

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Celia Davison

FROM Sanjay Bangs

DATE 12 August 2019

SUBJECT



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

Reason for update: A decision has been made to confirm a partial removal of a designation under Section 182(1) of the RMA	
Chapter	Chapter K Designations
Section	Schedules and Designations – New Zealand Transport Agency
Designation only	
Designation #6718	State Highway 1 - Auckland Harbour Bridge to Otahuhu – NZ Transport Agency
Location:	State Highway 1 from (1) Auckland Harbour Bridge, Westhaven to Fanshawe Street, Freemans Bay and from (2) Grafton Road, Grafton to Tamaki River, Otahuhu, and State Highway 16 from (3) Newton Road, Eden Terrace to Whau River bridge, Avondale and State Highway 20 from (4) Hillsborough Road, Hillsborough to Manukau Harbour
Lapse Date	15 years after the date on which it is included in the AUP.
Type of Designation	Existing
Purpose	Motorway.
Changes to text	Not applicable
Changes to diagrams	Not applicable
Changes to spatial data	Partial removal of Designation 6718 over 13 – 15 and 29 Frank Grey Place, Otahuhu. Refer to NZTA map shown on Page 3 of Attachment 2 .
Attachments	Attachment 1: Section 182(1) decision report Attachment 2: New Zealand Transport Agency's Notice to remove in part Designation 6718 at Frank Grey Place Attachment 3: Updated GIS Viewer for Designation 6718

<p>Prepared by: Sanjay Bangs Planner, Planning Central & South</p>	<p>Text entered by: Sophia Coulter Planning Technician</p>
<p>Signature: </p>	<p>Signature: </p>
<p>Maps prepared by: Shelley Glassey Geospatial Analyst - Aucklandwide</p>	<p>Reviewed by: Sanjay Bangs Planner, Planning Central & South</p>
<p>Signature: </p>	<p>Signature: </p>
<p>Team Leader: Craig Craincross Manager, Planning Central & South</p>	<p>Manager: Celia Davison Manager, Planning Central & South</p>
<p>Signature: </p>	<p>Signature: </p>

Attachment 1 - Section 182(1) decision report

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



To: Craig Cairncross – Team Leader, Planning Central and South

From: Sanjay Bangs, Planner

Date: 25 March 2019

Subject:

Partial removal of Designation 6718 State Highway 1 - Auckland Harbour Bridge to Otahuhu in the Auckland Unitary Plan (Operative in Part)

Summary

Auckland Council has received a request from the New Zealand Transport Agency under section 182 of the Resource Management Act 1991 (**RMA**), dated 12 December 2018, to remove in part Designation 6718 State Highway 1 - Auckland Harbour Bridge to Otahuhu in the Auckland Unitary Plan (Operative in Part) (**AUP**).

A section 182(1) request is required to uplift the existing designation in part from land which has been deemed surplus by the New Zealand Transport Agency.

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 recommended that the partial removal be accepted.

Recommendation

1. That the section 182 request from the New Zealand Transport Agency for the partial removal of Designation 6718 State Highway 1 - Auckland Harbour Bridge to Otahuhu in the Auckland Unitary Plan be **accepted** for the following reasons:
 - NZTA lodged a Notice of Requirement to alter the existing designation 6718 in December 2016. That alteration was associated with the East West Link project and is now shown in the Auckland Unitary Plan as part of designation 6718. Since lodging the Notice in 2016, NZTA has undertake further design of the proposed Princes Street interchange, and has identified that part of designation 6718 can be removed in part;
 - NZTA has consulted with the landowner of 13 – 15 and 29 Frank Grey Place, over which the partial removal of designation 6718 is sought; and
 - The effects of the partial removal will not be more than minor.
2. That Designation 6718 State Highway 1 - Auckland Harbour Bridge to Otahuhu be partially removed, as soon as reasonably practicable, in the Designation overlay in the Auckland Unitary Plan.

