

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Celia Davison
FROM Barry Mosley
DATE 1st February 2019



SUBJECT **Transfer of Designations under Section 180 of the Resource Management Act 1991 requiring amendment of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016)**

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

Reason for update – The Minister of Social Development has transferred financial responsibility for four designations to the Minister for Children (see Table 1 below).	
Chapter	K Designations
Section	Minister of Social Development
Designation only	
Designation #	5900, 5901, 5902, 5903
Locations:	See Table 1 below
Lapse Date	N/a
Purpose	See Table 1 below
Changes to text (shown in underline and strikethrough)	Replace “Minister of Social Development” with “Minister for Children” where this appears in Chapter K Designations Minister of Social Development AUP. New designation numbers allocated to the new requiring authority “Minster of Children” as as per Table 2 (3800, 3801, 3802, 3803)
Changes to diagrams	N/a
Changes to spatial data	Change any spatial reference in the AUP for the 4 sites detailed in Table 1 below to refer to a designation pertaining to the Minister for Children rather than the Minister of Social Development.
Attachments	Notice from Minister of Social Development dated 31 January 2019. Letter from Ellis Gould regarding notice from Minister of Social Development dated 1 February 2019. Updated text.

Prepared by:

Barry Mosley
Principal Planner

Text entered by:

Teuila Young
Planning Technician

Signature:

Maps prepared by:

Shelley Glassey
Lead Geospatial Analyst
Aucklandwide

Signature**Reviewed by:**

Craig Cairncross
Team Leader
Central South

Signature:

Celia Davison
Manager – Planning Central South

Table 1**Designation Schedule - Minister for Social Development**

Number	Purpose	Location
5900	Care and protection residential centre - Upper North...	398 Weymouth Road, Weymouth
5901	Child welfare institution	26-28 Normandy Place, Henderson
5902	The Youth Justice Centre - Upper North ...	21-24 Kiwi Tamaki Road, Wiri
5903	Child welfare institution	116-118 Wharf Road, Te Atatu Peninsula

Table 2**Designation Schedule - Minister for Children**

Number	Purpose	Location
3800	Care and protection residential centre - Upper North...	398 Weymouth Road, Weymouth
3801	Child welfare institution	26-28 Normandy Place, Henderson
3802	Oranga Tamariki Residence	21-24 Kiwi Tamaki Road, Wiri
3803	Child welfare institution	116-118 Wharf Road, Te Atatu Peninsula

**Notice by the Minister for Social Development of a Transfer of Rights and
Responsibilities for Designations under Section 180 of the Resource Management Act
1991**

To: Auckland Council
Private Bag 92300
Auckland 1142

And to: The Minister for the Environment
c/- Ministry for the Environment
PO Box 10362
Wellington 6143

From: The Minister for Social Development
c/- Ministry of Social Development
PO Box 1556
Wellington 6140

THE MINISTER FOR SOCIAL DEVELOPMENT (“**the Minister**”) gives notice to the Minister for the Environment and to Auckland Council (“**the Council**”) pursuant to section 180 of the Resource Management Act 1991 (“**RMA**”) of a transfer of rights and responsibilities for four of her Designations in the Auckland Unitary Plan (Operative in Part) (“**Unitary Plan**”), being:

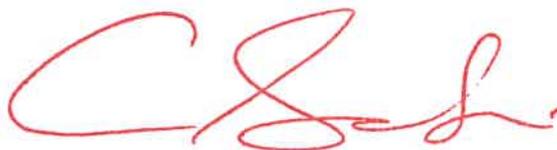
- *5900 - Care and Protection Residential Centre – Upper North.* Identified in Chapter K as being located at 398 Weymouth Road, Weymouth, legally described as section 2 SO362124;
- *5901 – Child Welfare Institution.* Identified in Chapter K as being located at 26-28 Normandy Place, Henderson, legally described as Lot 79 & 80 DP 56436;
- *5902 - Youth Justice Centre – Upper North.* Identified in Chapter K as being located at 21-24 Kiwi Tamaki Road, Wiri, legally described as Lot 2 DP 448846; and
- *5903 – Child Welfare Institution.* Identified in Chapter K as being located at 116 & 118 Wharf Road, Te Atatu Peninsula, legally described as Lot 10 & 11 DP 47616.

