

## UNITARY PLAN UPDATE REQUEST MEMORANDUM

**TO** Warren MacLennan, Manager Planning, Regional, North, West & Islands

**FROM** Jess Romhany, Graduate Planner, Regional, North, West & Islands





**DATE** 24 June 2021



**SUBJECT** **Partial removal of Designation 9306 in the Auckland Unitary Plan (AUP) Operative in part (15 November 2016) in accordance with Section 182 of the Resource Management Act 1991**

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

<b>Reason for update – Partial removal of Designation 9306</b>													
<b>Chapter</b>	AUP GIS Viewer Chapter K Designations												
<b>Section</b>	Schedules and Designations – Watercare Services Ltd AUP GIS Viewer												
<b>Designation only</b>													
<b>Designation #9306</b>	Pinehill Reservoir												
<b>Locations:</b>	192A Browns Bay Road, Murrays Bay												
<b>Lapse Date</b>	Given effect to (i.e. no lapse date)												
<b>Purpose</b>	Water supply purposes - reservoir and associated structures												
<b>Changes to text (shown in underline and strikethrough)</b>	<p><b>Chapter K Designations</b></p> <p><b>Designation Schedule – Watercare Services Limited</b></p> <table border="1"> <thead> <tr> <th>Number</th> <th>Purpose</th> <th>Location</th> </tr> </thead> <tbody> <tr> <td>9306</td> <td>Water supply purposes - reservoir and associated structures</td> <td>Section 1 Survey Office Plan 557618, 192A Browns Bay Road, Murrays Bay</td> </tr> </tbody> </table> <p><b>9306 Pinehill Reservoir</b></p> <table border="1"> <tbody> <tr> <td>Designation Number</td> <td>9306</td> </tr> <tr> <td>Requiring Authority</td> <td>Watercare Services Ltd</td> </tr> <tr> <td>Location</td> <td>Section 1 Survey Office Plan 557618, 192A Browns Bay Road, Murrays Bay</td> </tr> </tbody> </table>	Number	Purpose	Location	9306	Water supply purposes - reservoir and associated structures	Section 1 Survey Office Plan 557618, 192A Browns Bay Road, Murrays Bay	Designation Number	9306	Requiring Authority	Watercare Services Ltd	Location	Section 1 Survey Office Plan 557618, 192A Browns Bay Road, Murrays Bay
Number	Purpose	Location											
9306	Water supply purposes - reservoir and associated structures	Section 1 Survey Office Plan 557618, 192A Browns Bay Road, Murrays Bay											
Designation Number	9306												
Requiring Authority	Watercare Services Ltd												
Location	Section 1 Survey Office Plan 557618, 192A Browns Bay Road, Murrays Bay												
<b>Changes to diagrams</b>	N/A												
<b>Changes to spatial data</b>	Remove Designation 9306 from Section 2 Survey Office Plan 557618.												
<b>Attachments</b>	Attachment A: s182 Report Attachment B: C120A memo Attachment C: Updated text Attachment D: Updated GIS Viewer												

<b>Prepared by:</b> Jess Romhany Graduate Planner	<b>Text Entered by:</b> Harry Barnes Planning Technician
<b>Signature:</b> 	<b>Signature:</b> 
<b>Maps prepared by:</b> Mitesh Bhula Geospatial Specialist	<b>Reviewed by:</b> Peter Vari Team Leader
<b>Signature:</b> 	<b>Signature:</b> P Vari
<b>Signed off by:</b> Warren MacLennan Manager Planning, Regional, North, West & Islands	
<b>Signature:</b> 	

## Attachment A: s182 Report

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



**To:** Peter Vari, Team Leader – Plans and Places, Regional North, West and Islands

**From:** Jess Romhany, Graduate Planner – Plans and Places, Regional North, West and Islands

**Date:** 16 June 2021

**Subject:** Partial removal of Designation 9306 in the Auckland Unitary Plan

## Summary

Auckland Council has received a request from Watercare Services Limited (Watercare) under section 182 of the Resource Management Act 1991 (RMA), dated 28 May 2021, to remove in part Designation 9306.

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

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 and Reasons

1. That the section 182 request from Watercare Services Limited for the partial removal of Designation 9306 in the Auckland Unitary Plan from the land described as Section 2 Survey Office Plan 557618 in Appendix D be **accepted** for the following reasons:
  - Part of the site at 192A Browns Bay Road is no longer required for the future construction and on-going operation, maintenance and protection of the reservoir and its associated structures. The part no longer required has been subdivided and legally described as Section 2 Survey Office Plan 557618.
  - Partial removal of the designation will facilitate the sale of the portion of the property no longer required on the open market and enable its use in accordance with the current underlying zone.
  - Watercare and Kordia will be granted rights of access over the property from which the designation is removed as a condition of purchase when it is sold on the open market to allow for ongoing maintenance of infrastructure on the site.
2. That Designation 9306: Water supply purposes – reservoir and associated structures be partially removed from the land described as Section 2 Survey Office Plan 557618 in Appendix D, as soon as reasonably practicable, in the designation overlay and Chapter K in the Auckland Unitary Plan.

