

## UNITARY PLAN UPDATE REQUEST MEMORANDUM

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

**FROM** Wayne Siu, Planner, Regional, North, West & Islands

**DATE** 10 February 2021

**SUBJECT** **Removal of Designation in accordance with s182 of the Resource Management Act 1991 in 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 1472 Wainui Interchange and Road Widening</b>	
<b>Chapter</b>	Chapter K Designations AUP GIS Viewer
<b>Section</b>	Schedules and Designations - Auckland Transport AUP GIS Viewer
<b>Designation only</b>	
<b>Designation #1472</b>	<b>Wainui Interchange and Road Widening</b>
<b>Locations:</b>	Wainui Road, Silverdale
<b>Lapse Date</b>	Given effect to (no lapse date)
<b>Purpose</b>	Wainui Interchange and road widening
<b>Changes to text (shown in underline and strikethrough)</b>	Remove designation text for D1472 in its entirety from the AUP text
<b>Changes to diagrams</b>	N/A
<b>Changes to spatial data</b>	Complete removal of Designation 1472 from the AUP GIS Viewer
<b>Attachments</b>	Attachment A: S182 Report Attachment B: Updated GIS Viewer

<b>Prepared by:</b> Wayne Siu Planner, Regional, North, West & Islands	<b>Maps prepared by:</b> Aching Konyak Geospatial Specialist
<b>Signature:</b> 	<b>Signature:</b> 
<b>Reviewed by:</b> Wayne Siu Planner, Regional, North, West & Islands	<b>Signed off by:</b> Warren MacLennan Manager Planning, Regional, North, West & Islands
<b>Signature:</b> 	<b>Signature:</b> 

## Attachment A: S182 Report

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



**To:** Peter Vari – Team Leader Planning Regional, North/West & Islands

**From:** Wayne Siu, Planner Planning Regional, North/West & Islands

**Date:** 9 February 2020

**Subject:**

Removal of Designation 1472 Wainui Interchange and Road Widening in the Auckland Unitary Plan

## Summary

Auckland Council has received a request from Auckland Transport under section 182 of the Resource Management Act 1991 (RMA), dated 28 January 2020, to remove in full Designation 1472 Wainui Interchange and Road Widening.

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

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 removal be accepted.

## Recommendation

1. That the section 182 request from Auckland Transport for the removal of Designation 1472 Wainui Interchange and Road Widening in the Auckland Unitary Plan be **accepted** for the following reasons:
  - The intended use of the designation has been fulfilled and works completed.
  - The removal is for the entirety of the designation.
2. That Designation 1472 Wainui Interchange and Road Widening be removed, as soon as reasonably practicable, in the Designation overlay and Chapter K Designations in the Auckland Unitary Plan.

## 1. Description

## 1.1. References

<b>Designation number:</b>	1472 Wainui Interchange and Road Widening
<b>Lodgement date:</b>	28 January 2020
<b>Requiring authority:</b>	Auckland Transport
<b>Reporting officer:</b>	Wayne Siu
<b>Site address:</b>	Addresses of properties and legal descriptions as shown in Table 1.
<b>UP Zoning:</b>	As shown in Table 1.

