

## UNITARY PLAN UPDATE REQUEST MEMORANDUM

**TO** Marc Dendale  
**FROM** Nicholas Lau  
**DATE** 7 January 2019



**SUBJECT** **Partial removal of Designation 6303 Avondale Southdown Railway Line 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</b> – A decision has been made to confirm a partial removal of a designation under Section 182 of the RMA	
<b>Chapter</b>	Chapter K Designations
<b>Section</b>	Schedules and Designations – Kiwi Rail Holdings Limited
<b>Designation only</b>	
<b>Designation # 6303</b>	Avondale Southdown Railway Line
<b>Locations:</b>	From Soljak Place, Mount Albert to Bond Place, Onehunga
<b>Lapse Date</b>	31 August 2029
<b>Purpose</b>	To develop, operate and maintain railways, railway lines, railway infrastructure, and railway premises as defined in the Railways Act 2005
<b>Changes to text (shown in underline and strikethrough)</b>	<i>No changes to text</i>
<b>Changes to diagrams</b>	<i>No changes to diagrams</i>
<b>Changes to spatial data</b>	<i>Remove extent of designation from the land identified in <b>Attachment 1</b>.</i>
<b>Attachments</b>	<i>Attachment 1: Map showing partial removal of Designation 6303</i>

**Prepared by:**  
 Nicholas Lau  
 Principal Planner

**Text entered by:**  
 NA

**Signature:** 

**Maps prepared by:**  
 Shelley Glassey  
 Lead Geospatial Analyst  
 Aucklandwide

**Reviewed by:**  
 Nicholas Lau  
 Principal Planner



**Signature:** 

**Signature:**

**Marc Dendale**  
**Acting Manager**

Signature:

A handwritten signature in black ink, appearing to read 'M. Dendale', is written over a horizontal line. The signature is contained within a thin black rectangular border.

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



**To:** Marc Dendale – Team Leader, Planning Central/South

**From:** Nicholas Lau, Principal Planner

**Date:** 20 December 2018

**Subject:**

Partial removal of Designation 6303 Avondale Southdown Railway Line in the Auckland Unitary Plan (Operative in Part)

**Summary**

Auckland Council has received a request from KiwiRail Holdings Limited under section 182 of the Resource Management Act 1991 (**RMA**), dated 13 November 2018, to remove in part Designation 6303 Avondale Southdown Railway Line 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 confirmed.

**Recommendation**

1. That the section 182 request from the New Zealand Transport Agency for the partial removal of Designation 6303 Avondale Southdown Railway Line in the Auckland Unitary Plan be **confirmed** for the following reasons:
  - Part of Designation 6303 is not required for the associated rail project, and is not required for the ongoing operation of the existing rail network; and
  - The partial removal of Designation 6303 on the operation of the remainder of the designation is less than minor.
2. That Designation 6303 Avondale Southdown Railway Line be partially removed, as soon as reasonably practicable, in the Designation overlay in the Auckland Unitary Plan.

## 1.0 DESCRIPTION

### 1.1 References

<b>Designation number:</b>	Designation 6303 Avondale Southdown Railway Line
<b>Lodgement date:</b>	13 November 2018
<b>Requiring authority:</b>	KiwiRail Holdings Limited
<b>Reporting officer:</b>	Nicholas Lau
<b>Site address:</b>	76 May Road, Mt Roskill 76A May Road, Mt Roskill 78 May Road, Mt Roskill 80 May Road, Mt Roskill
<b>UP Zoning:</b>	Residential – Single House Strategic Transport Corridor

## 2.0 BACKGROUND

### 2.1 Details of designation

Designation 6303 applies to land designated for a rail corridor which is approximately 12km long and extends from New North Road, where the designation joins the western line, through to Alfred Street, Onehunga, where the designation joins the Onehunga Branch line.

From New North Road, Designation 6303 adjoins State Highway 20 until it reaches Hillsborough Road. It then diverges north-east for a short distance across Mt Roskill, before veering south-east into Onehunga and terminating at the Southdown Freight Terminal, with the designated land in Mt Roskill and Onehunga generally encompassing a mix of residential and commercially zoned sites.

Part of Designation 6303, adjoining the intersection between May Road and State Highway 20, is not required for either the associated rail project, or the ongoing operation of the existing rail network.

### 2.2 Land affected by removal

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

Figure 1: Map showing the extent of Designation 6303 (highlighted blue)

