

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Phill Reid, Manager, Planning, Auckland-wide

FROM Sisira Jayasinghe, Planner, Planning Central & South

DATE 16 January 2019

SUBJECT **Designation to be updated in the AUPOP in accordance with s182 of the Resource Management Act**



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

Reason for update –	
Chapter	Chapter K
Section	Schedules and Designations
Designation only	
Designation # 6704	State Highway 22 – Karaka to Pukekohe, New Zealand Transport Agency
Designation # 6705	State Highway 22 Road Widening – Karaka to Pukekohe, New Zealand Transport Agency
Locations:	332A Karaka Road, Drury, Auckland 2578
Lapse Date	Given effect to (i.e.no lapse date)
Purpose – Designation #6704	State Highway – declared limited access road.
Purpose – Designation #6705	Land for road widening – 5m where indicated on Map 100, to a minimum width of 30m of road reserve.
Changes to text (shown in underline and strikethrough)	Not applicable
Changes to diagrams	Not applicable
Changes to spatial data	Refer to the Team Leader approved Decision Report dated 15 January 2019
Attachments	<ul style="list-style-type: none">• Team Leader approved Decision Report dated 15 January 2019 (including maps showing partial removal of Designations 6704 and 6705)• New Zealand Transport Agency's Notice to remove in part Designations 6704 and 6705 under s 182(1) and Form 23

Prepared by:

Sisira Jayasinghe
Planner, Planning Central & South

Text entered by:

NA

Signature:

Maps prepared by:

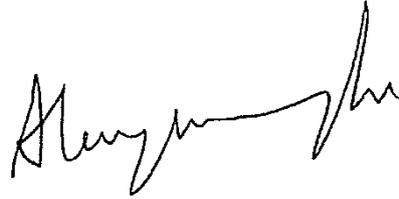
Shelley Glassey
Lead Geospatial Analyst
Aucklandwide



Signature:

Reviewed by:

Sisira Jayasinghe
Planner, Planning Central & South



Signature:

Celia Davison
Manager, Planning Central & South



Signature:

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



To: Marc Dendale, Team Leader Planning Central and South

From: Sisira Jayasinghe, Planner, Planning Central and South

Date: 15 January 2019

Subject:

Partial Removal of Designation 6704 (State Highway 22 - Karaka to Pukekohe) and 6705 (State Highway 22 Road Widening – Karaka to Pukekohe) from the property at 332A Karaka Road, Drury in the Auckland Unitary Plan (Operative in Part)

Summary

Auckland Council has received a request from New Zealand Transport Agency (NZTA) under section 182 of the Resource Management Act 1991 (RMA), dated 10 January 2019, to remove in part Designation 6704 (State Highway 22 - Karaka to Pukekohe) and 6705 (State Highway 22 Road Widening – Karaka to Pukekohe) from the property at 332A Karaka Road, Drury.

A section 182(1) request is required to uplift the existing designation in full / part from land which has been deemed surplus by NZTA.

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 NZTA for the partial removal of Designation 6704 (State Highway 22 - Karaka to Pukekohe) and 6705 (State Highway 22 Road Widening – Karaka to Pukekohe) from the property at 332A Karaka Road, Drury in the Auckland Unitary Plan (Operative in Part) be **accepted** for the following reasons:
 - Partial removal of these Designations is done because these designations are no longer required for the NZTA's work programme for State Highway 22. At this stage, the current emerging proposed option for the corridor outside 332A Karaka Road is a median barrier and edge barriers with consequential road widening to allow for adequate median and edge shoulders. This will be contained within the realigned designation 6704.
 - Property owners requested NZTA to consider the partial removal of the designations to enable them to better utilise their property, given that this part of the property is no longer required for the designated purpose.

2. That Designation 6704 (State Highway 22 - Karaka to Pukekohe) and 6705 (State Highway 22 Road Widening – Karaka to Pukekohe) be partially removed from the property at 332A Karaka Road, Drury, as soon as reasonably practicable, and that the Auckland Unitary Plan (Operative in Part) Designation overlay and the related text in Chapter K Designations be amended accordingly.

1. Description

1.1. References

Designation number:	Designation 6704 (State Highway 22 - Karaka to Pukekohe) and; Designation 6705 (State Highway 22 Road Widening – Karaka to Pukekohe)
Lodgement date:	10 January 2019
Requiring authority:	New Zealand Transport Agency
Reporting officer:	Sisira Jayasinghe, Planner, Planning Central & South
Site address:	332A, Karaka Road, Drury, Auckland 2578
Legal Description	PT LOT 1 DP 384460
UP Zoning:	Rural – Mixed Rural Zone

