

**UNITARY PLAN UPDATE REQUEST MEMORANDUM**

**TO** Celia Davison, Manager Planning, Central South Unit



**FROM** Panjama Ampanthong, Senior Policy Planner, Central South Unit


**DATE** 21 January 2021

**SUBJECT** **Removal of designation in accordance with s182 of the Resource Management Act of 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 – removal of Designation 1814</b>	
<b>Chapter</b>	Chapter K Designations AUP GIS Viewer
<b>Section</b>	Schedules and Designations – Auckland Transport
<b>Designation only</b>	
<b>Designation 1814</b>	Car Park - Osterley Way (AMI)
<b>Locations:</b>	9 Osterley Way, Manukau Central
<b>Lapse Date</b>	Given effect to (i.e. no lapse date)
<b>Purpose</b>	Public off-street parking, including ongoing maintenance, repairs and like for like replacement works to the existing parking facility and minor operational improvements to the same.
<b>Changes to text (shown in strikethrough)</b>	Remove text fro Designation 1814 in its entirety from the AUPOIP.
<b>Changes to diagrams</b>	N/A
<b>Changes to spatial data</b>	Remove the designation overlay 1814 from 9 Osterley Way (LOT 1 DP 111652), Manukau Central
<b>Attachments</b>	Attachment A: S181 Report  Attachment B: Updated GIS Viewer

<b>Prepared by:</b> Panjama Ampanthong Senior Policy Planner, Central South Unit	<b>Text Entered by:</b> Harry Barnes Planning Technician
<b>Signature:</b> 	<b>Signature:</b> 

<b>Maps prepared by:</b> Aching Konyak Geospatial Specialist	<b>Reviewed by:</b> Panjama Ampanthong Senior Policy Planner, Central South Unit
<b>Signature:</b> 	<b>Signature:</b> <i>Panjama Ampanthong</i>
<b>Signed off by:</b> Celia Davison Manager Planning, Central South Unit	
<b>Signature:</b> <i>C. C. Davison</i>	

## Attachment A: s181 Report

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



**To:** Marc Dendale, Team Leader Planning Central and South, Plans & Places

**From:** Panjama Ampanthong, Senior Policy Planner

**Date:** 20 January 2021

**Notice of Requirement** Notice of Requirement for Removal of Designation 1814 Car Park - Osterley Way (AMI) in the Auckland Unitary Plan

**Requiring authority:** Auckland Transport

**Site address:** 9 Osterley Way, Manukau Central

**Legal description:** LOT 1 DP 111652

## 1. SUMMARY

1. Auckland Council received a request from Auckland Transport under section 182 of the Resource Management Act 1991 (RMA) on 17 December 2020, to remove in full Designation 1814 Car Park - Osterley Way (AMI) at 9 Osterley Way (LOT 1 DP 111652), Manukau Central in the Auckland Unitary Plan.
2. 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.
3. It is recommended that the removal be accepted.

### Recommendation:

- (a) That the section 182 request from Auckland Transport for the removal of Designation 1814 Car Park - Osterley Way (AMI) in the Auckland Unitary Plan be accepted for the following reasons:
  - the land is no longer required for the purpose of public off-street parking as provided for by the designation.
  - the designation is no longer required to provide for public off-street parking.
- (b) That Designation 1814 Car Park - Osterley Way (AMI) be removed, as soon as reasonably practicable, in the Designation Overlay and Chapter K Designations where the text needs to be deleted in the Auckland Unitary Plan.