(together “**the Designations**”)

The rights and responsibilities for the Designations are to be transferred to the Minister for Children, who now holds financial responsibility for the works authorised by the Designations.

The Minister therefore requests that the Council amend the Unitary Plan to identify the Minister for Children as the requiring authority for the Designations. As outlined in section 180, for the purposes of section 175(2)(b), the transfer shall be noted in the Unitary Plan without using the process set out in Schedule 1 of the RMA.

DATED this 31 day of January 2019



Hon Carmel Sepuloni
Minister for Social Development

1 February 2019

Auckland Council
Private Bag 92300
Auckland 1142

For: Policy and Planning

Ellis Gould
Level 17 Vero Centre
48 Shortland Street
Auckland 1010
New Zealand

PO Box 1509
Auckland 1140
DX CP 22003
Tel +64 9 307 2172

Property and Commercial
Fax +64 9 309 9449

Litigation
Fax +64 9 358 5215

www.ellisgould.co.nz

Notice to transfer Designations held by the Minister for Social Development in the Auckland Unitary Plan

Please find **enclosed** a notice by the Minister for Social Development to transfer the responsibilities for Designations 5900, 5901, 5902, 5903 in the Auckland Unitary Plan (Operative in Part) to the Minister for Children pursuant to section 180 of the Resource Management Act 1991.

Please do not hesitate to contact us if you have any questions.

Yours sincerely
ELLIS GOULD



Dr Claire Kirman / Alex Devine
Partner / Senior Solicitor

Direct line: 09 306 0743 / 09 307 2172
Direct fax: 09 358 5215 / 09 358 5215
Email: ckirman@ellisgould.co.nz / adevine@ellisgould.co.nz

3800 Care and Protection Residential Centre

Designation Number	3800
Requiring Authority	Minister for Children
Location	398 Weymouth Road, Section 2 SO362124
Rollover Designation	Yes
Legacy Reference	Designation 283, Auckland Council District Plan (Manukau Section) 2002
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

Care and Protection Residential Centre — Upper North , being a residence in terms of section 364 of the Children, Young Persons, and Their Families Act 1989 for:

- (a) The placement of up to 20 children and young persons for the purpose of providing care (including secure care), protection, control and treatment; and
- (b) Ancillary educational, recreational, rehabilitative, administrative, visitor accommodation and cultural facilities; and
- (c) Activities consistent with and ancillary to the establishment, operation and maintenance of the Care and Protection Residential Centre — Upper North, including buildings, fixed plant and service infrastructure, fencing, landscaping, earthworks, outdoor recreation areas, access and car parking.

Conditions

1. That the Care and Protection Residential Centre - Upper North shall provide residential care for up to 20 children and young persons at any one time.
2. A Community Liaison Committee shall be established to assist in the promotion of a positive relationship between the Care and Protection Residential Centre - Upper North and the local community. The Community Liaison Committee shall be kept informed of current and proposed programmes at the Care and Protection Residential Centre - Upper North and include two representatives of the local community.
3. A Security Management Plan for the Care and Protection Residential Centre - Upper North shall be formulated and implemented in consultation with relevant emergency services and the Community Liaison Committee.
4. Activities (other than construction) on the site shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits at any point within the boundary of any neighbouring residential site:

Monday to Sunday (inclusive)	
7am to 10pm	10 55 dBA
10pm to 7am	10 45 dBA
10pm to 7am	max 75 dBA

Noise (other than construction noise) shall be measured and assessed in accordance with the requirements of the New Zealand Standard NZS6801:2008 "Acoustic Measurement of Environmental Sound".

