#### UNITARY PLAN UPDATE REQUEST MEMORANDUM

**TO** Warren Maclennan, Manager Regional, North, West, and Islands Planning, Plans and Places



- **FROM** Austin Fox, Senior Policy Planner, Regional, North, West, and Islands Planning, Plans and Places
- **DATE** 15/11/2022

#### SUBJECT Designation in accordance with s182 of the Resource Management Act 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 -	Reason for update – Partial removal of designation 5736 Wellsford Police Station			
Chapter	Chapter K Designations AUP(OP) GIS viewer			
Section	Schedules and Designation	ons – Minister of Police		
Designation only				
Designation #	5736 – Minister of Police			
Locations:	104 – 110 Rodney Street	(State Highway 1), Wellsford		
Lapse Date	Given effect to (no lapse d	late)		
Purpose	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.			
Changes to text	<b>Designation Schedule - I</b>	Minister of Police		
(shown in	Number Purpose	Location		
underline and strikethrough)	establishmen management alteration an	Construction, undertaking, establishment, management, operation, alteration and maintenance of a policing facility       108 106 – 110 Rodney Street (State Highway 1), Wellsford		
	5736 Wellsford Police St Designation Number Requiring Authority Location	er 5736		
	Rollover Designation	Yes		
	Legacy Reference	N/A		
	Lapse Date	Given effect to (i.e. no lapse date)		
Changes to	No changes to diagrams			
diagrams				
Changes to spatial data	Partially uplift designation 5736 from 104 Rodney Street (State Highway 1), Wellsford			
Attachments	Attachment 1- Section 182 Report & Notice of Removal Attachment 2 – Correction to text (Strikethrough) Attachment 3 – Corrected text (Clean) Attachment 4- Updated GIS viewer			

Prepared by:	Text Entered by:
Austin Fox	Bronnie Styles
Planner	Planning Technician
Signature:	Signature:
Austra	Blatyle
Maps prepared by:	Reviewed by:
Natalia Liana	Peter Vari
Geospatial Specialist	Team Leader
Signature:	Signature:
- frie	PVari
Signed off by:	
Warren MacLennan	
Manager Regional, North, West, and Islands Planning, Plans and Places	
Signature:	
Warrant Macliman.	

S182 Designation Report

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



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

From: Austin Fox, Senior Policy Planner – Regional, North, West, and Islands Planning

Date: 11 November 2022

**Subject**: Partial removal Designation 5736 Wellsford Police Station – Rodney Street (State Highway 1), Wellsford in the Auckland Unitary Plan (Operative in part).

#### Summary

Auckland Council has received a request from New Zealand Police, on behalf of the Minister of Police, under section 182 of the Resource Management Act 1991 (RMA), dated 04 October 2022, to remove in part Designation 5736 Wellsford Police Station.

A section 182(1) request is required to uplift the existing designation in part from land which 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 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

- 1. That the section 182 request from New Zealand Police on behalf of the Minister of Police for the partial removal of Designation 5736 Wellsford Police Station in the Auckland Unitary Plan be **accepted** for the following reasons:
  - New Zealand Police has given notice that the parcel of land designated as 5736 located at 104 Rodney Street, Wellsford is no longer required for the designation purpose.
  - New Zealand Police has given notice that the parcel of land designated as 5736 located at 106 – 110 Rodney Street, Wellsofrd is still required for the designation purpose and should be retained.
- 2. That Designation 5736 Wellsford Police Station be partially removed, as soon as reasonably practicable, in the Designation overlay and Chapter K Designations where the text needs to be amended in the Auckland Unitary Plan.

#### 1. Description

#### 1.1. References

Designation number:	5736 Wellsford Police Station	
Lodgement date:	04 October 2002	
Requiring authority:	Minister of Police	
Reporting officer:	Austin Fox, Senior policy Planner - Regional, North, West, and Islands Planning	
Site address:	104 - 110 Rodney Street (State Highway 1) Wellsford	
UP Zoning:	Business – Town Centre Zone	

#### 2.0 Background

#### 2.1 Details of designation

Designation 5736 Wellsford Police Station was rolled over from the legacy Auckland Council District Plan – Operative Rodney Section 2011 into the Auckland Unitary Plan.

#### 2.2 Land affected by removal

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



Figure 1: AUP(OP) GIS Viewer map of Designation 5736 Wellsford Police Station

Figure 2 is a site plan showing the extent of the designation to be retained and to be removed.



