

## UNITARY PLAN UPDATE REQUEST MEMORANDUM

**TO** Celia Davison – Manager Central South, Plan and Places

**FROM** Lee-Ann Lucas – Senior Policy Planner Central South, Plans and Places


**DATE** 23 March 2022





**SUBJECT** **Removal of Designation D5723 from 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 under s182 of the Resource Management Act 1991</b>	
<b>Chapter</b>	AUP(OIP) GIS viewer – Unitary Plan layer - Designations <b>Chapter K – Schedules and designations – Minister of Police</b>
<b>Section</b>	Schedules and Designations – Minister of Police AUP(OIP) GIS Viewer
<b>Designation only</b>	
<b>Designation #</b>	<b>5723 – Newmarket Police Station – Minister of Police</b>
<b>Locations:</b>	58 Remuera Road, Newmarket
<b>Lapse Date</b>	Given effect to (i.e. no lapse date)
<b>Purpose</b>	The construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility and every use of the land for police and ancillary purposes as detailed in the Policing Act 2008 and subsequent updates.
<b>Changes to text (shown in underline and strikethrough)</b>	Removal of designation from Chapter K Refer to Attachment 2
<b>Changes to diagrams</b>	N/A
<b>Changes to spatial data</b>	Removal of Designation 5723 from AUP GIS viewer – Unitary Plan Layer – Designations. Refer Attachment 1.
<b>Attachments</b>	Attachment 1 - S182 recommendation report Attachment 2 – Updated text D5723 (Strikethrough/ underlined) Attachment 3 – Updated GIS Viewer

<b>Prepared by:</b> Lee-Ann Lucas Senior Policy Planner Central South – Plans and Places	<b>Text Entered by:</b> Sarah El Karamany Planning Technician
<b>Signature:</b> 	<b>Signature:</b>

	
<b>Maps prepared by:</b> Natalia Liana Geospatial Specialist	<b>Reviewed by:</b> Fiona Sprott Team Leader Central South – Plans and Places
<b>Signature:</b> 	<b>Signature:</b> 
<b>Signed off by:</b> Celia Davison Manager Planning Central South – Plans and Places	
<b>Signature:</b> PP   Marc Dendale (on behalf of Celia Davison)	

# **Attachment 1 - S182 recommendation report**

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



**To:** Fiona Sprott-Team Leader Central/South(3) Plans and Places

**From:** Lee-Ann Lucas -Senior Policy Planner Central/South(3) Plans and Places

**Date:** 22 March 2022

**Subject:** Removal of Designation D5723 Newmarket Police Station – 58 Remuera Road, Newmarket in the Auckland Unitary Plan (Operative in Part)

## Summary

Auckland Council has received a request from the Minister of Police under section 182 of the Resource Management Act 1991 (RMA), dated 4 November 2021 to remove Designation D5723 – Newmarket Police Station, 58 Remuera Road, Newmarket.

A section 182(1) request is required to remove the existing designation from land as it has been deemed surplus by New Zealand Police.

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.

It is recommended that the removal be accepted.

## Recommendation

1. That the section 182 request from the Minister of Police for the removal of Designation D5723 in the Auckland Unitary Plan be **accepted** for the following reasons:
  - The Requiring Authority no longer uses or requires the property for the designated purposes of a Police station
2. That Designation D5723 Newmarket Police Station – 58 Remuera Road, Newmarket be removed, as soon as reasonably practicable, from the Designation overlay in the Auckland Unitary Plan.

## 1. Description

### 1.1. References

<b>Designation number:</b>	D5723
<b>Lodgement date:</b>	4 November 2021
<b>Requiring authority:</b>	Minister of Police
<b>Reporting officer:</b>	Lee-Ann Lucas
<b>Site address:</b>	58 Remuera Road, Newmarket

## 2.0 Background

### 2.1 Details of designation

Designation 5723 applies to three properties on the corner of Middleton and Remuera Roads, Newmarket known as 58 Remuera Road. The purpose of the designation is *'construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility and every use of the land for police and ancillary purposes as detailed in the Policing Act 2008 and subsequent updates.'*

The designation contains a condition relating to the protection of the buildings on site as these are scheduled as historic heritage buildings in Schedule 14 the Auckland Unitary Plan (Operative in Part). Specifically, Schedule 14.1 Schedule of Historic Heritage acknowledges the following:

- ID 2545 – Newmarket Police Station (former), including masonry villa and lock-up

The buildings subject to this protection are shown in Figure 1 below. They are afforded a Category B protection in Schedule 14.1 for the following matters:

- A: historical
- F: physical attributes
- H: context.