## 1. Description

### 1.1. References

<b>Designation number:</b>	Designation 9306: Water supply purposes – reservoir and associated structures
<b>Lodgement date:</b>	28 May 2021
<b>Requiring authority:</b>	Watercare Services Limited
<b>Reporting officer:</b>	Jess Romhany
<b>Site address:</b>	192A Browns Bay Road, Murrays Bay, 0630
<b>UP Zoning:</b>	Residential - Mixed Housing Suburban Zone

## 2.0 Background

### 2.1 Details of designation

Watercare currently owns the site at 192A Browns Bay Road. The land covered by Designation 9306 is used for water supply purposes which currently consists of the reservoir and its associated structures.

There is an additional designation on the site – Designation 3303 – for which Kordia Ltd is the requiring authority. The purpose of the designation is to provide for the continued operation of the existing broadcasting and telecommunications facility.

### 1.2 Land affected by removal

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



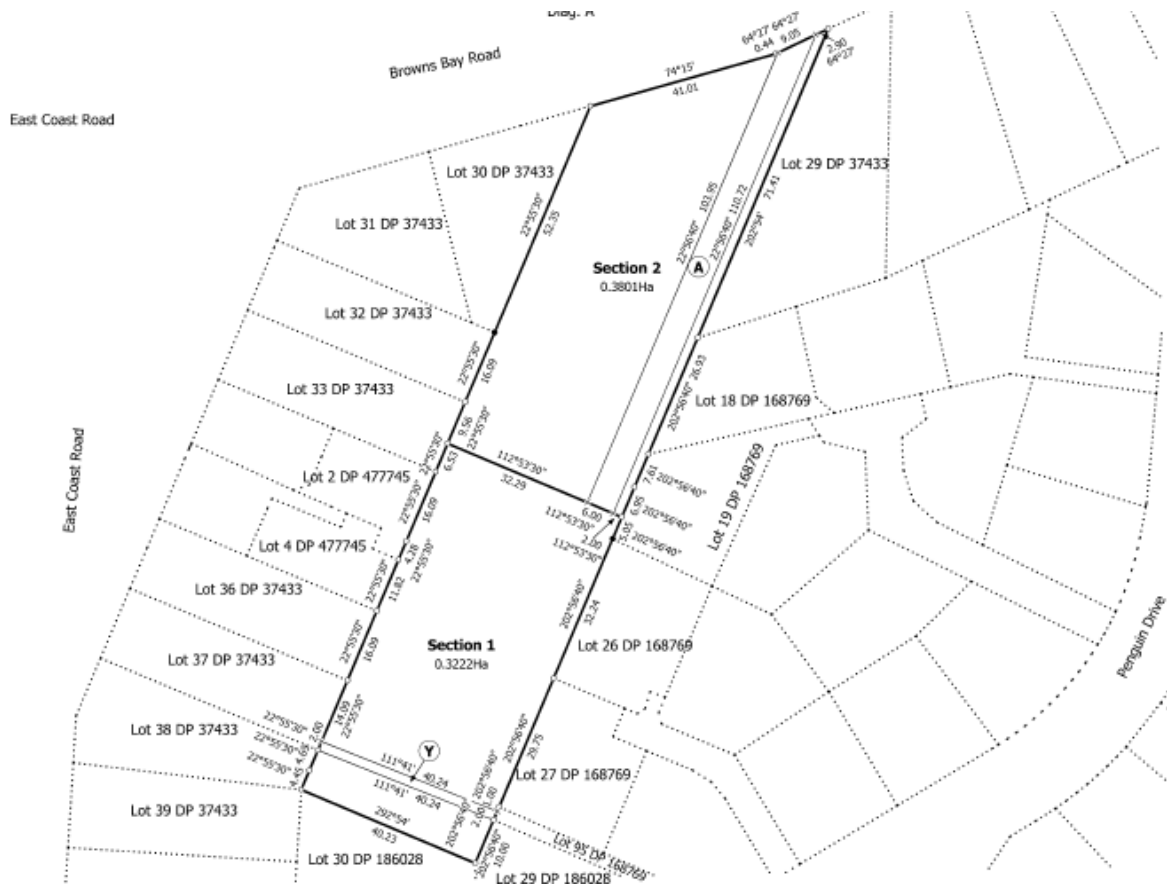


Figure 3: Post-Subdivision Title Plan

Watercare Services Limited has subdivided the site at 192A Browns Bay Road. The post-subdivision title plan is shown above in Figure 3 and Appendix D. Watercare seeks to remove part of Designation 9306 from the land to be known as Section 2 Survey Office Plan 557618 which is 0.3801 hectares. The remainder of the site to be known as Section 1 Survey Office Plan 557618 will remain under Designation 9306.

