

## UNITARY PLAN UPDATE REQUEST MEMORANDUM

**TO** Phill Reid, Manager, Planning, Auckland-wide

**FROM** Sisira Jayasinghe, Planner, Planning Central & South

**DATE** 6 August 2019

**SUBJECT** Designation to be updated in the AUPOP in accordance with s182 of the Resource Management Act



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

<b>Reason for update</b>	
<b>Chapter</b>	<b>Chapter K</b>
<b>Section</b>	Schedules and Designations
<b>Designation only</b>	
<b>Designation # 3912</b>	<b>Non-Custodial Facility – Roulston Street, Minister of Corrections</b>
<b>Locations:</b>	11 Roulston Street, Pukekohe, Auckland
<b>Lapse Date</b>	Given effect to (i.e. no lapse date)
<b>Purpose</b>	Corrections purposes (non-custodial facility), including community work centres and probation offices, excluding prisons.
<b>Changes to text</b> (shown in underline and strikethrough)	Text of Designation 3912 to be deleted in its entirety.
<b>Changes to diagrams</b>	Not applicable
<b>Changes to spatial data</b>	Refer to the Team Leader approved Decision Report dated 5 August 2019
<b>Attachments</b>	<p><b>Attachment 1</b></p> <ul style="list-style-type: none"> <li>• Team Leader Approved Decision Report dated 5 August 2019 (including map showing removal of Designation 3905)</li> <li>• 3912 Non-Custodial Facility – Roulston designation text to be removed in full</li> <li>• Minister of Corrections' Notice to remove Designation 3912 under s 182(1) and Form 23</li> </ul> <p><b>Attachment 2</b> – Updated text</p> <p><b>Attachment 3</b> – Updated GIS Viewer map</p>

<b>Prepared by:</b> Sisira Jayasinghe Planner, Planning Central & South	<b>Text entered by:</b> Sophia Coulter Planning Technician
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<p><b>Signature:</b></p> 	<p><b>Signature:</b></p> 
<p><b>Maps prepared by:</b> Aching Konyak Geospatial Analyst</p>	<p><b>Reviewed by:</b> Sisira Jayasinghe Planner, Planning Central &amp; South</p>
<p><b>Signature</b></p> 	<p><b>Signature:</b></p> 
<p><b>Sign of by:</b> Celia Davision Manager, Planning Central and South</p>	
<p><b>Signature:</b></p> 	

## **Attachment 1**

- Team Leader Approved Decision Report dated 5 August 2019 (including map showing removal of Designation 3905)
- 3912 Non-Custodial Facility – Roulston designation text to be removed in full
- Mninster of Corrections' Notice to remove Designation 3912 under s 182(1) and Form 23

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



**To:** Craig Cairncross, Team Leader Planning Central and South

**From:** Sisira Jayasinghe, Planner, Planning Central and South

**Date:** 5 August 2019

**Subject:**

Removal of Designation 3912 (Non-Custodial Facility – Roulston Street) in the Auckland Unitary Plan (Operative in Part)

## Summary

Auckland Council has received a request from Minister of Corrections under section 182 of the Resource Management Act 1991 (RMA), dated 25 July 2019, to remove in full Designation 3912 Non-Custodial Facility – Roulston Street. The address of the site is 11 Roulston Street, Pukekohe.

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

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 request to remove the designation be accepted.

## Recommendation

1. That the section 182 request from Minister of Corrections for the removal of Designation 3912 Non-Custodial Facility – Roulston Street in the Auckland Unitary Plan (Operative in Part) be **accepted** for the following reasons:
  - The Department leased the property at 11 Roulston Street, Pukekohe until February 2012, and no longer uses the site for corrections purposes;
  - As such, the designation is no longer required by the Minister of Corrections.
  - The Department has served a copy of the notice on the current land owner Greig Properties Limited as required by s182(1).
  - No persons are likely to be affected by removal of the designation.
2. That Designation 3912 Non-Custodial Facility – Roulston Street be removed, as soon as reasonably practicable, and that the Auckland Unitary Plan (Operative in Part) Designation overlay and Chapter K Designations be amended accordingly.

