

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Celia Davison, Manager Planning, Central / South

FROM Vanessa Leddra Policy Planner, Central / South



DATE 22 June 2022



SUBJECT **Extension of Designation lapse dates in accordance with s184 of the Resource Management Act to the Unitary Plan (AUP) Operative in part (15 November 2016)**



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

Reason for update – Extension of lapse dates in accordance with S184 to Designation 6768			
Chapter	Chapter K Designations		
Section	New Zealand Transport Agency		
Designation only			
Designation # 6768	State Highway 16 Road Widening - Kumeu/Huapai		
Locations:	State Highway 16 from eastern side of Lot 3 DP 39985 to Old Railway Road (Main Road), Kumeu and Huapai		
Lapse Date	Five years from being operative in the Unitary Plan unless given effect prior		
Purpose	Road widening		
Changes to text (shown in underline and strikethrough)	<table border="1" style="width: 100%;"> <tr> <td style="width: 30%;">Lapse Date</td> <td>31 August 2022 <u>31 August 2027</u> unless given effect to prior</td> </tr> </table> <p>Refer to Attachment C</p>	Lapse Date	31 August 2022 <u>31 August 2027</u> unless given effect to prior
Lapse Date	31 August 2022 <u>31 August 2027</u> unless given effect to prior		
Changes to diagrams	N/A		
Changes to spatial data	N/A		
Attachments	Attachment A: NZTA s184 application Attachment B: Commissioner’s Decision Attachment C: Updated text (strikethrough & underlined)		

Prepared by: Vanessa Leddra Policy Planner	Text Entered by: Bronnie Styles Planning Technician
Signature: 	Signature: 

Maps prepared by: Geospatial Specialist	Reviewed by: Craig Cairncross Team Leader
Signature: N/A	Signature: 
Signed off by: Celia Davison Manager Planning – Central/ South	
Signature: 	

Attachment A

Waka Kotahi NZ Transport Agency s184 application

Extension of lapse period for designation 6768 in the Auckland Unitary Plan Operative in Part

Waka Kotahi NZ Transport Agency

Designation 6768

Purpose: Road Widening

Location: State Highway 16 from eastern side of Lot 3 DP 39985 to Old Railway Road

APPLICATION FOR EXTENSION OF LAPSE PERIOD UNDER SECTION 184 OF THE RESOURCE MANAGEMENT ACT 1991

To: Auckland Council
North, West and Islands Planning: Plans and Places
Private Bag 92300
Auckland, 1142

From: Waka Kotahi NZ Transport Agency
Level 5, AON Centre
Customs Street West
Private Bag 106602
Auckland 1143

Pursuant to Section 184 of the Resource Management Act 1991 (RMA) Waka Kotahi NZ Transport Agency (Waka Kotahi) applies for an extension of the lapse period for an existing designation. The application is being made within three months before the expiry of the current lapse date in accordance with the requirements of Section 184 RMA.

Existing designation:

The existing designation, the existing lapse date and the proposed new lapse date are:

Designation Reference	Purpose	Date included in the Auckland Unitary Plan Operative in Part	Lapse Date	New Lapse Date
6768	Road Widening	31 August 2017	31 August 2022	31 August 2027

A copy of conditions of the existing designation is included in **Attachment A** of this Notice. The relevant planning map on which the designation is shown is included in **Attachment B** of this Notice.

Ongoing need for the existing designation:

The SH16 Brigham Creek to Waimauku Project corridor is one of the sections of rural state highway that was identified for the Safe Roads and Roadsides Programme. This section of the SH16 corridor needs to be retrofitted with safety mechanisms specifically designed to reduce the incidents of deaths and serious injuries on this stretch of rural state highway. There is also limited provision of walking and cycling facilities on the existing state highway. This presents an intimidating route for users due to the high-speed environment and varying road shoulder widths.

As recommended by the SH16 Brigham Creek to Waimauku – Single Stage Business Case (Safe Roads Alliance, November 2017) and SH16 Brigham Creek to Waimauku – Cycling and Walking Addendum (Safe Roads Alliance, October 2018) this section of State Highway 16 is proposed to include:

- Shoulder and central median barriers
- Shared use path for pedestrians and cyclists
- Additional vehicle lanes

An integrated transport network is being planned by Te Tupu Ngātahi Supporting Growth (a collaboration between Auckland Transport and Waka Kotahi NZ Transport Agency) to transform how people move around the North–West in the future. The following projects are anticipated in the next 10 to 30 years:

- A future rapid transit corridor between Redhills North and Kumeū–Huapai to enable development of fast, frequent and high–capacity public transport.
- A station located at Huapai will enable residents from the surrounding area to access a park and ride adjacent to the station.
- A station located near the Kumeū town centre will provide access to the station by all types of transport – public transport, walk, bike, scoot, or drive
- Provision for a cycling and walking corridor alongside the rapid transit corridor connecting Whenuapai and the northern part of Redhills to Kumeū–Huapai.