**Figure 1 – Historic Heritage identified on the site subject to Designation 5723**

The designation condition states:

1. *Where any construction works for a project on designated land involves the total or substantial demolition of, or, modifications to the exterior of the scheduled historic heritage place ID 02545, described as the “Masonry Villa and Lock-up (Newmarket Police Station)”, any outline plan that is required shall include:*
  - a) *An assessment of the effects on the historic heritage values of the place; and*







**Figure 3 – aerial photograph of designation site**

The underlying zone of the designation site is Business – Mixed Use zone. The site is also subject to:

- D14 – Volcanic Viewshafts and Height Sensitive Areas Overlay
- D17 – Historic Heritage overlay
- D18 - Special Character Areas overlay – Residential and Business
- Schedule 14.1 Schedule of Historic Heritage
- Schedule 15.1.6.11 Special Character Areas Overlay Business: Newmarket

The Requiring Authority confirms that they no longer require the facilities and will be on-selling. The property is currently vacant.

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

The Team Leader - Planning Central South (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 – Central South (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.

It is considered that the Minister of Police has provided sufficient justification for the removal of D5723 Newmarket Police Station – 58 Remuera Road, Newmarket for the following reasons:

- The designation of Police Station is redundant as the property is no longer required or used for these purposes. The Requiring Authority intends to dispose of the property.

## 2.0 Recommendation

That pursuant to Section 182 of the Resource Management Act 1991 that the removal of D5723 Newmarket Police Station – 58 Remuera Road, Newmarket be **accepted** and the Auckland Unitary Plan Operative in part designation overlay be amended accordingly.

**Prepared by:** Lee-Ann Lucas  
Senior Planner  
Planning Central and South

**Accepted by:** Fiona Sprott  
Team Leader  
Planning Central and South

**Signature:**



**Signature :**



Date : 22 March 2022

### **SCHEDULE OF ATTACHMENTS:**

**Attachment A:** Minister of Police s182 Request to remove Designation 5723 Newmarket Police Station – 58 Remuera Road, Newmarket, dated 4 November 2021.



4 November 2021  
Our Job no. 717829

**The Property Group Limited**  
Level 11, Cornerstone House  
36 Customhouse Quay  
Wellington 6011  
PO Box 2874  
Wellington 6011

Resource Consents  
Auckland Council  
Private Bag 92300  
Victoria Street West  
Auckland 1142

Dear Sir/Madam,

**Uplift of Designation – #5723: 58 Remuera Road, Newmarket**

The Property Group Limited (TPG) is acting on behalf of New Zealand Police to apply for the Uplift of the Designation **5723** pursuant to Section 182 of the Resource Management Act 1991.

Please find enclosed a notice of removal of a designation. New Zealand Police has determined this designation is no longer required and requests the Auckland Unitary Plan be amended to reflect this.

For your information, New Zealand Police has determined that no other parties are affected by this uplift.

Please feel free to contact me if you have any questions or require further information.

Yours sincerely



**Anna Muller**

Planner

04 470 6105 / 021 858 498  
[amuller@propertygroup.co.nz](mailto:amuller@propertygroup.co.nz)

## Form 23

### Notice of Removal of Designation - Section 182, Resource Management Act 1991

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**To the relevant local authority:** Auckland Council

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**And to the current owner of the site:** New Zealand Police on behalf of Her Majesty the Queen.

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**And to any likely affected parties:** No parties are considered likely to be affected by the removal of the Designation 5723 from the Auckland Unitary Plan.