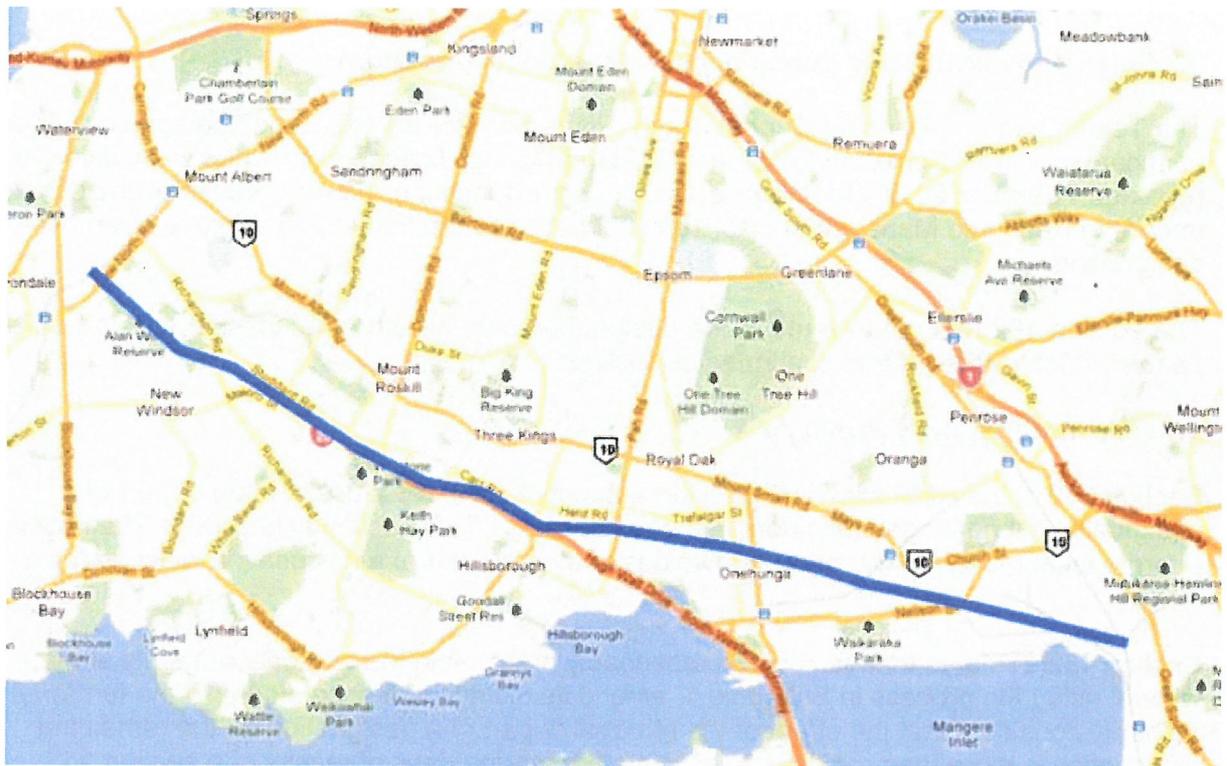


Figure 2: Zoning map showing designation and extent of partial removal (highlighted red)



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

### **2.3 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 confirmed 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 considers it to 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 KiwiRail has provided sufficient justification for the partial removal of Designation 6303 Avondale Southdown Railway Line for the following reasons:

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

### **3.0 RECOMMENDATION**

That pursuant to Section 182 of the Resource Management Act 1991 that the partial removal of Designation 6303 Avondale Southdown Railway Line be **CONFIRMED** and the Auckland Unitary Plan Operative in part designation overlay be amended accordingly.

**Prepared by:**



Nicholas Lau, Principal Planner, Planning Central/South

Date: 21 December 2018

**Confirmed by:**



Marc Dendale, Team Leader, Planning Central/South

Date: 7 January 2019

#### 4.0 DETERMINATION

That the above partial removal of Designation 6303 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:



Marc Dendale, Team Leader, Planning Central/South

Date: 7 January 2019

#### **SCHEDULE OF ATTACHMENTS:**

**Attachment A:**           KiwiRail s182 Notice of Removal



# **Attachment A**

AUCKLAND COUNCIL  
16 NOV 2018  
CBD - ALBERT ST

13 November 2018

General Manager Plans and Places  
Auckland Council  
Private Bag 92300  
Victoria Street West  
Auckland 1142  
Attn: John Duguid

Dear John

**RE: NOTICE OF REQUIREMENT UNDER SECTION 182 OF THE RESOURCE MANAGEMENT ACT 1991 TO UPLIFT PART OF DESIGNATION FOR THE AVONDALE SOUTHDOWN LINE IN THE AUCKLAND UNITARY PLAN, OPERATIVE IN PART**

KiwiRail Holdings Limited (KiwiRail), as requiring authority, wishes to uplift part of its designation for the Avondale Southdown Railway Line for railway purposes (6303) from four lots of land comprising 76, 76a, 78 and 80 May Road, Mt Roskill, Auckland from the AUP OP. The lots are legally described as;

- Flat 1 DP 111566 & a half share of Lot 213 DP 42513, NA62D/486      76 May Road
- ½ Share of Lot 213 DP 42513, NA58B/493      76A May Road
- Lot 214 DP42513, NA60D/877      78 May Road
- Lot 215 DP42513, NA56A/1091      80 May Road

The part of the Designation affected by this Notice is shown on the enclosed Requirement Plan.

Removal of the designation from these properties is required as they are no longer needed for the rail project and will be sold. KiwiRail is the sole owner of the properties.

KiwiRail requests Auckland City Council amend the Designation 6303 Avondale Southdown Railway Line as required by Section 182 of the Resource Management Act 1991.

Please find enclosed a notice to uplift the designation in accordance with Section 182(1) (a) of the Resource Management Act 1991 and title plans showing the area from which the designation is required to be removed.

Please contact me if you have any queries.

Yours faithfully,

Pam Butler  
**Senior RMA Advisor**  
[Pam.butler@kiwirail.co.nz](mailto:Pam.butler@kiwirail.co.nz)

Ph: (04) 4982127



**Resource Management Regulations 2003  
Schedule 1, Form 23**

**Notice of Part Removal of KiwiRail Designation 6303 (Avondale Southdown  
Railway Line) from Auckland Unitary Plan, Operative in Part**

**Section 182 of the Resource Management Act 1991**

To: Auckland City Council

KiwiRail Holdings Limited (KiwiRail) gives notice that it requires part of the following designation: 6303 Avondale Southdown Railway Line for railway purposes to be removed from four lots of land comprising 76, 76a, 78 and 80 May Road, Mt Roskill, Auckland. The lots are legally described as;

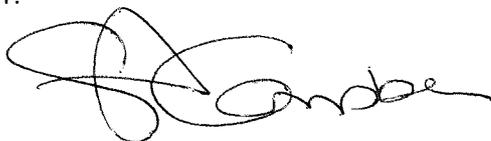
Flat 1 DP 111566 & a half share of Lot 213 DP 42513, NA62D/486	76 May Road
½ Share of Lot 213 DP 42513, NA58B/493	76A May Road
Lot 214 DP42513, NA60D/877	78 May Road
Lot 215 DP42513, NA56A/1091	80 May Road

The part of the Designation affected by this Notice is shown on the enclosed Requirement Plan.