2.0 Background

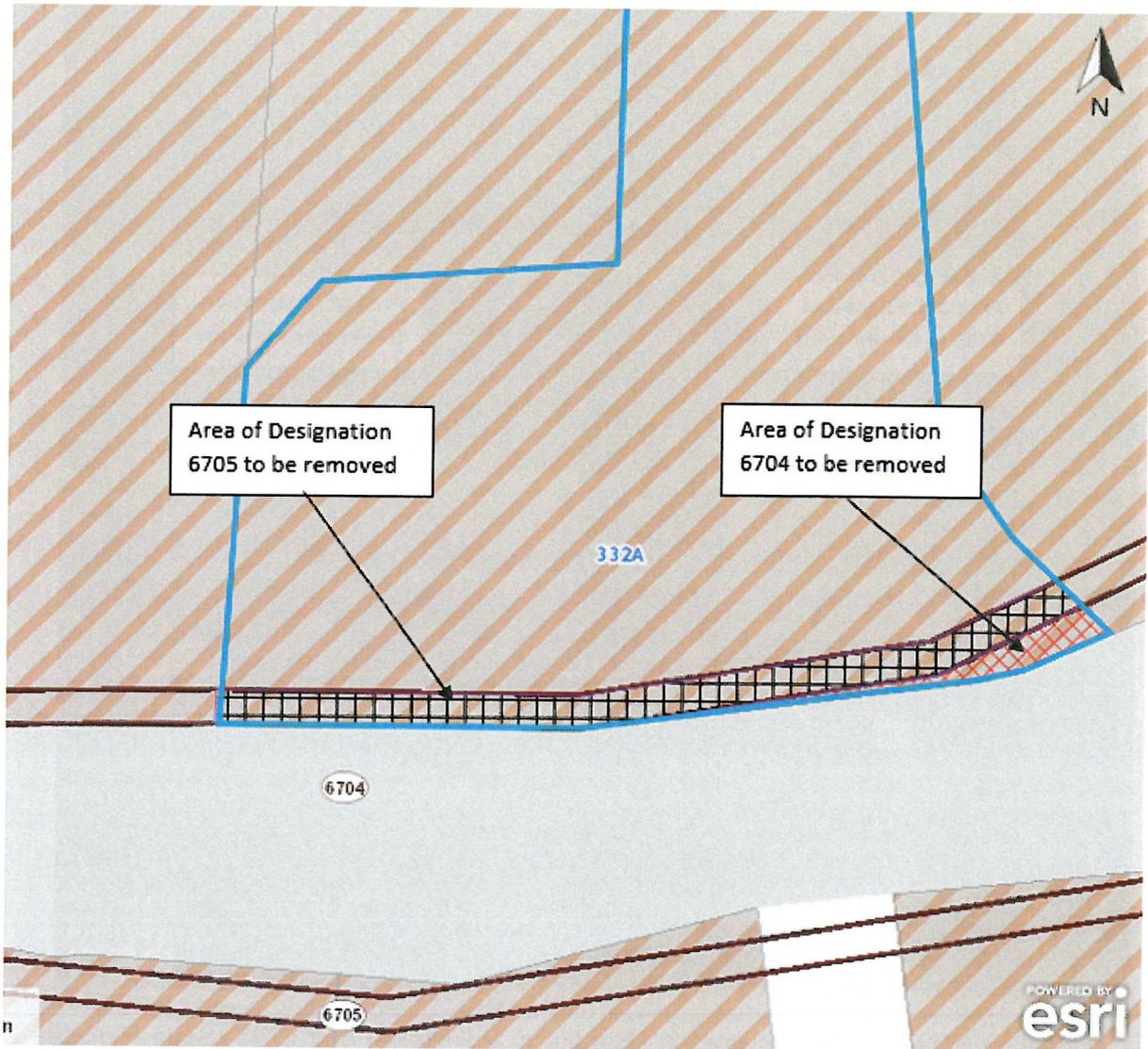
2.1 Details of designation

Designation 6704 is a Rollover Designation from the Designation 88 of the Auckland Council District Plan – Franklin Section. Lapse date is given as 'Given effect to' (i.e. no lapse date).

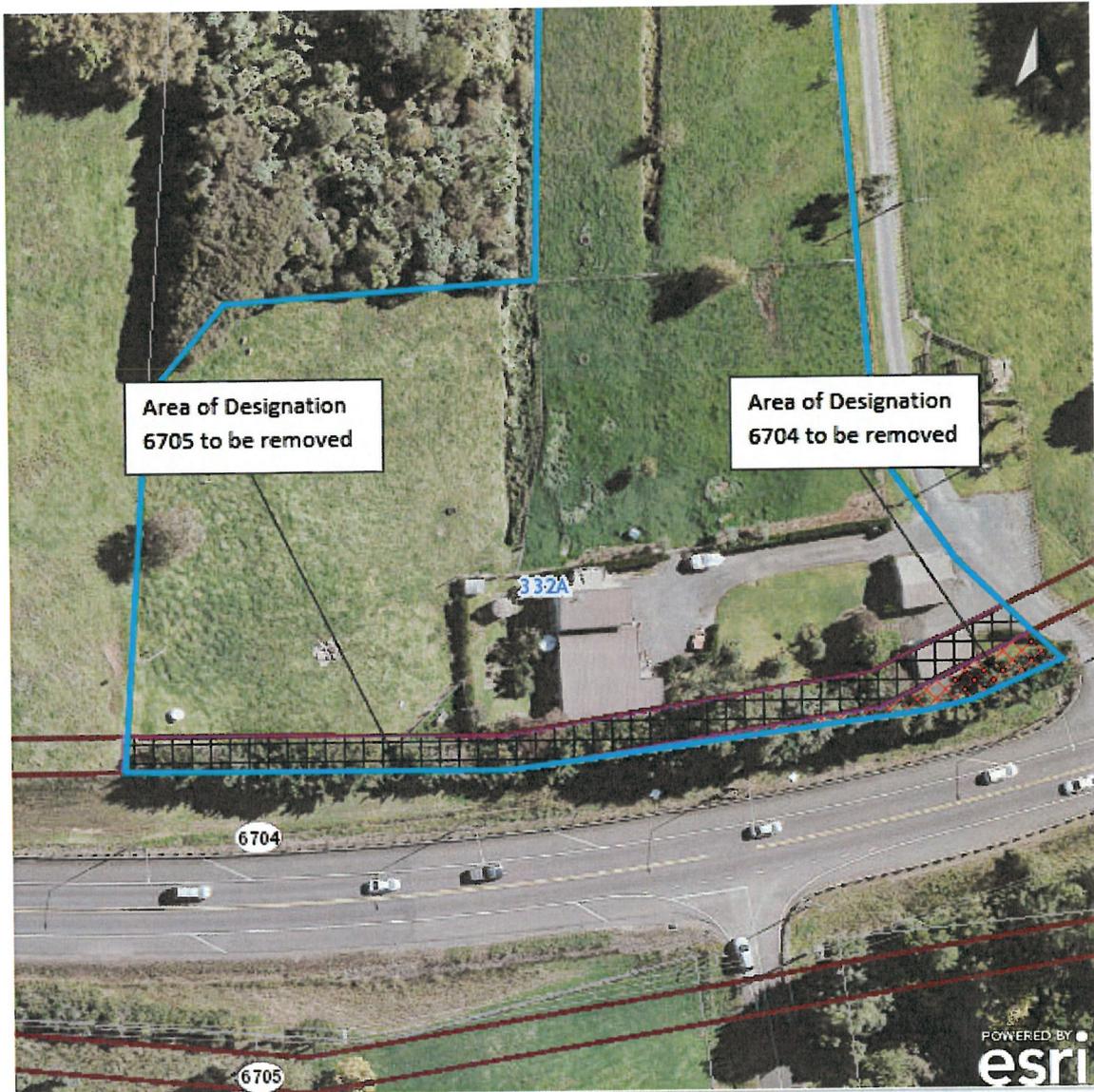
Designation 6705 is a Rollover Designation from the Designation 140 of the Auckland Council District Plan – Franklin Section. Lapse date is given as 'Given effect to' (i.e. no lapse date).