1.0 DESCRIPTION

1.1 References

Designation number:	Designation 6718 State Highway 1 - Auckland Harbour Bridge to Otahuhu
Lodgement date:	12 December 2018
Requiring authority:	New Zealand Transport Agency
Reporting officer:	Sanjay Bangs
Site address:	13 – 15 Frank Grey Place 29 Frank Grey Place
UP Zoning:	Residential – Mixed Housing Suburban

2.0 BACKGROUND

2.1 Details of designation

Designation 6718 applies to various parts to the State Highway network in Auckland, including State Highway 1 between Greenlane and Otahuhu.

A Notice of Requirement was lodged by NZTA in 2016 to alter designation 6718. That alteration was associated with the East West Link project and is now shown in the Auckland Unitary Plan as part of designation 6718.

Since lodging the Notice in 2016, the NZTA has undertaken further design of the proposed Princes Street Interchange and has consulted with the landowner of 13 - 15 and 29 Frank Grey Place with regard to development proposals on those properties. This work has identified that designation 6718 can be removed in part, and therefore reduced at 13 - 15 and 29 Frank Grey Place

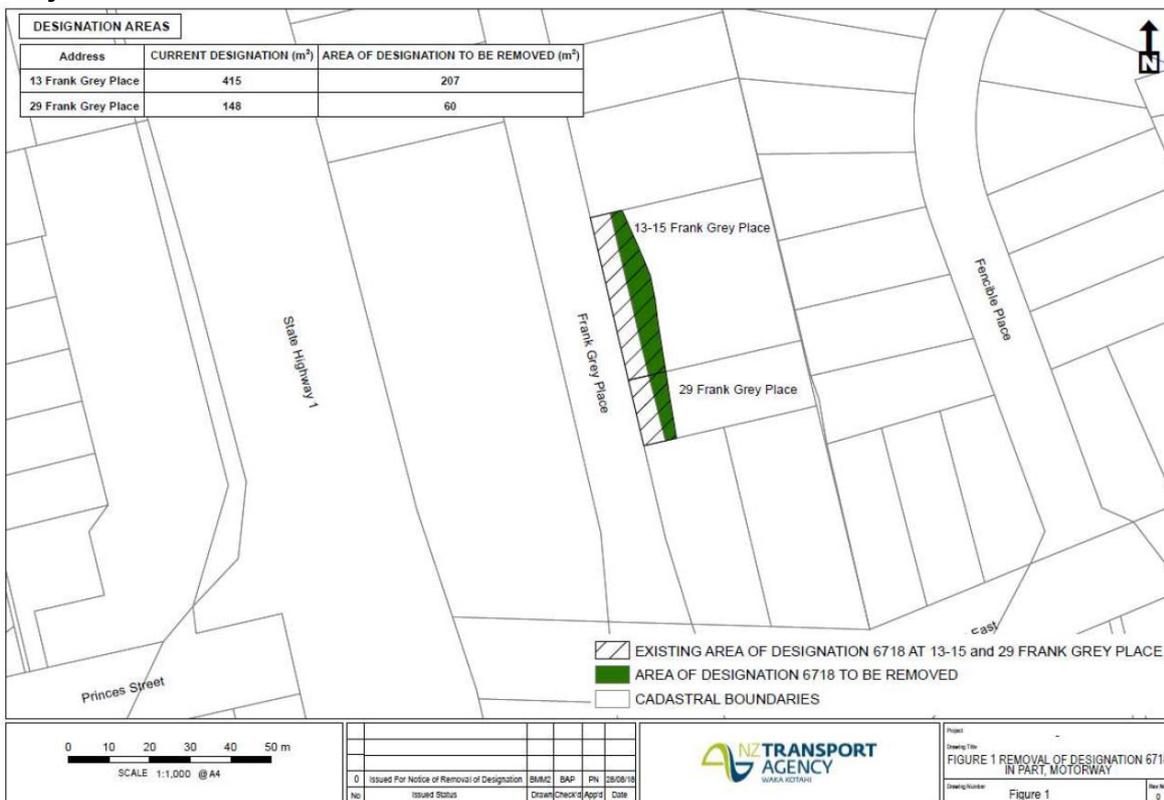
1.2 Land affected by removal

The extent of the designation in the AUP and proposed partial removal is shown below.