Figure 2: extent of designation 5736 to be retained and removed

#### 2.3 Delegated authority to consider alterations to designations

The Team Leader - Planning 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 May 2022) 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 Planning – Regional, North, West, and Islands Planning (Plans and Places Tier 5) and 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 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 New Zealand Police has provided sufficient justification for the partial removal of Designation 5736 Wellsford Police Station for the following reasons:

• The property at 104 Rodney Street Wellsford is no longer required or used for New Zealand Police purposes and is being disposed of.

- The properties at 106 110 Rodney Street are still required and used by New Zealand Police purposes and the designation will remain on these properties.
- Removing the designation from the site at 104 Rodney Street, while retaining the designation on the neighbouring sites at 106 – 110 Rodney Street, is considered best practice and essentially contributes to keeping the District Plan provisions up to date. It also ensures the site can be sold without any unnecessary uncertainty for future owners and occupiers.

#### 3.0 Recommendation

That pursuant to Section 182 of the Resource Management Act 1991 that the partial removal of Designation 5736 Wellsford Police Station by removing the designation from the site at 104 Rodney Street be **accepted** and the Auckland Unitary Plan Operative in Part designation overlay and text in Chapter K Designations be amended as requested in the notice from New Zealand Police, on behalf of the Minister of Police, accordingly.

Prepared by: Austin Fox Senior Policy Planner Regional, North, West, and Islands Planning Accepted by:

Peter Vari Team Leader Planning Regional, North, West, and Islands Planning

Signature:

15/11/2022

Date: 14/11/2022

Signature:

#### **SCHEDULE OF ATTACHMENTS:**

Attachment A: New Zealand Police s182 Notice of Removal

Attachement A



4 October 2022 Our Job no. 718436

**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,

#### Partial Uplift of Designation – #5736: 104 Rodney Street, Wellsford

The Property Group Limited (TPG) is acting on behalf of New Zealand Police to apply for the partial Uplift of the Designation **#5736** for the site at 104 Rodney Street, Wellsford 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 across this site 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

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**Susannah Goble** Senior Planner

04 470 6105 / 021 197 3469 sgoble@propertygroup.co.nz

#### Form 23

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

To the relevant local authority:	Auckland Council	
And to the current owner of the site:	New Zealand Police on behalf of Her Majesty the Queen.	
And to any likely affected parties:	No parties are considered likely to be affected by the removal of the Designation #5736 at 104 Rodney Street, Wellsford from Auckland Unitary Plan	
Requiring Authority:	Minister of Police	
Agent:	Susannah Goble	
	Senior Planner	
	The Property Group Limited (TPG)	
	021 197 3469	
	sgoble@propertygroup.co.nz	
Address for service:	The Property Group Limited	
	PO Box 2874	
	Wellington 6140	
	Attention: Susannah Goble	
Site Description:	104 Rodney Street, Wellsford	
Legal description:	Lot 4 DP 183334	
Enclosed:	Notice of Removal supporting information	
	Appendix 1 – Record of Title	
	Appendix 2 – Letter from New Zealand Police	

The New Zealand Police on behalf of the Minister of Police gives notice that it no longer requires the Designation #5736 on the site at 104 Rodney Street in the Auckland Unitary Plan. The designation will remain for the adjoining sites at 106 - 110 Rodney Street. The designation is for "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 District Plan accordingly as required by section 182 of the Resource Management Act 1991.



## Partial Removal of Designation

Address: 104 Rodney Street, Wellsford

**Date:** 4 October 2022



#### **Document control**

Title:	Partial Notice of Removal of the Designation at 104 Rodney Street, Wellsford
Client:	New Zealand Police
Job number:	718436
Prepared by:	Susannah Goble – Senior Planner
Signature:	J'Gobl.
Reviewed by:	Angela Jones – Planning Manager, Wellington
Signature:	Agenes.

#### 1. Introduction

New Zealand Police hereby gives notice under Section 182 of the Resource Management Act 1991 that the parcel of land designated as *#5736* located at 104 Rodney Street, Wellsford and identified in the Chapter K *Schedules and Designations* section is no longer required for the designation purpose.

The parcel of land designated as #5736 located at 106 – 110 Rodney Street and identified in the *Schedule and Designations* section is still required and should be retained for the designation purpose.

#### 2. Site Description

The 1067m<sup>2</sup> site located at 104 Rodney Street, Wellsford is held in one Record of Title legally described as Lot 4 DP 183334.

The site contains a building on towards the eastern end of the site. Vehicle access is via a driveway off Rodney Street on the southern boundary of the site.

The neighbouring sites to the north at 106 – 110 Rodney Street, held in a separate Record of Titles legally described as Lot 3 DP 183334, Lot 2 DP 183334, Lot 1 DP 183334 are also included within Designation #5736 and should remain within this designation. These sites accommodate the police station and contain the historic heritage building identified as a Police lock-up.