5. The site shall be landscaped generally in accordance with the landscape concept plan prepared by Opus International Consultants marked ACC116.00 (September 2002) contained within Appendix B of the Notice of Requirement. All planting associated with this landscape concept shall be maintained regularly and kept in a tidy condition.
6. The lighting on site shall be sufficient for operational and security purposes and shall be designed to prevent the intrusion of direct light into neighbouring properties.

Attachments

No attachments

3801 Child Welfare Institution (Henderson)

Designation Number	3801
Requiring Authority	Minister for Children
Location	26 & 28 Normandy Pl, Henderson Lot 79 & 80 DP 56436
Rollover Designation	Yes
Legacy Reference	Designation MSW1, Auckland Council District Plan (Waitakere Section) 2003
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

Child Welfare Institution

Conditions

1. New buildings and structures shall not exceed a height of 10 metres as measured from the average ground level at the base of the building, provided that any masts poles and radio and television aerials which are attached to the building and do not project more than 6 metres above the part of the building to which they are attached shall not be included in the calculation of height.

Attachments

No attachments

3802 Youth and Justice Centre – Upper North

Designation Number	3802
Requiring Authority	Minister for Children
Location	21-24 Kiwi Tamaki Road Lot 2 DP448846
Rollover Designation	Yes
Legacy Reference	Designation 278, Auckland Council District Plan (Manukau Section) 2002
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

The Youth Justice Centre — Upper North being a residence under s 364 of the Children Young Persons and Their Families Act 1989 for the care and control of children and young persons under the youth justice provisions of that Act and the Criminal Justice Act 1985 (if agreed by the chief executive for the time being responsible for the administration of the Children Young Persons and Their Families Act) at 21-24 Kiwi Tamaki Road, Manurewa.

Conditions

1. That the proposed facility shall provide residential care and control for up to a maximum of 46 children and young persons at any one time. This is to be inclusive of not more than 6 children and young persons held under the provisions of the Criminal Justice Act 1985 at any one time.
2. That the Department of Child, Youth and Family Services, through the Manager of the facility, shall formulate and implement a Security Management Plan for the proposed facility in consultation with key stakeholders including the council, the NZ Police and relevant emergency services, neighbouring property owners, local iwi and community groups.
3. That the Manager of the proposed facility shall convene a Community Liaison Committee in accordance with the Children, Young Persons, and Their Families (Residential Care) Regulations 1996.
4. That the parts of the proposed facility comprising the sleeping , living and learning areas shall be designed and constructed to comply with the following internal noise limits:

Internal Noise Limits	Ldn	Lmax
	45dBA	55 dBA

Attachments

No attachments

3803 Child Welfare Institution (Te Atatu)

Designation Number	3803
Requiring Authority	Minister for Children
Location	116 & 118 Wharf Road, Te Atatu Peninsula Lot 10 & 11 DP 47616
Rollover Designation	Yes
Legacy Reference	Designation MSW2, Auckland Council District Plan (Waitakere Section) 2003
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