## 2.0 Background

### 2.1 Details of designation

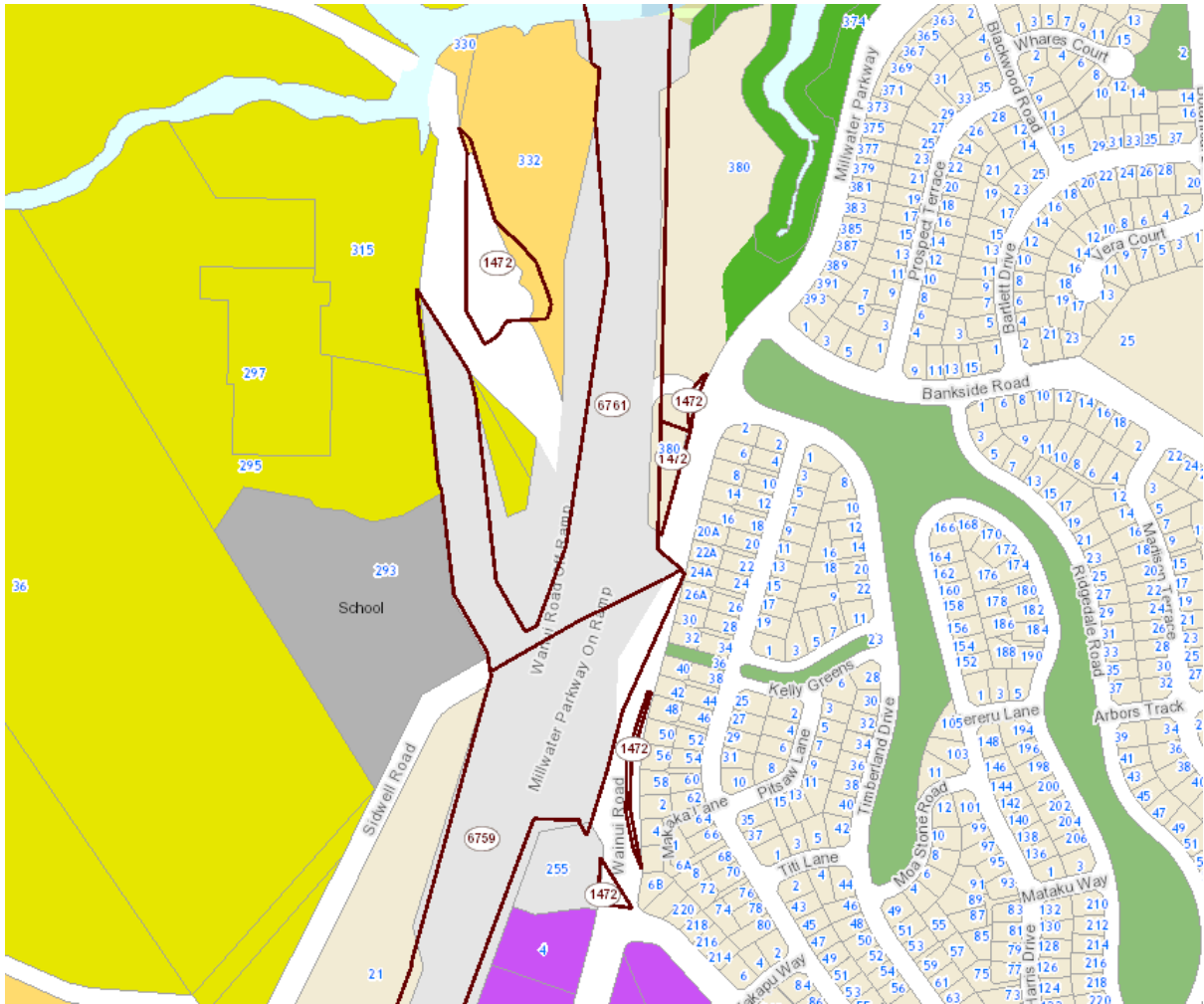
Designation 980 in the Auckland Council District Plan (Rodney Section) 2011 was rolled over as Designation 1472 in the Auckland Unitary Plan to provide for works relating to the Wainui Interchange and associated road widening. The interchange and widening were completed in May 2015 and the designation given effect to.

Auckland Transport served a notice under section 182 of the Resource Management Act 1991, signed by Jane Small, Group manager Property and Planning, to remove the designation from the affected sites. Auckland Transport seeks the full removal of the designation for the following reasons:

- The owner at 332 Wainui Road has requested that AT remove the designation; and
- The intended use of the designation has been fulfilled and works completed.

### 1.2 Land affected by removal

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



Auckland Transport has provided a site plan showing the extent of the designation which is to be removed (refer to **Attachment A**).

The addresses and zoning of affected sites are as follow:

*Table 1. Properties affected by the removal of Designation 1472*

Address	Legal Description	Zoning
Wainui Road	Legal Road – SECT 5 503979	Road
Wainui Road	Legal Road – LOT 925 DP 484774	Road
255 Wainui Road	LOT 14 DP 501398	Strategic Transport Corridor
332 Wainui Road	SECT 15 SO 503979	Residential – Mixed Housing Suburban
380 Millwater Parkway	SECT 16 SO 503979, SECT 17 SO 503979	Residential – Single House

### 1.3 Delegated authority to consider alterations to designations

The Team Leader – Planning Regional, North/West & Islands (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.

The section 182 request to remove the designation can therefore be considered by the Team Leader – Regional, North/West & Islands (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 Auckland Transport has provided sufficient justification for the removal of Designation 1472 Wainui Interchange and Road Widening for the following reasons:

- The intended use of the designation has been fulfilled and works completed.
- The removal is for the entirety of the designation.