Removal of the designation from these properties is required as they are no longer required for the rail project and will be sold.

KiwiRail is the sole owner of the properties.

KiwiRail requests Auckland City Council to amend the Designation 6303 Avondale Southdown Railway Line as required by Section 182 of the Resource Management Act 1991.



Signed:  
Stephanie Campbell  
GM Strategic Land Use Team  
On behalf of KiwiRail Holdings Limited

Dated: 13 November 2018

Address for service: KiwiRail Holdings Limited, P O Box 593, Wellington 6140  
Telephone: (04)4982127  
Fax/email: Pamela.Butler@kiwirail.co.nz  
Contact person: Pam Butler, Senior Resource Management Act Advisor

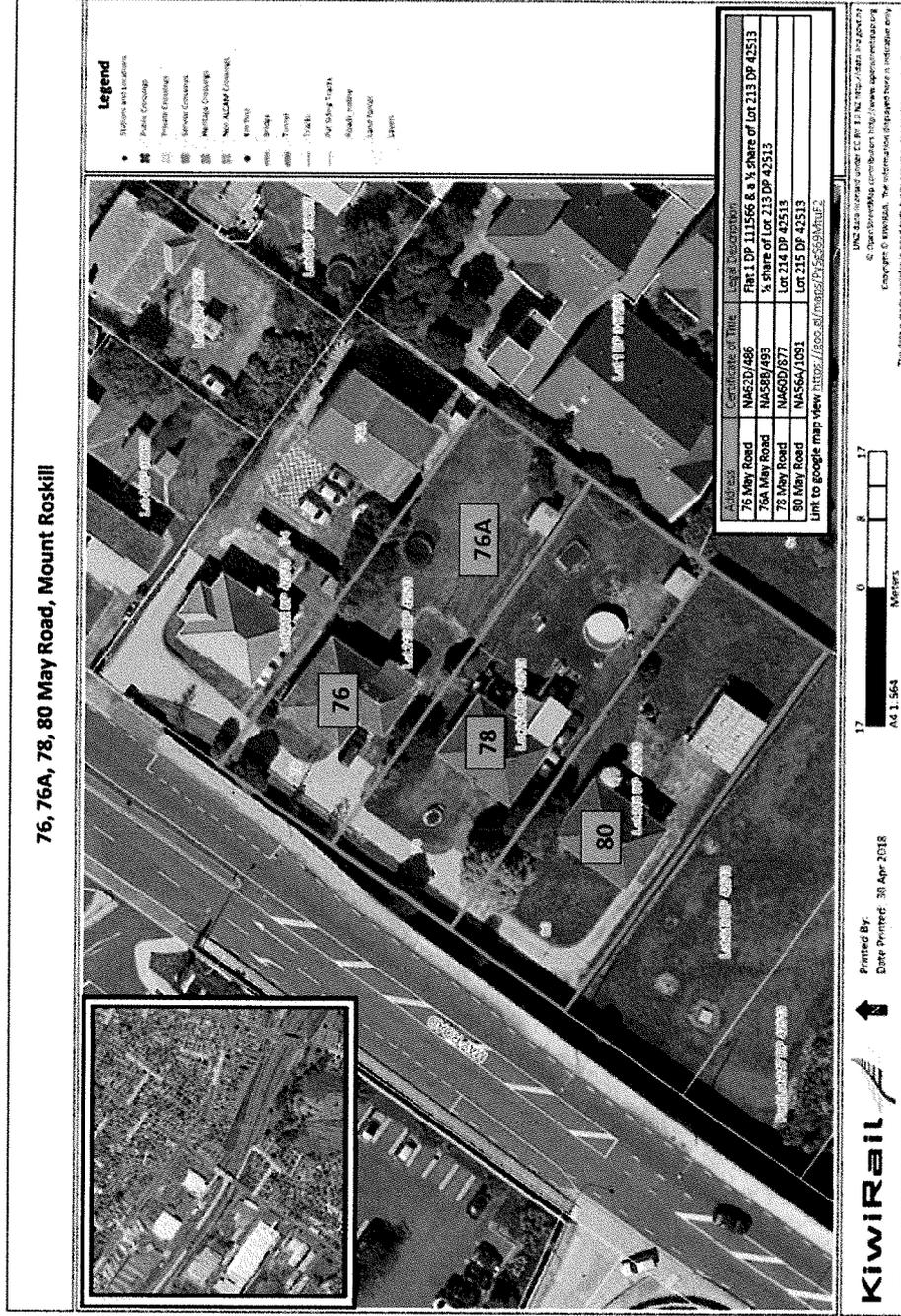
Section 182 of the Resource Management Act 1991

Requirement Plans showing Part Removal of

KiwiRail Designation 6303 (Avondale Southdown Railway Line) from Auckland Unitary Plan, Operative in Part

Plan 1 Aerial Plan showing areas where s182 action is required outlined in green:

- area outlined in green to be removed from Designation 6303



Title Plans are attached.