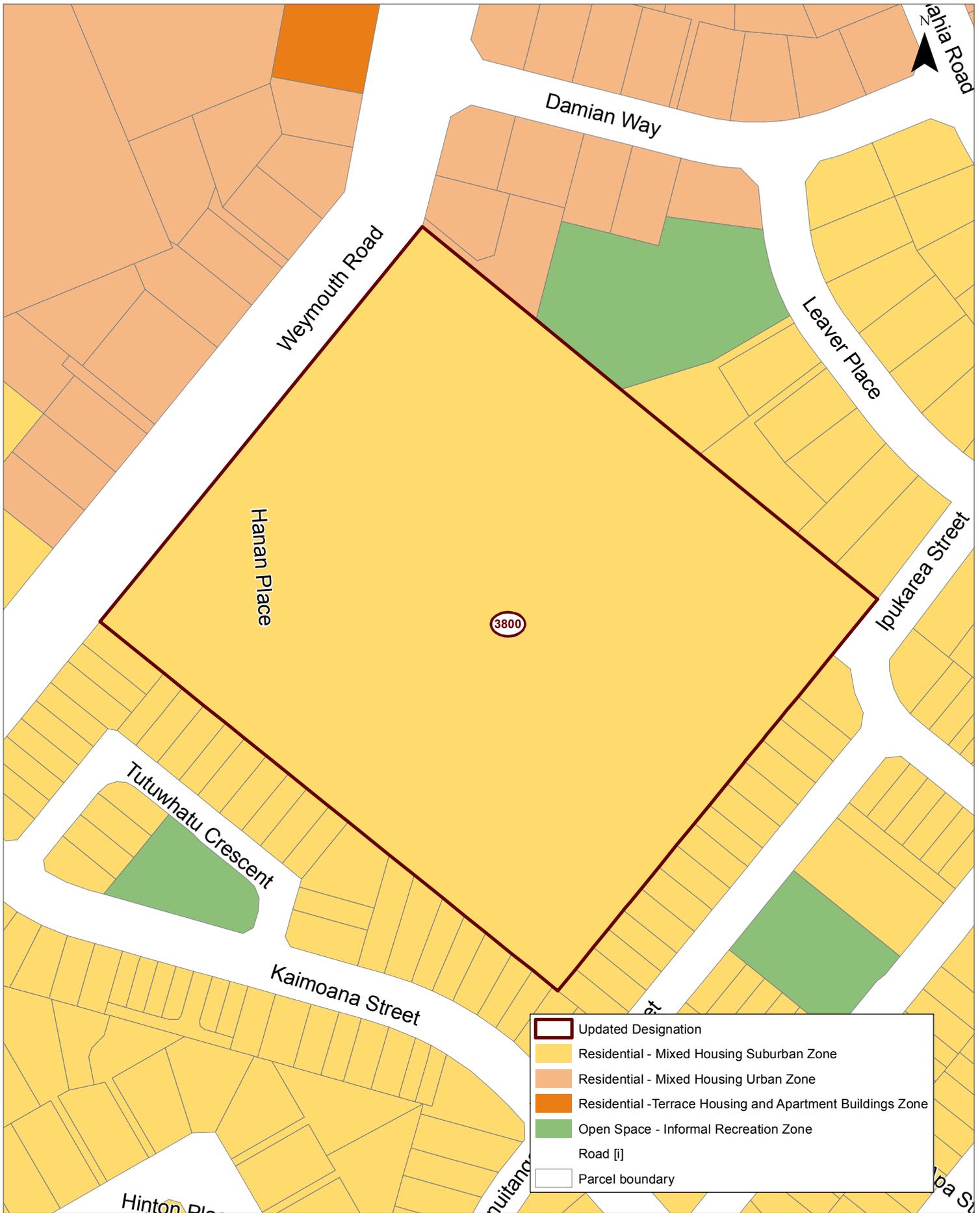
Child Welfare Institution

Conditions

1. New buildings and structures shall not exceed a height of 10 metres as measured from the average ground level at the base of the building, provided that any masts poles and radio and television aerials which are attached to the building and do not project more than 6 metres above the part of the building to which they are attached shall not be included in the calculation of height.