#### 2.0 Recommendation

That pursuant to Section 182 of the Resource Management Act 1991 that the removal of Designation 1472 Wainui Interchange and Road Widening be **accepted** and the Auckland Unitary Plan Operative in part designation overlay and text in Chapter K Designations be amended accordingly.

**Prepared by:** Wayne Siu  
Planner  
Planning Regional North/West & Islands

**Accepted by:** Peter Vari  
Team Leader  
Planning Regional North/West & Islands

**Signature:**



**Signature:**



10/2/2021

Date: 9 February 2021

**SCHEDULE OF ATTACHMENTS:**

**Attachment**      Auckland Transport s182 Notice of Removal  
**A:**

## NOTICE OF REMOVAL OF DESIGNATION UNDER SECTION 182 OF THE RESOURCE MANAGEMENT ACT 1991

**To:** Auckland Council  
C/o Warren Maclennan  
[warren.maclennan@aucklandcouncil.govt.nz](mailto:warren.maclennan@aucklandcouncil.govt.nz)  
Manager Planning North/West  
Auckland Council CPO  
Private Bag 92300  
Auckland 1142

**And to:**

Owner and Occupier 255 Wainui Road Silverdale Auckland 0992	Owner: Bass NZ Sub Management Pty Limited C/o GBS Property & Lease Admin GPO Box 5222 Melbourne VIC 3001 Australia
Owner and Occupier 332 Wainui Road Silverdale Auckland 0992	Owner: WFH Properties Ltd C/o Nigel Low <a href="mailto:nigel.low@fultonhogan.com">nigel.low@fultonhogan.com</a> PO Box 501 Silverdale 0944
Owner and Occupier 380 Millwater Parkway Silverdale Auckland 0932	Owner: WFH Properties Ltd C/o Nigel Low <a href="mailto:nigel.low@fultonhogan.com">nigel.low@fultonhogan.com</a> PO Box 501 Silverdale 0944

**From:** Auckland Transport  
Private Bag 92250  
Auckland 1010

28 January 2021

### Removal of Designation 1472 for Wainui Interchange and Road Widening from the Auckland Unitary Plan (Operative in Part) 2016

Auckland Transport (AT) gives notice to Auckland Council (AC) under section 182(1) of the Resource Management Act 1991 (RMA), that AT no longer requires the following designation under the Auckland Unitary Plan (Operative in Part) ("AUP(OP)"):

- Designation 1472, Wainui Interchange and Road Widening, Auckland Transport

The uplifting of Designation 1472 relates to the following site addresses and legal descriptions, as shown in Table 1:



Table 1. Full removal of Designation for properties within AT Designation 1472

Address	Legal Description	Removal of Designation
Wainui Road	Legal Road – SECT 5 SO 503979	Full Removal
Wainui Road	Legal Road – LOT 925 DP 484774	Full Removal
255 Wainui Road	LOT 14 DP 501398	Full Removal
332 Wainui Road	SECT 15 SO 503979	Full Removal
380 Millwater Parkway	SECT 16 SO 503979, SECT 17 SO 503979	Full Removal

The removal of Designation 1472 is illustrated in the figures provided in **Appendix 1**.

### **Existing Designation 1472 Details**

The details of the existing designation as set out under the AUP(OP) is below:

<b>Designation Number</b>	1472
<b>Requiring Authority</b>	Auckland Transport
<b>Purpose</b>	Wainui Interchange and Road Widening
<b>Location</b>	Wainui Road, Silverdale
<b>Legacy Reference</b>	Designation 980, Auckland Council District Plan (Rodney Section) 2011
<b>Conditions</b>	(Please refer to <b>Appendix 2</b> )
<b>Attachments</b>	None

### **Reasons for the Full Removal of Designation 1472**

Auckland Transport is seeking the full removal of Designation 1472 for the following reasons:

- The owner at 332 Wainui Road has requested that AT remove the designation; and
- The intended use of the designation has been fulfilled and works completed.

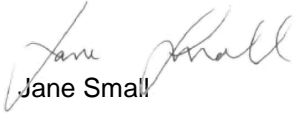
### **Relevant Statutory Provisions**

Section 182 of the RMA allows a requiring authority to remove a designation or part of a designation if it no longer wants it. Section 182(2) states that as soon as reasonably practicable after receiving a notice under section 182 the territorial authority shall, without using the process in Schedule 1, amend its district plan accordingly.