### 1.3 Delegated authority to consider alterations to designations

The Team Leader – Regional, North, West and Islands Planning (Plans and Places Tier 5) has delegated authority, in accordance with Schedule 2A of the Auckland Council Delegations: Chief Executive Officer (updated February 2021), 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 – Regional, North, West and Islands Planning (Plans and Places Tier 5) and accepted or declined.

### 1.4 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 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.

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 Watercare Services Limited has provided sufficient justification for the partial removal of Designation 9306 for the following reasons:

- Part of the site at 192A Browns Bay Road is no longer required for the future construction and on-going operation, maintenance and protection of the reservoir and its associated structures. The part no longer required has been subdivided and legally described as Section 2 Survey Office Plan 557618.
- Partial removal of the designation will facilitate the sale of the portion of the property no longer required on the open market and enable its use in accordance with the current underlying zone.
- Watercare and Kordia will be granted rights of access over the property from which the designation is removed as a condition of purchase when it is sold on the open market to allow for ongoing maintenance of infrastructure on the site.

## 2.0 Recommendation

That pursuant to Section 182 of the Resource Management Act 1991 that the partial removal of Designation 9306 from the land described as Section 2 Survey Office Plan 557618 in Appendix D be **accepted** and the Auckland Unitary Plan Operative in part designation overlay and Chapter K be amended accordingly.

**Prepared by:** Jess Romhany  
Graduate Planner

**Accepted** Peter Vari  
Team Leader Plans and Places

**Signature:** 

**Signature:** 

Date: 16/06/2021

### **SCHEDULE OF ATTACHMENTS:**

- Attachment A:** Section 182 Notice of Removal of part of Designation 9306  
**Attachment B:** Certificate of Title (current title – Part Allotment 251A Parish of Takapuna and Defined on Deposited Plan 24582  
**Attachment C:** AUP GIS map of current Designation 9306 on Part Allotment 251A Parish of Takapuna and Defined on Deposited Plan 24582  
**Attachment D:** Title Plan – SO 557618



**Attachment A: Section 182 Notice of Removal of part of Designation 9306**

26 May 2021

Auckland Council  
Private Bag 92300  
Auckland 1143  
[By Email]

Attention: Warren Maclennan  
Manager – Planning North-West

Re: Removal of part of Watercare Designation 9306 (legacy reference Designation 102, Auckland Council District Plan North Shore Section 2002) at 192A Browns Bay Road, Murrays Bay, currently legally described as Part Allotment 251A Parish of Takapuna and Defined On Deposited Plan 24582.

We write in pursuant to Section 182(1) of the Resource Management Act to undertake the following:

Reduce the area of Designation 9306 purpose “water supply purposes – reservoir and associated structures” under the Auckland Unitary Plan Operative in Part.

The current legal description of the property from which the designation is to be partially removed is:

- Part Allotment 251A Parish of Takapuna and Defined On Deposited Plan 24582.

The part of the designation to be removed is:

- The land shown as “Section 2 Survey Office Plan 557618 (area 0.3801 Ha)” on the attached file “Title Plan – SO 557618” (Draft Certificates of Title, post subdivision).

Please find attached:

- Form 23 – Notice of Removal/Removal of Part of Designation
- Certificate of Title - Pt Allot 251A Parish of Takapuna as per DP 24582 (pre subdivision)
- Title Plan – SO 557618 (LINZ Draft Certificates of Title, post subdivision)
- AUP GIS Map – Current Designation 9306 over 192A Browns Bay Road, Murrays Bay
- Shape files reflecting part removal of Designation 9306 over 192A Browns Bay Road, Murrays Bay

Watercare requests the Auckland Council amend the AUP Operative in Part accordingly as required by Section 182 of the Resource Management Act 1991.

Yours sincerely

  
Mark Bourne  
Head of Servicing and Consents  
**Watercare Services Limited**

Form 23

Notice of removal of designation or heritage order or part of designation or heritage order

Section 182 Resource Management Act 1991

To Auckland Council

Watercare Services Limited gives notice under Section 182 (1) to Auckland Council that it no longer requires part of the following designation:

- Designation 9306 purpose “water supply purposes – reservoir and associated structures” under the Auckland Council Unitary Plan Operative in Part (legacy reference Designation 102, Auckland Council District Plan North Shore Section 2002) at 192A Browns Bay Road Murrays Bay, currently legally described as Part Allotment 251A Parish of Takapuna and Defined on Deposited Plan 24582.