Attachments

No attachments



0 12.5 25 50 Metres

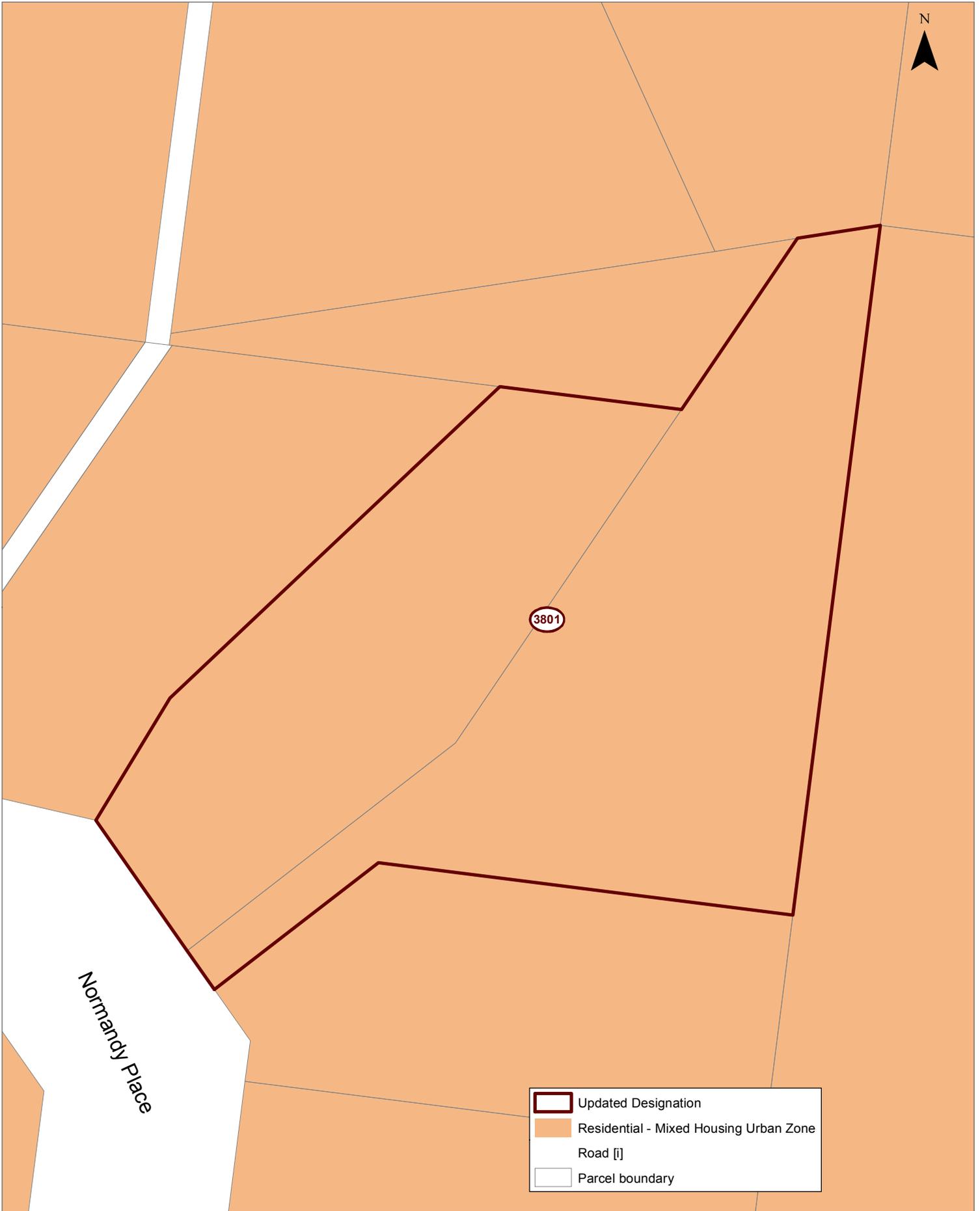
Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Date: 13/02/2019

**Designation with new Requiring Authority
Minister of Children and new schedule number
Schedule number changed from 5900 to 3800**