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



Figure 1: Location of the site at 104 Rodney Street, Wellsford (outlined in yellow).

#### 3. Unitary Plan Information

The site is identified as designation #5736 on the Auckland Unitary Plan Maps. The schedule of designations section of the District Plan notes the purpose of Designation #5736 is for "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."



There is one condition in relation to Designation #5736 which 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 00529, described as the "Police Lock-up", 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."

The schedule historic heritage place is located at 108 Rodney Street and therefore, this condition does not relate to the site at 104 Rodney Street as there will be no impact on the heritage place.

The site is zoned Business – Town Centre Zone in the Auckland Unitary Plan. With the removal of the designation, the site will be subject to the activity specific standards that apply in the underlying Business zone. The neighbouring site at 106 - 110 Rodney Street would remain designated under #5736.

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 map showing the designated sites at 104 Rodney Street and 106-110 Rodney Street and underlying zoning

The site is subject to the following controls:

- Building Frontage Control General Commercial Frontage along its boundary with Rodney Street.
- Height Variation Control of 18 metres.
- Macroinvertebrate Community Index Rural and Urban, in relation to managing discharges to freshwater systems.

The site is not subject to any other overlays in the District Plan. Rodney Street is also designated as a State Highway (SH1) on the Twin Coast Discovery Highway, any changes to the access will require approval of the New Zealand Transport Agency.



#### 4. Notice of Removal Assessment

The property at 104 Rodney Street Wellsford is no longer required or used for New Zealand Police purposes and is being disposed of.

The properties at 106 – 110 Rodney Street are still required and used by New Zealand Police purposes and the designation will remain on these properties.

#### 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 104 Rodney Street is currently owned by Her Majesty the Queen and tenanted by the New Zealand Police. 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 Business Town Centre Zone (see Figure 2 above).
- Adjoining sites to the north and south are in the Business Town Centre Zone. The site to the south
  is also designated by Chorus New Zealand for telecommunication purposes. Sites to the west are
  zoned Open Space Sport and Recreation. Sites to the east are designated by KiwiRail for the North
  Auckland Railway Line. The removal of the designation will not impact the ability of surrounding
  neighbours to use their site as provided for by the District Plan.
- The site is no longer required for its designated purpose. The site is currently occupied by the New Zealand Police, following removal of the designation and upon proceeding with disposal of the site the New Zealand Police will vacate the site.

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 District 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 partial removal of the designation.

Removing the designation from the site at 104 Rodney Street, while retaining the designation on the neighbouring sites at 106 - 110 Rodney Street, is considered best practice and essentially contributes to keeping the District 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 amend the District 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





R.W. Muir Registrar-General of Land

Identifier	NA114B/324	
Land Registration District	North Auckland	
Date Issued	19 March 1999	

**Prior References** NA112A/786

Estate	Fee Simple	
Area	1067 square metres more or less	
Legal Description	Lot 4 Deposited Plan 183334	
Purpose	Police Station	
Registered Owners		
Her Majesty the Queen		

Interests



Identifier

### Appendix Two – Letter from the New Zealand Police







23 September 2022

Auckland Council Private Bag 92300 Victoria Street West Auckland 1142

Dear Sir / Madam

#### Removal of Designation 5736 at 104 Rodney Street, Wellsford

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 5736: Wellsford Police Station

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

Wayne Goodfellow Director, Property

#### **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



**Correction to Text 5736 (Strikethrough)** 

#### **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 Headquaters	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	Withdrawn	
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,	176 Great South Road, Otahuhu

	alteration and maintenance of a policing facility	
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	<del>108</del> <u>106 – 110</u> 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

#### 5736 Wellsford Police Station

Designation Number	5736
Requiring Authority	Minister of Police
Location	<del>108<u>106</u> - 110</del> Rodney Street (State Highway 1), Wellsford
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 00529, described as the "Police Lock-up", 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.

#### Attachment

No attachments

**Designation text 5736 (Clean)** 

#### **Designation Schedule - Minister of Police**

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5738	Motorway administration and maintenance	28 Sulphur Beach Road, Northcote Point

#### **5736 Wellsford Police Station**

Designation Number	5736
Requiring Authority	Minister of Police
Location	106 - 110 Rodney Street (State Highway 1), Wellsford
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 00529, described as the "Police Lock-up", 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.

#### Attachment

No attachments

**Updated GIS Viewer** 



#### 0 5 10 20 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: 5/12/2022 Minister of Police Designation Number 5736 Wellsford Police Station