Watercare Services Limited currently own the designated area in its entirety and have opted to subdivide the property after an internal review identified part of the area that was no longer required for future construction and on-going operation, maintenance and protection of the reservoir and associated structures at 192A Browns Bay Road. Land Information New Zealand have advised that the new legal descriptions for the subdivided land comprised in RT NA934/198 will be Section 1 Survey Office Plan 557618 (area 0.3222 Ha) & Section 2 Survey Office Plan 557618 (area 0.3801 Ha).

Removal of the designation from the land to be known as Section 2 Survey Office Plan 557618 (area 0.3801 Ha) will facilitate the sale of this portion of the property on the open market. The proposed amendment to the current designation boundary is shown in the plans included with this notice.

Watercare Services Limited requests that Auckland Council amend the AUP accordingly as required by Section 182 of the Resource Management Act 1991.

.....  
Signature on behalf of requiring authority  
Mark Bourne  
Head of Servicing & Consents  
Watercare Services Limited

.....  
Date

Address for service of requiring authority:

Watercare Services Limited  
Private Bag 92521  
Wellesley Street  
Auckland 1141  
022 6579509  
[Rod.Finlayson@water.co.nz](mailto:Rod.Finlayson@water.co.nz)  
Rod Finlayson

Telephone:

Email:

Contact person:

**Attachment B: Certificate of Title (current title – Part Allotment 251A Parish of Takapuna  
and Defined on Deposited Plan 24582**

# Property Guru document ordering service

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**Certificate of Title with diagram: 934/198**

**CoreLogic Reference: 2929361/1**

**Processed: 25 February 2021**

Sourced from Property Guru, a CoreLogic solution. For any queries about this document or this service please call 0800 355 355 or email [documentordering@corelogic.co.nz](mailto:documentordering@corelogic.co.nz).



**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** **NA934/198**  
**Land Registration District** **North Auckland**  
**Date Issued** 16 August 1949

**Prior References**  
NA385/282

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**Estate** Fee Simple  
**Area** 7019 square metres more or less  
**Legal Description** Part Allotment 251A Parish of Takapuna  
and Defined On Deposited Plan 24582  
**Purpose** Waterworks  
**Registered Owners**  
Watercare Services Limited

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**Interests**

Subject to a gas conveyance right (in gross) over parts marked X and Y on Plan 163796 in favour of UnitedNetworks Limited created by Transfer C680141.2 - 14.11.1994 at 2.40 pm