2.2 Land affected by removal

Designation 6704 and 6705 to be removed are currently shown in the AUP maps as follows:



Designation 6704 (State Highway 22 - Karaka to Pukekohe) and 6705 (State Highway 22 Road Widening – Karaka to Pukekohe) be partially removed from the property at 332A Karaka Road, Drury, Auckland – AUP Viewer



Designation 6704 (State Highway 22 - Karaka to Pukekohe) and 6705 (State Highway 22 Road Widening – Karaka to Pukekohe) be partially removed from the property at 332A Karaka Road, Drury, Auckland – Aerial Map

2.3 Delegated authority to consider alterations to designations

The Team Leader – Planning, Central and South (Plans and Places Tier 5) has delegated authority, in accordance with Schedule 2A of the Auckland Council Combined Chief Executive’s Delegation Register (updated August 2018), 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 and South (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 requires 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 NZTA has provided sufficient justification for the partial removal of Designation 6704 (State Highway 22 - Karaka to Pukekohe) and 6705 (State Highway 22 Road Widening – Karaka to Pukekohe) from the property at 332A Karaka Road, Drury, Auckland 2578, namely that:

- Partial removal of these Designations is made because these designations are no longer required for the NZTA's work programme for State Highway 22. At this stage, the current emerging proposed option for the corridor outside 332A Karaka Road is a median barrier and edge barriers with consequential road widening to allow for adequate median and edge shoulders. This will be contained within the realigned designation 6704.
- Property owners requested NZTA to consider the partial removal of the designations to enable them to better utilise their property, given that this part of the property is no longer required for the designated purpose.

3.0 Recommendation

That pursuant to Section 182 of the resource management Act 1991 the partial removal of Designation 6704 (State Highway 22 - Karaka to Pukekohe) and 6705 (State Highway 22 Road Widening – Karaka to Pukekohe) from the property at 332A Karaka Road, Drury, Auckland 2578 be **accepted** and the Auckland Unitary Plan (Operative in Part) designation overlay and text in Chapter K Designations be amended accordingly.

Prepared by :

Sisira Jayasinghe
Planner, Planning Central & South

Signature:

Date : 15 January 2019

Accepted by :

Marc Dendale
Team Leader, Planning Central & South

Signature :

Date :

15 January 2019

SCHEDULE OF ATTACHMENTS:

1. New Zealand Transport Agency request to the Auckland Council to amend the AUP
2. Form 23 - Copy of the notice served on the owners of land which Designations 6704 and 6705 relate to
3. Copies of Designation 6704 (State Highway 22 - Karaka to Pukekohe) and Designation 6705 (State Highway 22 Road Widening – Karaka to Pukekohe)

Form 23

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

To: Attn: Craig Cairncross
Team Leader – Planning, Central/South
Auckland Council
Craig.Cairncross@aucklandcouncil.govt.nz
Private Bag 92300
Auckland 1442

Attn: Marise and Phillip Gower
332a Karaka Road
RD2, Drury 2578
Auckland
marise.phill@xtra.co.nz

- 1.0 **The New Zealand Transport Agency gives notice that:**
 - (i) Designation 6705 (State Highway 22 Widening – Karaka to Pukekohe) shall be removed from 332A Karaka Road, Drury, Auckland (see Appendix 1).
 - (ii) Part of Designation 6704 (State Highway 22 – Karaka to Pukekohe) shall be removed from 332A Karaka Road, Drury, Auckland and realigned with the (southern) property boundary adjoining State Highway 22 (see Appendix 2).
- 2.0 Both designations are contained in Chapter K Designations of the Auckland Unitary Plan (Operative in Part) and are shown as NZTA Designations 6705 and 6704 on the Auckland Council geospatial maps (located adjacent to State Highway 22).
- 3.0 The NZ Transport Agency intends to remove Designation 6705 entirely and remove (in part) Designation 6704 from the property at 332A Karaka Road, Drury. The property is legally described as Lot 1 DP 384460, Parcel ID 6978854. The changes proposed to these Designations are indicated in Appendix 1 and Appendix 2.
- 4.0 The decision to remove Designation 6705 and remove (in part) Designation 6704 from 332A Karaka Road, Drury has been taken because these designations are no longer required for the NZ Transport Agency's work programme for State Highway 22. The landowners attached to this notice (Marise and Phillip Gower) have been advised of this.
- 5.0 The remaining area of Designation 6704 will continue under its' original purpose.
- 6.0 The NZ Transport Agency requests that Auckland Council) amends the Auckland Unitary accordingly as required by section 182 of the Resource Management Act 1991.