**Summary**

AT requests that AC amends the AUP(OP) accordingly as required by section 182 of the Resource Management Act 1991.

Yours Faithfully,

  
Jane Small

**Group Manager – Property and Planning**

Integrated Networks

Auckland Transport

**Attachment 1 – Full removal of Auckland Transport Designation 1472**

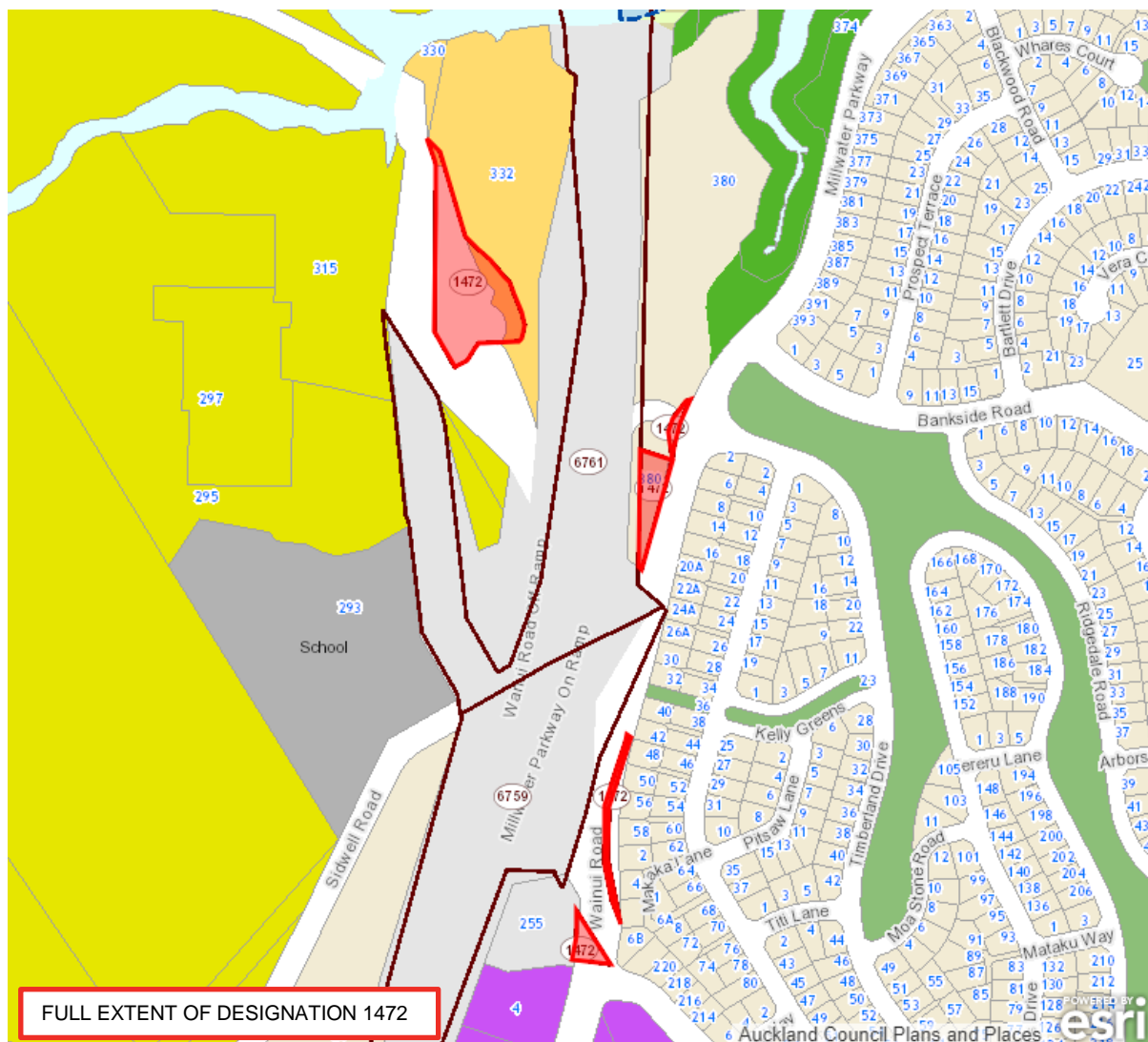


Figure 1: Designation 1472 seeking removal as shown on unitary planning zoning (Source: Auckland Council GeoMaps).