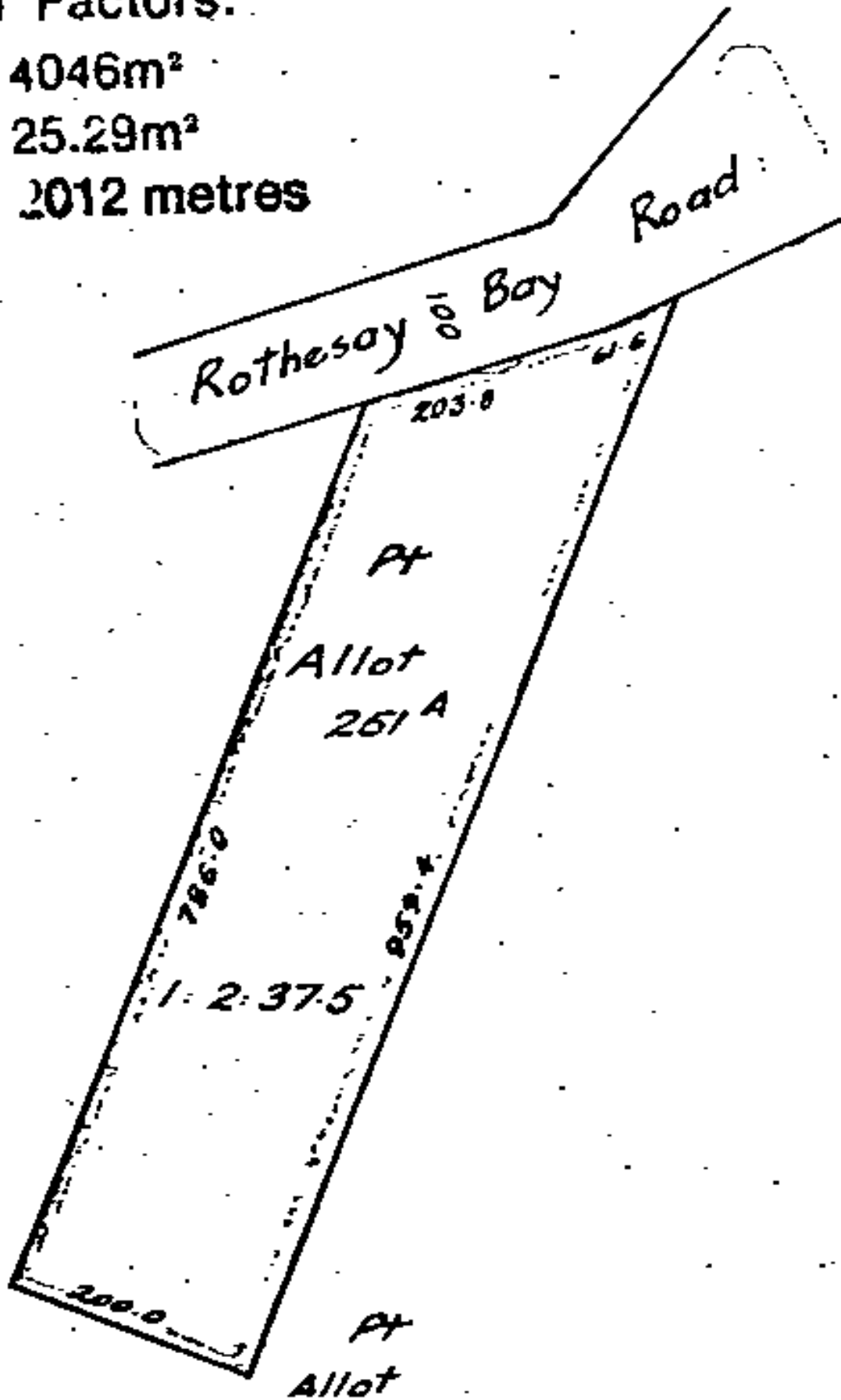
Subject to a right of way over part marked A and to rights to convey, store and drain water over parts marked B on DP 201300 (in gross) in favour of Watercare Services Limited created by Transfer D536025.1 - 28.8.2000 at 2.55 pm

**PROVISION FACTORS:**

**e = 4046m<sup>2</sup>**

**ch = 25.29m<sup>2</sup>**

**k = 2012 metres**



**Attachment C: AUP GIS map of current Designation 9306 on Part Allotment 251A  
Parish of Takapuna and Defined on Deposited Plan 24582**

