

## UNITARY PLAN UPDATE REQUEST MEMORANDUM

**TO** Celia Davison, Manager Planning, Central South Unit

**FROM** Katrina David, Senior Policy Planner, Central South Unit



**DATE** 18 December 2020



**SUBJECT** **Alteration of Designation 607 in accordance with s181 of the Resource Management Act (RMA) and removal of Designation 610 in accordance with s182 of the RMA, of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016)**



This memorandum requests an update to the Auckland Unitary Plan (Operative in part).

<b>Reason for update – alteration of designation under Section 181 of the RMA, and the removal of a designation under Section 182 of the RMA.</b>	
<b>Chapter</b>	Chapter K Designations AUP GIS Viewer
<b>Section</b>	Schedules and Designations – Auckland Council
<b>Designation only</b>	
<b>Designation #607</b>	Manukau Memorial Gardens
<b>Locations</b>	361 Puhinui Road, Papatoetoe
<b>Lapse Date</b>	Given effect to (i.e. no lapse date)
<b>Purpose</b>	Cemetery and crematorium.
<b>Designation only</b>	
<b>Designation #610</b>	Manukau Memorial Gardens
<b>Locations</b>	431 Puhinui Road, Papatoetoe
<b>Lapse Date</b>	31 August 2022
<b>Purpose</b>	Cemetery (extension B).
<b>Changes to text</b>	Remove Designation 610 in its entirety from the AUP Operative in part text.
<b>Changes to diagrams</b>	N/A
<b>Changes to spatial data</b>	Amend Designation Overlay in GIS Viewer to alter extent of Designation 607 to: <ul style="list-style-type: none"> <li>Remove designation from 431 Puhinui Road</li> <li>Extend designation over additional part of 361 Puhinui Road.</li> </ul> Amend Designation Overlay in GIS Viewer to delete Designation 610 in its entirety.
<b>Attachments</b>	Attachment 1: Section 181 Report Attachment 2: Section 182 Report Attachment 3: Updated GIS Viewer

<b>Prepared by:</b> Katrina David Senior Policy Planner, Central South Unit	<b>Maps prepared by:</b> Aching Konyak Geospatial Specialist
<b>Signature:</b> 	<b>Signature:</b> 

<b>Reviewed by:</b> Katrina David Senior Policy Planner, Central South Unit	<b>Signed off by:</b> Celia Davison Manager Planning, Central South Unit
<b>Signature:</b> 	<b>Signature:</b> 

# Attachment 1: Section 181 Report

# Notice of requirement for a minor alteration to a designation under section 181(3) of the Resource Management Act 1991



## Notice of requirement description

Designation number:	Designation 607 Manukau Memorial Gardens (Cemetery and crematorium)
Requiring authority:	Auckland Council
Site address:	361 Puhinui Road, Papatoetoe

## Summary

Auckland Council has received a request from Auckland Council (Community Facilities) under section 181(3) of the Resource Management Act 1991 (RMA), dated 3 December 2020, to alter Designation 607 Manukau Memorial Gardens.

It is considered after undertaking an assessment of the notice, that the proposed alteration meets the statutory tests of section 181(3) of the RMA and can therefore be processed and confirmed as a minor alteration.

## Recommendation

1. That the proposed alteration of Designation 607 Manukau Memorial Gardens in the Auckland Unitary Plan be confirmed for the following reasons:
  - only minor adjustments to the mapped boundary of the existing designation are required
  - the owners of all land directly affected by the proposed alteration have been given notice and agree with the proposed alteration
  - both the requiring authority and Auckland Council agree with the alteration.
2. That Designation 607 Manukau Memorial Gardens is altered in the Designation Overlay in the Auckland Unitary Plan.

## 1. Background

### 1.1. Minor alteration to a designation

Auckland Council has received a “notice of requirement” (NoR) requesting a minor alteration to Designation 607 Manukau Memorial Gardens (cemetery and crematorium) from the requiring authority Auckland Council (Community Facilities) under section 181(3) of the RMA. See Attachment A.

The Manukau Memorial Cemetery is managed by two different designations. These are both Auckland Council designations.

- Designation 607 applies to the land zoned Special Purpose – Cemetery at 361 Puhinui Road, Papatoetoe. The purpose is for a cemetery and crematorium.
- Designation 610 applies to the land zoned Business – Light Industry at 431 Puhinui Road, Papatoetoe. The purpose is for a cemetery (extension B).