Signed by:

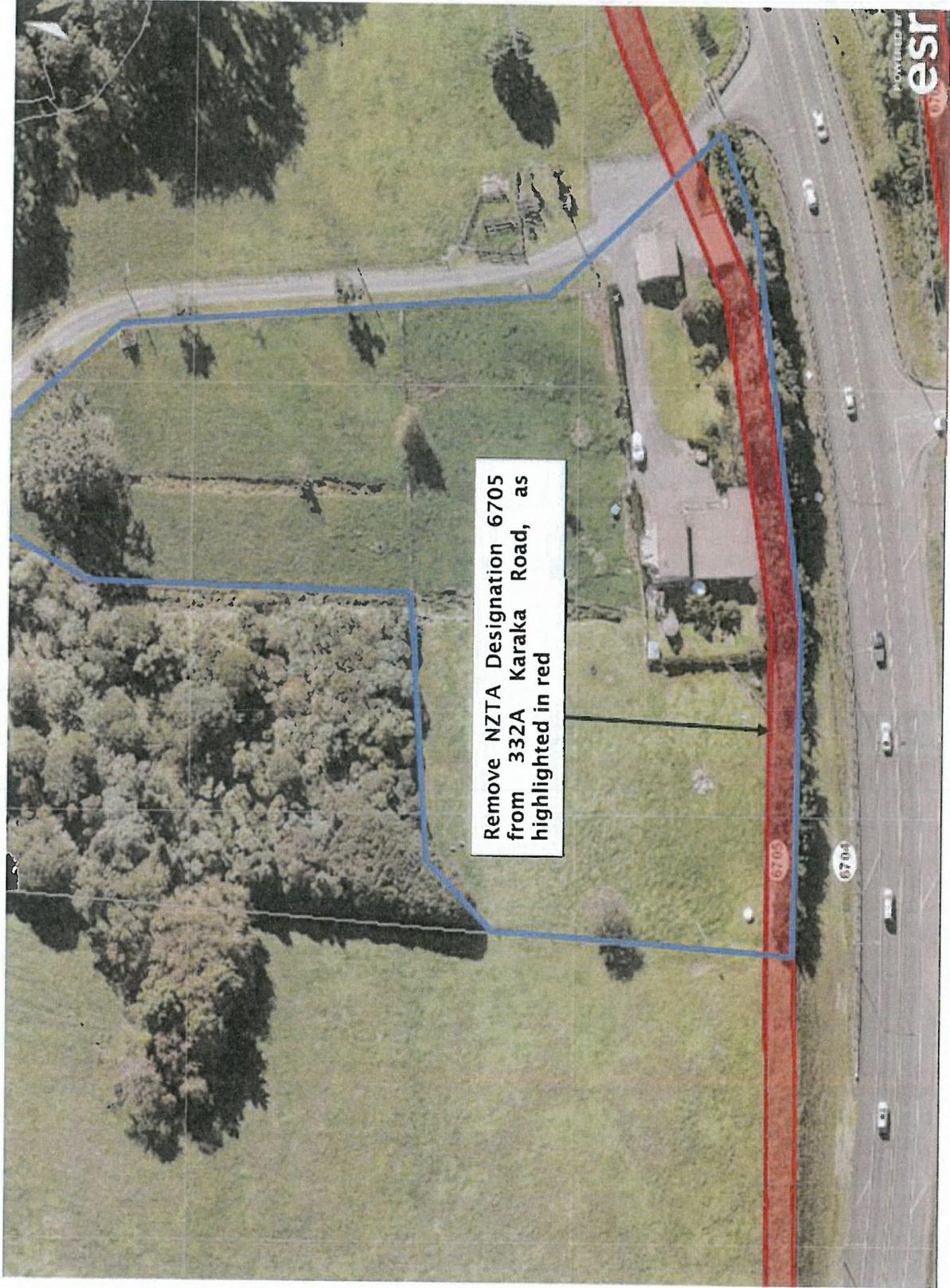
A handwritten signature in blue ink that reads "M. Wood." The signature is written in a cursive style and is positioned above a horizontal dotted line.

Mike Wood
Principal Planner – Consents and Approvals
System Design and Delivery
Pursuant to an authority delegated by NZ Transport Agency