## 1. Description

### 1.1. References

<b>Designation number:</b>	3912 Corrections purposes - Non-Custodial Facility – Roulston Street
<b>Lodgement date:</b>	25 July 2019
<b>Requiring authority:</b>	Minister of Corrections
<b>Reporting officer:</b>	Sisira Jayasinghe, Planner, Planning Central & South
<b>Site address:</b>	11 Roulston Street, Pukekohe, Auckland 2120
<b>Legal Description</b>	LOT 23 DP 7997
<b>UP Zoning:</b>	Business – Mixed Use Zone

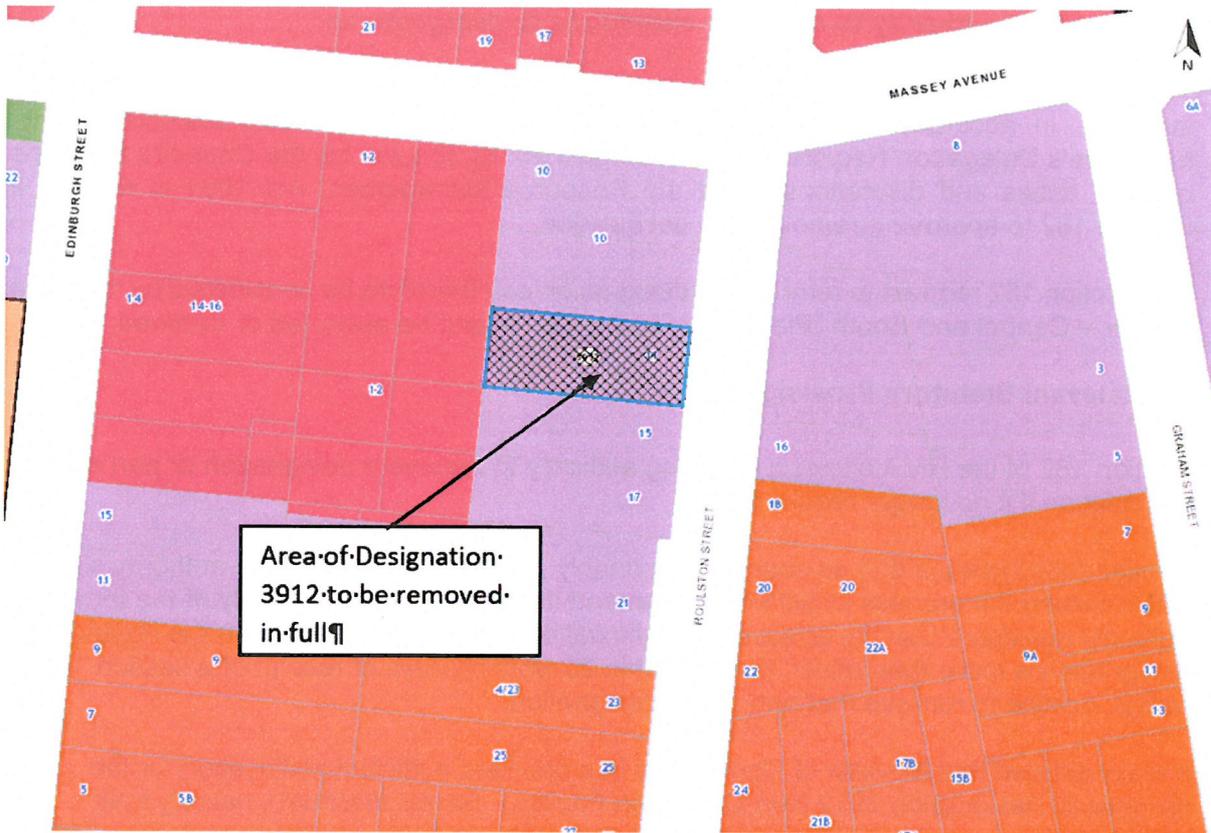
## 2.0 Background

### 2.1 Details of designation

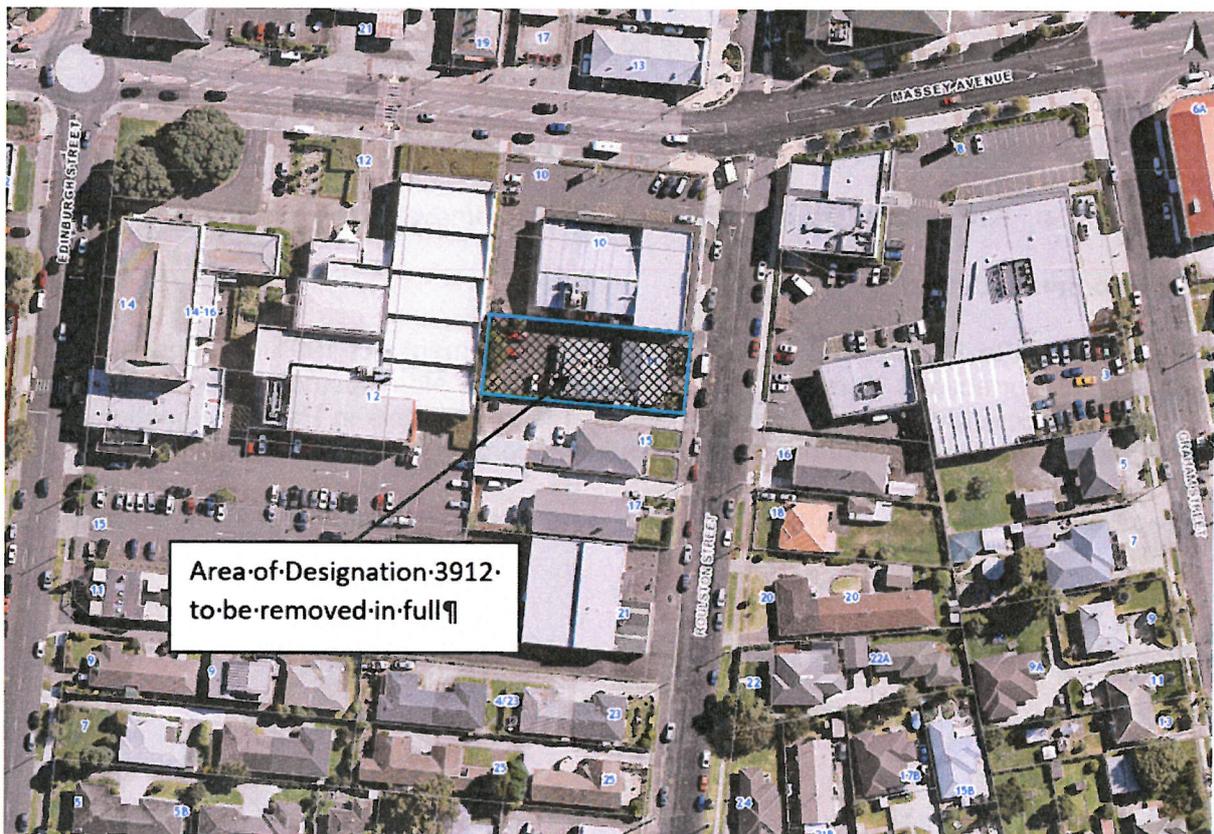
Designation 3912 is a Rollover Designation from the Auckland Council District Plan – (Franklin Section) 2000. Lapse date is given as 'Given effect to' (i.e. no lapse date). Purpose is given as corrections purposes (non-custodial facility), including community work centres and probation offices, excluding prisons.

### 2.2 Land affected by removal

Designation 3912 to be removed is currently shown in the AUP maps as follows:



11 Roulston Street – Minister of Corrections Designation 3912 (Non-Custodial Facility)



11 Roulston Street – Designation 3912 (Non-Custodial Facility) – Aerial Map

### 2.3 Delegated authority to consider alterations to designations

The Team Leader – Planning, Central and South (Plans and Places Tier 5) has delegated authority, in accordance with Schedule 2A of the Auckland Council Combined Chief Executive’s Delegation Register (updated August 2018), 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 and South (Plans and Places Tier 5) and be accepted or declined.

### 2.4 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 requires it.

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 Minister of Corrections has provided sufficient justification for the removal of Designation 3912 Non-Custodian Facility – Roulston Street), namely that:

- The Department leased the property at 11 Roulston Street, Pukekohe until February 2012, and no longer uses the site for corrections purposes;
- As such, the designation is no longer required by the Minister of Corrections.
- The Department has served a copy of the notice on the current land owner Greig Properties Limited as required by s182(1).
- No persons are likely to be affected by removal of the designation.