Designation 6303 to be uplifted from the following properties:

Flat 1 DP 111566 & a half share of Lot 213 DP 42513, NA62D/486	76 May Road
½ Share of Lot 213 DP 42513, NA58B/493	76A May Road
Lot 214 DP42513, NA60D/877	78 May Road
Lot 215 DP42513, NA56A/1091	80 May Road



**COMPOSITE COMPUTER REGISTER  
UNDER LAND TRANSFER ACT 1952**



*R. W. Muir*  
Registrar-General  
of Land

**Search Copy**

**Identifier** NA62D/486  
**Land Registration District** North Auckland  
**Date Issued** 13 May 1987

**Prior References**

NA58B/493

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**Estate** Fee Simple - 1/2 share  
**Area** 925 square metres more or less  
**Legal Description** Lot 213 Deposited Plan 42513  
**Purpose** Railway purposes

**Proprietors**

Her Majesty the Queen

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<b>Estate</b>	Leasehold	<b>Instrument</b>	L B663678.4
		<b>Term</b>	999 years as from and including 1.6.1986

**Legal Description** Flat 1 Deposited Plan 111566

**Proprietors**

Her Majesty the Queen

**Interests**

B663678.4 Lease of Flat 1 DP 111566 for the space of 999 years as from and including 1.6.1986 Composite CT NA62D/486 issued - 13.5.1987 at 2.22 pm (Affects Fee Simple)

Land Covenant in Lease B663678.4 - 13.5.1987 at 2.22 pm (Affects Fee Simple)

Subject to a right of way over part marked B on DP 415734 created by Easement Instrument 9318217.2 - 20.2.2013 at 9:16 am

Appurtenant hereto is a right of way created by Easement Instrument 9318217.2 - 20.2.2013 at 9:16 am

Subject to a maintenance and access easement (in gross) over part marked B on DP 415734 in favour of Her Majesty the Queen created by Easement Instrument 9318217.3 - 20.2.2013 at 9:16 am

Subject to a right (in gross) of way over part marked B on DP 415734 in favour of Her Majesty the Queen created by Easement Instrument 9362136.1 - 12.4.2013 at 9:50 am

9401339.1 Variation of the conditions of the easement created by Easement Instrument 9318217.3 - 17.5.2013 at 3:06 pm

Subject to a right (in gross) to convey gas over part marked C on DP 463308 and part marked I on DP 436045 in favour of Vector Limited created by Easement Instrument 9650857.1 - 22.4.2014 at 2:30 pm

Subject to a right (in gross) to convey telecommunications & computer media over part marked B on DP 415734 and part marked I on DP 436045 in favour of Vector Communications Limited created by Easement Instrument 9650857.2 - 22.4.2014 at 2:30 pm

Subject to a right (in gross) to convey electricity over part marked B on DP 415734 and part marked I on DP 436045 in favour of Vector Limited created by Easement Instrument 9650857.3 - 22.4.2014 at 2:30 pm

9889372.1 Certificate under section 148 of the Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014 that the within land is RFR land as defined in section 118 and is subject to Subpart 1 of Part 4 of the Act (which restricts disposal, including leasing of the land) - 10.11.2014 at 7:00 am





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



**Search Copy**

**Identifier** NA58B/493  
**Land Registration District** North Auckland  
**Date Issued** 01 November 1985

**Prior References**

NA23C/1385

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**Estate** Fee Simple - 1/2 share  
**Area** 925 square metres more or less  
**Legal Description** Lot 213 Deposited Plan 42513  
**Purpose** Railway purposes

**Proprietors**

Her Majesty the Queen

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**Interests**

B663678.4 Lease of Flat 1 Plan 11156 for the space of 999 years as from and including 1.6.1986 Composite CT NA62D/486 issued - 13.5.1987 at 2.22 pm

Land Covenant in Lease B663678.4 - 13.5.1987 at 2.22 pm

Subject to a right of way over part marked B on DP 415734 created by Easement Instrument 9318217.2 - 20.2.2013 at 9:16 am

Appurtenant hereto is a right of way created by Easement Instrument 9318217.2 - 20.2.2013 at 9:16 am

Subject to a maintenance and access easement (in gross) over part marked B on DP 415734 in favour of Her Majesty the Queen created by Easement Instrument 9318217.3 - 20.2.2013 at 9:16 am

Subject to a right (in gross) of way over part marked B on DP 415734 in favour of Her Majesty the Queen created by Easement Instrument 9362136.1 - 12.4.2013 at 9:50 am