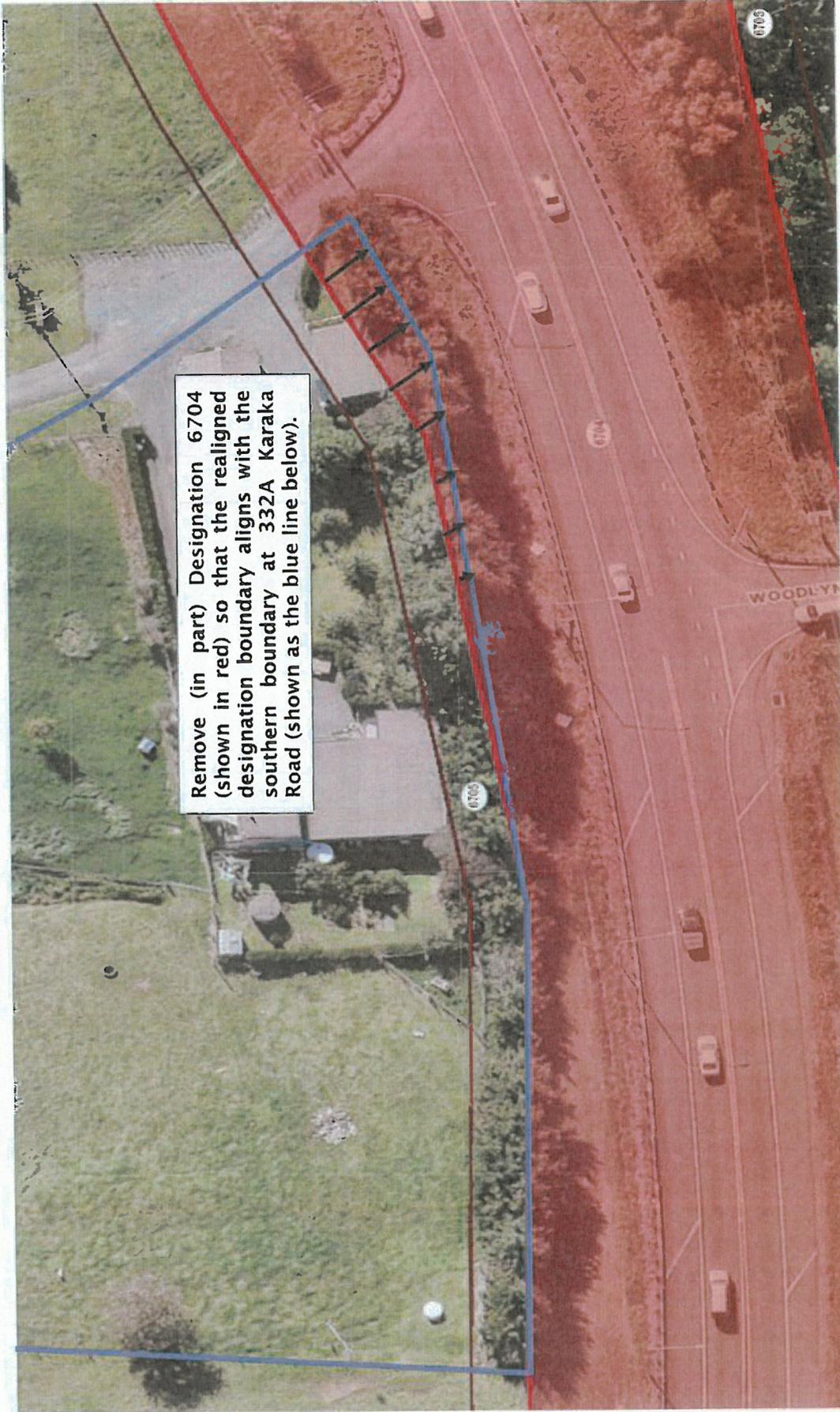
Date: 10 January 2019

Address for service of requiring authority
Contact person: Mike Wood
Telephone 09 9288756
E-mail: mike.wood@nzta.govt.nz

Appendix 1: NZTA Designation 6705 – Removal of Designation from 332A Karaka Road, Drury Auckland



Appendix 2: NZTA Designation 6704 – Part Removal of Designation from 332A Karaka Road, Drury Auckland



6704 State Highway 22 - Karaka to Pukekohe

Designation Number	6704
Requiring Authority	New Zealand Transport Agency
Location	State Highway 22 (Karaka Road and Paerata Road) from east of Woodlyn Drive, Karaka to Adams Drive, Pukekohe
Rollover Designation	Yes
Legacy Reference	Designation 88, Auckland Council District Plan (Franklin Section) 2000
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

State Highway - declared limited access road.

Conditions

No conditions.

Attachments

No attachments.

6705 State Highway 22 Road Widening - Karaka to Pukekohe

Designation Number	6705
Requiring Authority	New Zealand Transport Agency
Location	State Highway 22 (Karaka Road and Paerata Road) from east of Woodlyn Drive, Karaka to Adams Drive, Pukekohe
Rollover Designation	Yes
Legacy Reference	Designation 140, Auckland Council District Plan (Franklin Section) District Plan 2000
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

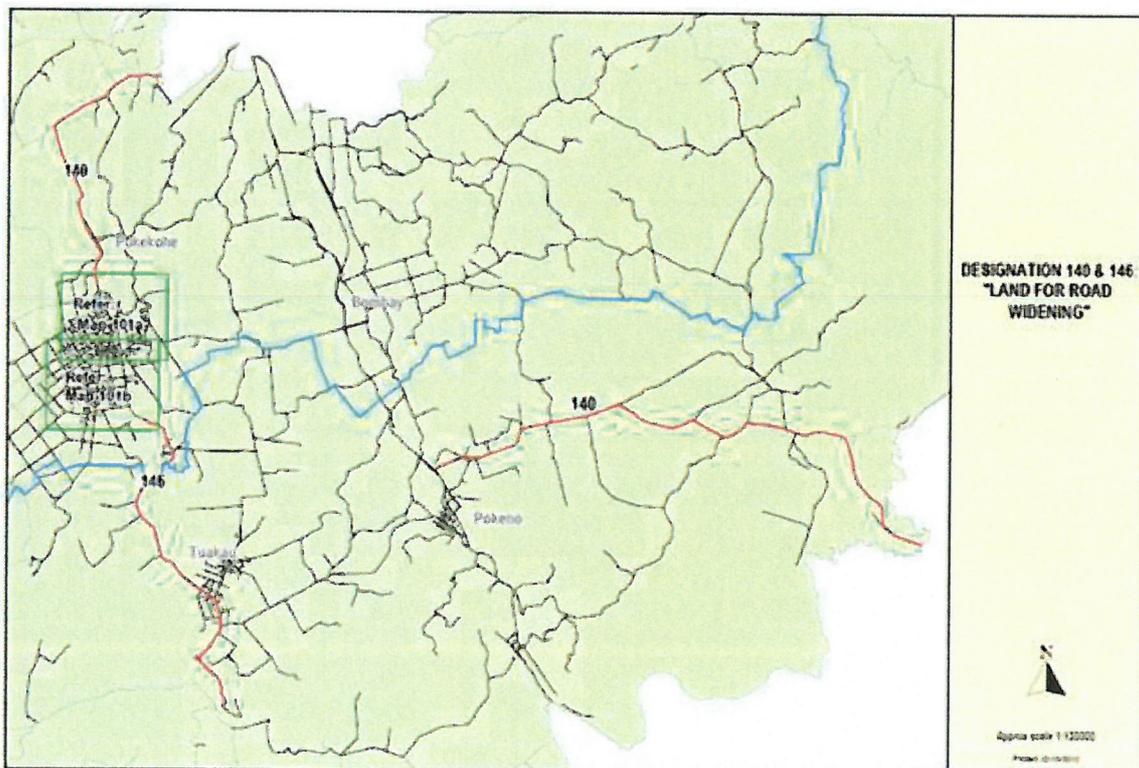
Land for road widening - 5m where indicated on Map 100, to a minimum width of 30m of road reserve.