Designation 6768 is required in order to undertake these physical works. At this stage, construction for SH16 Brigham Creek to Waimauku Project is due to commence in 2024 and Te Tupu Ngātahi Supporting Growth North–West construction is assumed in the next 30 years.

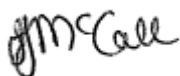
As the designation currently lapses in August 2022 there is a need to extend the lapse date for designation 6768 for an additional period of 5 years.

Substantial progress or effort towards giving effect to the designation:

Since the designation was included in the Auckland Unitary Plan Operative in Part, substantial progress has been made by Waka Kotahi towards giving effect to designation 6768 and is continuing to be made including:

- SH16 Brigham Creek to Waimauku – Single Stage Business Case (completed November 2017)
- SH16 Brigham Creek to Waimauku – Cycling and Walking Addendum (completed October 2018)
- SH16 Brigham Creek to Waimauku: Stage 2 Preliminary design for this section of corridor is complete. Detailed design is expected in late 2022.
- Te Tupu Ngātahi Supporting Growth – North West Indicative Business Case for Route Protection (completed July 2019)
- Te Tupu Ngātahi Supporting Growth – North West Detailed Business Case (December 2021)
- Consultation with affected landowners has occurred from 2016 – 2022, including: meetings related to the business case options, private meetings, community days, specific site investigations, phone calls, mail drops and emails. A full list of these interactions can be supplied upon request

Signed by:



Sonya McCall,

Team Leader – Environmental Planning
System Design, Transport Services

Pursuant to authority delegated by Waka Kotahi NZ Transport Agency

31 May 2022

Address for Service:

Waka Kotahi NZ Transport Agency
Level 5, AON Centre
Customs Street West
Private Bag 106602
Auckland 1143

Attention: Tessa Robins
Ph: (021) 557 568
E-mail: tessa.robins@nzta.govt.nz

Attachment A – Designation 6768 Conditions

Attachment B – Planning Map of Designation 6768

Attachment A: Designation 6768 Conditions (source Auckland Unitary Plan Operative in Part)

6768 State Highway 16 Road Widening - Kumeu/Huapai

Designation Number	6768
Requiring Authority	New Zealand Transport Agency
Location	State Highway 16 (Main Road), Kumeu and Huapai
Rollover Designation	Yes
Legacy Reference	Designation (no number) listed under Road Widening in Chapter 15, Auckland Council District Plan (Rodney Section) 2011
Lapse Date	31 August 2022

Purpose

Road widening.