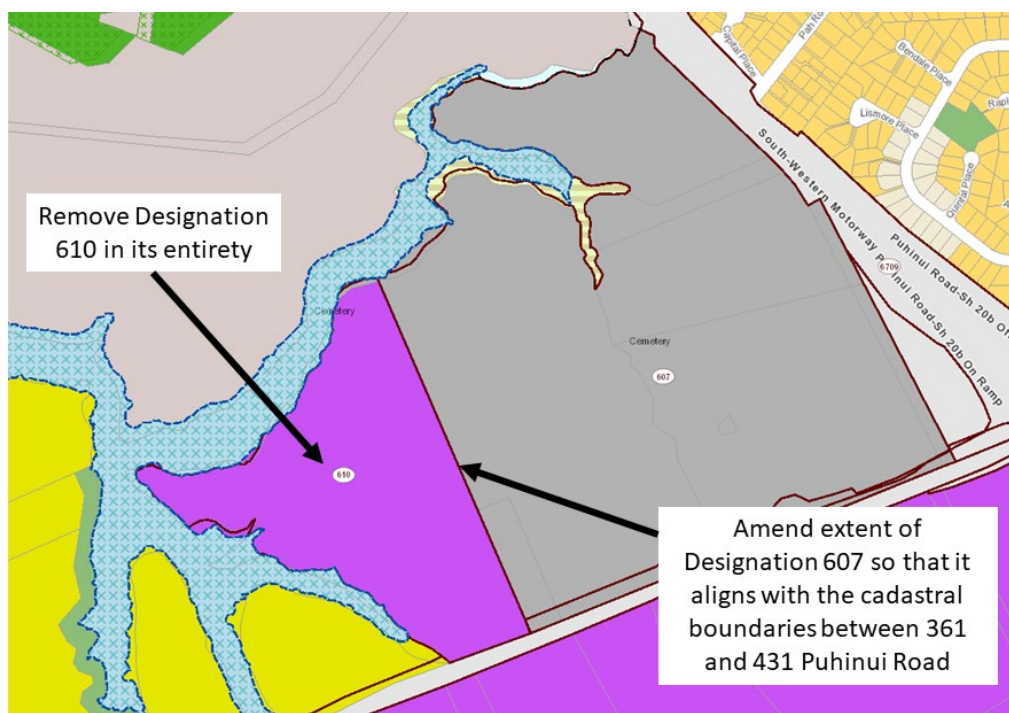
The NoR request made under section 181 only applies to Designation 607. Concurrent to this, Auckland Council has also received a section 182 request from the requiring authority to fully remove Designation 610 from the Auckland Unitary Plan. That request is dealt with in a separate section 182 report.

The NoR request to Designation 607 is for a minor alteration to the boundary of the designation as shown in the Designation Overlay of the Auckland Unitary Plan. See Map 1 below supplied by the requiring authority as part of the NoR. The NoR does not request any amendments to the text of the designation contained in Chapter K of the Auckland Unitary Plan.

The letter from the requiring authority states there “... is a minor error to the extent of the of Designation 607 as shown in the planning maps (AUP GIS Viewer attached), and it does not follow the exact cadastral boundaries between 361 Puhinui Road and 431 Puhinui Road.

*Please amend the extent of Designation 607 on the planning maps so that the boundary on the western side of the designation aligns with the cadastral boundaries between 361 Puhinui Road and 431 Puhinui Road. For clarity this means Designation 607 should not cover 431 Puhinui Road. Only the western boundary of Designation 607 should be amended. The remaining extent of Designation 607 remains unchanged.”*

Map 1: Map from Auckland Council NoR request to alter the mapped boundary of Designation 607



## **1.2. Land affected by the alteration**

The land affected by the alteration to the designation is 361 and 431 Puhinui Road. These properties are adjacent to each other.

Chapter K of the Auckland Unitary Plan lists 361 Puhinui Road, Papatoetoe as the location of Designation 607.

However in the GIS Viewer of the Auckland Unitary Plan, Designation 607 is applied to 361 Puhinui Road, and to a very small part of 431 Puhinui Road. This can be seen in the property summary for both properties.

The requiring authority has provided a map showing the extent of the alteration to the designation boundary (refer to Map 1 above).

## **1.3. Description of the site and existing environment**

361 Puhinui Road is the location of the Manukau Memorial Gardens (cemetery). The site is bound by the South-Western Motorway to the east, Puhinui Road on the south and to the north is an estuary that leads to the Manukau Harbour. To the west is 431 Puhinui Road.

361 Puhinui Road is zoned Special Purpose – Cemetery and Designation 607 is applied to nearly the entire site. The site is owned by Auckland Council and the cemetery is currently operational i.e. it is accepting burials. It provides a range of services including:

- chapel services
- viewing room
- function lounge
- crematoria
- burial plots.