Conditions

No conditions.

Attachments

Map 100 - Designation Land for Road Widening



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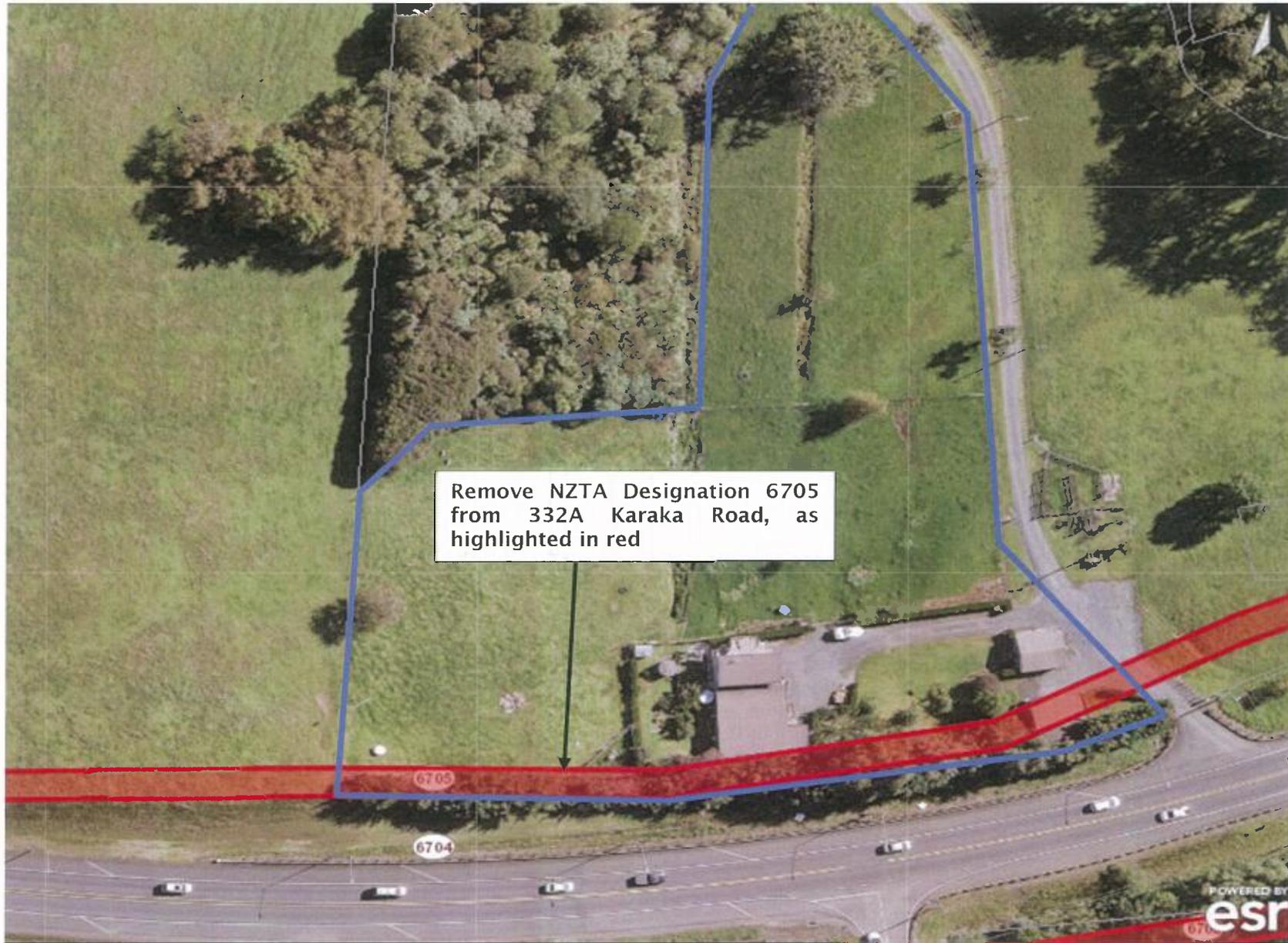


Mike Wood
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Pursuant to an authority delegated by NZ Transport Agency