### 3.0 Recommendation

That pursuant to Section 182 of the Resource Management Act 1991 the request from the Minister of Corrections to remove the Designation 3912 Non-Custodian Facility – Roulston Street) be **accepted** and the Auckland Unitary Plan (Operative in Part) designation overlay and text in Chapter K Designations be amended accordingly.

Prepared by :

Accepted by :

**Sisira Jayasinghe**  
Planner, Planning Central & South

**Craig Cairncross**  
Team Leader, Planning Central & South

Signature:

Signature :

Date :

05 August 2019

Date :

06/08/19

**SCHEDULE OF ATTACHMENTS:**

1. Minister of Corrections request to the Auckland Council to amend the AUP
2. Form 23 - Copy of the notice served on the owner of land which Designation 3912 relates to
3. Copy of Designation 3912 Non-Custodial Facility – Roulston Street

24 July 2019

Auckland Council  
Central/South Plans and Places Department  
Private Bag 92300  
**AUCKLAND 1142**

**Attention:** Celia Davison

Dear Celia,

**NOTICE TO UPLIFT DESIGNATION 3912 – 11-13 ROULSTON STREET, PUKEKOHE**

Pursuant to s182 of the Resource Management Act (RMA), the Department of Corrections gives notice that Designation 3912 can be removed from the former non-custodial community corrections site at 11-13 Roulston Street, Pukekohe.

The designation is contained in Chapter K Designation of the Auckland Unitary Plan (Operative in Part) and is shown on the Auckland Council GeoMaps.

The Department leased the property at 11-13 Roulston Street until February 2012, and no longer uses the site for Corrections purposes. As such the designation is no longer required by the Minister of Corrections.

As required by s182(1)(b) of the RMA, a copy of the notice served on the current land owner Greig Properties Limited is enclosed, along with the Certificate of Title and Companies Office extract showing Greig Properties Limited address for service.

No persons are likely to be affected by removal of the designation.

The Department of Corrections requests that Auckland Council amends the Auckland Unitary Plan accordingly, and look forward to confirmation that Designation 3912 has been uplifted.

Please contact me if you have any queries (04 460 3234, [rmalm@corrections.govt.nz](mailto:rmalm@corrections.govt.nz)).

Yours faithfully,



Pip Hurrell  
Senior Advisor Environment

CC Greig Properties Limited  
64 Beaver Road, RD2  
**PUKEKOHE 2677**

**Attention:** Brent Greig

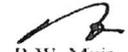
Enclosed:

- Form 23 notice of removal of designation
- Certificate of Title
- Letter issued to Greig Properties Limited
- Companies Office extract



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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** NA102A/261  
**Land Registration District** North Auckland  
**Date Issued** 02 August 1995

**Prior References**

NA70A/988

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<b>Estate</b>	Fee Simple
<b>Area</b>	1012 square metres more or less
<b>Legal Description</b>	Lot 23 Deposited Plan 7997