## 2. DESIGNATION, SITE DESCRIPTION AND LOCALITY

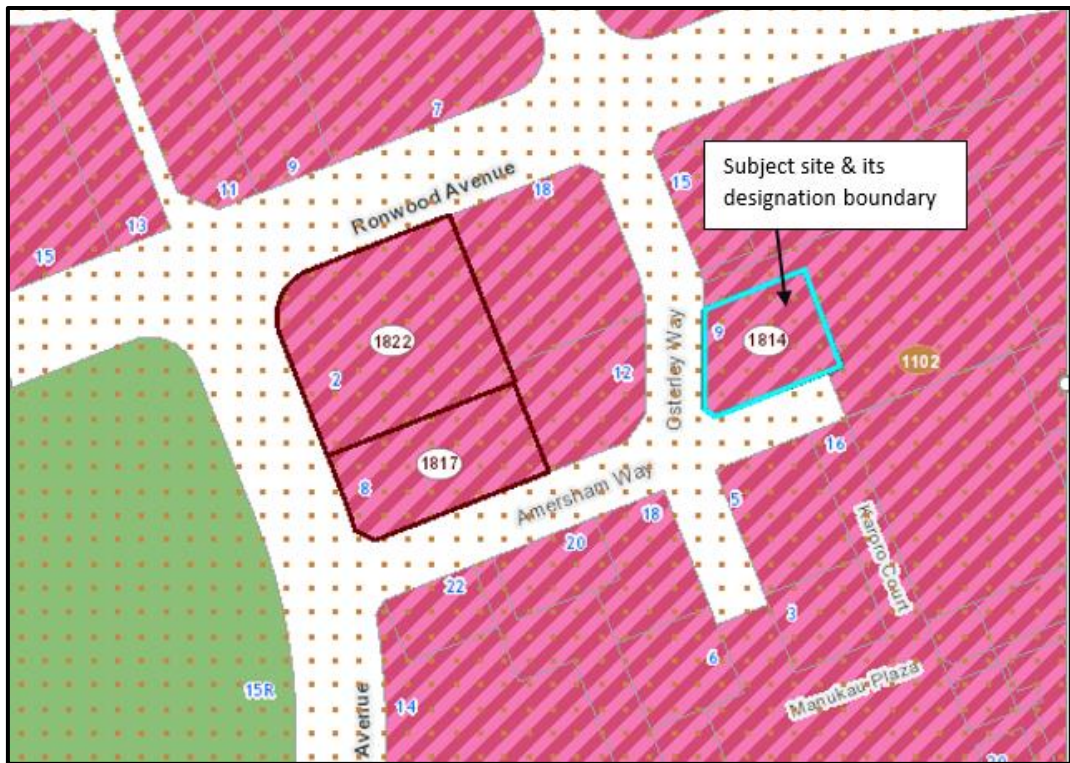
### Designation



4. Designation 1814 (Car Park - Osterley Way (AMI)) applies to the subject site at 9 Osterley Way, Manukau Central (LOT 1 DP 111652).
5. The purpose of the designation is for '*public off-street parking, including ongoing maintenance, repairs and like for like replacement works to the existing parking facility and minor operational improvements to the same*'.
6. The designation is subject to conditions related to construction, including:
  - construction hours
  - construction noise limits and mitigation
  - construction vibrations
  - sediment control during earthworks
  - tree protection measures
  - damage to adjacent properties
  - as-built plan
  - access
7. The designation is not a rollover designation from the former Auckland Council district plan and is given effect to with no lapse date.
8. The boundary of the designation is shown in **Figure 1** below.