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**Requiring Authority:** Minister of Police

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**Agent:** Anna Muller  
Planner  
The Property Group Limited (TPG)  
021 858 498  
[amuller@propertygroup.co.nz](mailto:amuller@propertygroup.co.nz)

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**Address for service:** The Property Group Limited  
PO Box 2874  
Wellington 6140  
Attention: Anna Muller

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**Site Description:** 58 Remuera Road, Newmarket

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**Legal description:** Lot 9 Allot 29 Sec 14 SBRS of Auckland  
Lot 8 Allot 29 Sec 14 SBRS of Auckland  
Lot 7 Allot 29 Sec 14 SBRS of Auckland

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**Enclosed:** Notice of Removal supporting information  
Appendix 1 – Record of Title  
Appendix 2 – Letter from New Zealand Police

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The New Zealand Police on behalf of the Minister of Police gives notice that it no longer requires the Designation 5723 in the Auckland Unitary Plan. The designation is for the “Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility and every use of the land for police and ancillary purposes as detailed in the Policing Act 2008 and subsequent updates.”

The New Zealand Police on behalf of the Minister of Police requests the territorial authority to amend the Unitary Plan accordingly as required by section 182 of the Resource Management Act 1991.


## Removal of Designation

**Applicant:** New Zealand Police

**Address:** 58 Remuera Road, Newmarket

**Date:** 4 November 2021

Document control

<b>Title:</b>	Notice of Removal of the Designation at 58 Remuera Road, Newmarket
<b>Client:</b>	New Zealand Police
<b>Job number:</b>	717829
<b>Prepared by:</b>	Anna Muller - Planner
<b>Signature:</b>	
<b>Reviewed by:</b>	Karen Williams – Principal Planner
<b>Signature:</b>	

**1. Introduction**

New Zealand Police hereby gives notice under Section 182 of the Resource Management Act 1991 that the parcel of land designated as *Designation 5723, 58 Remuera Road* and identified in *Chapter K Designations, Designation Schedule - Minister of Police* is no longer required for the designation purpose.

**2. Site Description**

The 1,111m<sup>2</sup> site located on the corner of Remuera Road and Middleton Road is held in three Record of Titles. The site contains a building on the northern corner, a second building with detached double garage on the southern corner, and a third building along the southwestern boundary. Vehicle access and exit is via Middleton Road to an internal carpark with 14 parking spaces.

Figure 1 (below) shows an aerial view of the subject site and its relationship to neighbouring properties.



*Figure 1: Location of the site at 58 Remuera Road, Newmarket (outlined in yellow).*

**3. Unitary Plan Information**

The site is identified as designation 5723 on the Unitary Plan Map D09. The schedule of designations in Chapter K of the Unitary Plan notes the purpose of Designation 5723 Newmarket Police Station is for the “Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility and every use of the land for police and ancillary purposes as detailed in the Policing Act 2008 and subsequent updates.”

The site is zone Business – Mixed Use Zone in the Unitary Plan. With the removal of the designation, the site will be subject to the activity specific standards that apply in the underlying H13 Business – Mixed Use Zone.

It is noted that in accordance with section 10(1)(b) of the RMA that existing use rights apply to any non-compliance that exist once the designation is removed.

