

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Celia Davison, Manager Planning, Central / South

FROM Vanessa Leddra Policy Planner, Central / South

DATE 8 April 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 1434 Road – Marinich Drive Extension	
Chapter	Chapter K Designations
Section	Auckland Transport
Designation only	
Designation #1434	Road - Marinich Drive Extension
Locations:	125A Metcalfe Road to 46 Ranui Station Road, Ranui
Lapse Date	Five years from being operative in the Unitary Plan unless given effect to prior
Purpose	Roading purposes – link
Changes to text (shown in underline and strikethrough)	<p>Lapse Date Five years from being operative in the Unitary Plan 15 November 2026 unless given effect to prior</p> <p>Conditions</p> <p>2. Designation Lapse Date In accordance with section 184 <u>184(2)(b)</u> of the Resource Management Act 1991, this designation will lapse on the expiry of 5 (five) years after the date on which it is included in the Unitary Plan <u>15 November 2026</u> unless:</p>
Changes to diagrams	N/A
Changes to spatial data	N/A
Attachments	Attachment A: Auckland Transport s184 Application Letter Attachment B: Commissioner's Decision Attachment C: Updated Text shown with strikethrough and underscore

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

Auckland Transport s184 Application Letter

29 October 2021

Plan and Places
Auckland Council
Private Bag 92300
Auckland 1142
Attn: Jo Hart - Senior Policy Planner; Kasey Zhai - Policy Planner
Via email: unitaryplan@aucklandcouncil.govt.nz

Dear Jo and Kasey,

SECTION 184(1)(b) APPLICATION FOR DESIGNATION 1434 – MARINICH DRIVE

Auckland Transport is the requiring authority for Designation 1434 in the Auckland Unitary Plan. The purpose of this designation is “new road connection” and it has a lapse date of 15 November 2021, being five years from the effective operative (in part) date of the Auckland Unitary Plan.

Pursuant to section 184(1)(b) of the Resource Management Act 1991 (**RMA**), Auckland Transport seeks to extend the lapse date of this designation by 5 years to 15 November 2026. Please accept this letter as our application under section 184(1)(b).

1 Designation Details

An excerpt of the designation is shown as Figure 1 below.



1434 Road - Marinich Drive Extension

Designation Number	1434
Requiring Authority	Auckland Transport
Location	125A Metcalfe Road to 46 Ranui Station Road, Ranui
Rollover Designation	Yes
Legacy Reference	Designation RP4, Auckland Council District Plan (Waitakere Section) 2003
Lapse Date	Five years from being operative in the Unitary Plan unless given effect to prior

Purpose

Roading purposes.

Conditions

1. In accordance with section 184 of the Resource Management Act 1991, this designation will lapse on the expiry of 5 (five) years after the date on which it is 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.

Attachments

No attachments.

Figure 1 – Details of designation

Source: Auckland Unitary Plan, Chapter K

2 Statutory context

184 *Lapsing of designations which have not been given effect to*

- (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.*

3 Assessment against section 184(1)(b)

In accordance with the requirements of section 184(1)(b) of the RMA, Auckland Transport has made substantial progress and effort towards giving effect to the designation and continues to do so.

Subdivision

The designation applies to a single property, with street address 125B Metcalfe Road. The landowner has applied for subdivision consent to split into two lots, with Lot 2 being the designated land and a small triangle that is severed from the balance of the site by the designation. The landowner applied for s176 (RMA) approval in 2021, which was granted by AT.

Discussions are underway to enable the provision of the new road connection between the two halves of Marinich Drive.