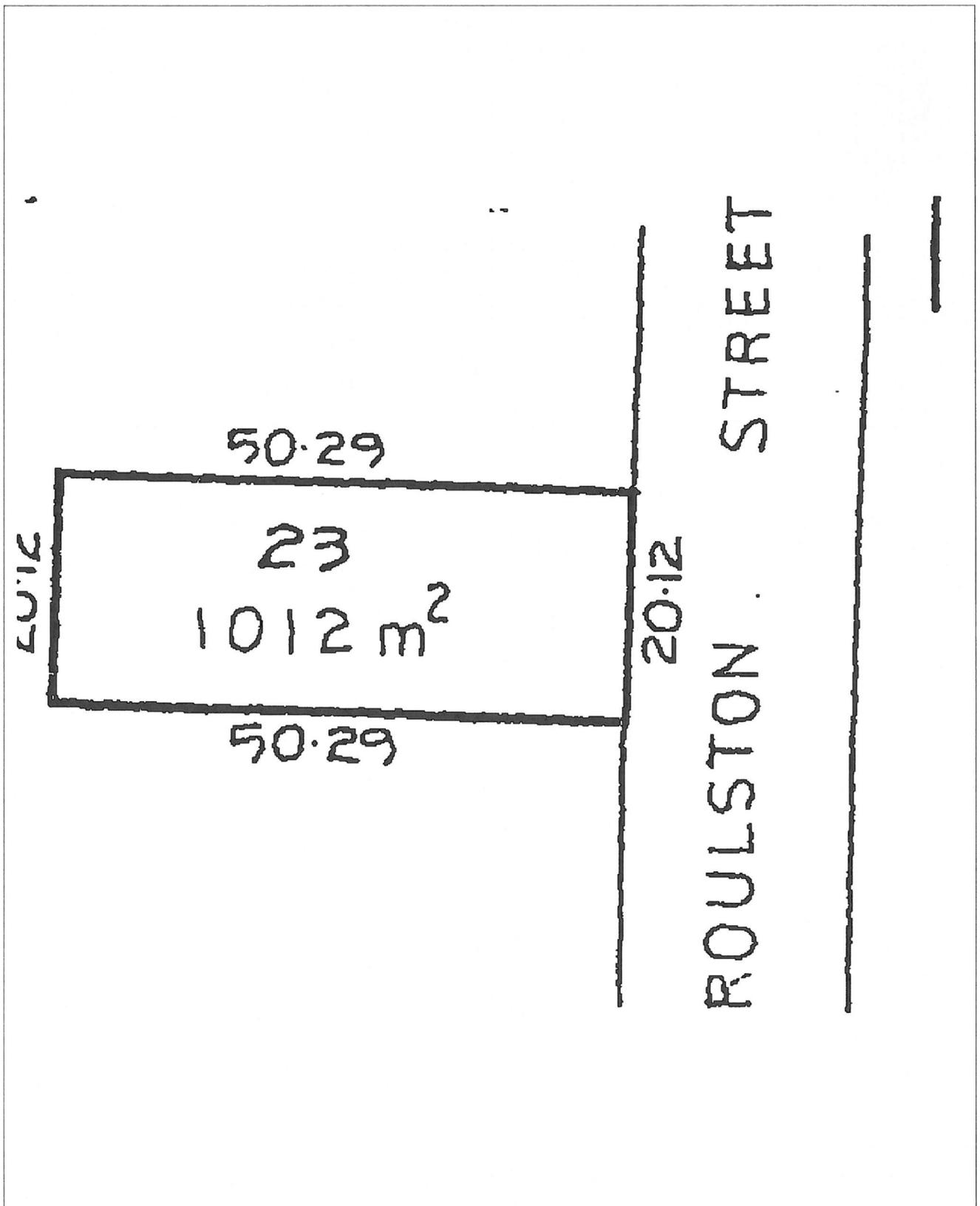
**Registered Owners**

Greig Properties Limited

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**Interests**

10231016.3 Mortgage to Bank of New Zealand - 28.10.2015 at 12:38 pm



Form 23

NOTICE OF REMOVAL OF DESIGNATION UNDER SECTIONS 182 OF THE RESOURCE  
MANAGEMENT ACT 1991

To Auckland Council

And to Greig Properties Limited, as owners of Lot 23 DP 7997

The Minister of Corrections gives notice that it no longer requires the following designation:

**Designation:** Designation 3912 of the Auckland Unitary Plan Operative in part

**Affecting:** 11-13 Roulston Street, Pukekohe, Auckland

**Legal description:** Lot 23 DP 7997

**Purpose of Designation:** Corrections purposes (non-custodial facility), including community work centres and probation offices, excluding prisons.

**Requiring Authority:** Minister of Corrections

The Minister of Corrections requests Auckland Council amends the Auckland Unitary Plan accordingly as required by section 182 of the Resource Management Act 1991.



Andrea Millar

Manager RMA and Land Management – Department of Corrections

On behalf of the Minister of Corrections

24 July 2019.

Date

**Electronic address for service of requiring authority:** [rmalm@corrections.govt.nz](mailto:rmalm@corrections.govt.nz)

**Telephone:** +64 4 460 3000

**Postal address:** Department of Corrections, Private Bag 1206, Wellington 6140

**Contact person:** Pip Hurrell, Senior Environmental Adviser

24 July 2019

Greig Properties Limited  
64 Beaver Road, RD2  
**PUKEKOHE 2677**

**Attention:** Brent Greig

#### **NOTICE TO UPLIFT DESIGNATION 3912 – 11-13 ROULSTON STREET, PUKEKOHE**

We understand that Greig Properties Limited owns the property at 11-13 Roulston Street in Pukekohe. This property was formerly leased by the Department of Corrections and it was recently brought to our attention that a designation for non-custodial corrections purposes still exists over this property in the Auckland Unitary Plan.