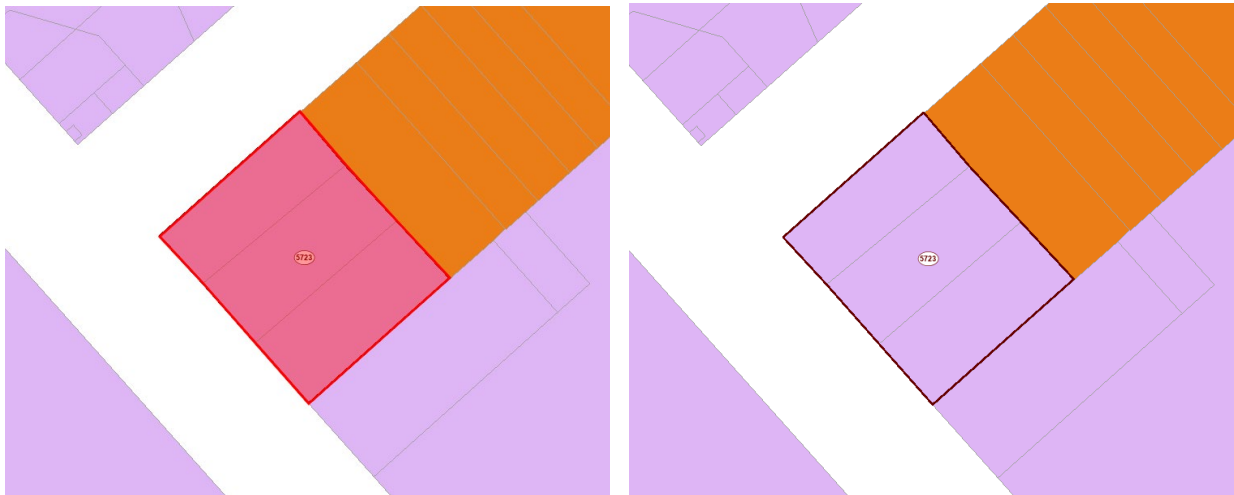


Figure 2: Unitary Plan experts showing the designated site (left, in red) and the underlying zone (right, in purple).

The site is subject to a Historic Heritage and Special Character overlay in the Unitary Plan. Remuera Road is identified as an arterial road and Middleton Road is identified as a primary collector road.

#### 4. Notice of Removal Assessment

The property at 58 Remuera Road is no longer required or used for New Zealand Police purposes and is being disposed of. As such, New Zealand Police no longer require the designation.

##### 4.1. Names and addresses of owners and occupiers

Section 182(1)(b) of the RMA requires that the requiring authority must give notice in the prescribed form to every person who is known to be the owner or occupier of the land to which the designation relates.

The site at 58 Remuera Road currently owned by Her Majesty the Queen for the purpose of a Community Policing Centre. New Zealand Police are requesting this designation is removed on behalf of the requiring authority, the Minister of Police and as such notice being served on the owner of the site can be assumed.

##### 4.2. Names and addresses of who are likely to be affected by the removal of the designation

Section 182(1)(c) of the RMA requires that the requiring authority gives notice in the prescribed form to every other person who, in the opinion of the requiring authority, is likely to be affected by the designation. No parties will be affected by the removal of the designation for the reasons outlined below:

- The subject site will retain its existing underlying zoning of H13 Business – Mixed Use Zone (see Figure 2 above).



- Adjoining sites to the northwest, southeast and southwest are in the H13 Business – Mixed Use Zone and sites to the northeast are in the H6 Residential – Terrace Housing and Apartment Buildings Zone. The removal of the designation will not impact the ability of surrounding neighbours to use their site as provided for by the Unitary Plan.
- The site is no longer required for its designated purpose and there will be no occupiers as a result.

With the removal of the designation, owners of neighbouring properties will have more certainty over what activities can or will occur on the subject site as the designation provisions will no longer be able to override the Unitary Plan provisions.

## **5. Conclusion**

This notice has been completed in the prescribed form (Form 23) and given to Auckland Council (as the territorial authority concerned). New Zealand Police are acting on behalf of the Her Majesty the Queen as the owner of the site and no parties are affected by the removal of the designation.

Removing the designation is considered best practice and essentially contributes to keeping the Unitary Plan provisions up to date. It also ensures the site can be sold without any unnecessary uncertainty for future owners and occupiers.

The New Zealand Police on behalf of the Minister of Police request that Auckland Council to amend the Unitary Plan without using a Schedule 1 process as required by section 182 of the RMA.

Appendix One – Record of Title





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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** NA112A/780  
**Land Registration District** North Auckland  
**Date Issued** 12 August 1997

