

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

**Report to Auckland Council
Hearing topic 074
Designations
KiwiRail minor matters**

July 2016

Report first prepared by Harry Bhana in accordance with the Auckland Unitary Plan Independent Hearing Panel procedure and in accordance with section 142 of the Local Government (Auckland Transitional Provisions) Act 2010, on 27 August 2015, updated 30 September 2015.

Adopted as Auckland Unitary Plan Independent Hearings Panel recommendations in accordance with the Auckland Unitary Plan Independent Hearing Panel procedure and in accordance with section 144 of the Local Government (Auckland Transitional Provisions) Act 2010 on date of signature.

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1. Introduction

The purpose of this report is to provide an assessment and recommendation in relation to modifications to and submissions on designations classified by the Independent Hearings Panel as minor matters and errors. This classification applies where there is a:

- i. modification to a designation and no submissions;
- ii. rollover of a designation with no modification and submissions lodged by the requiring authority (submissions to correct errors or address minor matters);
- iii. modification to a designation and submissions lodged by the requiring authority (modifications address minor matters and submissions to correct errors or address minor matters);
- iv. where the modification involves changes to the boundary to incorporate additional land and the requiring authority has an interest in the land sufficient for undertaking the proposed work.

2. Assessment

Errors do not require an assessment. The assessment applies the following criteria.

Does the modification/submission:

- i. involve no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned? or
- ii. involve only minor changes or adjustments to the boundaries of the designation?

See section 6 of this report for the application of these criteria to the individual designations.

On the basis of the assessment, this report concludes that the modifications and designations in section 6 meet the above criteria.

3. Recommendation to Panel

That the Panel recommends to Auckland Council the modifications/designation be confirmed as set out in section 6.

Author	Harry Bhana
Author's Signature	
Date	27 August 2015 updated without amendment 30 September 2015

4. Panel recommendations to Auckland Council

The Auckland Unitary Plan Independent Hearings Panel recommends that Auckland Council recommends to the requiring authority that it confirms the modifications in the notice of requirement for designation 6306 included in the proposed Auckland Unitary Plan subject to the further modifications shown in Attachment 1.

5. Panel reasons

The reasons for the Panel's recommendation are set out in section 6 below.

Panel Chair	David Kirkpatrick
Chair's Signature	
Date	22 July 2016

6. Assessment of modifications and designations

Requiring authority	New Zealand Railways Corporation (KiwiRail Holdings Ltd)
Designation number	6306
Designation purpose	Develop, operate and maintain railways, railway lines, railway infrastructure, and railway premises as defined in the Railways Act 2005.
Location	Mission Bush Branch Railway Line from Mission Bush Road, Glenbrook to Paerata Road.
Designation given effect to	Yes
Lapse date in operative plan	NA
Description of the modification	<ul style="list-style-type: none"> i. Alteration to purpose of designation to reflect the function operation of the railway network. ii. Amendment of district plan maps to reflect constructed and operational parts of the railway network.
Land owned by the requiring authority	Yes
Submitter	KiwiRail Holdings Ltd (Primary 4336 – 129)
Matters addressed in submission	Requiring authority seeks all references to New Zealand Railways Corporation to be changed to KiwiRail Holdings Limited. One further submission in support – New Zealand Steel (FS 2368).
Assessment of modification and reasons	The modification that was made to the designation when it was rolled over from the legacy plan was to update the purpose of the designation and amend the map to correctly reflect the railway network. Consequently those changes resulted in less than minor effects on the environment.
Assessment of submission and reasons	The submission is seeking a name change to KiwiRail Holdings Limited. This has less than minor effects on the environment.
Recommendation to Panel	That the Panel recommends to Council that the designation as recorded in the Proposed Auckland Unitary Plan is confirmed subject to the change recorded in Attachment 1.
Response from requiring authority	<p>Agrees with the above recommendations to Panel (See memorandum from Russell McVeagh Response by KiwiRail to the Section 142 Reports for Topic 074 – Designations).</p> <p>Wish to be heard on the following matters: Not required.</p> <p>Mediation requested on the following matters: Not required.</p>
Report writer's response	None required.
Recommendation from Panel	The Panel agrees with the report writer's recommendations.
Reasons	The Panel agrees with the report writer's reasons.

7. Attachment 1 Changes to text of the proposed Auckland Unitary Plan

Designation 6306

Amend the name of the requiring authority from New Zealand Railways Corporation to KiwiRail Holdings Ltd.