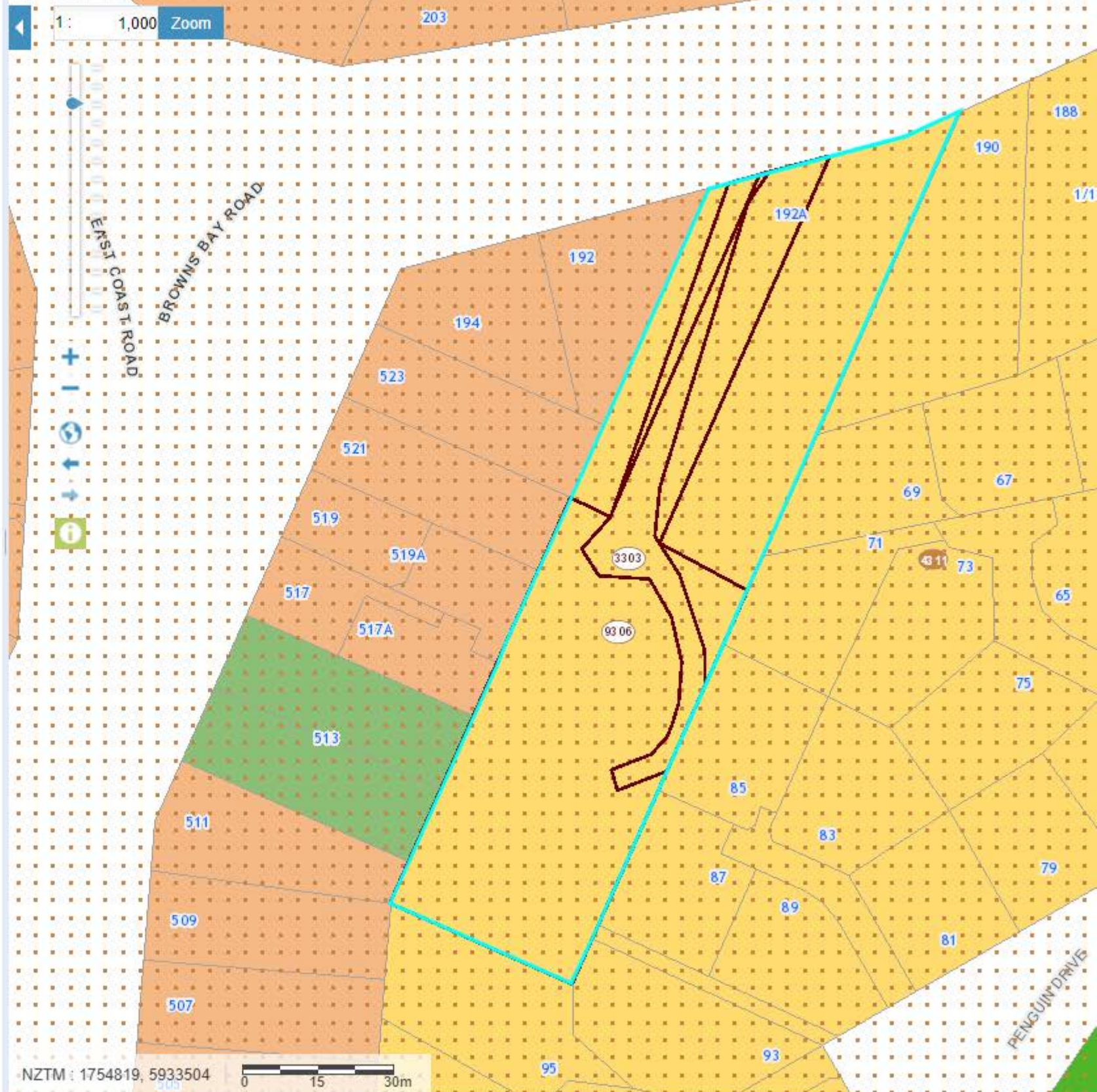


Info

Legend

Results

- Unitary Plan Appeals and Plan Modifications
- Unitary Plan Management Layers
  - Information
    - Address
    - Coastal marine area/ river boundary point ●
    - Indicative Coastline (i) ---
    - Treaty Settlements – Statutory Acknowledgements
  - Rural Urban Boundary (RUB) —
  - Precincts
  - Overlays
  - Controls
  - Designations
- Unitary Plan Landbase
- Unitary Plan Zones



[View the full legend](#)

**Attachment D: Title Plan – SO 557618**



# Title Plan - SO 557618

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**Survey Number** SO 557618  
**Surveyor Reference** A2010282 - 192 Browns Bay Rd  
**Surveyor** Steven Robert Mills  
**Survey Firm** Harrison Grierson Consultants Ltd  
**Surveyor Declaration** I Steven Robert Mills, being a licensed cadastral surveyor, certify that:  
(a) this dataset provided by me and its related survey are accurate, correct and in accordance with the Cadastral Survey Act 2002 and the Rules for Cadastral Survey 2010, and  
(b) the survey was undertaken by me or under my personal direction.  
Declared on 04 Feb 2021 09:19 AM

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## Survey Details

**Dataset Description** Sections 1 and 2  
**Status** Approved as to Survey  
**Land District** North Auckland  
**Submitted Date** 04/02/2021  
**Survey Class** Class A  
**Survey Approval Date** 04/02/2021  
**Deposit Date**

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## Territorial Authorities

Auckland Council

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## Comprised In

RT NA934/198

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## Created Parcels

Parcels	Parcel Intent	Area	RT Reference
Section 1 Survey Office Plan 557618	Legalisation	0.3222 Ha	
Section 2 Survey Office Plan 557618	Legalisation	0.3801 Ha	
Area A Survey Office Plan 557618	Easement		
Area Y Survey Office Plan 557618	Easement		
<b>Total Area</b>		<hr/> 0.7023 Ha	

# Schedule / Memorandum

Land Registration District

**North Auckland**

Survey Number

**SO 557618**

Territorial Authority (the Council)

**Auckland Council**

## Schedule of Existing Easements in Gross

Last Edited: 16 Dec 2020 16:02:20

<u>Purpose</u>	<u>Shown</u>	<u>Servient Tenement (Burdened Land)</u>	<u>Creating Document Reference</u>
Right to convey gas	Y	Sect 1	TE C680141.2

## Schedule of Easements in Gross

Last Edited: 16 Dec 2020 16:02:59

<u>Purpose</u>	<u>Shown</u>	<u>Servient Tenement (Burdened Land)</u>	<u>Grantee</u>
Right of Way	A	Sect 2	Watercare Services Limited