**Prior References**  
GN D181678.1

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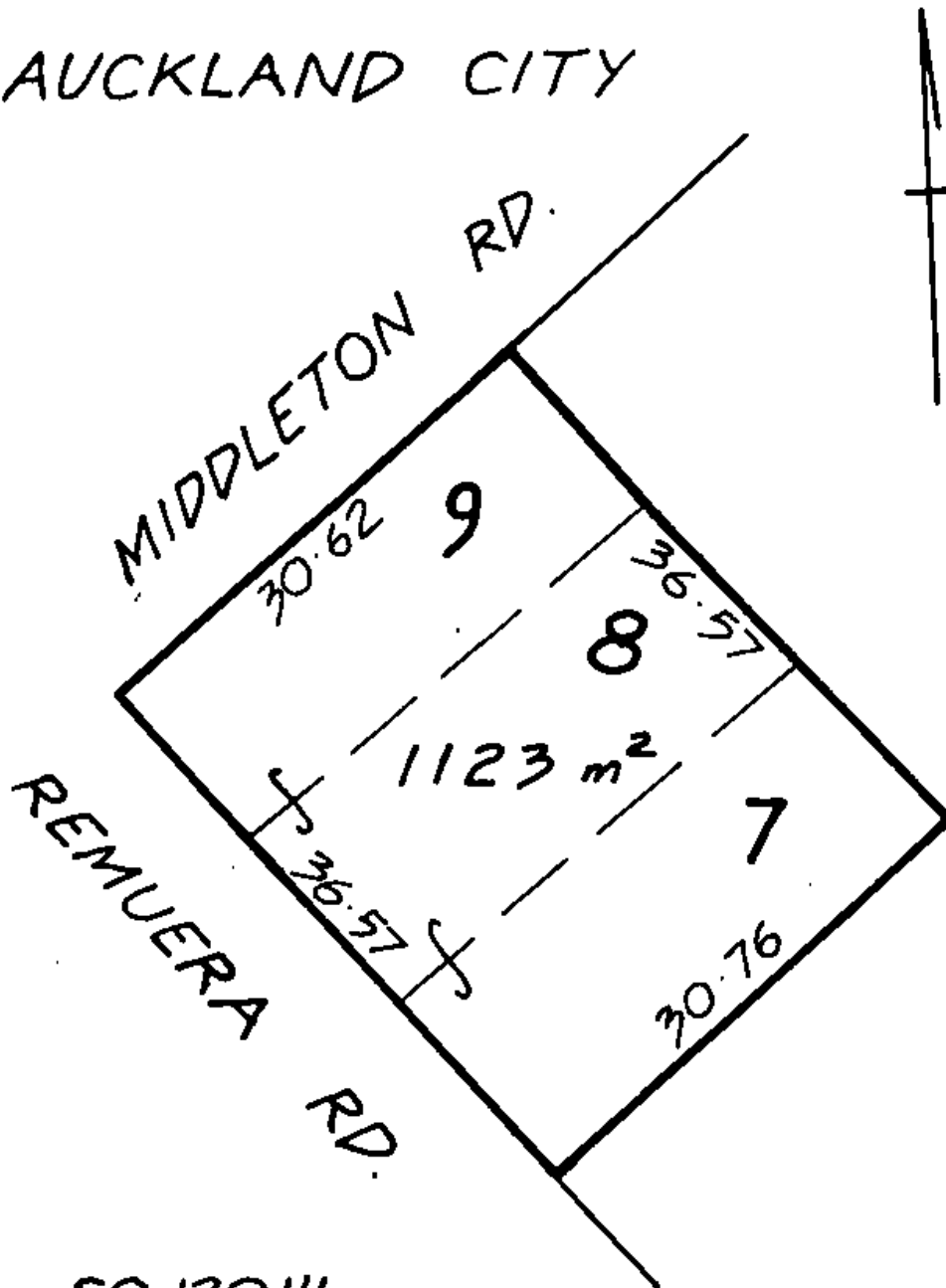
**Estate** Fee Simple  
**Area** 1123 square metres more or less  
**Legal Description** Lot 7-9 Allotment 29 Section 14 Suburbs  
of Auckland  
**Purpose** Police Station  
**Registered Owners**  
Her Majesty the Queen

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**Interests**

9889354.1 Certificate under section 148 of the Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014 that the within land is RFR land as defined in section 118 and is subject to Subpart 1 of Part 4 of the Act (which restricts disposal, including leasing of the land) - 10.11.2014 at 7:00 am

# AUCKLAND CITY



SO 13914  
ALLOT 29. SEC 14  
SBRS. OF AUCKLAND <sup>114</sup> AC.

Appendix Two – Letter from the New Zealand Police



27 October 2021

Auckland Council  
Private Bag 92300  
Victoria Street West  
**Auckland 1142**

Dear Sir / Madam

**Removal of Designation 5723 at 58 Remuera Road, Newmarket**

Pursuant to section 182 of the Resource Management Act 1991, New Zealand Police hereby gives notice that it no longer requires the following designation:

**Designation 5723: Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility and every use of the land for police and ancillary purposes as detailed in the Policing Act 2008 and subsequent updates: 58 Remuera Road, Newmarket**

The designation is no longer required as the site is no longer used as a police station and is being sold. The site is currently vacant.

