

## UNITARY PLAN UPDATE REQUEST MEMORANDUM

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

**FROM** Alison Pye, Principal Planner, Plans and Places, North West and Islands

**DATE** 16 July 2020

**SUBJECT** **Partial uplift of Designation in accordance with s182 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 – Designation alteration</b>	
<b>Chapter</b>	Chapter K - Designations
<b>Section</b>	Auckland Transport
<b>Designation only</b>	
<b>Designation #</b>	Designation 1407 Hudson Road widening
<b>Locations:</b>	Corner of Hudson Road and State Highway 1, Warkworth.
<b>Lapse Date</b>	N/A
<b>Purpose</b>	<p>The notice of partial uplift of designation 1407 Hudson Road Widening relates to land that is now deemed surplus to designation following completion of road widening works.</p> <p>The part of Designation 1407 that is no longer required relates to the following site addresses and legal descriptions:</p> <p>Sec 3 SO 436198: Full removal Sec 4 SO 476652: Full removal</p>
<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>	<p>Refer to Team Leader approved decision report, dated 16/07/2020</p> <p>Amend GIS layer in AUP – Designation 1407 Hudson Road Widening in accordance with revised designation boundary shapefiles provided by Auckland Transport.</p>
<b>Attachments</b>	<p>Attachment 1: Section 182 Patial Uplift Report</p> <p>Attachment 2: Updated GIS viewer to Designation 1407</p>

<b>Prepared by:</b> Alison Pye Principal Planner, Plans and Places, North West and Islands	<b>Text Entered by:</b> Mitesh Bhula Geospatial Analyst
<b>Signature:</b> 	<b>Signature:</b> 
<b>Reviewed by:</b> Alison Pye Principal Planner, Plans and Places, North West and Islands	<b>Signed off by:</b> Warren MacLennan Manager Plans and Places, North West and Islands
<b>Signature:</b> 	<b>Signature:</b> 

# Attachment 1: Section 182 Report

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



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

**From:** Alison Pye, Principal Planner

**Date:** 15 July 2020

**Subject:** Partial removal of Designation 1407 Road Widening - Hudson Road 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), dated 15 June 2020, to remove in part Designation 1407 - Road Widening, Hudson Road from land deemed surplus to the designation by Auckland Transport.

A section 182(1) request is required to partially uplift the existing designation 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.

The NOR has been assessed in accordance with statutory requirements. It is recommended that the partial removal be accepted.

## Recommendation

1. That pursuant to Section 182 of the Resource Management Act 1991 that the partial removal of Designation 1407 – Road Widening, Hudson Road as sought in the notice at Attachment A be **accepted**
2. That Designation 1407 – Road Widening, Hudson Road be partially removed, as soon as reasonably practicable, in the Designation overlay in the Auckland Unitary Plan.

## 1. Description

### 1.1. References

<b>Designation number:</b>	Designation 1407 – Road Widening, Hudson Road
<b>Lodgement date:</b>	15 June 2020
<b>Requiring authority:</b>	Auckland Transport
<b>Reporting officer:</b>	Alison Pye, Principal Planner
<b>Site address:</b>	1 Hudson Road, Warkworth, SEC 3 SO 436198 Hudson Road, Warkworth, SEC 4 SO 476652
<b>UP Zoning:</b>	Business – General Business

## 2.0 Background

AT has responsibility for Designation 1407 in the AUP:OP which is designated for road widening purposes. The designation applies to the Hudson Road corridor and two properties at the corner of State Highway 1 and Hudson Road, Warkworth. AT has determined that the following areas within Designation 1407 are no longer required for road widening as works are now complete, and gives notice to:

- Fully remove the designation from 1 Hudson Road, SEC 3 SO 436198, Warkworth (approximately 364m<sup>2</sup>); and
- Fully remove the designation from Sec 4 SO 476652 adjoining Hudson Road (approximately 2,407m<sup>2</sup>).

Only those parts of the designation required for treatment of stormwater from Hudson Road - a swale on the north western boundary of Hudson Road, are to be retained.