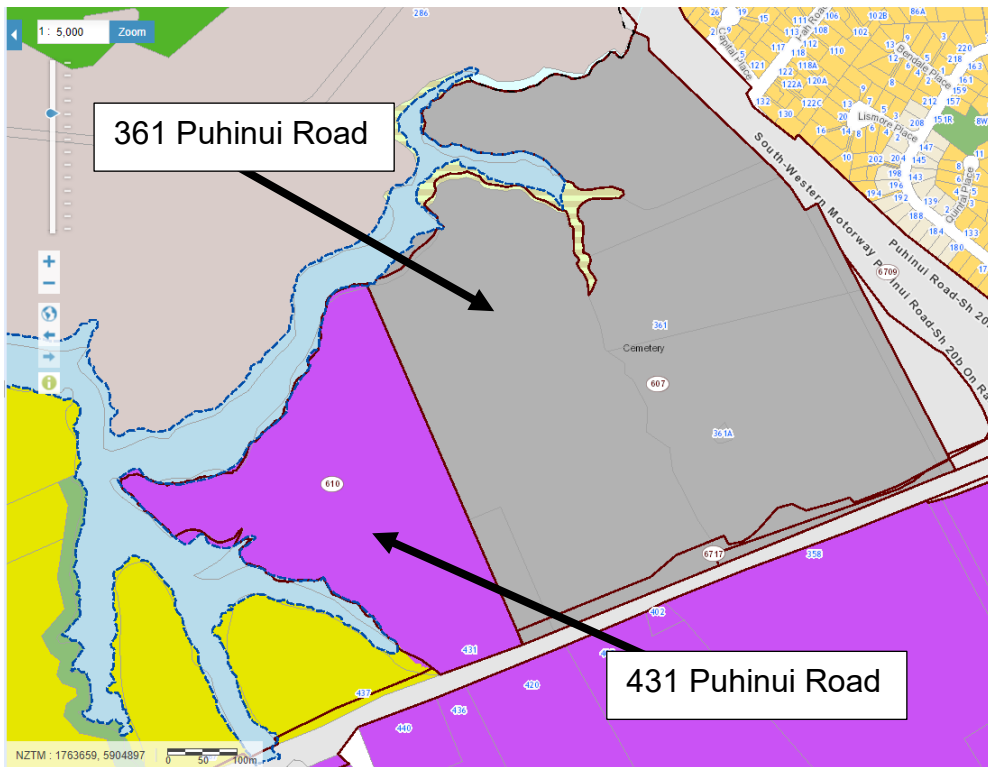
The adjacent property at 431 Puhinui Road is zoned Business – Light Industry and is almost entirely covered by Designation 610 which is “extension B” to the Manukau Memorial Gardens. This site is privately owned and has not been used as a cemetery despite having a designation which provides for this.

Maps 2 and 3 show the location and context of these two properties.

In the Auckland Unitary Plan, the purpose of Designation 607 is listed as “Cemetery and crematorium”. It is listed as a rollover of Designations 222, 222A and 223 from the legacy Auckland Council District Plan (Manukau Section) 2002, with a lapse date of “Given effect to (i.e. no lapse date)”. The location is listed as 361 Puhinui Road, Papatoetoe. It does not contain a legal description of the land it applies to.



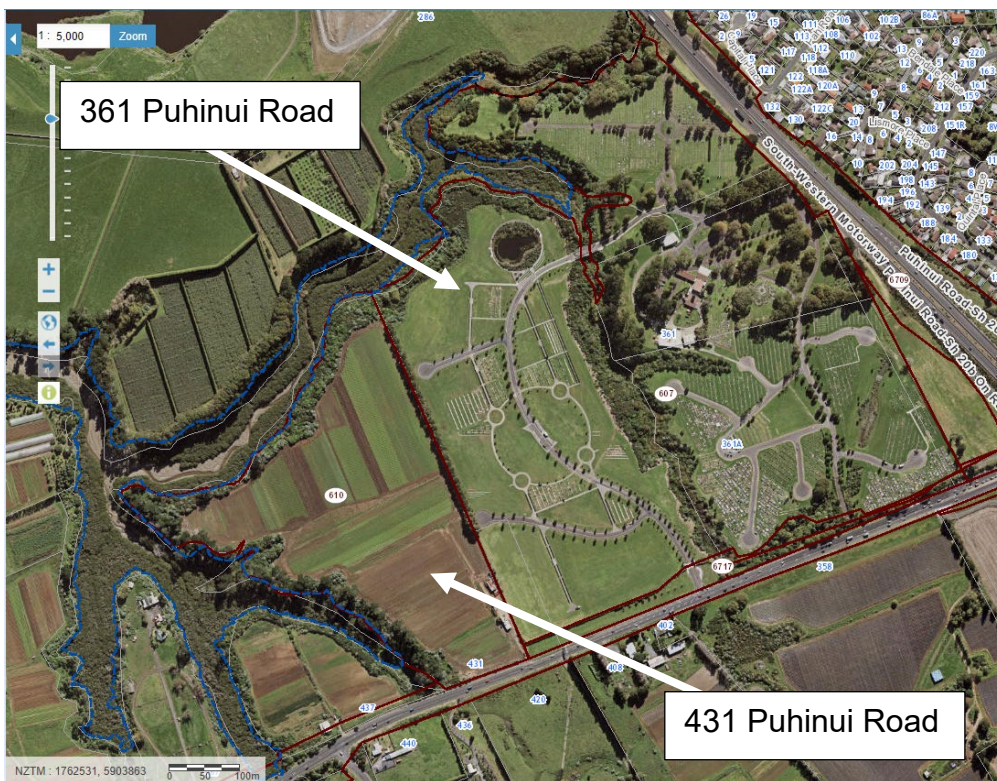
Map 2: Location of 361 and 431 Puhinui Road with Auckland Unitary Plan zoning



