

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Warren MacLennan, Manager Planning, Regional, North, West and Islands Unit

FROM Holly Stevens, Planner, Regional, North, West and Islands Unit





DATE 9 December 2020

SUBJECT **Removal of a designation in accordance with s182 of the Resource Management Act**



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

Reason for update – Removal of Designation 9338 as requested by the RA	
Chapter	Chapter K Designations AUP GIS Viewer
Section	Schdeules and Designations - Watercare Services Ltd
Designation only	
Designation #9338	Omaha Reservoirs
Locations:	31 Omaha Road, Omaha
Lapse Date	Given effect to (i.e. no lapse date)
Purpose	Water supply purposes - reservoirs and associated structures.
Changes to text	Complete removal of Designation 9338 from the AUPOIP text.
Changes to diagrams	N/A
Changes to spatial data	Complete Removal of designation 9338 located at 31 Omaha Drive, Omaha, from the AUP GIS Viewer.
Attachments	Attachment 1: Section 182 Report Attachment 2: Updated GIS Viewer

Prepared by: Holly Stevens Planner, Regional, North, West & Islands Unit	Text Entered by: Harry Barnes Planning Technician
Signature: 	Signature: 
Maps prepared by: Aching Konyak Geospatial Specialist	Reviewed by: Holly Stevens Planner, Regional, North, West & Islands Unit
Signature: 	Signature: 

Signed off by:

Warren MacLennan
Manager Planning, Regional, North, West &
Islands Unit

Signature:

A handwritten signature in black ink that reads "Warren MacLennan." The signature is written in a cursive style with a period at the end.

Attachment 1: Section 182
Report

Removal of a designation under section 182 of the Resource Management Act 1991



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

From: Holly Stevens, Planner, Regional, North, West and Islands

Date: 16/11/2020

Subject:

Removal of Designation 9338 – Omaha Reservoirs (Omaha Drive) in the Auckland Unitary Plan

Summary

Auckland Council has received a request from Watercare Services Limited under section 182 of the Resource Management Act 1991 (RMA), dated 30 October 2020, to remove in full Designation 9338 – Omaha Reservoirs (Omaha Drive).

A section 182(1) request is required to uplift the existing designation in full from land which has been deemed surplus by Watercare Services 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 the designation is more than minor.

It is recommended that the removal be accepted.

Recommendation

1. That the section 182 request from Watercare Services Limited for the removal of Designation 9338 – Omaha Reservoirs (Omaha Drive) in the Auckland Unitary Plan be **accepted** for the following reasons:
 - Watercare Services Limited no longer has an operational interest in the land and the removal of Designation 9338 will reflect current land use activities.
2. That Designation 9338 – Omaha Reservoirs (Omaha Drive) be removed, as soon as reasonably practicable, in the Designation overlay and Chapter K Designations of the Auckland Unitary Plan.

1. Description

1.1. References

Designation number:	Designation 9338 – Omaha Reservoirs (Omaha Drive)
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Lodgement date:	30 October 2020
Requiring authority:	Watercare Services Limited
Reporting officer:	Holly Stevens, Planner, Regional, North, West and Islands, Plans and Places
Site address:	31 Omaha Drive, Omaha Lot 1 DP 147396
UP Zoning:	Open Space – Sport and Active Recreation zone

2.0 Background

2.1 Details of designation

Designation 9338 is a rollover designation (Designation 108, Auckland Council District Plan, Rodney Section, 2011).

The site at 31 Omaha Drive, Omaha (subject to Designation 9338 - Omaha Reservoirs) contains four water tanks which were linked to a bore and two pumps next to the tanks. These tanks supplied water to the public toilets at the Omaha Surf Club. There is now a bore and tank on site at the Omaha Surf Club, replacing the function of the tanks in designation 9338.

The land under Designation 9338 is owned by Auckland Council and is leased to the Omaha Beach Golf Club which presently use the tanks solely for irrigation purposes. Removal of Designation 9338 will reflect current land use activities.

Note: Designation 411 is also located on the subject site (31 Omaha Drive, Omaha) as shown in Figure 1 below. Designation 411 does not form part of this designation uplift.

1.2 Land affected by removal

The designation is currently shown in the AUP maps as follows:

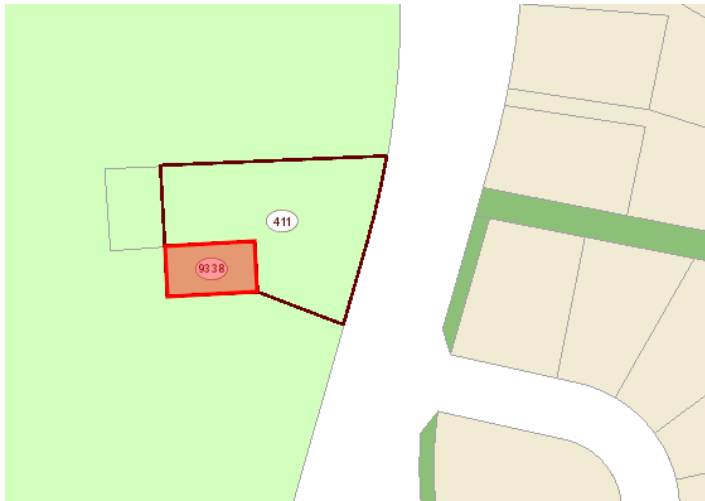


Figure 1: Designation 9338 located at 31 Omaha Drive, Omaha.