The New Zealand Police requests that Auckland Council amends the Auckland Unitary Plan accordingly as required by section 182 of the Resource Management Act 1991.

Yours sincerely



**Michelle Diston**

Director – Infrastructure

**Police National Headquarters**

180 Molesworth Street. PO Box 3017, Wellington 6140, New Zealand.  
Telephone: 04 474 9499. Fax: 04 498 7400. [www.police.govt.nz](http://www.police.govt.nz)



**Attachment 2 – Updated text D5723 (Strikethrough/  
underlined)**

## Designation Schedule - Minister of Police

Number	Purpose	Location
5700	Police purposes - Auckland Police Station	67-101 Vincent Street, Auckland Central
5701	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	1832-1834 Great North Road, Avondale
5702	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	1-3 Halston Road, Balmoral
5703	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	488 Roscommon Road, Manurewa
5704	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	7 Buscomb Avenue, Henderson
5705	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	92 Bader Drive, Mangere
5706	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	42 Manukau Station Road, Manukau City Centre
5707	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	12-16 Halver Road, Manurewa
5708	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	390 Don Buck Road, Massey
5709	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	3092 Great North Road, New Lynn
5710	Northern Region Police Headquarters	482-486 Great South Road, Otahuhu
5713	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	492 Te Atatu Road, Te Atatu
5714	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	16 Library Lane, Albany
5715	Police patrol base and dog section	35 Main Highway Ellerslie
5716	Police communication purposes	159 Great North Road, Arch Hill
5717	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	10 Bayview Road, Browns Bay
5718	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	88-90 Line Road, Glen Innes
5719	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	365 Glenfield Road, Glenfield
5720	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	6-12 Rimu Street, Helensville
5721	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	4-6 Matua Road, Huapai
5722	Withdrawn	
5723	<del>Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...</del> <u>Withdrawn</u>	<del>58 Remuera Rd, Newmarket</del>
5724	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	126 Onehunga Mall, Onehunga
5725	Police purposes	4-6 Riverside Road, Orewa

5726	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	176 Great South Road, Otahuhu
5727	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	64 Wood Street, Papakura
5728	Police and emergency services radiocommunication and telecommunication	501 Otau Mountain Road, Clevedon
5729	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	19 Pollen Street, Ponsonby
5730	Withdrawn	
5731	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	31-39 Manukau Road, Pukekohe
5732	Motorway patrol office	14 Tecoma Street, Ellerslie
5734	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	3-7 Court Street, Waiuku
5735	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	6 Falls Street, Warkworth
5736	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	108 Rodney Street (State Highway 1), Wellsford
5737	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility ...	716 Whangaparoa Road, Stanmore Bay
5738	Motorway administration and maintenance	28 Sulphur Beach Road, Northcote Point

## 5723 Newmarket Police Station

Designation Number	5723
Requiring Authority	Minister of Police
Location	58 Remuera Rd, Newmarket
Rollover Designation	Yes
Legacy Reference	N/A
Lapse Date	Given effect to (i.e. no lapse date)

### Purpose

The public work authorised by the designation is the construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility and every use of the land for police and ancillary purposes as detailed in the Policing Act 2008 and subsequent updates.

### Conditions

1. Where any construction works for a project on designated land involves the total or substantial demolition of, or, modifications to the exterior of the scheduled historic heritage place ID 02545, described as the "Masonry Villa and Lock-up (Newmarket Police Station)", any outline plan that is required shall include:

- a. An assessment of the effects on the historic heritage values of the place; and
- b. A consideration of alternatives methods and/or appropriate mitigation to prevent or avoid damage, loss or destruction of the values of the heritage place.

This condition shall not apply in respect of repair or maintenance of the building, structure or feature.

This condition shall not apply where there is a conservation plan or similar plan for the management of the scheduled historic heritage place and proposed new works are in accordance with this conservation or similar plan.

### Attachments

No attachments

## **Attachment 3 – Updated GIS Viewer**

**BEFORE**



**AFTER**

Lauriston Avenue



Parcel boundary



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: 31/03/2022

**Designation Number 5723**  
**Newmarket Police Station**  
**Minister of Police**

