e. no lapse date)

...

Prepared by: Katrina David Principal Planner	Text Entered by: Harry Barnes Planning Technician
Signature: 	Signature: 
Reviewed by: Katrina David Principal Planner	Signed off by: Celia Davison Unit Manager, Planning Central South
Signature: 	Signature: 