

**UNITARY PLAN UPDATE REQUEST MEMORANDUM**

**TO** Celia Davison Manager Central/South

**FROM** Terry Conner Principal planner Central/South

**DATE** 22 June 2020

**SUBJECT** **Designation 1560 partial uplift in accordance with s182 of the Resource Management Act - 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 – Partial uplift</b>	
<b>Chapter</b>	Chapter K Designations and AUP GIS Viewer
<b>Section</b>	<i>Chapter K – Auckland Transport</i>
<b>Designation only</b>	
<b>Designation #</b>	<b>1560 Road Widening – Nelson Street</b>
<b>Locations:</b>	<b>110 Nelson Street, 217-223 Hobson Street and 54, 86-88 Cook Street, Auckland Central</b>
<b>Lapse Date</b>	<b>2028</b>
<b>Purpose</b>	<b>Building line for road widening purposes.</b>
<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>	Partial removal of Designation 1560 Designation from 54 Cook Street on Nelson street frontage  See attachment 2
<b>Attachments</b>	Attachment 1: Section 182 Partial Uplift Report  Attachment 2: Updated GIS Viewer to Designation 1560

<b>Prepared by:</b> Terry Conner Planner	<b>Maps prepared by:</b> Mitesh Bhula Geospatial Analyst
<b>Signature:</b> 	<b>Signature:</b> 
<b>Reviewed by:</b> Terry Conner Planner	<b>Signed off by:</b> Marc Dendale Acting Manager Planning – Central/South
<b>Signature:</b> 	<b>Signature:</b> 

Attachment 1: Section 182 Partial Uplift  
Report

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



**To:** Fiona Sprott Central South Team 3

**From:** Terry Conner Principal Planner, Central South Planning Unit

**Date:** 15 June 2020

**Subject:**

Partial removal Designation 1560 Building line for road widening purposes in the Auckland Unitary Plan

## Summary

Auckland Council has received a request from Auckland Transport under section 182 of the Resource Management Act 1991 (RMA), dated 1 June 2020 and lodged 4 June 2020, to remove in part Designation 1560 Building line for road widening purposes from 54 Cook Street.

The section 182(1) request is made to uplift the existing designation in part from land on the corner of Nelson and Cook streets in Central Auckland that has been deemed surplus by Auckland Transport as the Requiring Authority. In this case, the request is to remove the designation from a 44m<sup>2</sup> strip of land which contains the Nelson Street façade of the building and to retain the balance of the designation between the façade and the site frontage for the widening of Nelson Street (**Attachment A**).

A developer is looking to develop the site. Auckland Transport and the developer have reached a Section 17 Public Works Act agreement to acquire the portion of the property between the existing road boundary and the face of the existing building, subject to the designation being removed from the remainder of the site.

The owners of the site, Augusta Property Holdco Limited, support the removal and there are no occupants of the site at this time (refer email from Haley Minoprio, Auckland Transport 12 June 2020 **Attachment B**). No other persons are affected by the partial removal of the designation.

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 considered that the effect on the remainder of the designation will be less than minor as the requiring authority has determined that land subject to the partial removal is no longer needed to give effect to the designation, the owners support its removal and no other person is affected by the designation.

It is recommended that the partial removal be accepted. There is no need to amend the text in Chapter K Designations. The Planning Map designation overlay should be amended to reflect the removal.

## Recommendation

1. That the section 182 request from Auckland Transport for the partial removal of Designation 1560 Building line for road widening purposes from 54 Cook Street Central Auckland in the Auckland Unitary Plan be **accepted** for the following reasons:
  - The land subject to the partial removal is no longer needed to give effect to the designation.
  - The effects of the removal on the remaining designation are no more than minor.
2. That Designation 1560 Building line for road widening purposes be partially removed, as soon as reasonably practicable, from 54 Cook Street, Central Auckland being NA750/67 Allotment 5 Section 40 and NA 750/68 Allotment 6 Section 40 City of Auckland in the Designation overlay in the Auckland Unitary Plan.

## 1. Description

### 1.1. References

<b>Designation number:</b>	1560 Building line for road widening purposes
<b>Lodgement date:</b>	4 June 2020
<b>Requiring authority:</b>	Auckland Transport
<b>Reporting officer:</b>	Terry Conner
<b>Site address:</b>	54 Cook Street, Central Auckland NA750/67 Allotment 5 Section 40 and NA 750/68 Allotment 6 Section 40 City of Auckland.
<b>UP Zoning:</b>	Business City Centre Zone

## 2.0 Background

A developer is looking to develop the site and Auckland Transport and the developer have reached a Section 17 Public Works Act agreement to acquire the portion of the property between the existing road boundary and the face of the existing building, subject to the designation being removed from the remainder of the site (being 44m<sup>2</sup>).