### Site Description and Locality Plan

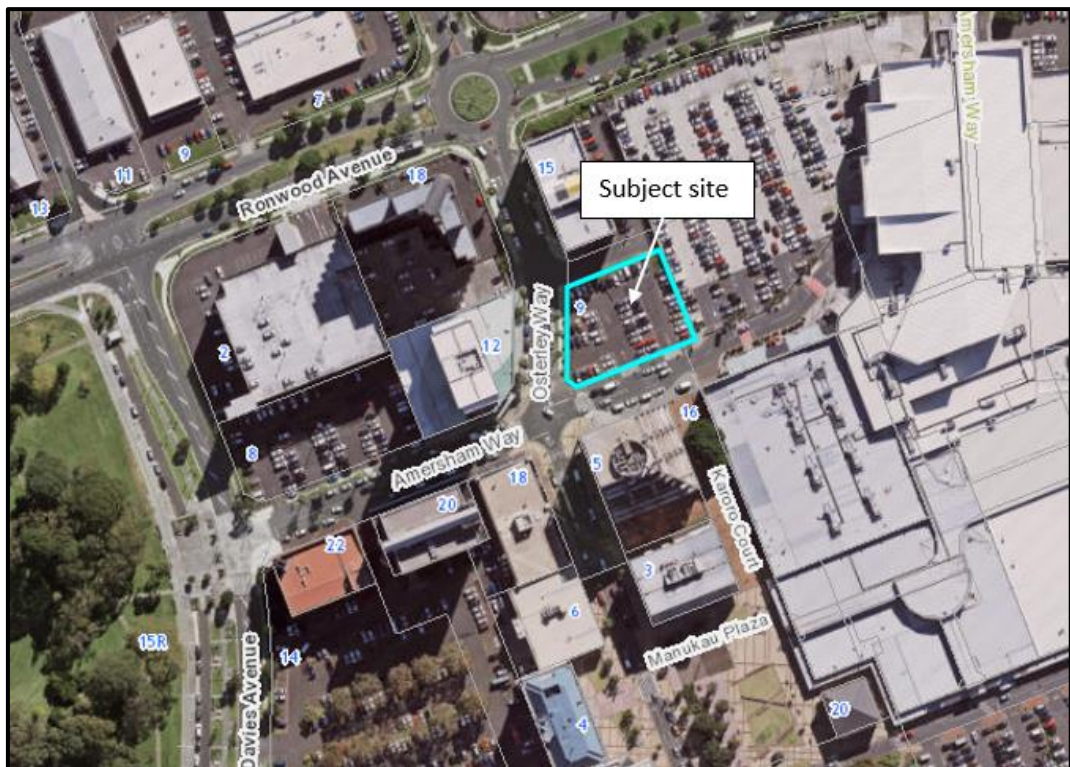
9. The subject site is zoned Business – Metropolitan Centre in the Auckland Unitary Plan (operative in part) (AUP)(see **Figure 1** below). It is located within the Manukau City's central business district (CBD) and has two street frontages: Osterley Way and Amersham Way. The site currently provides 62 public car parks within the CBD. The Council's property 'Kotuku House' at 4 Osterley Way is located north of the site.
10. Panuku Development's document 'Transform Manukau – Renewal of Manukau Central High Level Project Plan' dated April 2016 on page 18 identifies six car parking sites for future mixed-use development projects in Manukau Central. These sites are as follows:
  - 2 Davies Avenue – 1,700sqm
  - 8 Davies Avenue – 2,542sqm
  - 14 Davies Avenue – 10,600sqm
  - 9 Osterley Way – 1,753sqm
  - 2 Clist Crescent – 4,350sqm
  - 655 Great South Road – Westfield car park – 83,000sqm.
11. The subject site is part of the future transformation projects within the Manukau Central. I note that the nearby car parks situated at 2 Davies Avenue (Designation 1817) and 8 Davies Avenue (Designation 1822) (refer to **Figure 1**) are also identified as the development sites by Panuku. However, Auckland Transport has not requested the removal of these designations at this stage.

**Figure 1: The boundary of Designation 1814, the subject site and its surrounding zoning and**



-  Business - Metropolitan Centre Zone
-  Open Space - Informal Recreation Zone

**Figure 2: Aerial photo showing the subject site and its surroundings**



**Figure 3: View of the site from the eastern side of Osterley Way (Source: Google Street View)**



**Figure 4: View of the site from north west with the IRD building in the background (Source: Google Street View)**



**Figure 5: View of the site from Amersham Way with Council's property Kotuku House at 4 Osterley Way in the background (Source: Google Street View)**



### **Delegated authority to consider alterations to designations**

12. The Team Leader - Planning Central and South (Plans and Places Tier 5) has delegated authority, in accordance with Schedule 2A of the Auckland Council Delegations: Chief Executive Officer (updated September 2020), 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.
13. 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.

### **3. RELEVANT STATUTORY PROVISIONS**

14. Section 182 of the RMA allows a requiring authority to remove a designation or part of a designation if it no longer wants 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.
15. 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.
16. It is considered that Auckland Transport has provided sufficient justification for the removal of Designation 1814 Car Park - Osterley Way (AMI) at 9 Osterley Way (LOT 1 DP 111652), Manukau Central for the following reasons:
  - the land is no longer required for the purpose of public off-street parking as provided for by the designation.
  - the designation is no longer required to provide for public off-street parking.



#### 4. RECOMMENDATION

That pursuant to Section 182 of the Resource Management Act 1991 that the removal of Designation 1814 Car Park - Osterley Way (AMI) at 9 Osterley Way (LOT 1 DP 111652), Manukau Central be accepted and the Auckland Unitary Plan (Operative in part) Designations Overlay and text in Chapter K Designations be amended accordingly.