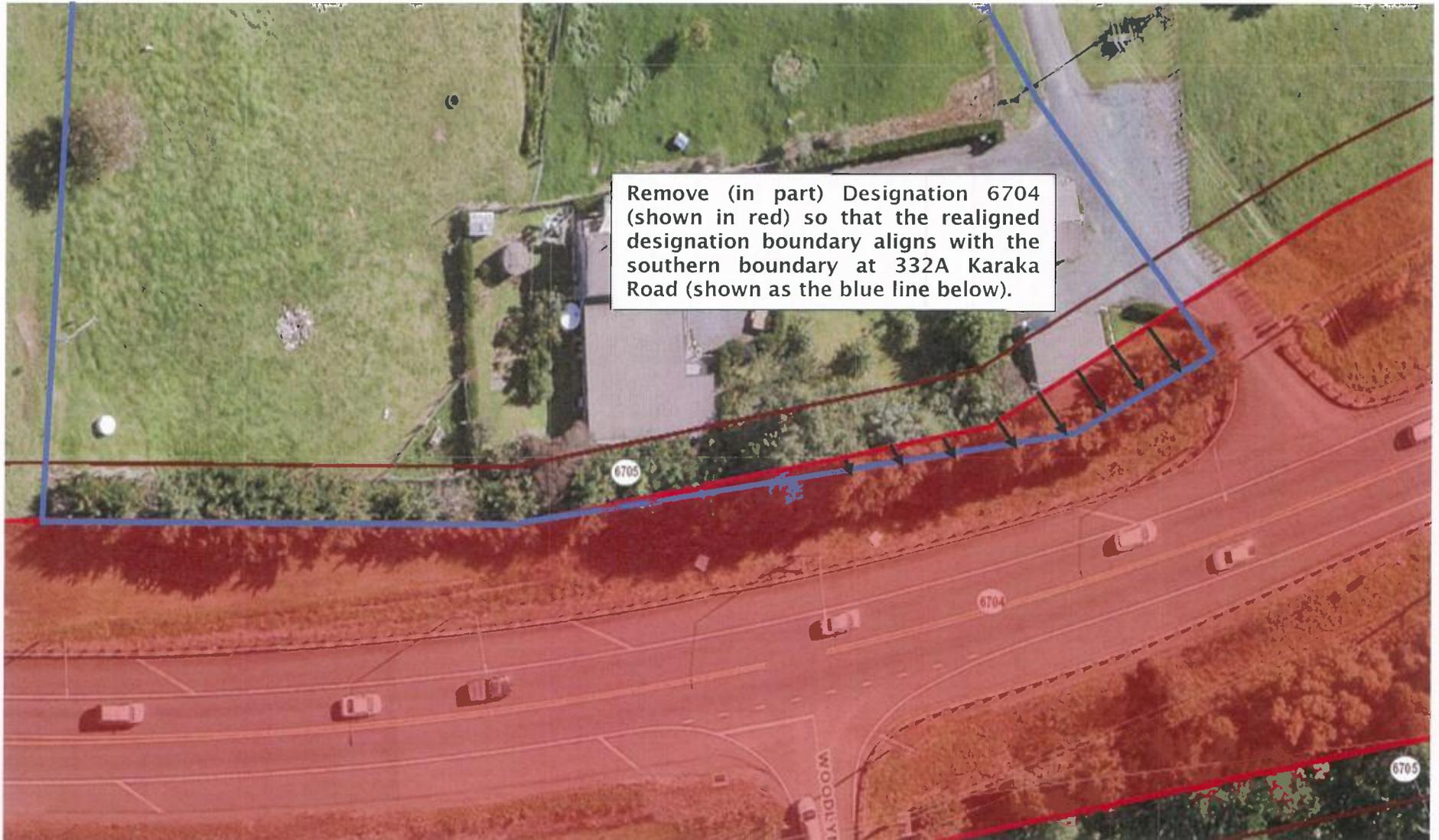
Date: 10 January 2019

Address for service of requiring authority
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E-mail: mike.wood@nzta.govt.nz

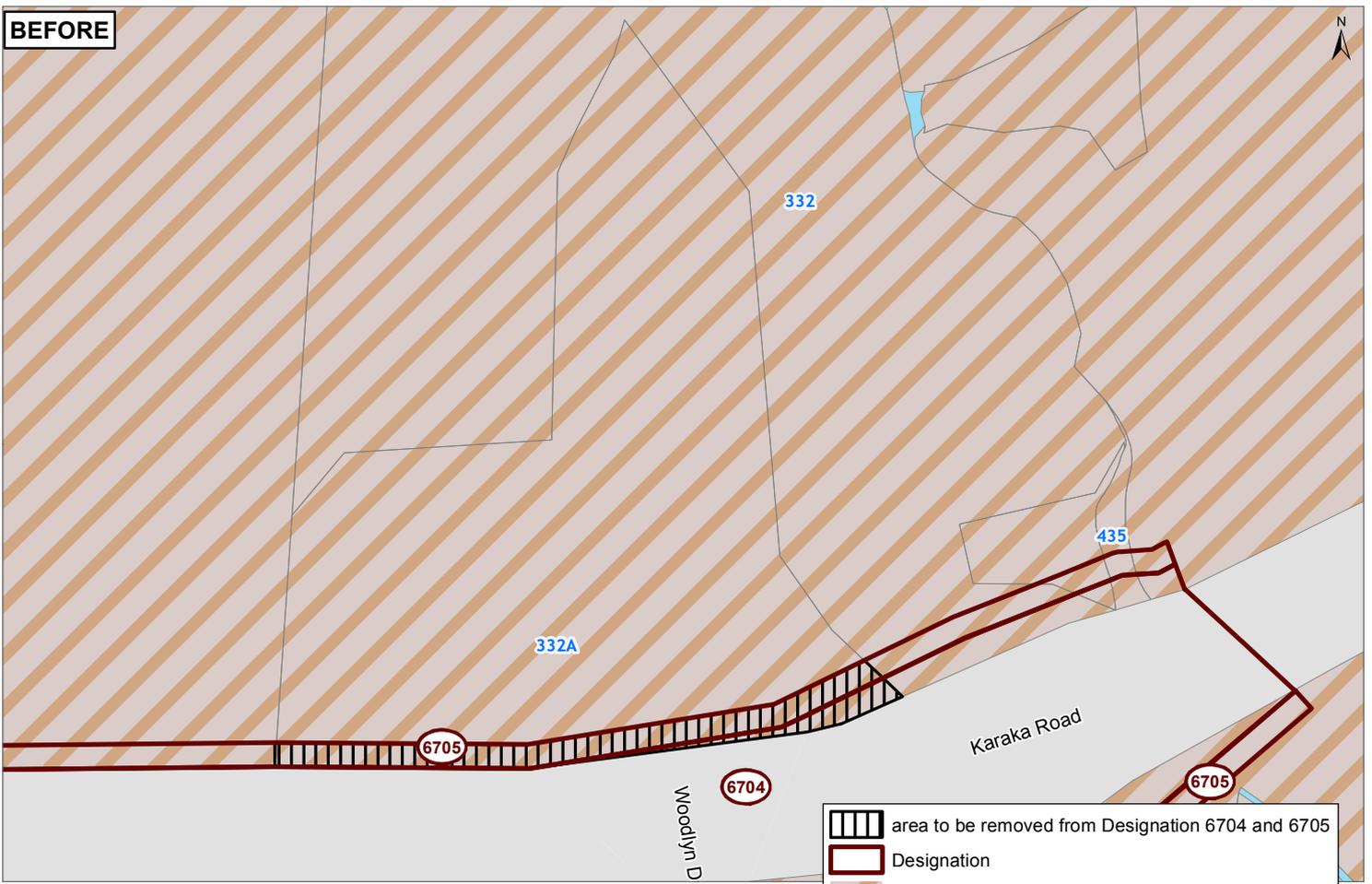
Appendix 1: NZTA Designation 6705 – Removal of Designation from 332A Karaka Road, Drury Auckland