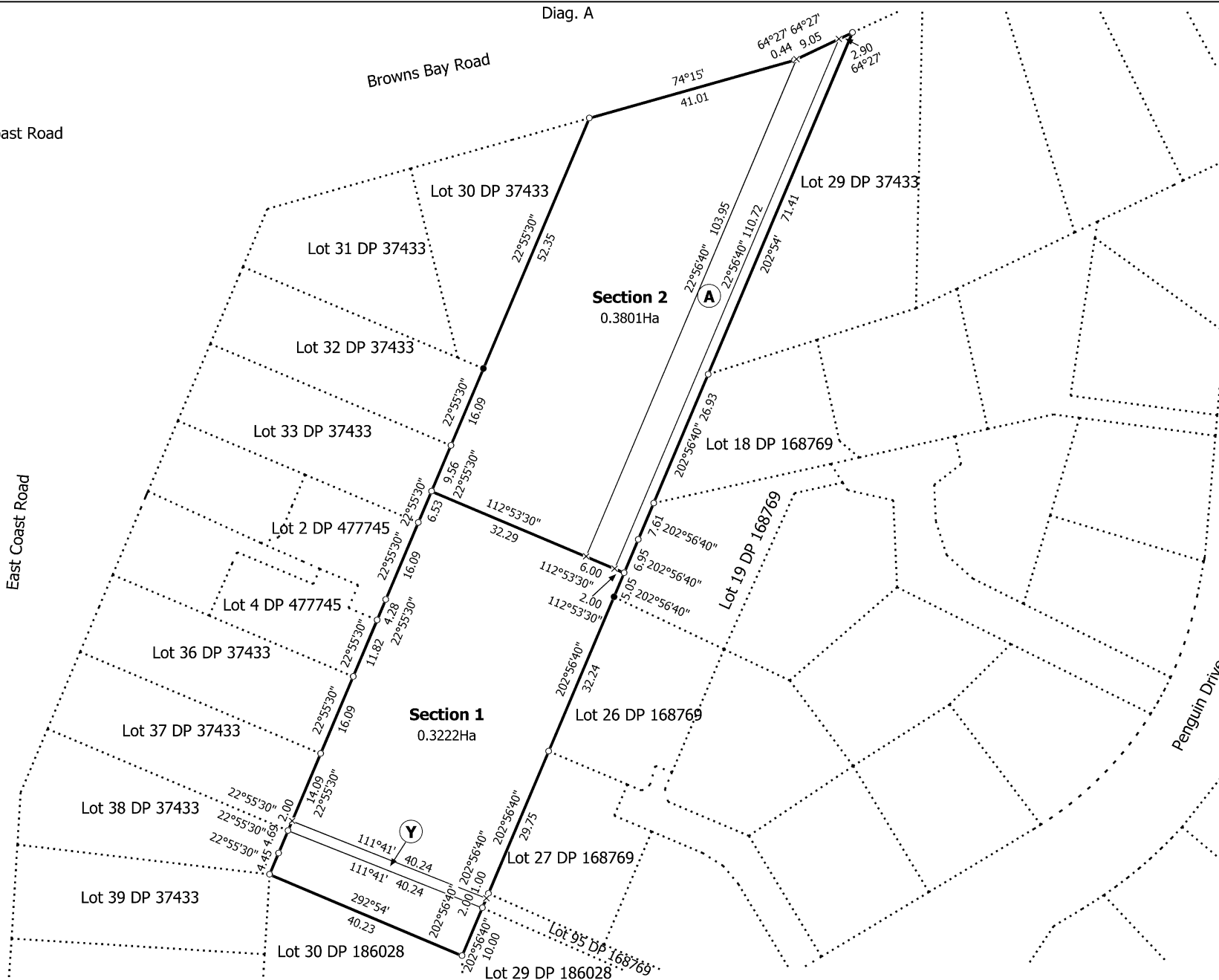
Diag. A

East Coast Road

Browns Bay Road

East Coast Road

Penguin Drive



Land District: North Auckland

Sections 1 and 2

Surveyor: Steven Robert Mills  
Firm: Harrison Grierson Consultants Ltd

Title Plan  
SO 557618  
Approved on: 4/02/2021

Attachment B: CI20A memo

# Memo

Date 24 June 2021

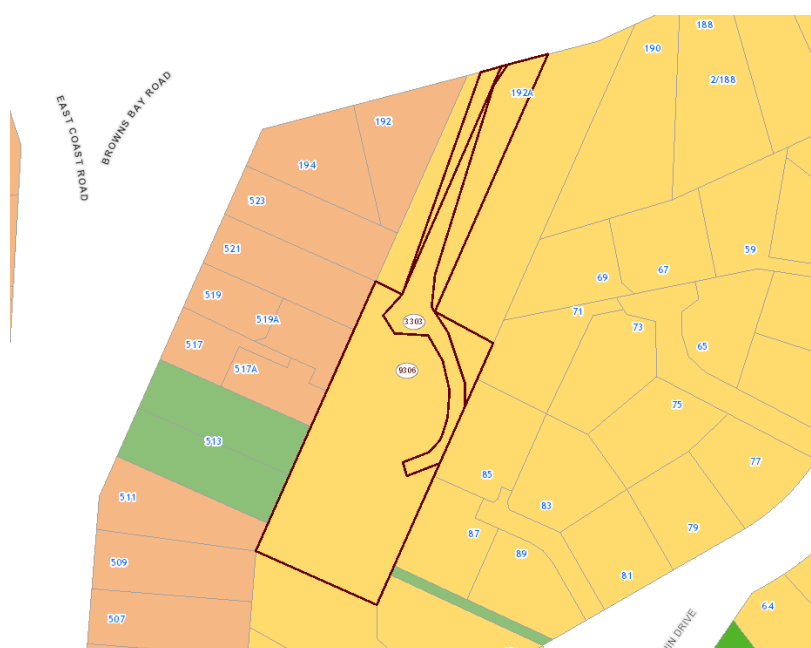
To: Warren MacLennan, Manager Planning, Regional, North, West & Islands

From: Jess Romhany, Graduate Planner, Regional, North, West & Islands





Subject: **Plan Modification: Clause 20A Amendment to Chapter K – Watercare Services Ltd of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016).**

Delegated authority to T4 manager through Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register (Updated February 2021).

This plan modification requires decision-making pursuant to clause 20A of the First Schedule to the Resource Management Act 1991, as corrections are required to the Auckland Unitary Plan (Operative in Part).

<b>Rule or Section of Unitary Plan</b>	Chapter K Designations Schedules and Designations - Watercare Services Ltd Designation 9306
<b>Subject Site (if applicable)</b>	192A Browns Bay Road, Murrays Bay
<b>Legal Description (if applicable)</b>	Pt Allot 251A Parish of Takapuna
<b>Nature of change</b>	<p>A minor change is required to correct an error to the text in Chapter K of the Auckland Unitary Plan (Operative in Part). This relates to the text in the Watercare Services Ltd schedule of Chapter K, specifically in relation to Designation 9306.</p> <p>The address for Designation 9306 is stated incorrectly as 192 Browns Bay Road, Murrays Bay. Designation 9306 is located at <u>192A</u> Browns Bay Road, as shown below in the image below.</p> 

	The error was identified during the processing of a partial uplift request for Designation 9306. It is noted that the correct address (192A Browns Bay Road, Murrays Bay) is stated on Page 17 of the schedule.