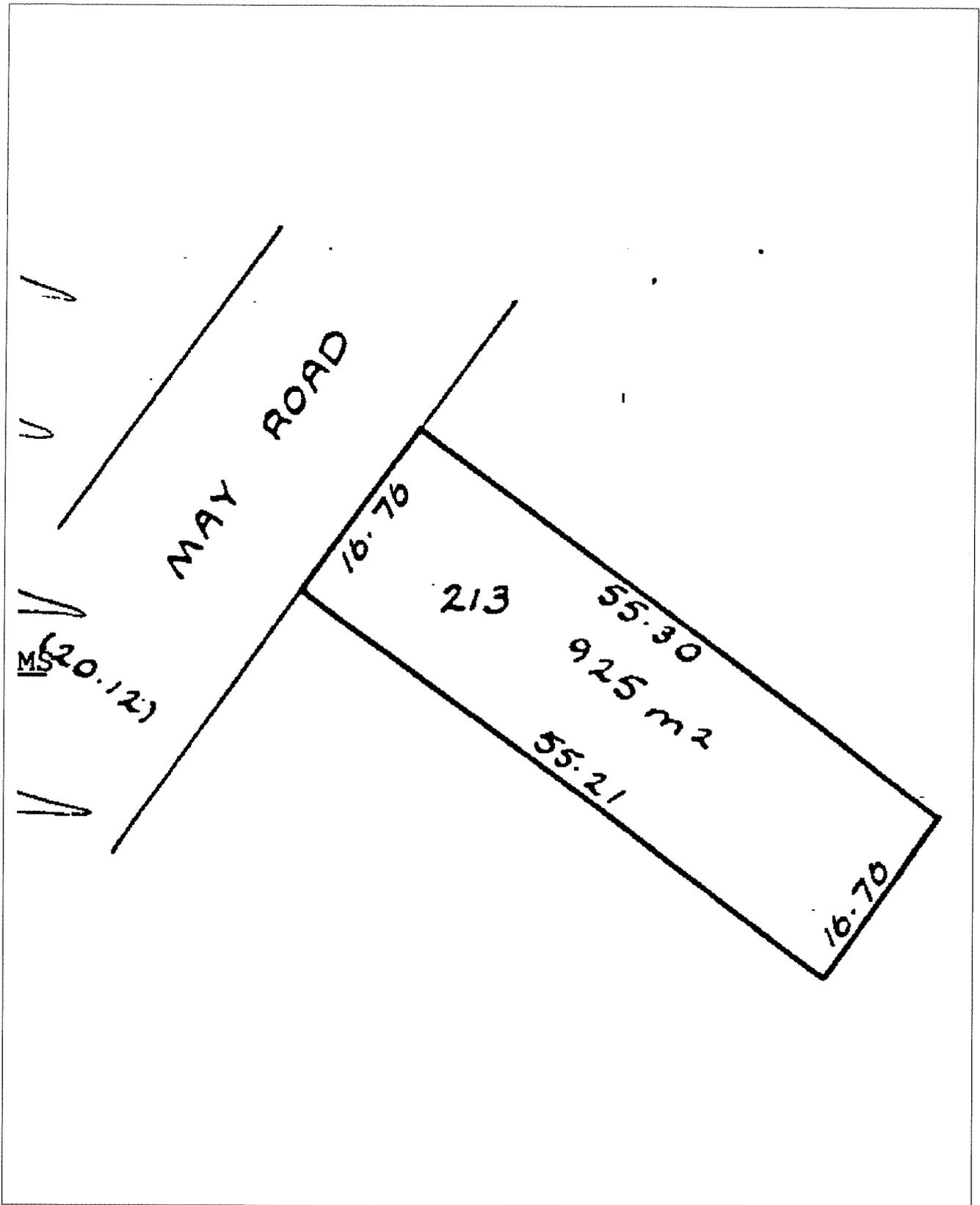
9401339.1 Variation of the conditions of the easement created by Easement Instrument 9318217.3 - 17.5.2013 at 3:06 pm

Subject to a right (in gross) to convey gas over part marked C on DP 463308 and over part marked I on DP 436045 in favour of Vector Limited created by Easement Instrument 9650857.1 - 22.4.2014 at 2:30 pm

Subject to a right (in gross) to convey telecommunications & computer media over part marked B on DP 415734 and part marked I on DP 436045 in favour of Vector Communications Limited created by Easement Instrument 9650857.2 - 22.4.2014 at 2:30 pm

Subject to a right (in gross) to convey electricity over part marked B on DP 415734 and part marked I on DP 436045 in favour of Vector Limited created by Easement Instrument 9650857.3 - 22.4.2014 at 2:30 pm

9889372.1 Certificate under section 148 of the Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014 that the within land is RFR land as defined in section 118 and is subject to Subpart 1 of Part 4 of the Act (which restricts disposal, including leasing of the land) - 10.11.2014 at 7:00 am





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



**Search Copy**

R. W. Muir  
Registrar-General  
of Land

**Identifier** NA60D/877  
**Land Registration District** North Auckland  
**Date Issued** 04 July 1986

**Prior References**

NA52D/1402

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**Estate** Fee Simple  
**Area** 976 square metres more or less  
**Legal Description** Lot 214 Deposited Plan 42513  
**Purpose** Railway purposes

**Proprietors**

Her Majesty the Queen

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**Interests**

Subject to a right of way over part marked C on DP 415734 created by Easement Instrument 9318217.2 - 20.2.2013 at 9:16 am

Appurtenant hereto is a right of way created by Easement Instrument 9318217.2 - 20.2.2013 at 9:16 am

Subject to a maintenance and access easement (in gross) over part marked C on DP 415734 in favour of Her Majesty the Queen created by Easement Instrument 9318217.3 - 20.2.2013 at 9:16 am

Subject to a right (in gross) of way over part marked C on DP 415734 in favour of Her Majesty the Queen created by Easement Instrument 9362136.1 - 12.4.2013 at 9:50 am