Figure 2: The four water tanks at 31 Omaha Drive, Omaha, relating to Designation 9338.

Watercare Services Limited has provided a site plan showing the extent of the designation which is to be removed (refer to **Attachment A**).

1.3 Delegated authority to consider alterations to designations

The Team Leader – Planning, Regional, 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 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 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 (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 Watercare Services Limited has provided sufficient justification for the removal of Designation 9338 – Omaha Reservoirs (Omaha Drive) for the following reasons:

- Watercare Services Limited no longer has an operational interest in the land and the removal of Designation 9338 will reflect current land use activities.

2.0 Recommendation

That pursuant to Section 182 of the Resource Management Act 1991 that the removal of Designation 9338 – Omaha Reservoirs (Omaha Drive) be **accepted** and the Auckland Unitary Plan Operative in part designation overlay and text in Chapter K Designations be amended accordingly.

Prepared by: Holly Stevens
Planner
Regional, North, West and Islands

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

Signature:



Signature:



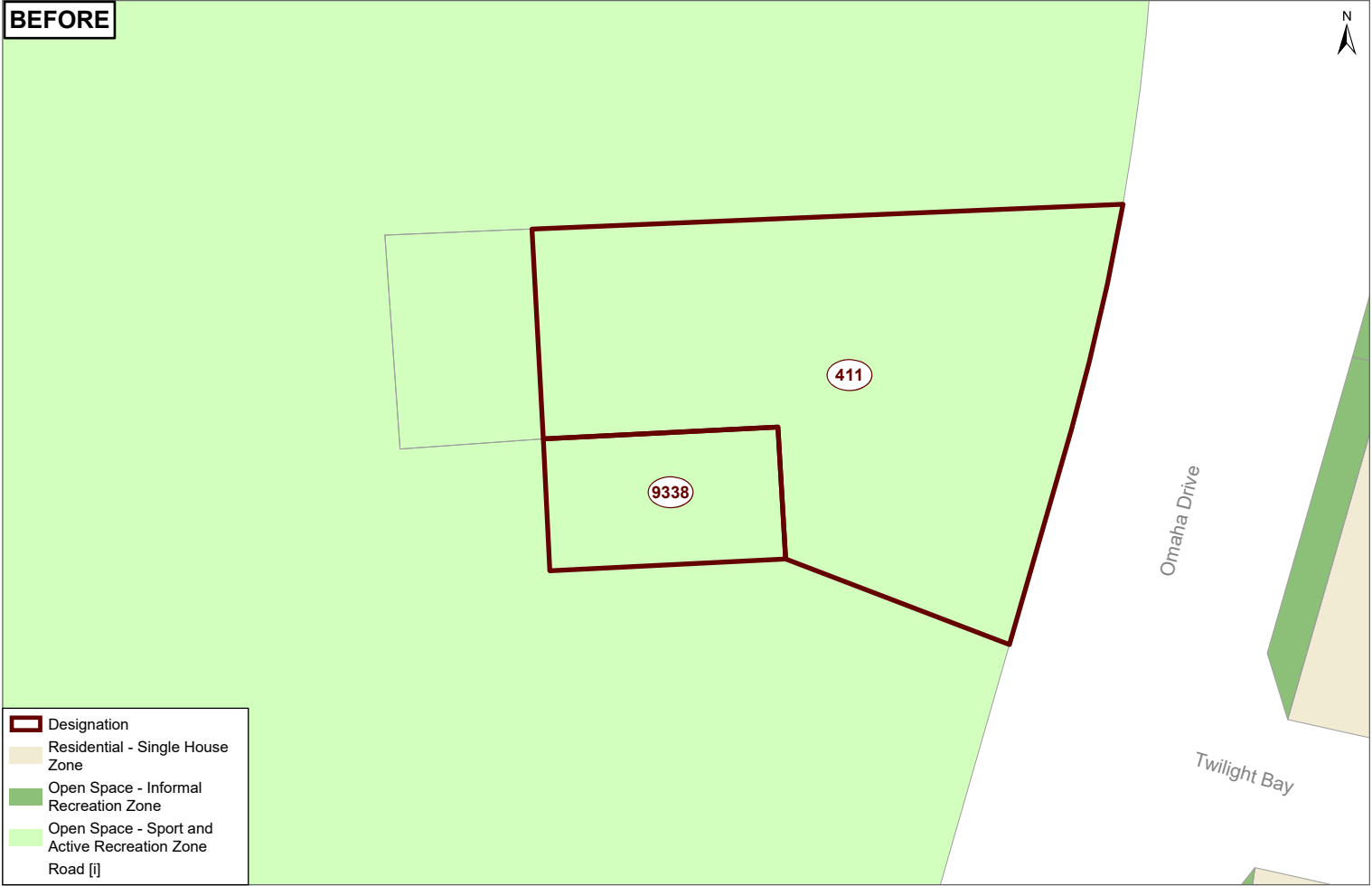
Date: 09/12/2020

SCHEDULE OF ATTACHMENTS:

Attachment A: Section 182 Notice of Removal of Watercare Services Limited Designation 9338

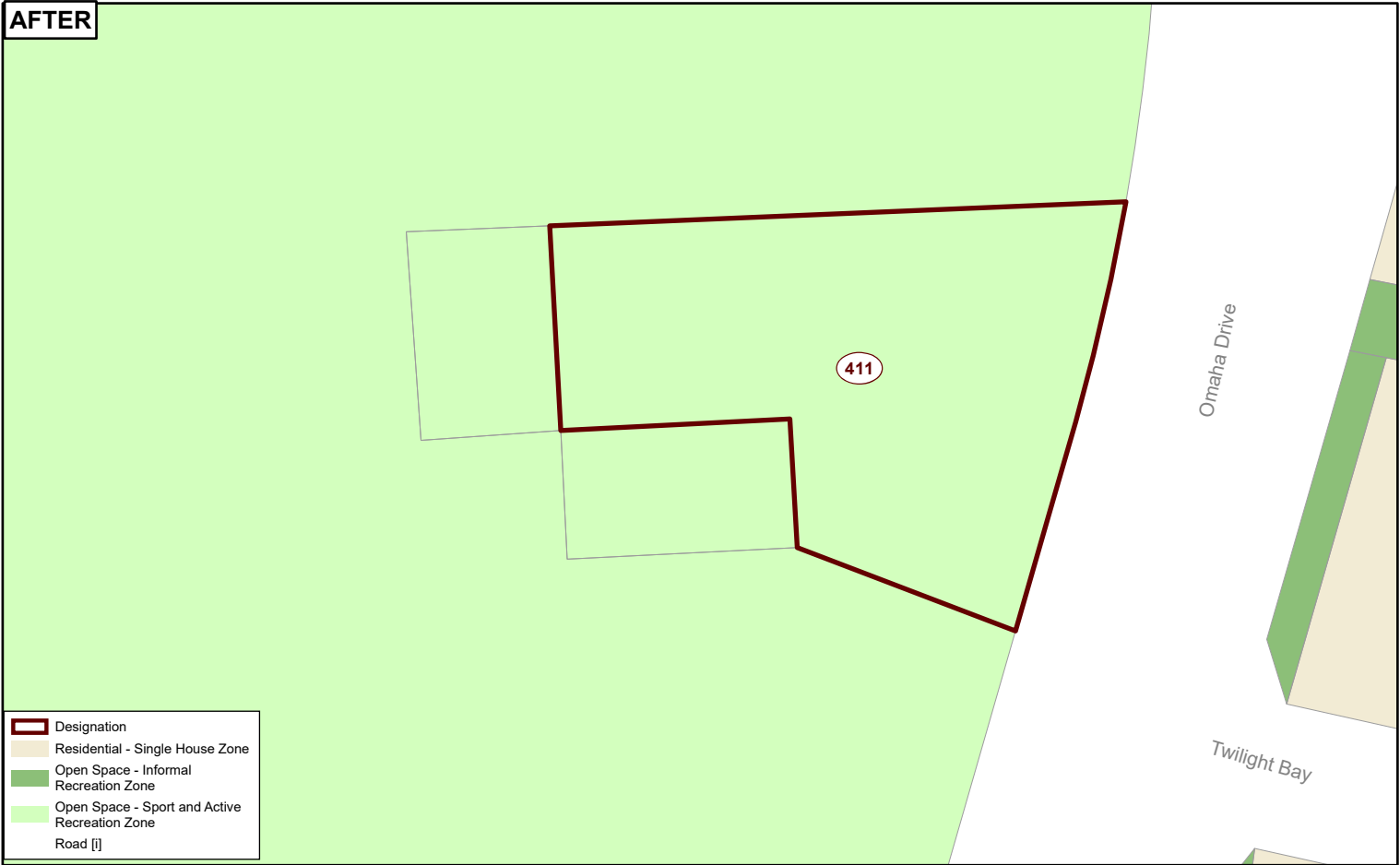
Attachment 2: Updated GIS Viewer

BEFORE



- Designation
- Residential - Single House Zone
- Open Space - Informal Recreation Zone
- Open Space - Sport and Active Recreation Zone
- Road [i]

AFTER



- Designation
- Residential - Single House Zone
- Open Space - Informal Recreation Zone
- Open Space - Sport and Active Recreation Zone
- Road [i]

0 4.25 8.5 17 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: 6/01/2021

Removal of Designation - ID 9338


 Te Kaunhera o Tāmaki Makaurau
Plans and Places