Purple shows the Business – Light Industry Zone  
Dark grey shows the Special Purpose – Cemetery Zone

---

Map 3: Location of 361 and 431 Puhinui Road with aerial



#### **1.4. Delegated authority**

The Team Leader - Planning Central and South has delegated authority, in accordance with Schedule 2A of the Auckland Council Delegations: Chief Executive Officer (updated February 2017), to exercise the council's functions, powers, duties and discretions under the Resource Management Act 1991 in relation to section 181(3).

The NoR can therefore be considered by the Team Leader – Planning Central and South and confirmed or declined under section 181(3)(c).

#### **1.5. Relevant statutory provisions**

Section 181 "Alteration of designation" of the Resource Management Act 1991 states:

- (1) A requiring authority that is responsible for a designation may at any time give notice to the territorial authority of its requirement to alter the designation.*
- (2) Subject to subsection (3), sections 168 to 179 and 198AA to 198AD shall, with all necessary modifications, apply to a requirement referred to in subsection (1) as if it were a requirement for a new designation.*
- (3) A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed district plan if-*
  - (a) The alteration-*
    - (i) involves no more than minor changes to the effects on the environment associated with the use or proposed use of land or any water concerned; or*
    - (ii) involves only minor changes or adjustments to the boundaries of the designation or requirement; and*
  - (b) written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and*
  - (c) both the territorial authority and the requiring authority agree with the alteration –*

*and sections 168 to 179 and 198AA to 198AD shall not apply to any such alteration.*
- (4) This section shall apply, with all necessary modifications, to a requirement by a territorial authority to alter its own designation or requirement within its own district.*



## **2. Analysis of the proposed alteration**

The relevant matters a territorial authority must consider are contained in section 181(3) of the RMA as outlined above.

It should be noted that it is not necessary for both clauses 181(3)(a)(i) and (ii) to be met. It is sufficient to pass one of them.

This NoR request is for a minor adjustment to the boundary, therefore clause 181(3)(a)(ii) is assessed below.

### **2.1. Assessment of minor changes or adjustments to the boundary (s181(3)(a)(ii))**

The alteration to the designation involves the following changes to the boundary of the existing designation:

- amend the Designation Overlay shown in the Auckland Unitary Plan GIS Viewer to move the boundary of Designation 610 to align with the cadastral boundaries between 361 and 431 Puhinui Road.

It appears that at some stage between 2012 and now the parcel boundaries between 361 and 431 Puhinui Road have been slightly adjusted. See maps in Attachment B. Parcel boundary data is managed and supplied by Land Information New Zealand (LINZ). The parcel boundary data shown on the Auckland Unitary Plan is automatically updated regularly.

The Auckland Unitary Plan zones that apply to these two sites have been moved with the parcel boundary adjustment, but the extents of Designations 607 and 610 have not been moved to reflect the parcel boundary adjustment. This has resulted in a misalignment between the parcel boundaries and the extent of the two designations shown in the Auckland Unitary Plan GIS Viewer.

As a result a very small part of Designation 607 now applies to 431 Puhinui Road, where previously it did not. This is at the southern end of the boundary between the two sites. See Map 4 below.

The area of Designation 607 to be removed from that 431 Puhinui Road is approximately 273m<sup>2</sup> and at its greatest distance this misalignment is approximately 1 metre in width. See Map 5 below.

There is also now a small part of Designation 610 that applies to 361 Puhinui Road, where it did not previously. It also means that Designation 607 does not apply to all of 361 Puhinui Road, where it did previously. This is at the northern end of the boundary between the two sites. See Map 6 below.