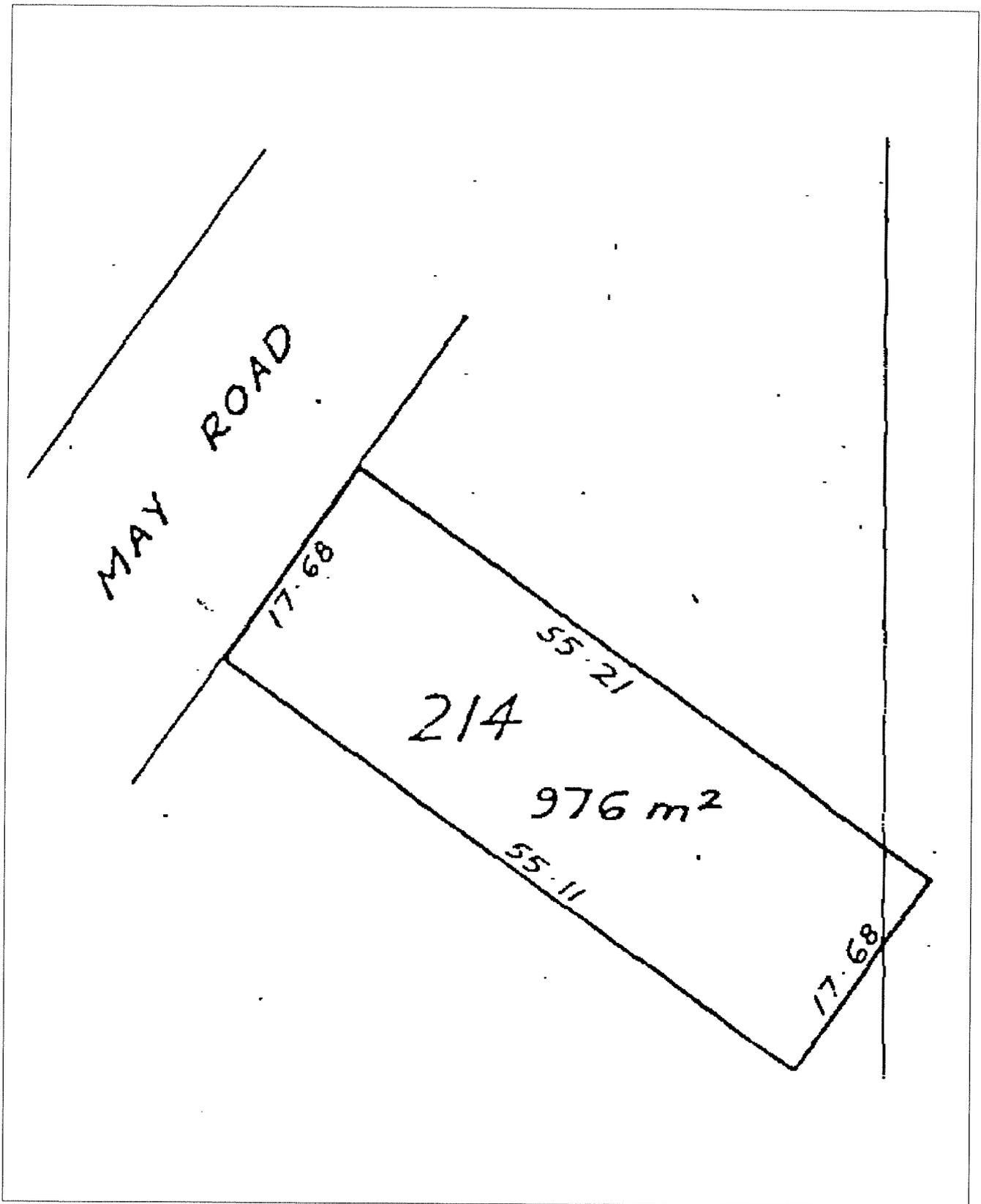
9401339.1 Variation of the conditions of the easement created by Easement Instrument 9318217.3 - 17.5.2013 at 3:06 pm

Subject to a right (in gross) to convey gas over part marked B on DP 463308 in favour of Vector Limited created by Easement Instrument 9650857.1 - 22.4.2014 at 2:30 pm

Subject to a right (in gross) to convey telecommunications & computer media over part marked C on DP 415734 in favour of Vector Communications Limited created by Easement Instrument 9650857.2 - 22.4.2014 at 2:30 pm

Subject to a right (in gross) to convey electricity over part marked C on DP 415734 in favour of Vector Limited created by Easement Instrument 9650857.3 - 22.4.2014 at 2:30 pm

9889372.1 Certificate under section 148 of the Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014 that the within land is RFR land as defined in section 118 and is subject to Subpart 1 of Part 4 of the Act (which restricts disposal, including leasing of the land) - 10.11.2014 at 7:00 am





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



**Search Copy**

R. W. Muir  
Registrar-General  
of Land

**Identifier** NA56A/1091  
**Land Registration District** North Auckland  
**Date Issued** 21 May 1985

**Prior References**

NA1300/20

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**Estate** Fee Simple  
**Area** 973 square metres more or less  
**Legal Description** Lot 215 Deposited Plan 42513  
**Purpose** Railway purposes

**Proprietors**

Her Majesty the Queen

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**Interests**

Appurtenant hereto is a right of way created by Easement Instrument 9318217.2 - 20.2.2013 at 9:16 am

Subject to a maintenance and access easement (in gross) over part marked D on DP 415734 in favour of Her Majesty the Queen created by Easement Instrument 9318217.3 - 20.2.2013 at 9:16 am

Subject to a right (in gross) of way over part marked D on DP 415734 in favour of Her Majesty the Queen created by Easement Instrument 9362136.1 - 12.4.2013 at 9:50 am