Report prepared by



Panjama Ampanthong  
Senior Policy Planner  
Planning Central and South

Date: 20 January 2021

Reviewed by



Marc Dendale  
Team leader Planning Central and South,  
Plans & Places

Date: 21 January 2021

**ATTACHMENTS:**

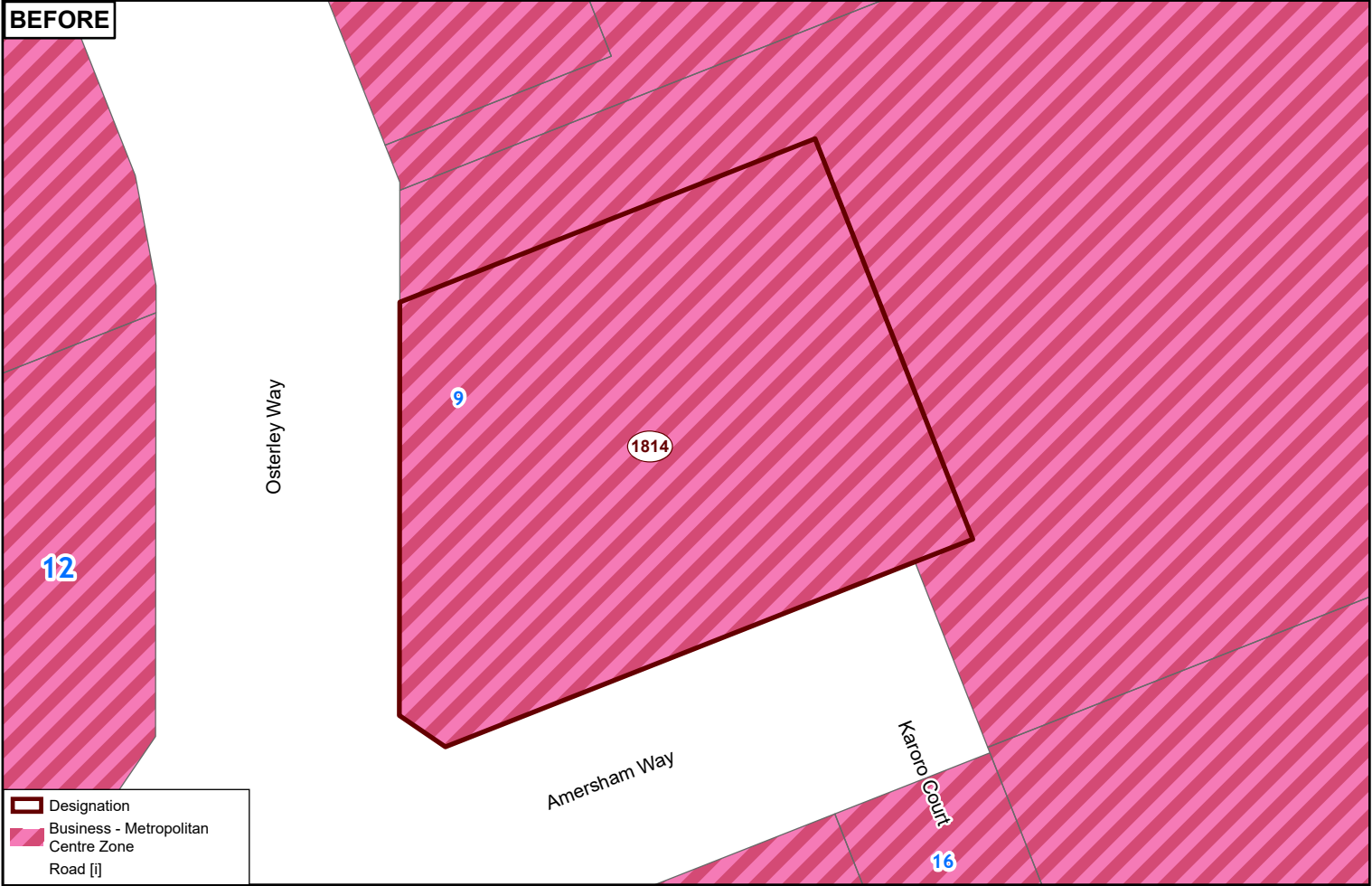
**Attachment A:** Auckland Transport s182 Notice of Removal of Designation 1814 (letter to Auckland Council) dated 17 December 2020