Figure 1: Aerial map showing relevant sections of Designation 6718



Figure 2: Map showing designation and extent of partial removal at 13-15 and 29 Frank Grey Place



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

1.3 Delegated authority to consider alterations to designations

The Team Leader – Planning Central/South (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 – Central/South 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 considers it be necessary. 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 the NZTA has provided sufficient justification for the partial removal of Designation 6718 State Highway 1 - Auckland Harbour Bridge to Otahuhu for the following reasons:

- The land identified to be uplifted from the designation was not utilised for the intended project, and is not required for ongoing operation of the existing interchange; and
- The effects of the partial removal will not be more than minor.

3.0 RECOMMENDATION

That pursuant to Section 182 of the Resource Management Act 1991 that the partial removal of Designation 6718 State Highway 1 - Auckland Harbour Bridge to Otahuhu be **ACCEPTED** and the Auckland Unitary Plan Operative in part designation overlay be amended accordingly.

Prepared by:



Sanjay Bangs, Planner, Planning Central and South

Date: 25 March 2019

4.0 DETERMINATION

That the above partial removal of Designation 6718 has been considered under Delegated Authority by the Auckland Council and is hereby **CONFIRMED** in accordance with Section 182 of the Resource Management Act 1991 and that the Auckland Unitary Plan (Operative in Part) be amended accordingly without further formality.

Signed:

A handwritten signature in blue ink, consisting of a large, stylized 'C' followed by a horizontal line extending to the right.

Craig Cairncross – Team Leader, Planning Central and South

Date: 25 March 2019

SCHEDULE OF ATTACHMENTS:

Attachment A: NZTA s182 Notice of Removal

Attachment 2: New Zealand Transport Agency's Notice to
remove in part Designation 6718 at Frank Grey Place

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: Choy Leen Lee Sang and Colin Lee Sang, 13 – 15 Frank Grey Place, Ōtāhuhu
Choy Leen Lee Sang and Colin Lee Sang, 29 Frank Grey Place, Ōtāhuhu

From: New Zealand Transport Agency
Private Bag 106602
Auckland 1143

Pursuant to section 182 of the Resource Management Act 1991, the NZ Transport Agency gives notice that it no longer requires part of the following designation:

Designation 6718: “Motorway”.

The part of Designation 6718 that is no longer required is part of the designation area at 13 – 15 and 29 Frank Grey Place, Ōtāhuhu. The designation is to be removed in part from those properties. The legal descriptions of those properties are Lot 2 DP 89756 and Lot 1 DP 61857, respectively.

The attached **Figure 1** shows the area of designation to be removed from the properties, and the area of designation which will remain on the properties.

The NZ Transport Agency lodged a Notice of Requirement to alter the existing designation 6718 in December 2016. That alteration was associated with the East West Link project and is now shown in the Auckland Unitary Plan as part of designation 6718. Since lodging the Notice in 2016, the NZ Transport Agency has undertaken further design of the proposed Princes Street Interchange and has consulted with the landowner of 13 – 15 and 29 Frank Grey Place with regard to development proposals on those properties. This work has identified that designation 6718 can be removed in part, and therefore reduced at 13 – 15 and 29 Frank Grey Place.

The NZ Transport Agency requests that Auckland Council amends the Auckland Unitary Plan accordingly as required by section 182 of the Resource Management Act 1991.

Signed by:



Belinda Petersen
Principal Planner – Consents and Approvals
System Design and Delivery