Figure 2: Designation 1472 seeking removal as shown on aerial photograph (Source: Auckland Council GeoMaps).

## Attachment 2 – Auckland Transport Designation 1472

### 1472 Wainui Interchange and Road Widening

Designation Number	1472
Requiring Authority	Auckland Transport
Location	Wainui Road, Silverdale
Rollover Designation	Yes
Legacy Reference	Designation 980 , Auckland Council District Plan (Rodney Section) 2011
Lapse Date	Given effect to (i.e. no lapse date)

### Purpose

Wainui Interchange and Road Widening

### Conditions

#### 1. General Conditions

1.1 That the scope and extent of the works within the designated area be generally in accordance with the Notice of an Alteration to a Designation, dated August 2013, as shown in Attachment 1 – Existing Designation Coverage Plan (Drawing No.33110-01-SK-1004 Rev1), and in accordance with the conditions set out below.

#### 2. Construction

2.1 The engineering works required by this consent shall comply with the Council's & Watercare's "Standards for Engineering Design and Construction" as may be amended from time to time. Engineering Plans, as specified in the "Standards", shall be submitted to the Auckland Council's Development Engineer, Northern Resource Consenting and Compliance (Orewa), and approval thereto received in writing, prior to the commencement of any works on the site.

2.2 Any variation or changes to the engineering plans provided with the Notice of Requirement shall be submitted for approval to the Auckland Council's Development Engineer, Northern Resource Consenting and Compliance (Orewa) as an Amendment and approval received thereto prior to construction of the varied works.

The term 'engineering works' includes, but is not limited to:

- a. The formation of roads, the laying of pipes and other ancillary equipment to be vested in the Council for water supply, drainage or sewage disposal;
- b. Street lights, landscaping or structures on land vested, or to be vested, in the Council;
- c. The installation of gas, electrical or telecommunication reticulation including ancillary equipment;
- d. Any other works required by conditions of this consent.

2.3 As Built record plans to requirements of the Council's "Standards for Engineering Design and Construction" shall be submitted to the Auckland Council's Development Engineer, Northern Resource Consenting and Compliance (Orewa) on completion of the works.

Note: Engineering Plan approvals, monitoring of construction and processing of As Built plans will be subject to charges in terms of the Schedule of Fees and Charges determined from time to time by the Council.

2.4 Prior to the commencement of the construction and/or earthworks activity, the consent holder shall hold a pre-start meeting that:

- a. is located on the subject site
- b. is scheduled not less than 5 days before the anticipated commencement of earthworks
- c. includes Monitoring Officer (NRSI) & Compliance Engineer (Orewa)
- d. includes representation from the contractors who will undertake the works

2.5 The following information shall be made available at the pre-start meeting:

- a. Timeframes for key stages of the works authorised under this consent
- b. Erosion and Sediment Control Plan
- c. Traffic Management Plan
- d. Construction Management Plan.

2.6 A detailed Health and Safety Plan to the requirements of the Health and Safety in Employment Act 1992, specifically addressing control of works on and adjacent to public land, and the protection of the public, shall be submitted to the Auckland Council's Development Engineer, Northern Resource Consenting and Compliance (Orewa) prior to the commencement of any works on the site (refer s.109.1 of the "Standards for Engineering Design and Construction"). A copy of the Health and Safety Plan shall be kept on the site at all times. All measures for the protection of the public and other personnel set out in the Plan shall be maintained and complied with at all times until such time as the works are completed.

2.7 An approved Traffic Management Plan in accordance with the Code of Practice for Temporary Traffic Management specifically addressing control of construction access to the site and traffic control adjacent to the site, and the protection of the public, shall be submitted to the Auckland Council's Development Engineer, Northern Resource Consenting and Compliance (Orewa). A copy of the Traffic Management Plan shall be kept on the site at all times. A copy of the Traffic Management Plan shall also be forwarded to the Auckland Transport Operations Team for information purposes. All measures for the protection of the public and other personnel set out in the verified Plan shall be maintained and complied with at all times until such time as the works are completed.