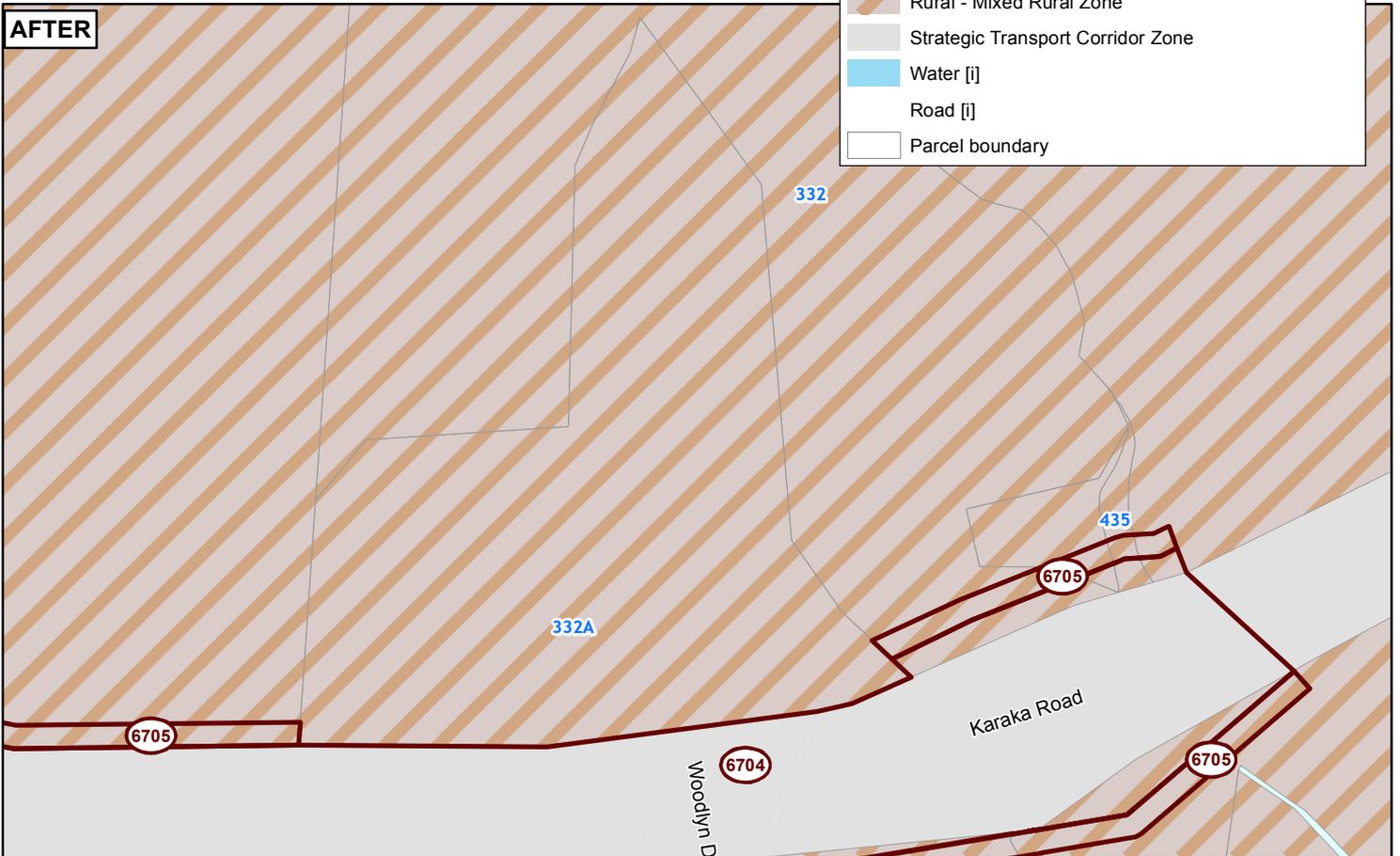
Appendix 2: NZTA Designation 6704 – Part Removal of Designation from 332A Karaka Road, Drury Auckland



BEFORE



AFTER



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: 29/01/2019

DESIGNATION 6704 and 6705 - NZTA Partial Removal at 332A Karaka Rd, Drury



Plans and Places