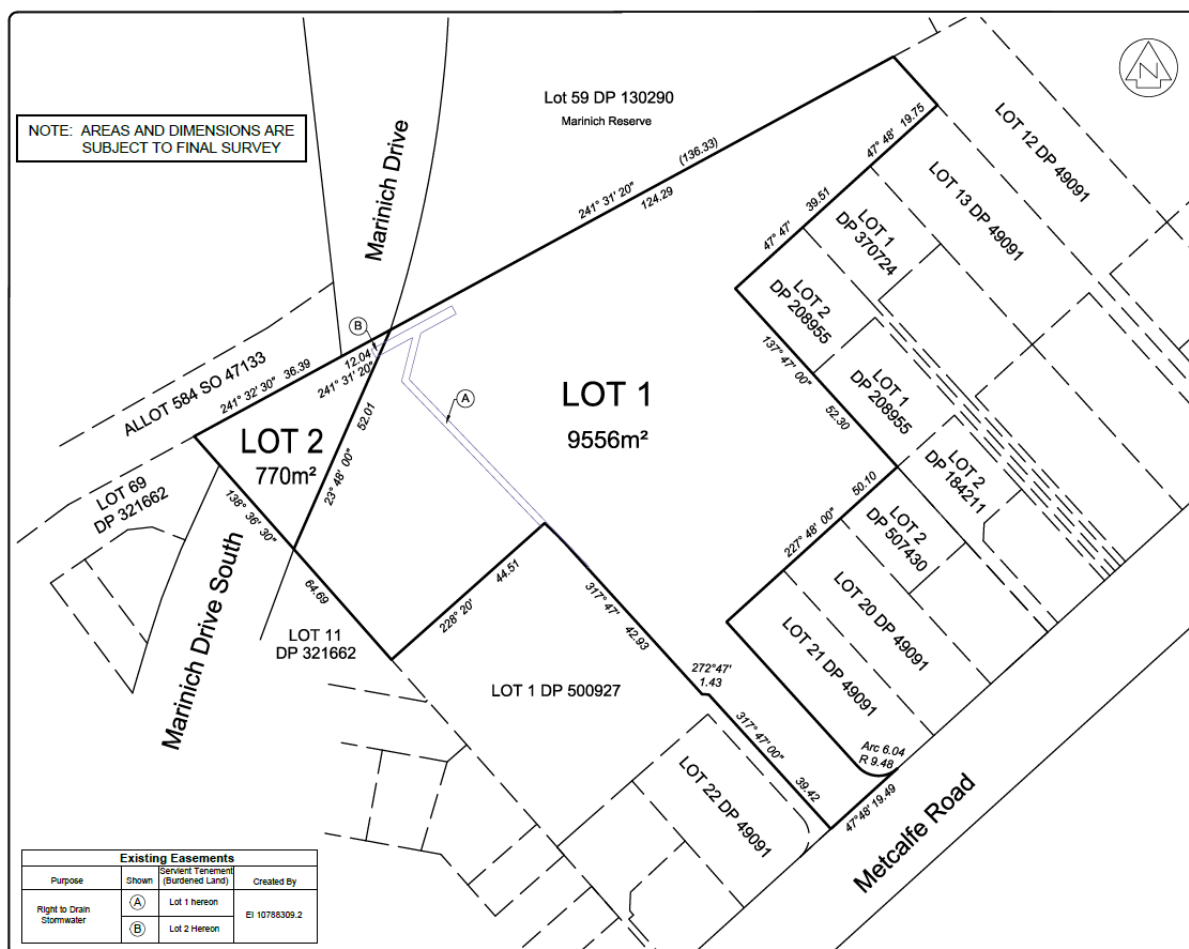


Figure 3 – Proposed two lot subdivision

Source: Application for s176 consent



Funding

Funding towards this project has been committed in the Regional Land Transport Plan, with an excerpt shown as Figure 2 below. This is included under the line item “Resolution of Encroachments and Legacy Land Purchase Arrangements”.

SH20A to Airport (Debt Repayment)	Waka Kotahi	48
Wynyard Quarter Integrated Road Programme	AT	46
Unsealed Road Improvements	AT	40
Smales Allens Road Widening and Intersection Upgrade	AT	23
Hill Street Intersection Improvement	AT	19
Resolution of Encroachments and Legacy Land Purchase Arrangements	AT	17
Ormiston Town Centre Link	AT	17
Noise wall upgrade programme	Waka Kotahi	15
Core Capital Operational Programme	AT	14

Figure 2

Source: Regional Land Transport Plan 2021-2031, p.67

Summary

Overall, in our opinion, the assessment above demonstrates the progress and effort that Auckland Transport has made, and continues to make, towards giving effect to this designation.

4 Conclusion

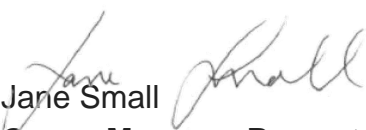
Based on the above, there is no reason precluding Auckland Council from extending the lapse date of Designation 1434 by 5 years, in line with section 184(1)(b) of the RMA.

Auckland Transport has provided the following purchase order number for lodgement and processing fees: **4200072941**.



Please contact Lloyd Johnson on 09 447 4607 or lloyd.johnson@at.govt.nz if you have any queries about this application.

Yours sincerely,


Jane Small
Group Manager Property and Planning
Integrated Networks Division

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 1434 Marinich Drive Extension, Ranui in the Auckland Unitary Plan (Operative in Part).