**Attachment B:** Deletion of Designation 1814 in Chapter K – Designations

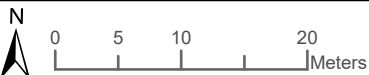
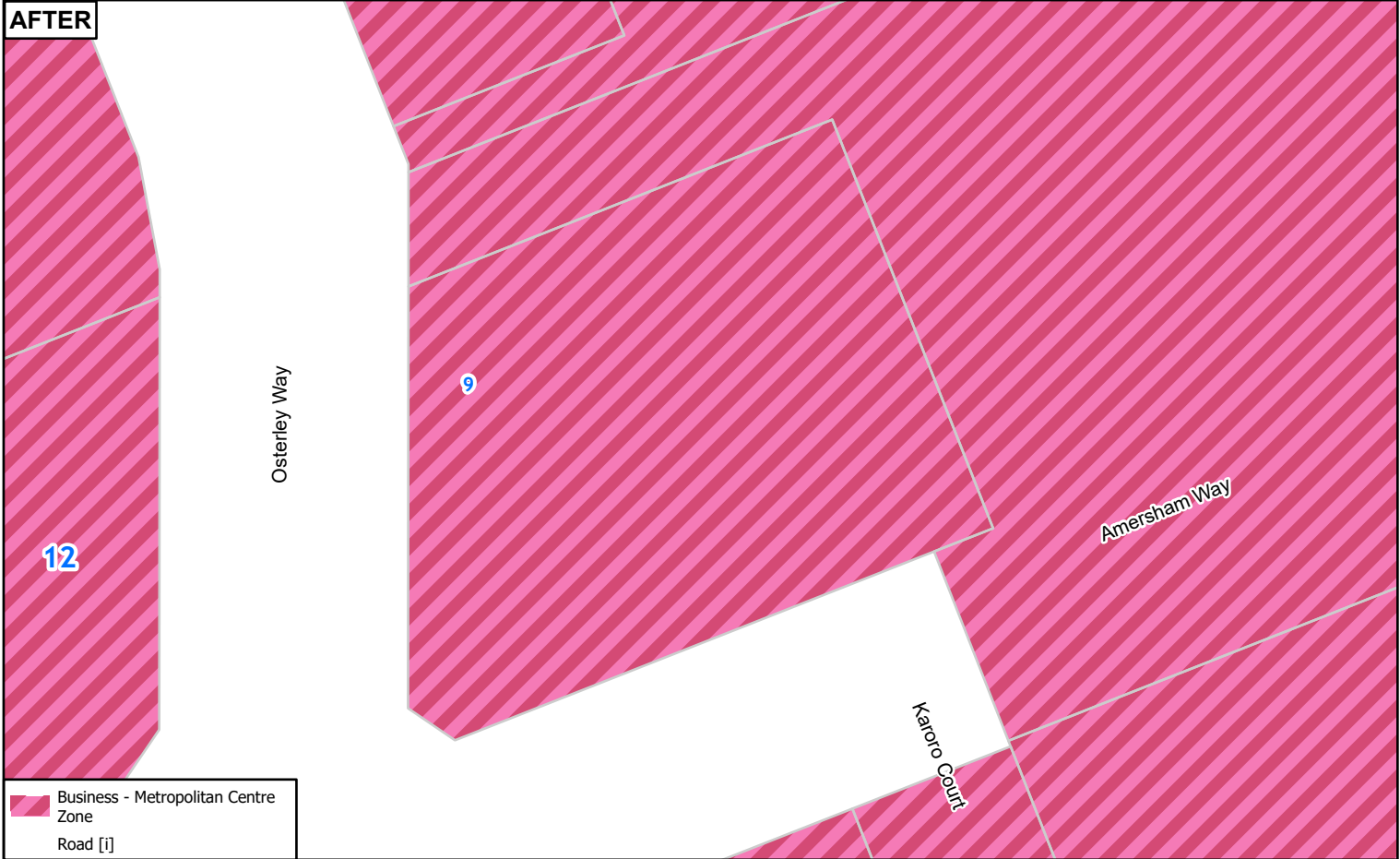
**Attachment C:** Deletion of Designation from the GIS Viewer

# Attachment B: Updated GIS Viewer

**BEFORE**



**AFTER**



**Remove Designation ID 1814**

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: 5/02/2021



Plans and Places