### **3. Construction Management Plan**

3.1 Prior to the commencement of any earthworks or construction activity associated with the works (excluding site investigations), the Requiring Authority shall submit a Construction Management Plan (CMP) to the Auckland Council's Northern Resource Consenting and Compliance Team (Orewa) two weeks prior to construction commencing. Any amendments to the CMP required by the Auckland Council's Northern Resource Consenting and Compliance Team (Orewa) shall be requested in writing

prior within the two week period. The Construction Management Plan shall include the procedures, methods and measures to be applied to address the following:

3.2 Notification to the Auckland Council, Auckland Transport, network utility operators, and the owners and occupier of all properties with direct access off that area of Wainui Road, Sidwell Road and Millwater Parkway affected by the proposed work of the likely commencement date for the works and expected timeframe of the construction programme.

3.3 Provision of a single point of contact to field general enquiries and complaints from the public and maintenance of a complaints register. The liaison person's name and contact details shall be advised to Auckland Council and all owners and occupiers of properties with direct access off the proposed area of works.

3.4 Management procedures to be implemented by the Requiring Authority and its contractors to minimise dust emissions, including monitoring, auditing and reporting procedures.

3.5 Parking and loading of construction related vehicles during the period of construction.

3.6 Provision of access for emergency vehicles.

3.7 Hours of operation of trucks and service vehicles and methods to be employed to address the effects of construction traffic on local roads.

3.8 The Construction Management Plan may be submitted in stages in accordance with the construction programme.

3.9 The Requiring Authority and contractors shall implement the Construction Management Plan at all times.

#### **4. Construction Noise**

4.1 Noise generated by the construction works associated with the Wainui Interchange shall, where practicable, comply with New Zealand NZS 6803:1999 "Acoustics – Construction Noise". Where compliance with this standard is not practicable, alternative methodologies that will minimise the adverse effects shall be developed in consultation with the owners and/or occupiers of the affected properties.

#### **5. Management of effects on utilities, continuity of supply**

5.1 During the design of the project the Requiring Authority shall give reasonable notice and make all reasonable endeavours to:

- a. Liaise with all relevant network utility operators in relation to any part of the works within the designation where infrastructure may be affected.
- b. Make all reasonable changes requested by network utility operators to the relevant design plans and methodologies, to ensure that access to, maintenance and the operation of all network utility infrastructure within the designated area is not adversely affected.

#### **6. Works on public land**

6.1 Reinstatement of the surface(s) within or adjoining public land including legal road shall be completed as soon as possible on completion of the works affecting the said surface(s), and until such reinstatement is completed the requirements of the verified Traffic Management Plan and Health and Safety Plan shall be complied with in all respects.

## **7. Silt retention**

7.1 Before commencement of any works, adequate silt retention structures as detailed in drawings submitted with the application shall be installed. These structures shall be maintained and cleaned out as necessary until such time as complete grass cover, or other non-erodible surfacing, has been re-established over the site.

## **8. Traffic**

8.1 In order to preserve the integrity of Timberland Road as a local road, providing for a slow speed and safe environment, Auckland Transport shall undertake a Local Area Traffic Management (LATM) assessment to preserve the integrity and amenity for local residents while encouraging use of Bankside Road as the collector route. This should consider, but not be limited to vertical speed control devices, side islands and restrictions and signage. Following the assessment, which shall include and independent road safety audit, these devices shall be approved by and installed to the satisfaction of the Manager, Traffic Operations, Auckland Transport prior to completion of the Timberland Drive/Parkway roundabout.

## **9. Archaeological remains**

9.1 In the event of an accidental discovery of archaeological material, the site owner or the site manager must take the following steps:

- a. Work must cease immediately at that place.
- b. The contractor must shut down all machinery, secure the area and advise the site manager.
- c. The site manager must notify the council's heritage manager and the New Zealand Historic Places Trust Regional archaeologist. If necessary, a resource consent must be obtained.
- d. If the site is of Māori origin the site manager must notify the appropriate iwi groups to determine what further actions are appropriate to safeguard the site or its contents.
- e. If skeletal remains are uncovered the site manager shall advise the police.
- f. Works affecting the archaeological site must not resume until the New Zealand Historic Places Trust gives approval for work to continue.

## **10. Landscaping**

10.1 All planted areas shall be maintained for a minimum period of five years. Plants that die during the maintenance period shall be replaced with the same species in accordance with the original planting specification within six months of their failure. Pests and diseases shall be controlled to ensure that plants are maintained in a healthy and vigorous condition. Weed growth shall be maintained within the planted areas on a regular basis eradicating them before they reach 100mm in height.

## **11. Ecology**

11.1 If threatened plant species are found, these will be translocated to an appropriate habitat, preferably as close to the site of removal as possible.