The proposed extension to the lapse period of Designation 1434 Marinich Drive Extension, Ranui by five years is **APPROVED**.

Introduction

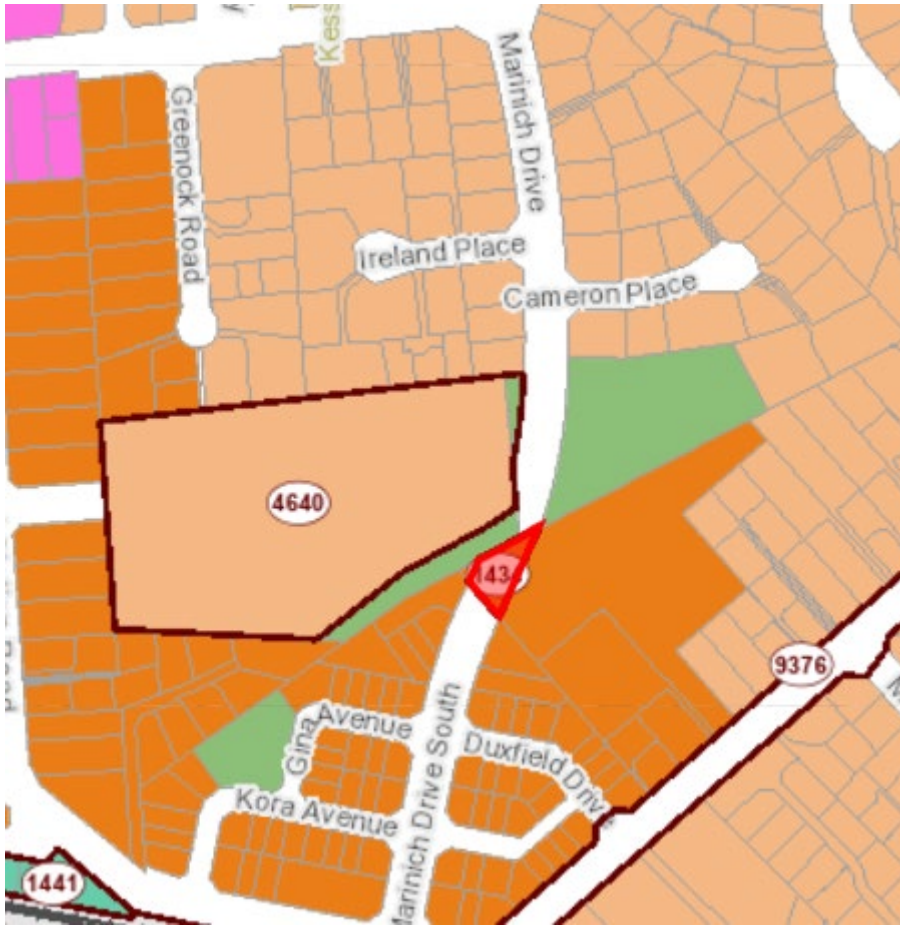
1. This recommendation is made on behalf of the Auckland Council (“**the Council**”) by Independent Hearing Commissioner Janine Bell (sitting alone) appointed and acting under delegated authority under section 34A of the Resource Management Act 1991 (“**the RMA**”).
2. The Council has received a request from Auckland Transport under section 184 of the RMA, dated 29 October 2021, to extend the lapse period of Designation 1434 Marinich Drive Extension, Ranui by 5 years to 15 November 2026.

References

Designation number	1434
Purpose	Roading purposes
Location	125A Metcalfe Road to 46 Ranui Station Road, Ranui
Date of request to extend lapse date:	29 October 2021
Requiring authority:	Auckland Transport

3. The purpose of Designation 1434 Marinich Drive Extension is for roading purposes with the designation providing for a new road connection between the two parts of Marinich Drive. The designation applies to a single property, with the street address 125B Metcalfe Road. The landowner has applied for subdivision consent to split the site into two lots, with Lot 2 being the designated land and a small triangle that is severed from the balance of the site by the designation. Auckland Transport, as requiring authority, has provided its written approval to the proposed subdivision as required by s176 of the RMA. Designation 1434 has a lapse date of 15 November 2021 in accordance with s184(1)(b) of the RMA.