As the Department no longer uses this site for corrections purposes, the designation is no longer required by the Minister of Corrections.

#### **Effect of the designation**

A designation can prevent a landowner making use of their property without having obtained the consent of the designation holder (the Department of Corrections). That restriction is intended to prevent activity that might interfere with the designated purpose.

Once the designation is lifted that restriction will be removed, and the property will be subject to Auckland Unitary Plan zoning requirements.

#### **Removing the designation**

The process to remove a designation under section 182 of the Resource Management Act requires the Department to give notice to the current landowner and the Auckland Council.

Please find enclosed copies of the Notice, the Certificate of Title for 11-13 Roulston Street and a copy of our letter to Auckland Council.

If you have any queries about the removal of the designation on this property, please contact the Auckland Council ([celia.davison@aucklandcouncil.govt.nz](mailto:celia.davison@aucklandcouncil.govt.nz)) or me on 04 460 3234 / [rmalm@corrections.govt.nz](mailto:rmalm@corrections.govt.nz).

Yours faithfully,



Pip Hurrell  
Senior Environmental Advisor

CC Auckland Council  
Central/South Plans and Places Department  
Private Bag 92300  
**AUCKLAND 1142**

**Attention:** Celia Davison

Enclosed:

- Notice of uplift of designation
- Certificate of Title
- Letter to Auckland Council

# Company Extract

## GREIG PROPERTIES LIMITED

### 618544

### NZBN: 9429038738173

<b>Entity Type:</b>	NZ Limited Company
<b>Incorporated:</b>	27 Jan 1994
<b>Current Status:</b>	Registered
<b>Constitution Filed:</b>	Yes
<b>Annual Return Filing Month:</b>	April

**Ultimate holding company:** No

#### Company Addresses

##### Registered Office

64 Beaver Road, Rd 2, Pukekohe, 2677, NZ

##### Address for Service

64 Beaver Road, Rd 2, Pukekohe, 2677, NZ

#### Directors

GREIG, Brent Sidney

33a Leamy Way, Karaka, Drury, 2578, NZ

#### Shareholdings

**Total Number of Shares:** 10,000

**Extensive Shareholdings:** No

6,699	GREIG, Brent Sidney Leamy Way, R D 2, Drury
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3,300	GREIG, Brent Sidney Leamy Way, R D 2, Drury
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	NORRIS, Brett Anthony C/-leamy Way, Rd 2, Drury, NZ
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1	GREIG, Judith Anne Totara Rise, Leamy Way, Rd2, Drury, Auckland
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Company Extract  
GREIG PROPERTIES LIMITED  
618544  
NZBN: 9429038738173

For further details relating to this company, check <http://app.companiesoffice.govt.nz/co/618544>  
Extract generated 18 July 2019 09:28 AM NZST

### 3912 Non-Custodial Facility – Roulston Street

Designation Number	3912
Requiring Authority	Minister of Corrections
Location	11 Roulston Street, Pukekohe, Auckland
Rollover Designation	Yes
Legacy Reference	Designation 83, Auckland Council District Plan (Franklin Section) 2000
Lapse Date	Given effect to (i.e. no lapse date)

### Purpose

Corrections purposes (non-custodial facility), including community work centres and probation offices, excluding prisons.

### Conditions

No conditions

### Attachments

No attachments

**Attachment 2 – Updated text**

### 3912 Non-Custodial Facility—Roulston Street

Designation Number	3912
Requiring Authority	Minister of Corrections
Location	11 Roulston Street, Pukekohe, Auckland
Rollover Designation	Yes
Legacy Reference	Designation 83, Auckland Council District Plan (Franklin Section) 2000
Lapse Date	Given effect to (i.e. no lapse date)

### Purpose

Corrections purposes (non-custodial facility), including community work centres and probation offices, excluding prisons.