11.2 A search and removal protocol shall be provided to rescue any indigenous fauna impacted by earthworks activity. Translocation and offset protocols are to be provided. Translocation of any



indigenous fauna should be done prior to and during construction, earthworks and during any other form of site disturbance.

11.3 A Department of Conservation approved herpetologist shall capture and relocate any native lizards from the site to safe habitat prior to the works commencing. Capture locations should include any probable skink location as identified within the Boffa Miskell report 21 August 2013 (Appendix E in NOR). Skinks should be held in captivity until such time that the riparian margins have been planted and appropriate habitat available for relocation.

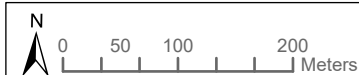
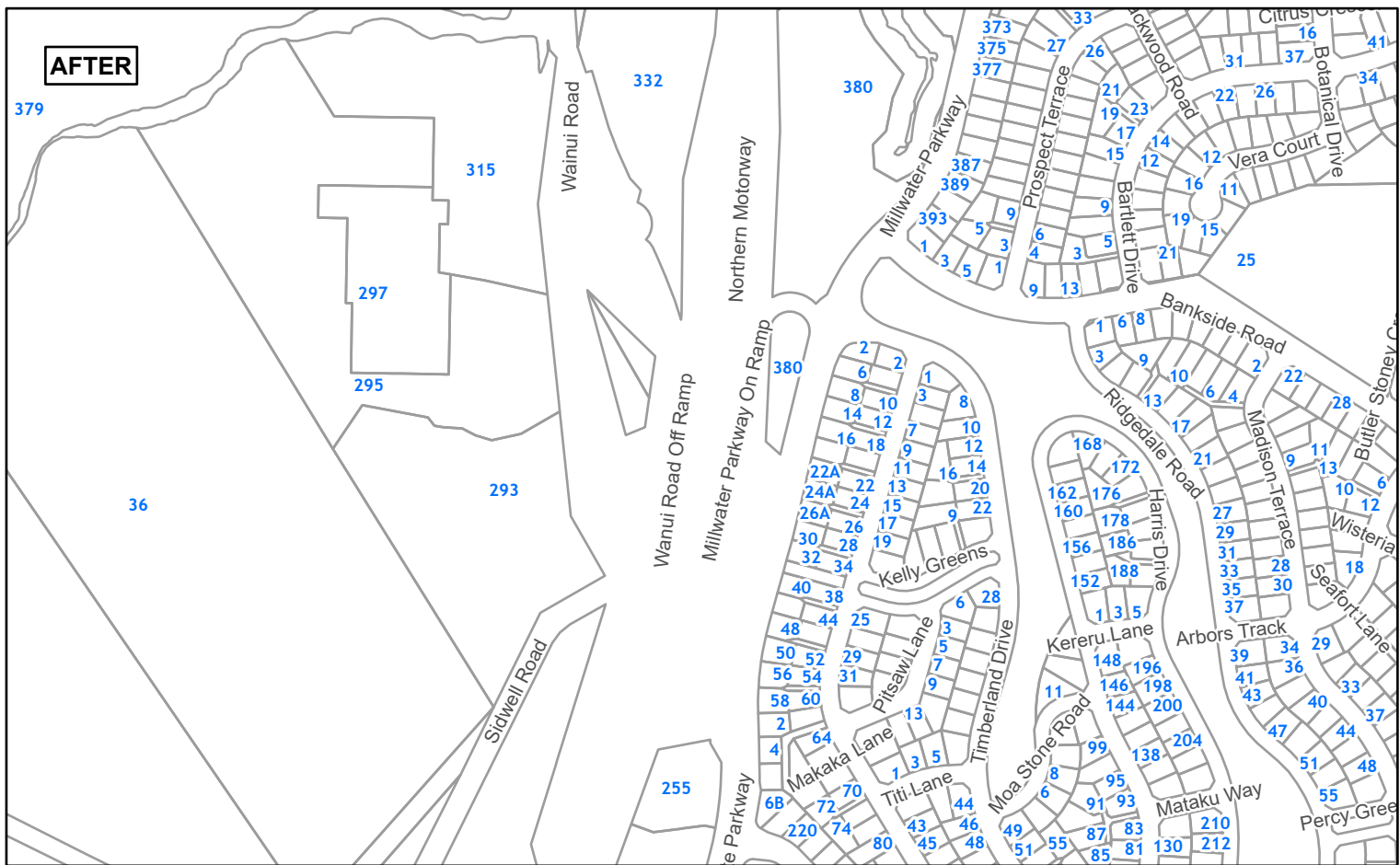
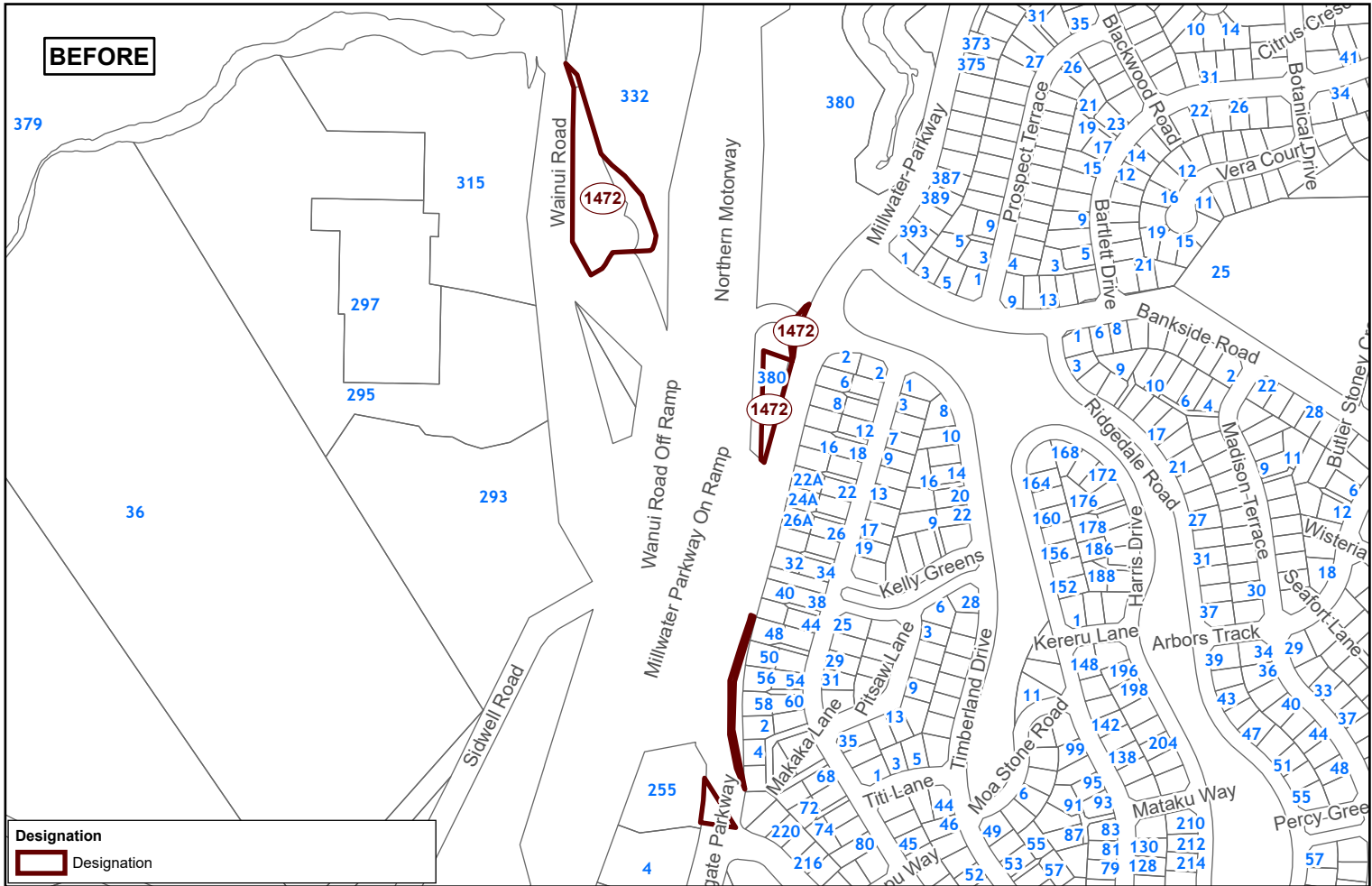
#### **Advice Notes**

The Requiring Authority needs to obtain all other necessary consents and permits and comply with all relevant Council bylaws.

#### **Attachments**

No attachments.

## Attachment B: Updated GIS Viewer



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: 9/03/2021

## Designation 1472 removed



Plans and Places