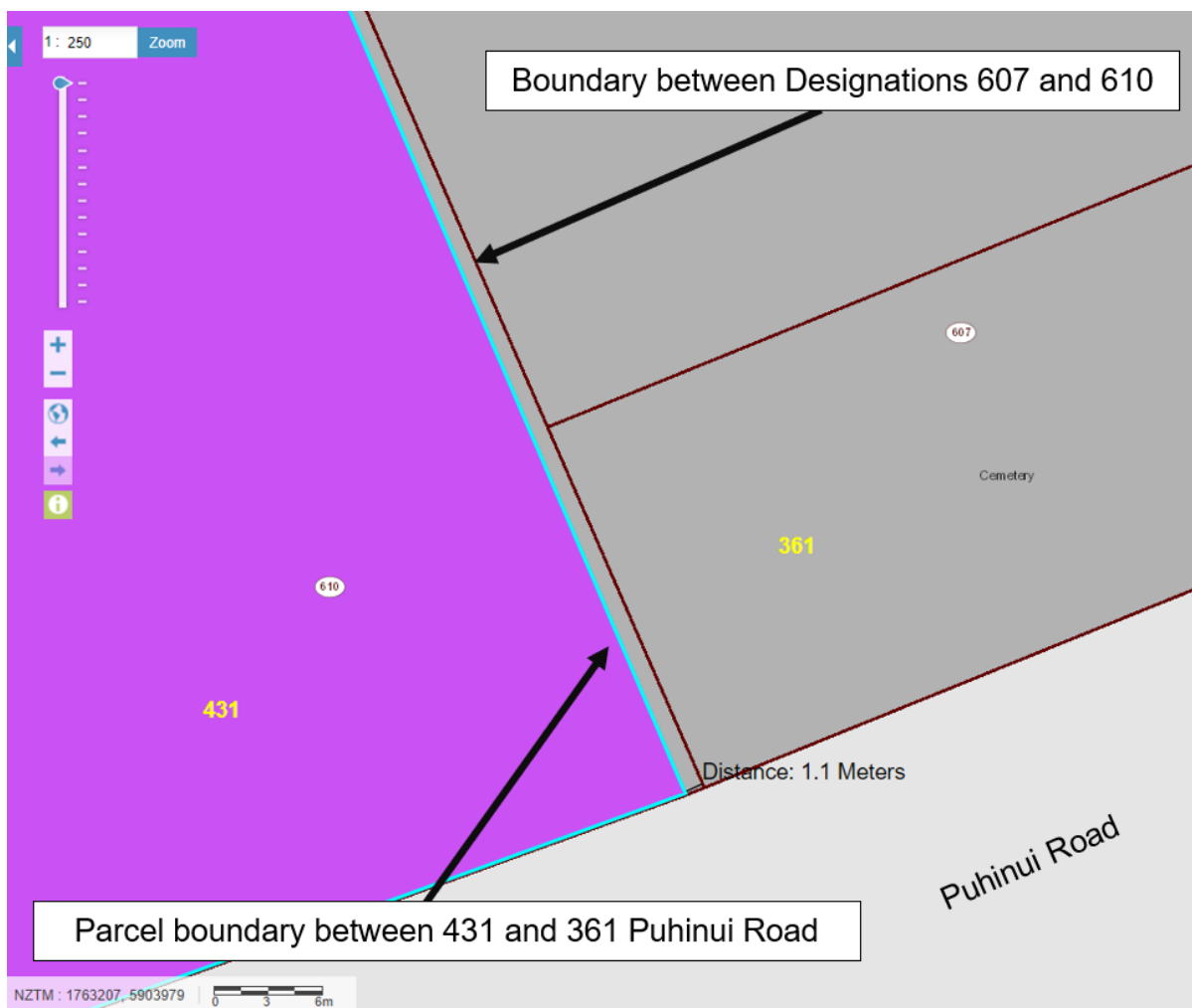
The area of Designation 607 that is to be added to 361 Puhinui Road is approximately 103m<sup>2</sup> and at its greatest distance, this misalignment is less than 1.5 metres in width. See Map 5 below. Note Designation 610 will be removed from the Auckland Unitary Plan through a separate section 182 request.

This misalignment between parcel boundaries and the extent of the designations also means that the mapped extent of Designation 607 no longer aligns with the location listed in the designation in Chapter K of the Auckland Unitary Plan. The location of Designation 607 is listed as 361 Puhinui Road, Papatoetoe.