4. The designation is currently shown in the AUP maps as follows:



Relevant Statutory Provisions

5. 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

6. In terms of s184(2)(a), the Council officers have reviewed the proposal and formed a view that the Marinich Drive extension designation has not been given effect to as the works provided for in the purpose of the designation are not in place.”
7. In terms of s184(2)(b) the application has been made by Auckland Transport 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.
8. Auckland Transport’s application outlines the progress that has been made, and continue to be made, to give effect to the designation. In summary these include:
 - In relation to the privately owned land affected by Designation 1434, the landowner, with the written approval of Auckland Transport, has applied for a subdivision consent to split the land into two lots, with Lot 2 being the designated land and is severed from the larger area and the balance of the land by the designation. As shown below.

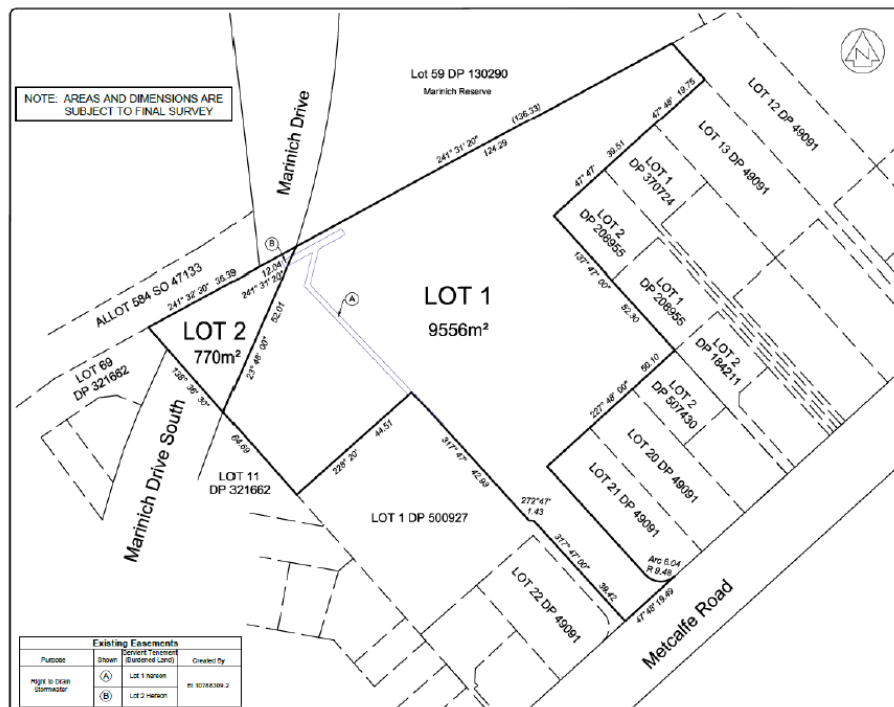


Figure 3 – Proposed two lot subdivision

Source: Application for s176 consent

- Discussions are underway to enable the provision of the new road connection between the two halves of Marinich Drive and this is continuing.

- Funding is in the approved Regional Land Transport Plan 2021-2031.
9. The Council officers have reviewed the application and are satisfied that the requiring authority has made substantial effort / progress and continues to be made towards giving effect to the designation and therefore recommends extending the lapse period by five years to 15 November 2026.
 10. The applicant confirms that these discussions have centred on the acquisition of the land subject to the designation, and a valuation exercise is about to commence.

Conclusion

11. While the works provided for by the designation has not been completed, as set out in the application documents, substantial effort and progress has been made and continues to be made towards giving effect to the designation, including efforts towards acquiring existing private land. The additional five years sought will enable the completion of the land acquisition and physical works provided for in the designation. Therefore, the proposed extension to the lapse period for Designation 1434 Marinich Drive Extension, by five years to 15 November 2026 is appropriate.

Decision

That pursuant to Section 184 of the Resource Management Act 1991 that the extension to the lapse date of Designation 1434 Marinich Drive Extension to 15 November 2026 is **approved**.

Approved

Janine A. Bell
Independent Hearing Commissioner

Signature :



Date : 28 March 2022

Attachment C

Updated designation text

1434 Road - Marinich Drive Extension

1434 Road - Marinich Drive Extension

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Requiring Authority	Auckland Transport
Location	125A Metcalfe Road to 46 Ranui Station Road, Ranui
Rollover Designation	Yes
Legacy Reference	Designation RP4, Auckland Council District Plan (Waitakere Section) 2003
Lapse Date	Five years from being operative in the Unitary Plan <u>15 November 2026</u> unless given effect to prior

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Roading purposes.

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1. In accordance with section 184(2)(b) of the Resource Management Act 1991, this designation will lapse on the ~~expiry of 5 (five) years after the date on which it is included in the Unitary Plan~~ 15 November 2026 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
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Attachments

No attachments.