The owners of the site, Augusta Property Holdco Limited, support the removal and there are no occupants of the site at this time (**Attachment 2**, email from Haley Minoprio, Auckland Transport 12 June 2020). No other persons are affected by the partial removal of the designation.

## 2.1 Details of designation

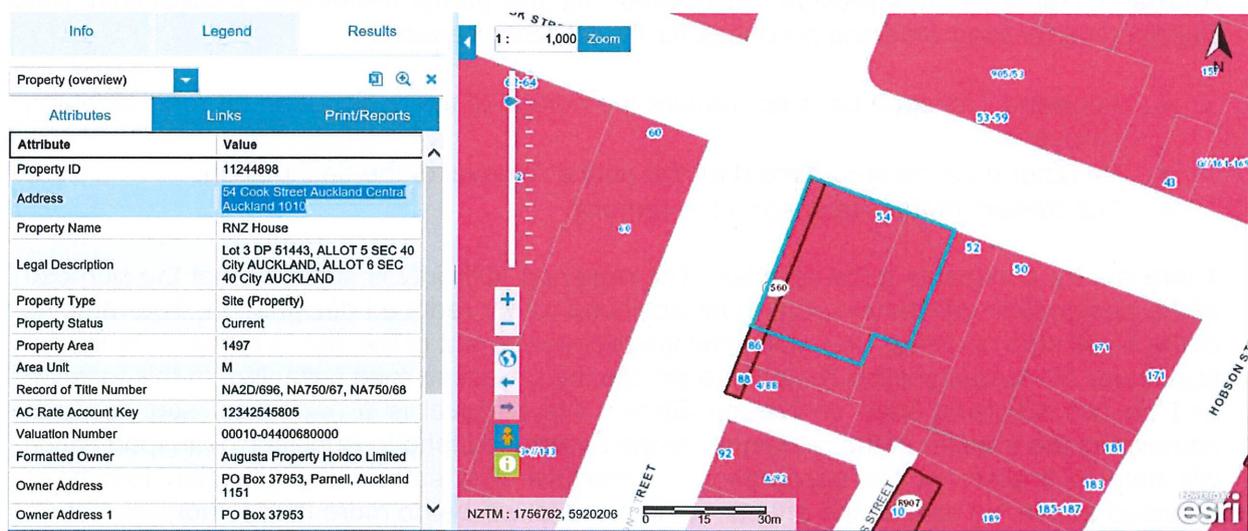
Designation 1560 is a building line for road widening which applies to the frontage of a number of properties on the eastern side of Nelson Street (110 Nelson Street, 217-223 Hobson Street and 54, 86-88 Cook Street, Auckland Central) and was rolled over from the Auckland City Council District Plan (Central Area Section) 2005. This designation will lapse on the expiry of 12 (twelve) years after the date on which it was included in the Unitary Plan unless:

- a. It is given effect to before the end of that period; or
- b. The territorial authority resolves that it has made, and is continuing to make, substantial progress or effort towards giving effect to the designation and fixes a longer period to give effect to the designation; or
- c. The designation lapses earlier by virtue of the Unitary Plan ceasing to be operative.

As the Unitary Plan became operative on 29 September 2016 and the designation was included in the Plan at that time, the designation has until 2028 to be implemented before it lapses. Partial removal of the designation does not affect these conditions.

## 2.2 Land affected by removal

The designation is currently shown in the AUP maps as follows, with the site outlined in blue:



Attribute	Value
Property ID	11244898
Address	54 Cook Street Auckland Central Auckland 1010
Property Name	RNZ House
Legal Description	Lot 3 DP 51443, ALLOT 5 SEC 40 City AUCKLAND, ALLOT 6 SEC 40 City AUCKLAND
Property Type	Site (Property)
Property Status	Current
Property Area	1497
Area Unit	M
Record of Title Number	NA2D/696, NA750/67, NA750/68
AC Rate Account Key	12342545805
Valuation Number	00010-04400680000
Formatted Owner	Augusta Property Holdco Limited
Owner Address	PO Box 37953, Parnell, Auckland 1151
Owner Address 1	PO Box 37953

Auckland Transport has provided a site plan showing the extent of the designation, which is to be partially removed, shown in highlighted yellow on page 4 of **Attachment A**.