<b>Effect of change</b>	The change to the text is minor in nature and intends to correct an existing inaccuracy in the plan. The effect of the change is considered to be neutral.
<b>Changes required to be made (text/in-text diagrams)</b>	Amend Chapter K – Watercare Services Ltd (Designation 9306) in the Auckland Unitary Plan (Operative in Part). Please see Attachment 1 for the amendments required.
<b>Changes required to be made (maps)</b>	N/A
<b>Attachments</b>	Attachment 1: Text changes required

<b>Prepared by:</b> Jess Romhany Graduate Planner	<b>Text Entered by:</b> Harry Barnes Planning Technician
<b>Signature:</b> 	<b>Signature:</b> 
<b>Maps prepared by:</b> N/A Geospatial Analyst	<b>Reviewed by:</b> Peter Vari Team Leader
<b>Signature:</b> N/A	<b>Signature:</b> 
<b>Signed off by:</b> Warren MacLennan Manager Planning, RNWI	
<b>Signature:</b> 	



**Attachment 1 – Amendments Required**

**Designation Schedule – Watercare Services Ltd (1/3) (Page 1)**

Number	Purpose	Location
9306	Water supply purposes – reservoir and associated structures	492 Browns Bay Road, Murrays Bay 192A

**Attachment C: Updated text**

## 9306 Pinehill Reservoir

Designation Number	9306
Requiring Authority	Watercare Services Ltd
Location	Section 1 Survey Office Plan 557618, 192A Browns Bay Road, Murrays Bay
Rollover Designation	Yes
Legacy Reference	Designation 102, Auckland Council District Plan (North Shore Section) 2002
Lapse Date	Given effect to (i.e. no lapse date)

## Purpose

Water supply purposes - reservoir and associated structures.

## Conditions

No conditions.

## Attachments

No attachments.

# Attachment D: Updated GIS Viewer

BEFORE



Designations

AFTER



Designations

0 10 20 40 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: 5/07/2021

**Partial Uplift to Designation 9306  
Water Supply Purposes - Pinehill Reservoir  
Watercare Services Ltd**



Plans and Places