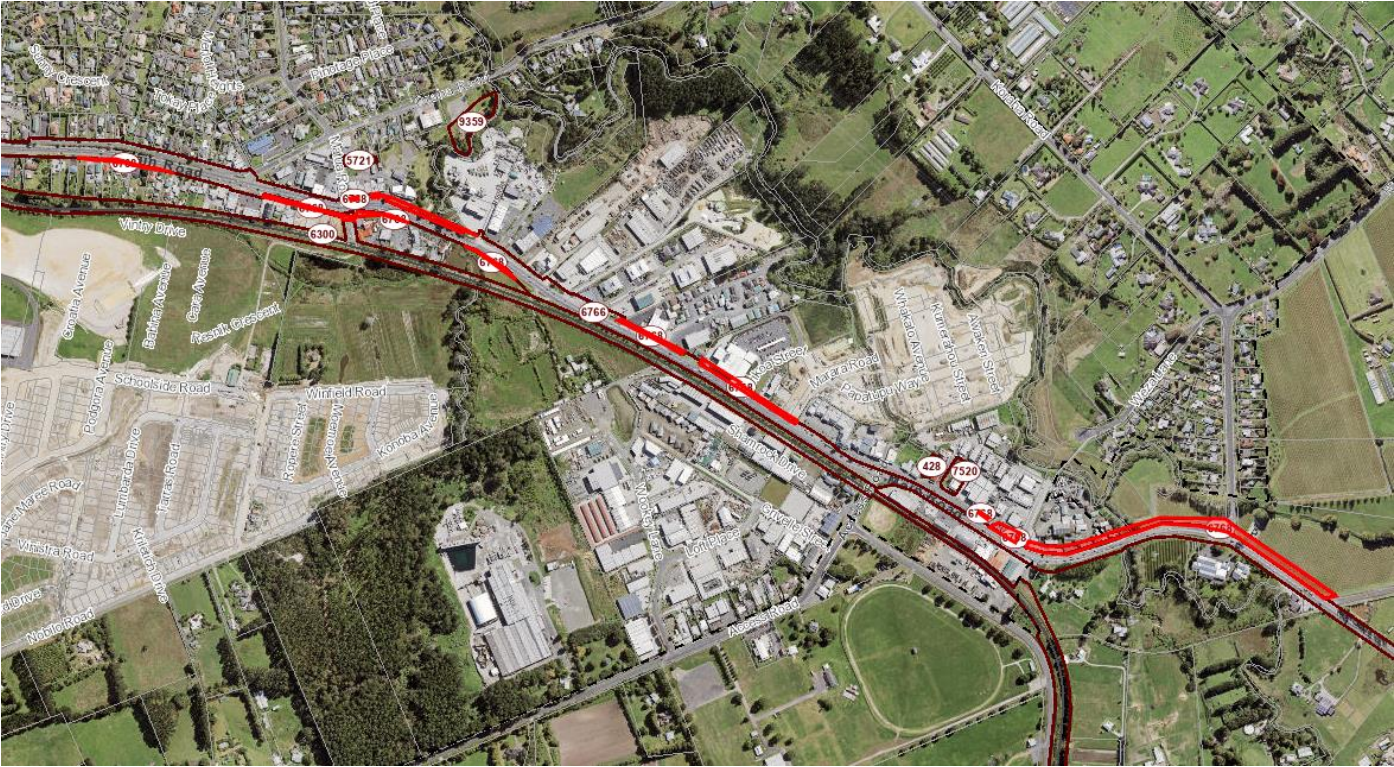
Conditions

No conditions.

Attachments

No attachments

Attachment B: Planning Map showing Designation 6768



Attachment B

Commissioners Decision

Decision on application to extend the lapse period under section 184 of the Resource Management Act 1991



Decision of Commissioner on an application to extend the lapse period of Designation 6768 - State Highway 16 Road Widening - Kumeu/Huapai in the Auckland Unitary Plan (Operative in Part).

The proposed extension to the lapse period of Designation 6768 Road Widening –State Highway 16 Road Widening - Kumeu/Huapai by five years is **APPROVED**.

Introduction

1. This recommendation is made on behalf of the Auckland Council (“**the Council**”) by Independent Hearing Commissioner Janine Bell (sitting alone) appointed and acting under delegated authority under section 34A of the Resource Management Act 1991 (“**the RMA**”).
2. The Council has received a request from Waka Kotahi/New Zealand Transport Agency under section 184 of the RMA, dated 31 May 2022, to extend the lapse period of Designation 6768 State Highway 16 Road Widening – Kūmeu-Huapai by 5 years to 31 August 2027.

References

Designation number	6768
Purpose	Road widening
Location	State Highway 16 from eastern side of Lot 3 DP 39985 to Old Railway Road (Main Road), Kumeu and Huapai
Date of request to extend lapse date:	31 May 2022
Requiring authority:	Waka Kotahi/New Zealand Transport Agency

3. Designation 6768 State Highway 16 Road Widening – Kūmeu-Huapai provides for road widening. The designation applies to 59 properties located along the northern side of Main Road from 16 Main Road to 318 Main Road, the southern side of Main Road from 299 to 363 Main Road and at 550 State Highway 16.
4. NZTA’s application outlines the designation is part of the State Highway 16 Brigham Creek to Waimauku Project Corridor which is identified as part of the Safe Roads and Roadsides Programme. This section of the corridor will need to be retrofitted with safety mechanisms specifically designed to reduce the incidents of deaths and serious injuries including:

- Shoulder and central median barriers.
 - A shared use path for pedestrians and cyclists.
 - Additional vehicle lanes.
5. Designation 6768 is also required to undertake physical works for multiple transport projects planned by Te Tupu Ngātahi Supporting Growth within the next 30 years. These include:
- A future rapid transit corridor between Redhills North and Kūmeu-Huapai.
 - A station located at Huapai.
 - A station located near the Kūmeu town centre.
 - Provision for a cycling and walking corridor connecting Whenuapai and the northern part of Redhills to Kūmeu-Huapai.
6. That the SGA has progressed through both indicative business case and detailed business case stages for the Northwest area, including for Fred Taylor Drive. Alongside the business cases, SGA has prepared designs for the Fred Taylor Drive corridor. To accommodate growth, the road will need to be widened beyond its current extent to provide additional travel lanes. Designation 1468 will be used to provide for these facilities.
7. The designation is currently shown in the AUP maps as follows:



Note that this application refers to Designation 6768 which is highlighted in blue in the map above. The street address is known as 550 State Highway 16 to 363 Main Road

8. The designation has a lapse date of 31 August 2022 in accordance with s184(1)(b) of the Resource Management Act 1991 (RMA).

Relevant Statutory Provisions

9. Section 184 of the RMA, states:

(1) A designation lapses on the expiry of 5 years after the date on which it is included in the district plan unless—

- (a) it is given effect to before the end of that period; or*
- (b) the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made and fixes a longer period for the purposes of this subsection; or*
- (c) the designation specified a different period when incorporated in the plan.*
- (2) Where paragraph (b) or paragraph (c) of subsection (1) applies in respect of a designation, the designation shall lapse on the expiry of the period referred to in that paragraph unless—*
- (a) it is given effect to before the end of that period; or*
- (b) the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made and fixes a longer period for the purposes of this subsection.*

Assessment

10. Section 184 of the RMA states that a designation will lapse on the expiry of 5 years after the date of its inclusion in a plan unless it has been given effect to before the end of that period, or if the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and fixes a longer period.
11. In terms of s184(2)(b) the application has been made by NZTA within 3 months before the expiry of the designation lapse period and sets out the progress and effort that has been made and continues to be made towards giving effect to the designation.
12. The application outlines the progress that has been made, and continue to be made, to give effect to the designation. A detailed description of the progress that has been completed or partly completed is provided on page 3 of the application, dated 31 May 2022. In summary this includes:
- Completion of the State Highway 16 Brigham Creek to Waimauku – Single Stage Business Case in November 2017.
 - Completion of the State Highway 16 Brigham Creek to Waimauku – Cycling and Walking Addendum in October 2018.
 - Completion of Te Tupu Ngātahi Supporting Growth – North West Indicative Business Case for Route Protection in July 2019.
 - Completion of Te Tupu Ngātahi Supporting Growth – North West Detailed Business Case in December 2021.
 - Consultation with affected landowners has occurred from 2016 to 2021.

- Completion of preliminary design for this section of corridor with detailed design expected to be completed in 2022.
13. The Council officers have reviewed the application and are satisfied that the requiring authority has made and continues to make substantial effort / progress towards giving effect to the designation and therefore recommends extending the lapse period by five years to 31 August 2027.

Conclusion

14. As set out in the application documents, substantial effort and progress has been made and continues to be made towards giving effect to the road widening designation. The additional five years sought will enable the completion of the current discussions and is considered adequate by the requiring authority to give effect to the designation. Therefore, the proposed extension to the lapse period for Designation 6768 State Highway 16 Road Widening – Kūmeu-Huapai by 5 years to 31 August 2027 is appropriate.

Decision

That pursuant to Section 184 of the Resource Management Act 1991 that the extension to the lapse date of Designation 6768 State Highway 16 Road Widening – Kūmeu-Huapai by 5 years to 31 August 2027 is **approved**.

Approved

Janine A. Bell
Independent Hearing Commissioner

Signature :

A handwritten signature in blue ink that reads "J. Bell". The signature is written in a cursive style with a large loop at the beginning and a horizontal line at the end.

Date : 16 June 2022

Attachment C

Updated designation text

6768 State Highway 16 Road Widening - Kumeu/Huapai

Designation Number	6768
Requiring Authority	New Zealand Transport Agency
Location	State Highway 16 (Main Road), Kumeu and Huapai
Rollover Designation	Yes
Legacy Reference	Designation (no number) listed under Road Widening in Chapter 15, Auckland Council District Plan (Rodney Section) 2011
Lapse Date	31 August 2022 31 August 2027 unless given effect to prior

Purpose

Road widening.

Conditions

No conditions.

Attachments

No attachments