Plans and Places



0 2.75 5.5 11 Metres

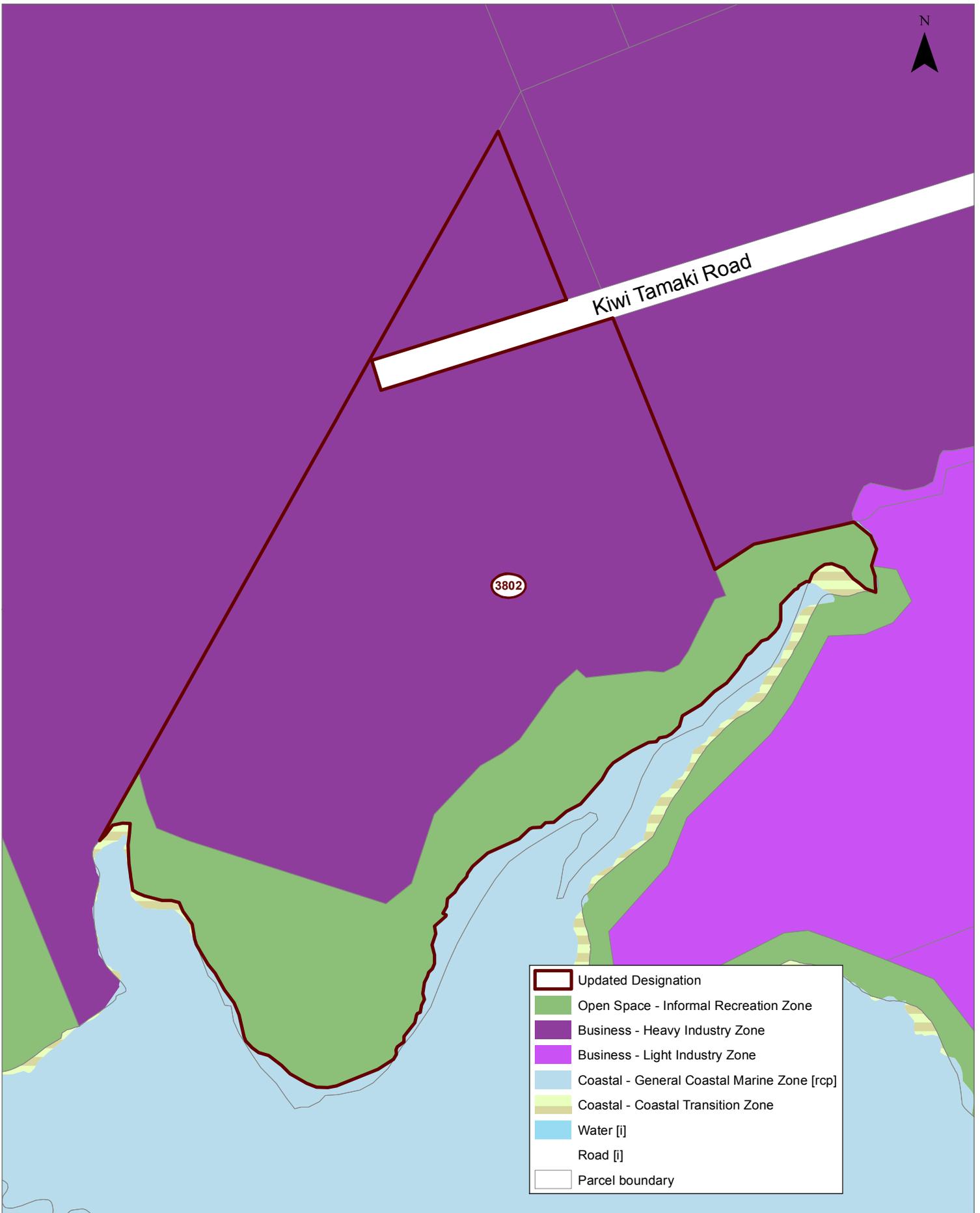
Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Date: 13/02/2019

**Designation with new Requiring Authority
Minister of Children and new schedule number
Schedule number changed from 5901 to 3801**