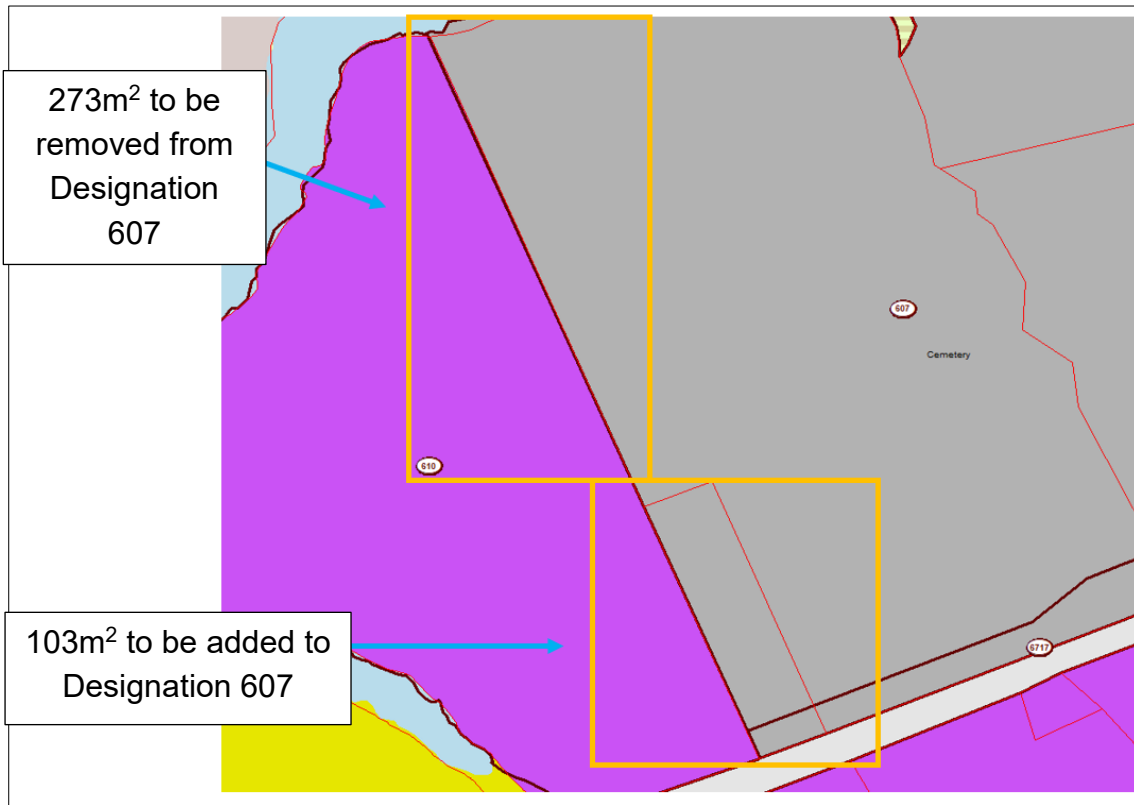
In my opinion the requested boundary adjust is minor in effect. It is not seeking to change the listed location of the designation, but rather to correct a mapping error that has resulted from a change to the underlying parcel boundary between the two sites. Changing the boundary as requested would ensure the mapped extent of the designation aligns with the designation as it is listed in Chapter K of the Auckland Unitary Plan.

Amending the mapped designation boundary would also ensure that the designation is not applied to a site (431 Puhinui Road) that it was not intended to apply to.

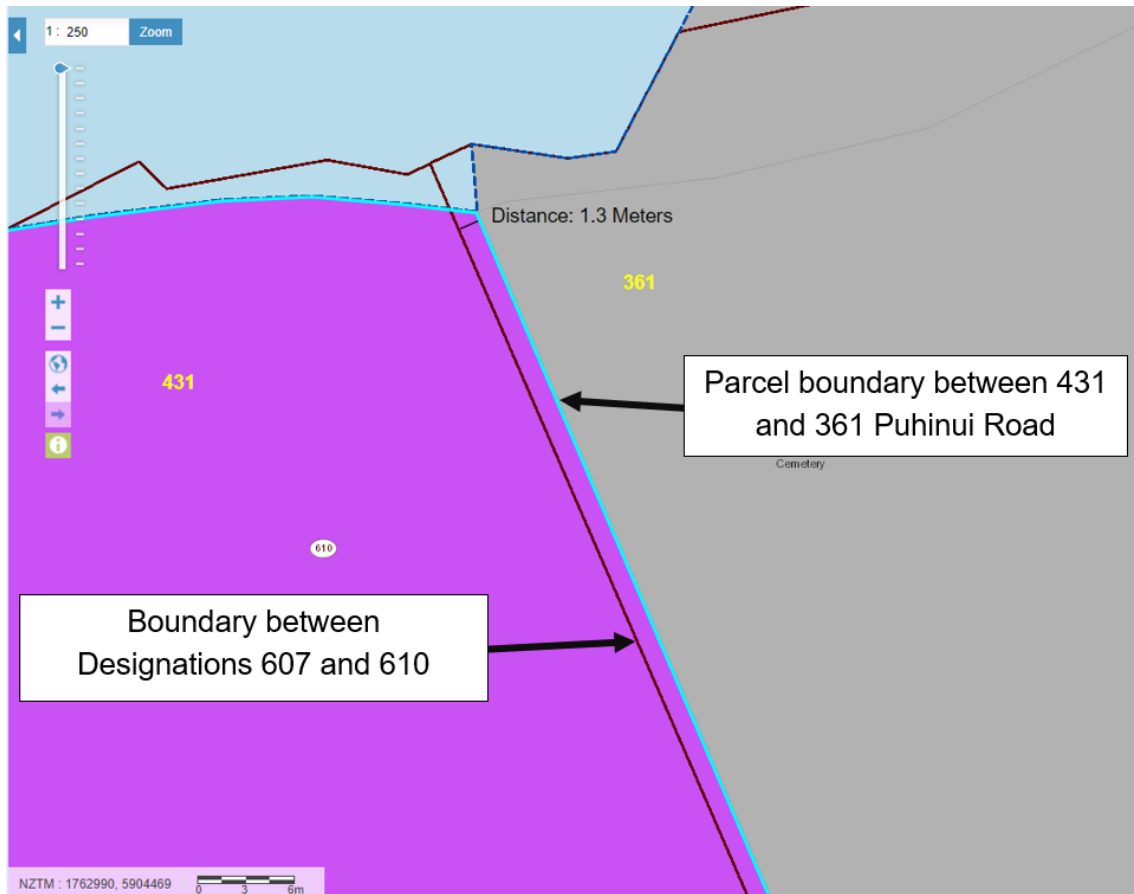
Map 4: Boundary misalignment at southern end of the boundary between 431 and 361 Puhinui Road