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

The Team Leader - Planning Fiona Sprott (Plans and Places Tier 5) has delegated authority, in accordance with Schedule 2A of the Auckland Council Delegations: Chief Executive Officer (updated February 2017), 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 – Fiona Sprott (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 (1) states that

“If a requiring authority no longer wants a designation or part of a designation, it shall give notice in the prescribed form to—

- (a) the territorial authority concerned; and
- (b) every person who is known by the requiring authority to be the owner or occupier of any land to which the designation relates; and
- (c) every other person who, in the opinion of the requiring authority, is likely to be affected by the designation.”

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. However, 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.

### **3.0 Assessment**

Auckland Transport has provided justification for the partial removal of Designation 1560 Building line for road widening purposes for the following reasons:

- Auckland Transport does not require the portion of the designation for road widening purposes.
- No other persons are affected by the partial removal of the designation.
- The owners of the site support the removal

There are no occupants to be affected. The requiring authority is satisfied that the purpose of the designation will remain able to be achieved with a reduced designation. The removal of the small strip of designation will allow the redevelopment of the site to proceed, while the remainder of the designation remains to enable the proposed road widening, in this location and on two adjoining sites on Nelson Street. The removal is a necessary step towards completing the transfer of the remainder of the designated land to Auckland Transport which will help to implement the designation. I consider that sufficient justification has been provided and in my opinion the effects of the removal will be no more than minor.

#### 4.0 Recommendation

That pursuant to Section 182 of the Resource Management Act 1991 that the partial removal of Designation 1560 Building line for road widening purposes from 54 Cook Street, Central Auckland being NA750/67 Allotment 5 Section 40 and NA 750/68 Allotment 6 Section 40 City of Auckland, be **accepted** and the Auckland Unitary Plan Operative in part designation overlay be amended accordingly.

**Prepared by:** Terry Conner  
Principal Planner  
Planning Central/South

**Signature:** 

Date: 15 June 2020

**Accepted by:** Fiona Sprott  
Team Leader  
Planning Central/South

**Signature:** 

Date : 16 June 2020

#### SCHEDULE OF ATTACHMENTS:

**Attachment A:** Designation 1560 Building line for road widening purposes  
s182 Notice of Removal of Part of Designation

**Attachment B:** Email from Haley Minoprio, Auckland Transport 12 June 2020

**ATTACHMENT A**

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

**To:** Auckland Council  
Private Bag 92300  
Auckland 1142

**And to:** Augusta Property Holdco Limited  
Will Allan  
Level 2, 30 Gaunt Street  
Wynyard Quarter  
Auckland 1010

**From:** Auckland Transport  
Private Bag 92250  
Auckland 1010

**1 June 2020**

### **Partial removal of Designation 1560 – Road widening at 54 Cook Street, Auckland Central from the Auckland Unitary Plan (Operative in Part)**

Auckland Transport (AT) gives notice to Auckland Council (AC) under section 182 of the Resource Management Act 1991 (RMA), that it no longer requires part of the following designation under the Auckland Unitary Plan: Operative in Part (AUP: OP):

- Designation 1560 – Road widening.

The part of Designation 1560 that is no longer required relates to the following site addresses and legal descriptions:

- NA750/67, Allotment 5 Section 40 City of Auckland
- NA750/68, Allotment 6 Section 40 City of Auckland

Attachment 1 enclosed shows the area of designation to be removed from the properties, and the area of designation which will remain.

### **Existing Designation Details**

The details of the existing designation as set out under the AUP: OP is below:

<b>Designation Number:</b>	1560 - Road Widening
<b>Requiring Authority:</b>	Auckland Transport
<b>Location:</b>	54 Cook Street, Auckland Central
<b>Underlying Zoning:</b>	Business – City Centre Zone
<b>Conditions:</b>	None
<b>Attachments:</b>	None



**Figure 1.** Existing boundary of Designation 1560 in brown outline (source: AUP: OP planning maps).

The extent of the designation is over the Nelson Street frontage of the site at 54 Cook Street, Auckland Central.

#### **Land Affected by Removal**

AT has determined that the following areas within Designation 1560 are no longer required for current or future road widening, and gives notice to:

- Partially remove the designation from 54 Cook Street, Auckland Central

The partial removal is illustrated in Attachment 1.