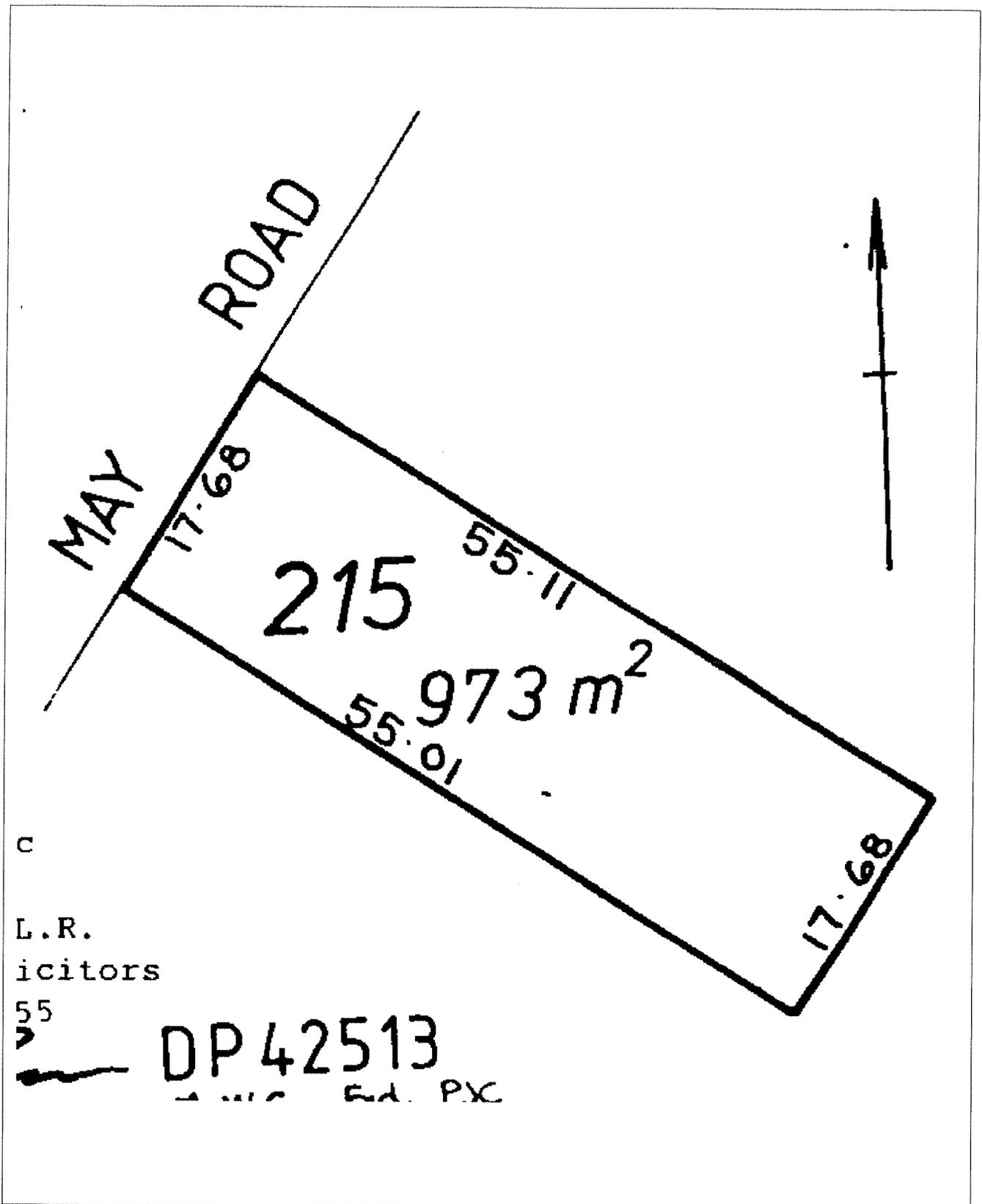
9401339.1 Variation of the conditions of the easement created by Easement Instrument 9318217.3 - 17.5.2013 at 3:06 pm