Map 5: Area of Designation 607 to be amended



Map 6: Boundary misalignment at northern end of the boundary between 431 and 361 Puhinui Road



## **2.2. Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners and occupiers agree with the alteration (s181(3)(b))**

The requiring authority has given written notice to P Lam and P Lam, the owners of 431 Puhinui Road. Their agreement has been provided. See letters in Attachment C.

The requiring authority i.e. Auckland Council is the owner of 361 Puhinui Road.

I agree that the only owners/occupiers that are directly affected by this section 181 request are the owners of 431 and 361 Puhinui Road.

## **2.3. Agreement of both the territorial authority and the requiring authority (181(3)(c))**

The alteration to the designation has been requested by the requiring authority, and therefore it agrees to the alteration. Auckland Council agrees with the proposed alteration for the following reasons:

- the alteration involves only minor changes to the mapped boundary
- the owners of all land directly affected by the proposed alteration have been given notice and agree with the proposed alteration.

## **3. Conclusions and recommendations**

### **3.1. Conclusions**

The proposed alteration meets the statutory tests of Section 181(3) of the Resource Management Act 1991, in that:

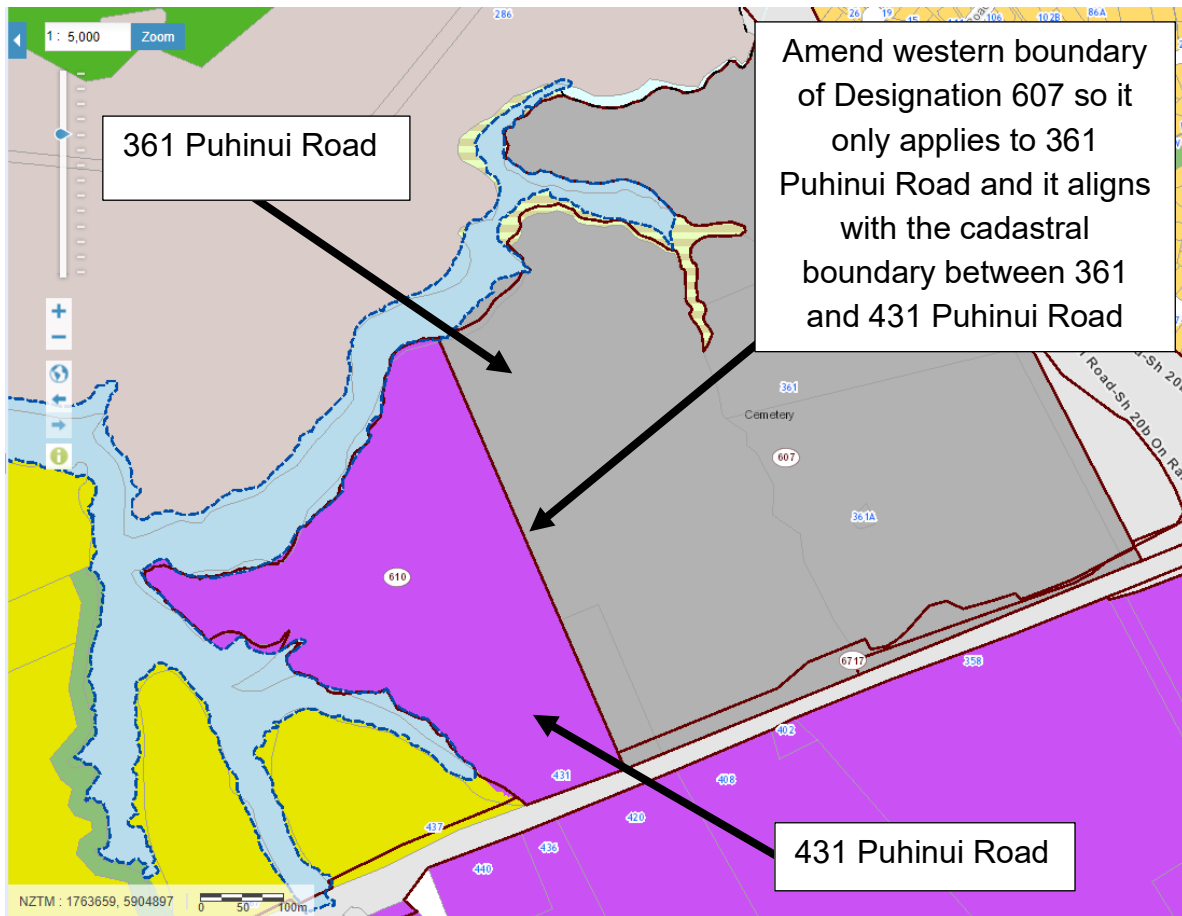
- there are only minor changes to the mapped boundary of the existing designation
- the owners of all land directly affected agree with the alteration
- the council and the requiring authority agree with the alteration.