## 2. Details of designation

### 2.1 Land affected by removal

The part of Designation 1407 that is no longer required relates to the following site addresses and legal descriptions:

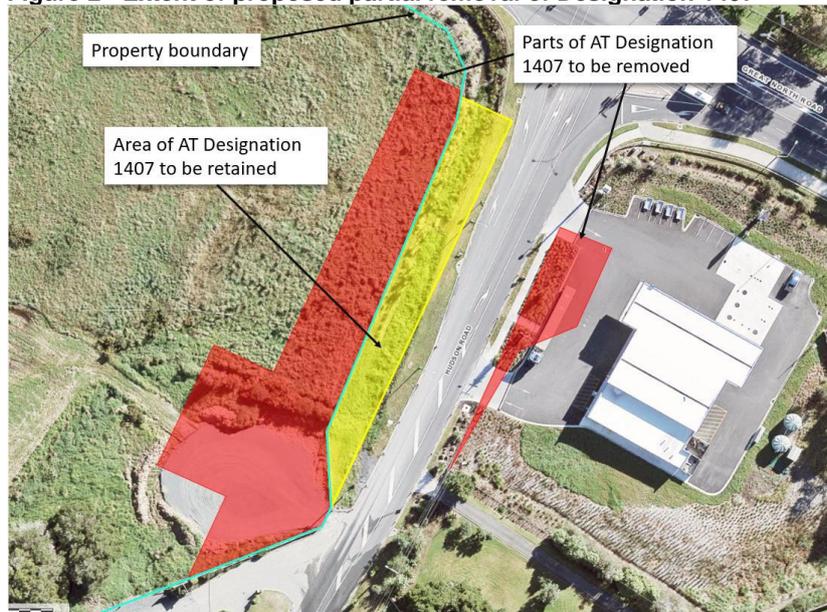
Address	Legal Description	Removal of Designation
1 Hudson Road, Warkworth	SEC 3 SO 436198	Full removal
Hudson Road, Warkworth	SEC4 SO 476652	Full removal

The current extent of Designation 1407, and underlying zoning in the AUP is shown in figure 1 below. The proposed partial removal is shown in figure 2.

**Figure 1 – Current extent of Designation 1407 (blue outline) and underlying zoning (AUP)**



**Figure 2 - Extent of proposed partial removal of Designation 1407**



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

The Team Leader – Planning, 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 Dec 2019), 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 – Peter Vari (Plans and Places Tier 5) and accepted or declined.

### 2.3 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 1407 – Road Widening, Hudson Road for the following reasons: Auckland Transport has identified in the supporting documentation that:

- the road widening enabled by the designation has been completed and the identified areas for removal are no longer required
- only those parts of the designation required for treatment of stormwater from Hudson Road (a swale on the north western boundary of Hudson Road) will be retained
- the effect on the remainder of the designation will be negligible as:
  - there is no effect on the existing road
  - the partial removal does not hinder the ability for Auckland Transport to maintain the stormwater swale in the Hudson road corridor.

### 3.0 Recommendation

1. That pursuant to Section 182 of the Resource Management Act 1991 that the partial removal of Designation 1407 – Road Widening, Hudson Road as sought in the notice at Attachment A be **accepted** and the Auckland Unitary Plan Operative in part designation overlay be amended accordingly.
2. That Designation 1407 – Road Widening, Hudson Road be partially removed, as soon as reasonably practicable, in the Designation overlay in the Auckland Unitary Plan.

**Prepared by:** Alison Pye, Principal Planner  
Planning - North West and Islands

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

**Signature:** 

**Signature:** 

**Date :**  
16/7/2020

**Date :**  
16/7/2020

### SCHEDULE OF ATTACHMENTS:

**Attachment A:** Form 23 Notice of partial removal of Designation 1407 Road Widening - Hudson Road

Attachment 2: Updated GIS viewer to  
Designation 1407

**BEFORE**



**AFTER**



0 5 10 20 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: 6/08/2020

## Partial Removal of Auckland Transport (1407) Hudson Road Widening