Pursuant to authority delegated by the NZ Transport Agency

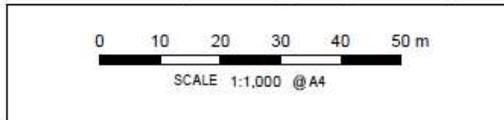
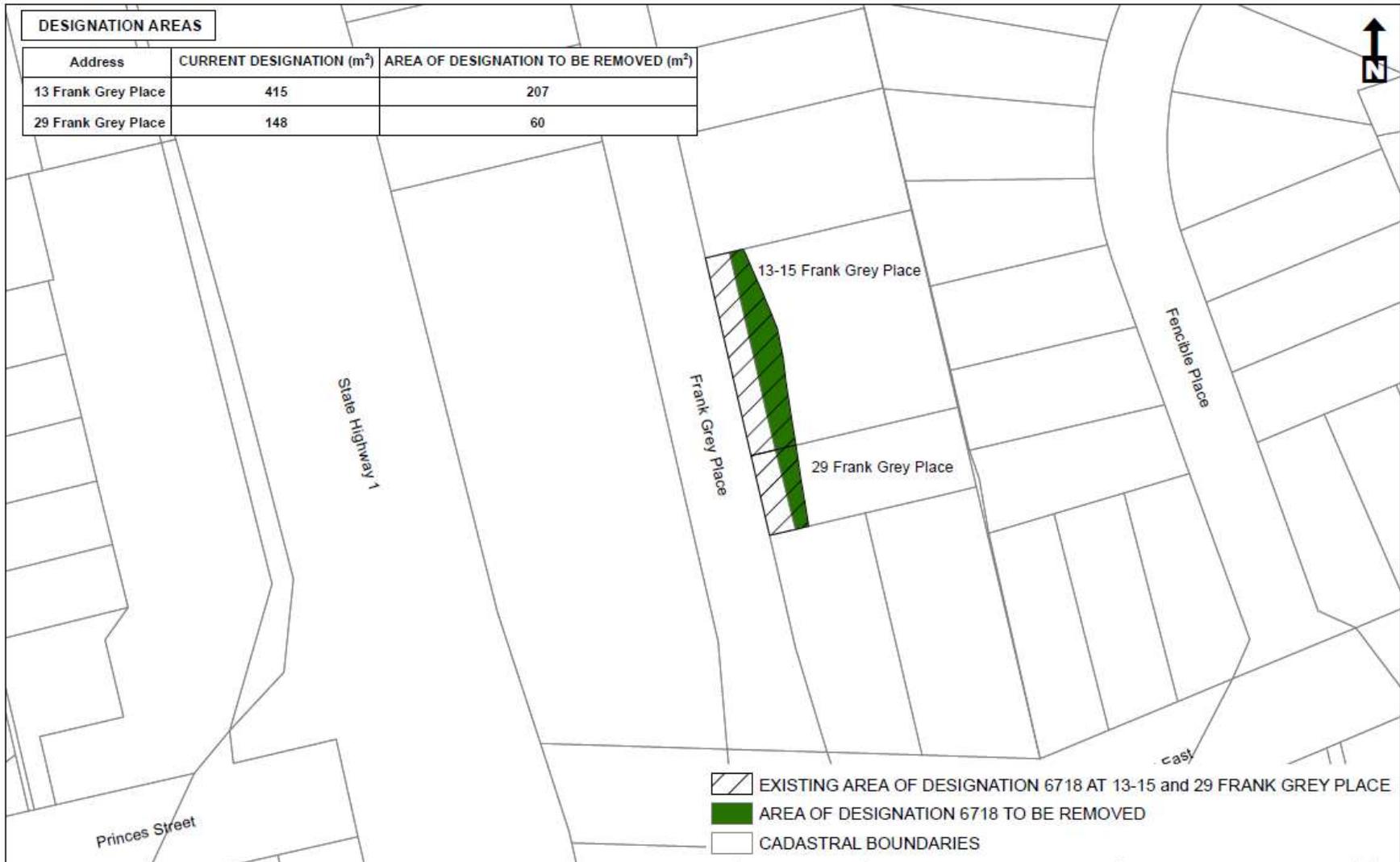
Dated: 12 December 2018