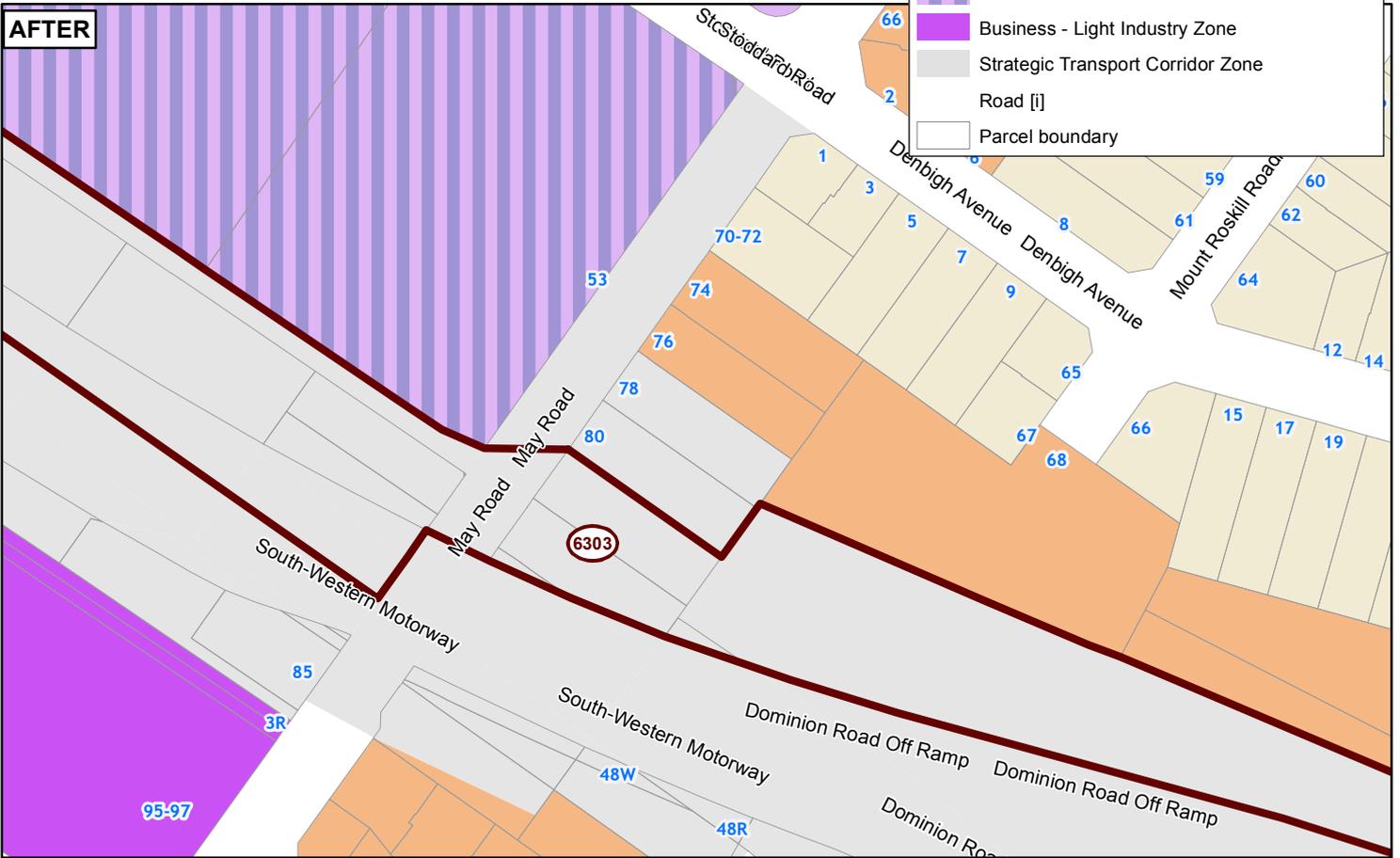
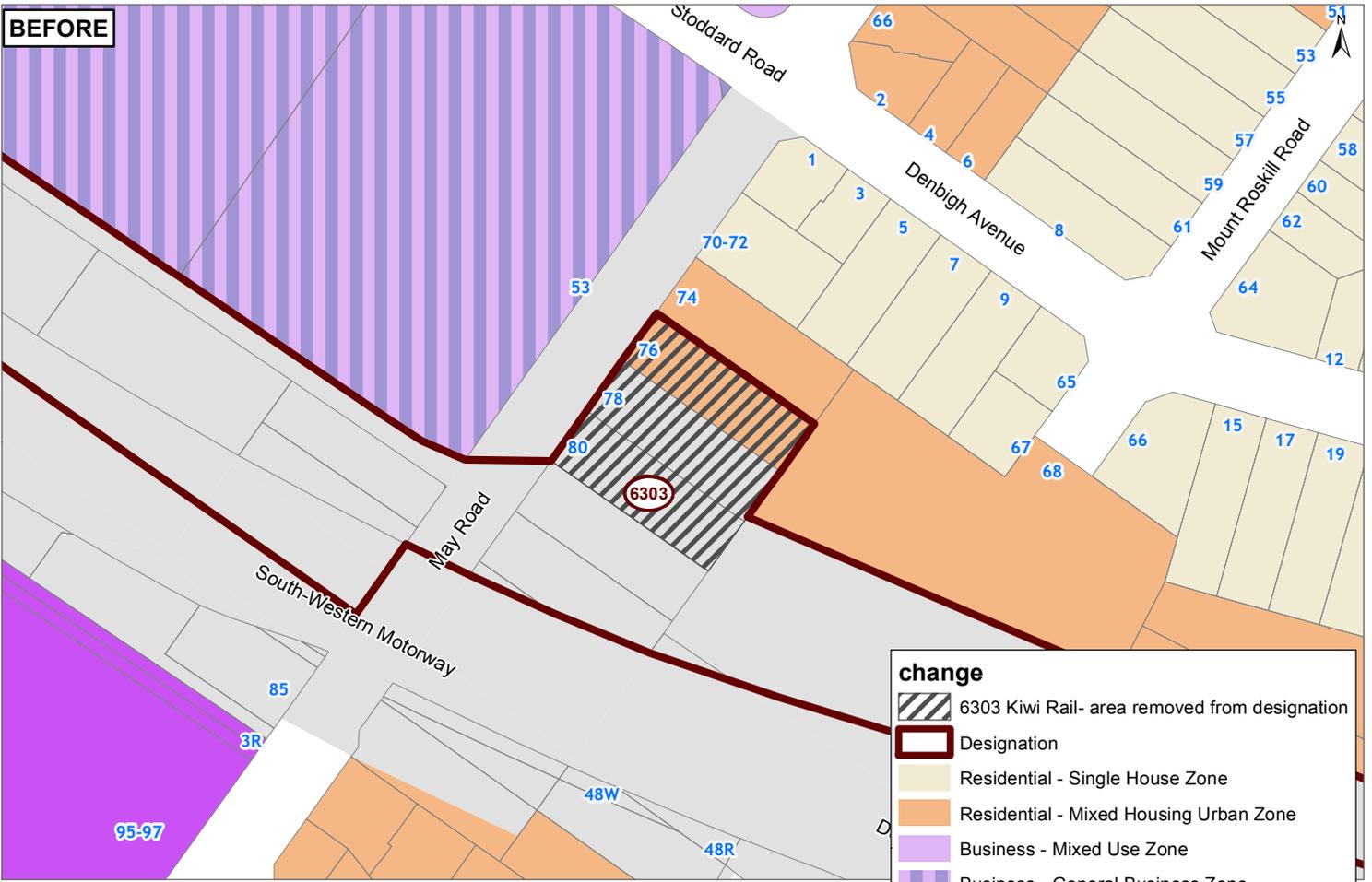
Subject to a right (in gross) to convey gas over part marked A on DP 463308 in favour of Vector Limited created by Easement Instrument 9650857.1 - 22.4.2014 at 2:30 pm

Subject to a right (in gross) to convey telecommunications & computer media over part marked D on DP 415734 in favour of Vector Communications Limited created by Easement Instrument 9650857.2 - 22.4.2014 at 2:30 pm

Subject to a right (in gross) to convey electricity over part marked D on DP 415734 in favour of Vector Limited created by Easement Instrument 9650857.3 - 22.4.2014 at 2:30 pm

9889372.1 Certificate under section 148 of the Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014 that the within land is RFR land as defined in section 118 and is subject to Subpart 1 of Part 4 of the Act (which restricts disposal, including leasing of the land) - 10.11.2014 at 7:00 am





0 15 30 60 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: 22/01/2019

## DESIGNATION 6303 KIWI RAIL Area removed from designation



Plans and Places