Auckland Council
Te Kāunhera o Tāmaki Makaurau

Plans and Places



0 25 50 100 Metres

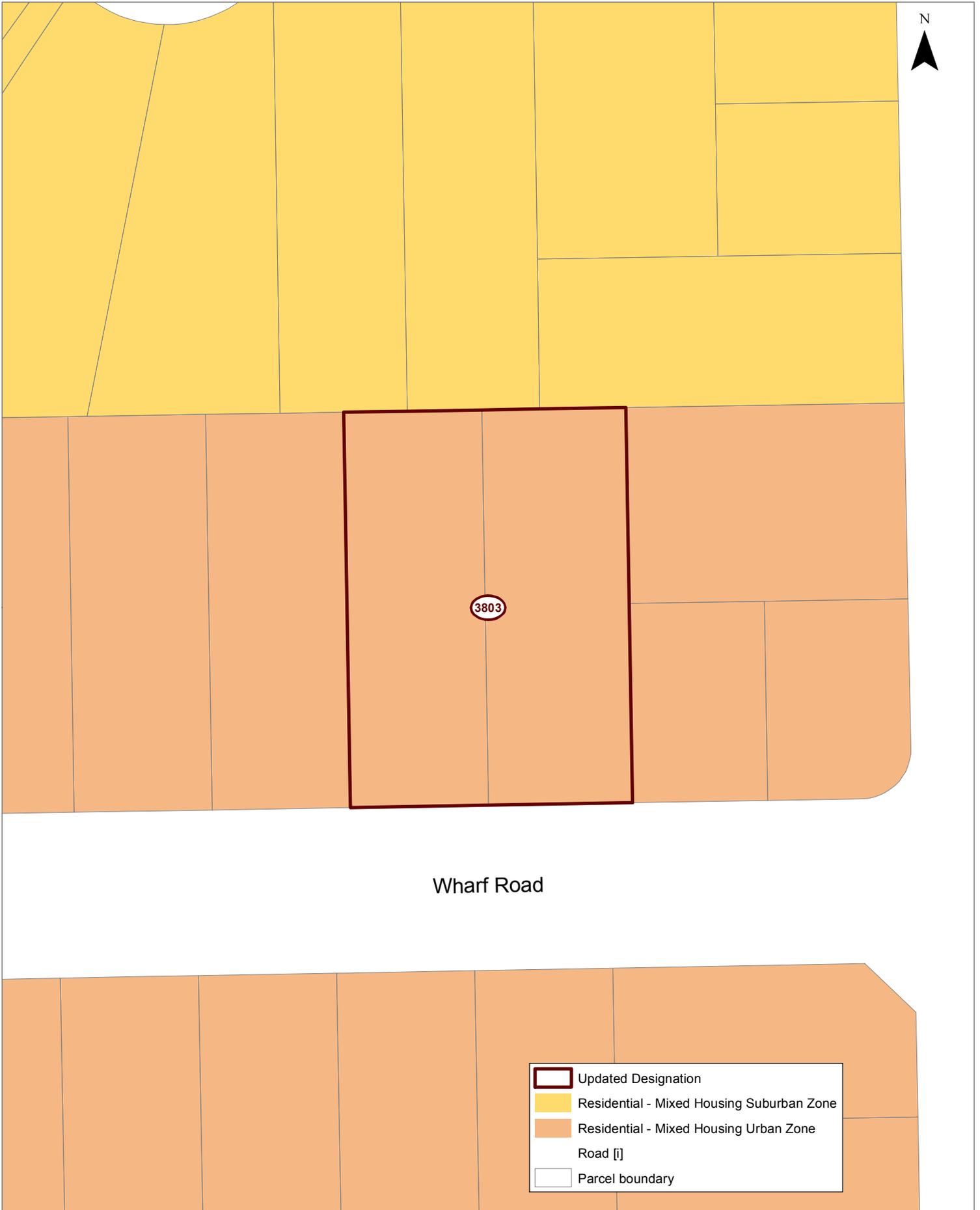
Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Date: 13/02/2019

**Designation with new Requiring Authority
Minister of Children and new schedule number
Schedule number changed from 5902 to 3802**



Plans and Places



Wharf Road

-  Updated Designation
-  Residential - Mixed Housing Suburban Zone
-  Residential - Mixed Housing Urban Zone
-  Road [i]
-  Parcel boundary

0 4.5 9 18 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: 13/02/2019

**Designation with new Requiring Authority
Minister of Children and new schedule number
Schedule number changed from 5903 to 3803**