Address for service of requiring authority

Contact person: Belinda Petersen

Telephone: 027 406 2047

E-mail: Belinda.Petersen@nzta.govt.nz



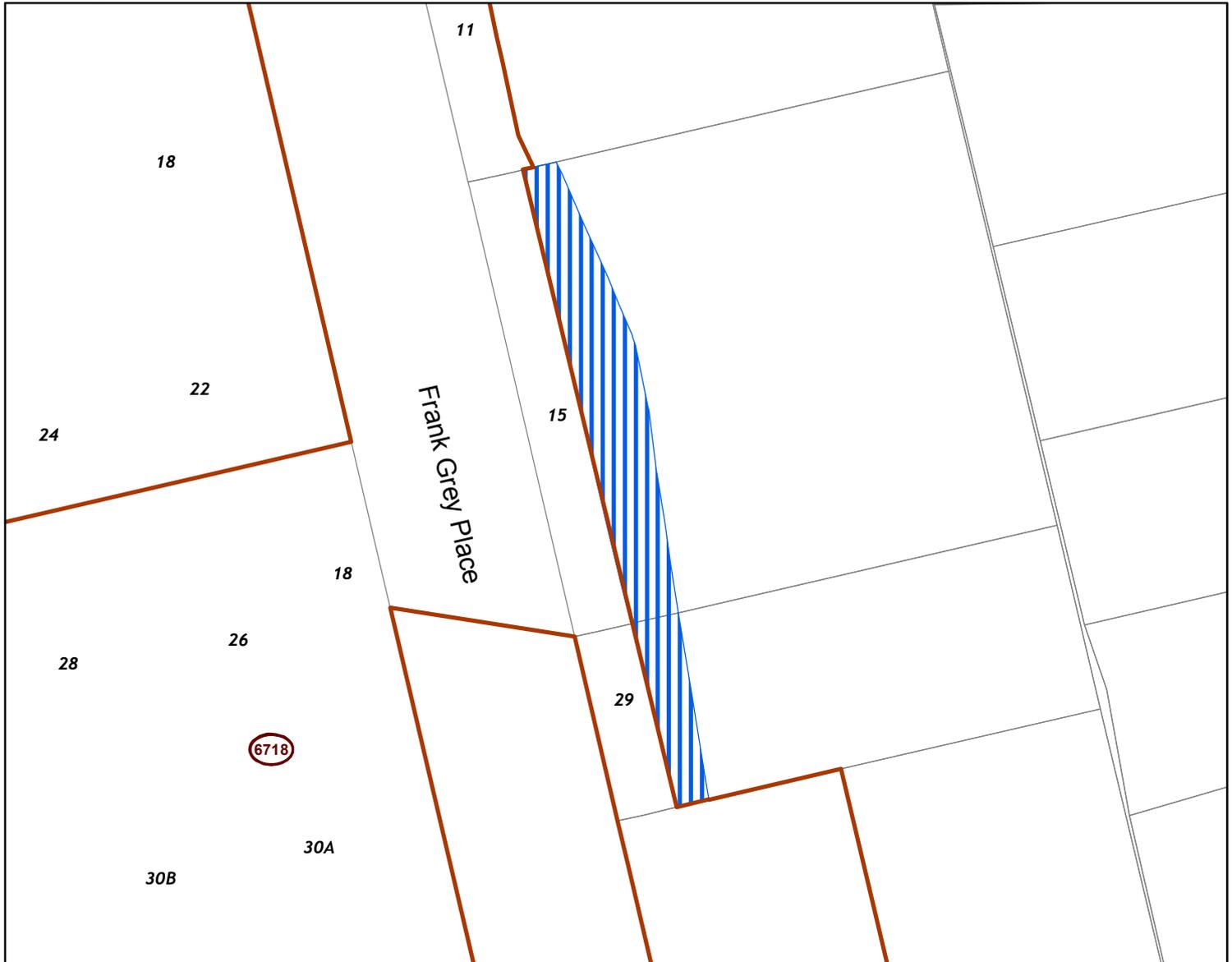
0	Issued For Notice of Removal of Designation	BMM2	BAP	PN	28/08/18
No	Issued Status	Drawn	Checked	App'd	Date



Project	-
Drawing Title	FIGURE 1 REMOVAL OF DESIGNATION 6718 IN PART, MOTORWAY
Drawing Number	Figure 1
Rev No.	0

Attachment 3: Updated GIS Viewer for Designation 6718

Change Number 1



Legend

-  Modification : Des 6718 NZTA part removed
-  Updated Designation