#### **Reasons for the Partial Removal of Designation 1805**

The partial removal of Designation 1805 for Carparking Asset is due to the following reasons:

- A developer is looking to develop the site and Auckland Transport and the developer have reached a Section 17 Public Works Act agreement to acquire the portion of the Property, between the existing road boundary and the face of the existing building, that is subject to the designation being removed from the remainder of the site (being 44 square metres).

- Auckland Transport does not require the portion of the designation to be removed (being 44 square metres) for road widening purposes.

### **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.

### **Effect of Partial Removal on Remaining Designation**

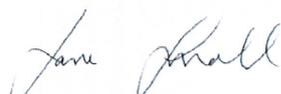
The effect on the remainder of the Designation will be less than minor for the following reasons:

- Auckland Transport does not require the portion of the designation for road widening purposes.
- No other persons are affected by the partial removal of the designation.
- The owners of the site support the removal

### **Summary**

AT requests that AC amends the AUP: OP accordingly as required by Section 182 of the Resource Management Act 1991.

Yours Faithfully,



Jane Small

**Group Manager Property and Planning**



**ATTACHMENT B**

## Terry Conner

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**From:** Terry Conner  
**Sent:** Monday, 15 June 2020 9:23 AM  
**To:** Haylee Minoprio (AT)  
**Subject:** RE: Partial uplift of designation 1560- information request.

Great, thanks for this information.

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**From:** Haylee Minoprio (AT) <[Haylee.Minoprio@at.govt.nz](mailto:Haylee.Minoprio@at.govt.nz)>  
**Sent:** Friday, 12 June 2020 3:24 PM  
**To:** Terry Conner <[Terry.Conner@aucklandcouncil.govt.nz](mailto:Terry.Conner@aucklandcouncil.govt.nz)>  
**Subject:** RE: Partial uplift of designation 1560- information request.

Hi Terry

We have had confirmation from the owners that there are no occupants in the building as the property is currently untenanted.

Kind regards  
Haylee

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**From:** Terry Conner <[Terry.Conner@aucklandcouncil.govt.nz](mailto:Terry.Conner@aucklandcouncil.govt.nz)>  
**Sent:** Thursday, 11 June 2020 4:24 p.m.  
**To:** Haylee Minoprio (AT) <[Haylee.Minoprio@at.govt.nz](mailto:Haylee.Minoprio@at.govt.nz)>  
**Subject:** RE: Partial uplift of designation 1560- information request.

My request was concerning the occupiers of the site, not the owners which you had already supplied.

Kind regards  
Terry

Terry Conner  
Principal Planner  
Planning - Central/South  
Plans & Places  
Auckland Council CPO  
Auckland Council

(Note I do not work Wednesday or Friday)  
DDI: +64 9 890 8311  
EXT: (46)8311  
MOB: +64 21 592 720

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**From:** Haylee Minoprio (AT) <[Haylee.Minoprio@at.govt.nz](mailto:Haylee.Minoprio@at.govt.nz)>  
**Sent:** Thursday, 11 June 2020 1:48 PM  
**To:** Terry Conner <[Terry.Conner@aucklandcouncil.govt.nz](mailto:Terry.Conner@aucklandcouncil.govt.nz)>  
**Subject:** RE: Partial uplift of designation 1560- information request.

Hi Terry

The From23 notice has been served on the owner (name and address noted).

Our assessment is that there are no other persons affected.

I trust this is all you need, but let me know if there is anything else I can help with.

Kind regards  
Haylee

**Haylee Minoprio | Principal Planner**

**Consent Planning Team**

**Integrated Networks Division**

Level 4, 20 Viaduct Harbour Ave, Auckland

Private Bag 92-250, Auckland 1142

*Please note I am working remotely during this time*

*I am available over phone, Skype and Teams*

P 09 355 3553 | M 021 719 030

[www.at.govt.nz](http://www.at.govt.nz)



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**From:** Terry Conner <[Terry.Conner@aucklandcouncil.govt.nz](mailto:Terry.Conner@aucklandcouncil.govt.nz)>

**Sent:** Thursday, 11 June 2020 1:26 p.m.

**To:** Haylee Minoprio (AT) <[Haylee.Minoprio@at.govt.nz](mailto:Haylee.Minoprio@at.govt.nz)>

**Subject:** Partial uplift of designation 1560- information request.

Hi Hayley,

I am the planner processing this request. We are missing one piece of information (in addition to the deposit, for which I understand you have been sent an invoice). This is the notice served on the occupier of the land from which the designation is being uplifted, their details and phone number(s). This is a requirement of section 182 (1) (b) Also, would it be correct that there are no other persons likely to be affected by altering the designation (s182(1)(c)? We have determined that there is no need for further mapping information. Please advise as soon as possible so this matter can be expedited.