### Conditions

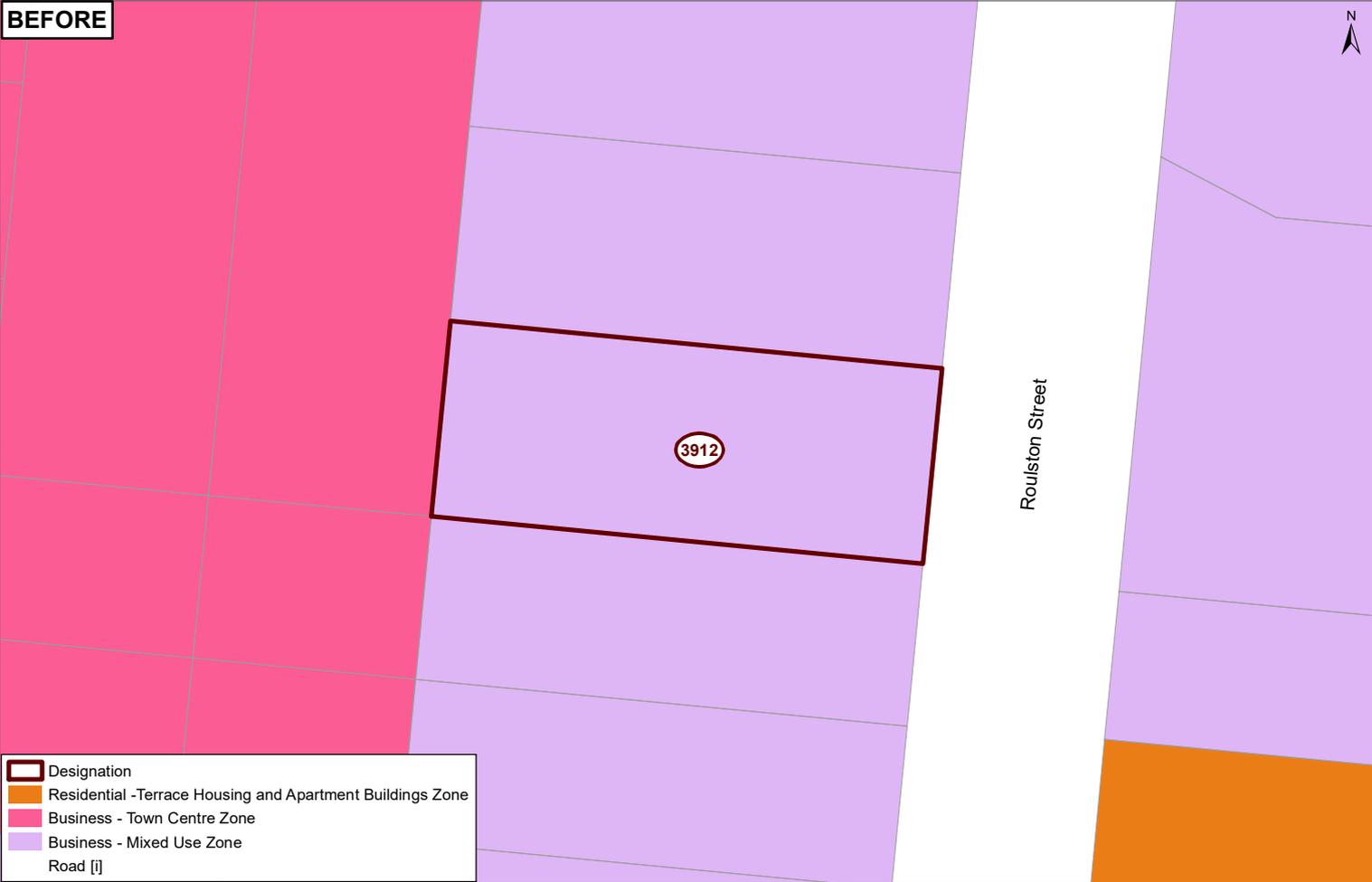
No conditions

### Attachments

No attachments

**Attachment 3 – Updated GIS Viewer map**

**BEFORE**



-  Designation
-  Residential - Terrace Housing and Apartment Buildings Zone
-  Business - Town Centre Zone
-  Business - Mixed Use Zone
-  Road [i]

**AFTER**



-  Residential - Terrace Housing and Apartment Buildings Zone
-  Business - Town Centre Zone
-  Business - Mixed Use Zone
-  Road [i]



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: 8/08/2019

**Designation 3912 removed**



*Plans and Places*