Kind regards

Terry Conner  
Principal Planner  
Planning - Central/South  
Plans & Places  
Auckland Council CPO  
Auckland Council

(Note I do not work Wednesday or Friday)

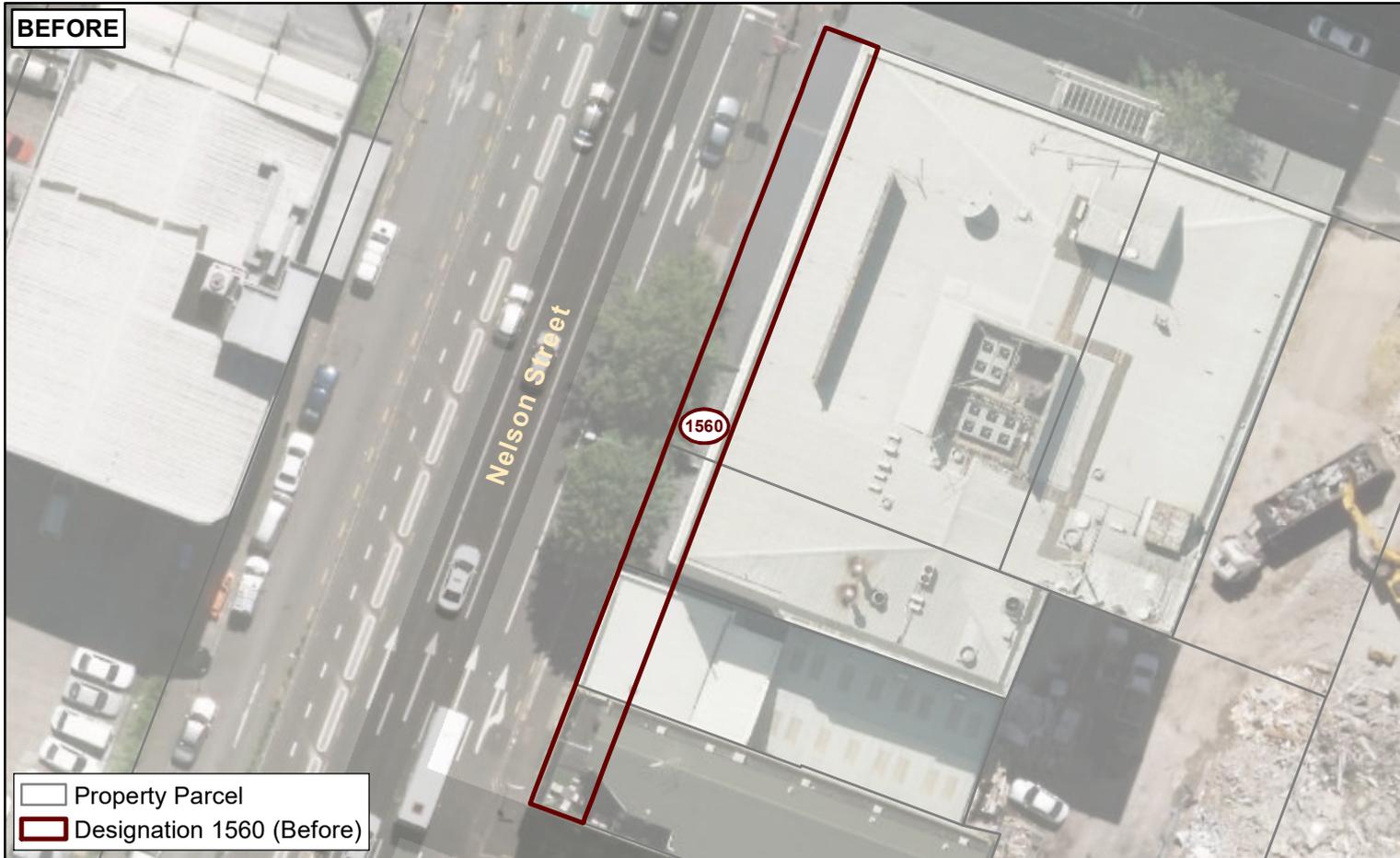
DDI: +64 9 890 8311

EXT: (46)8311

MOB: +64 21 592 720

Attachment 2: Updated GIS Viewer to  
Designation 1560

**BEFORE**



**AFTER**



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: 7/07/2020

## Partial Removal of Auckland Transport Designation 1560