### **3.2 Recommendation**

1. That pursuant to Section 181(3) of the Resource Management Act 1991, Auckland Council's notice of requirement for an alteration to Designation 607 Manukau Memorial Gardens is **confirmed**.
2. That Designation 607 Manukau Memorial Gardens is amended in the Designation Overlay in the Auckland Unitary Plan Operative in part as recommended in Section 4 of this report.

## **4. Agreed alterations**

Map 7: Agreed alteration to mapped boundary of Designation 607



**Report Prepared by:**

Katrina David – Senior Policy Planner,  
Planning Central and South

Date: 17 December 2020

**5. Section 181(3) determination**

Having read the council planner's report and recommendations on the notice or requirement, I am satisfied I have adequate information to consider the matters required by the Resource Management Act 1991 (the RMA) and to make a decision under delegated authority.

Accordingly, the notice of requirement for an alteration to Designation 607 Manukau Memorial Gardens (cemetery and crematorium) is confirmed under section 181(3) of the RMA as agreed and set out in section 4 of this report.

Name: Craig Cairncross

Title: Team Leader – Planning Central and South

Signed:

A handwritten signature in blue ink, consisting of a large, stylized 'C' followed by a horizontal line extending to the right.

Date: 7 January 2021

### **SCHEDULE OF ATTACHMENTS**

- Attachment A:** Auckland Council s181(3) Notice of alteration of Designation 607 (letter to Auckland Council) dated 3 December 2020
- Attachment B:** Maps showing parcel data 2012 and 2020
- Attachment C:** Notice served on the owners of 431 Puhinui Road dated 8 December 2020, and letter of agreement from owners of 431 Puhinui Road dated 7 January 2021

**Attachment A: Auckland Council s181(3) Notice of alteration of Designation 607 (letter to Auckland Council) dated 3 December 2020**



3 December 2020

Senior Policy Planner  
Central & South Planning  
Plans and Places  
Auckland Council  
Private Bag 92300  
Auckland 1142

Attention: Katrina David

Notice of Removal and alteration of Designations – 431 Puhinui Road, Papatoetoe

Auckland Council (the Council) is the requiring authority for Designation 610 Cemetery at 431 Puhinui Road, Papatoetoe in the Auckland Unitary Plan Designation Schedule (see attached).

The Council hereby gives notice for removal of designation 610 under section 182 of the Resource Management Act 1991 (RMA) affecting the property at 431 Puhinui Road.

The Council also gives notice under section 181 of RMA for a minor amendment to the extent of Designation 607 at 361 Puhinui Road. Designation 607 as listed in Chapter K of the Auckland Unitary Plan (AUP) applies to 361 Puhinui Road, Papatoetoe. However, there is a minor error in the extent of Designation 607 as shown in the planning maps (AUP GIS Viewer attached), and it does not follow the exact cadastral boundaries between 361 Puhinui Road and 431 Puhinui Road.

Please amend the extent of Designation 607 on the planning maps so that the boundary on the western side of the designation aligns with the cadastral boundaries between 361 Puhinui Road and 431 Puhinui Road. For clarity this means Designation 607 should not cover 431 Puhinui Road. Only the western boundary of Designation 607 should be amended. The remaining extent of Designation 607 remains unchanged.

The Council's notice, as required by RMA, is attached. A copy of the notice will be sent to the landowner of 431 Puhinui Road, Papatoetoe, in accordance with sections 181(3) and 182(1) of the RMA.

Please arrange for the removal of the designation, minor amendment and updating of the district plan in accordance with sections 181 and 182 of the RMA as required.

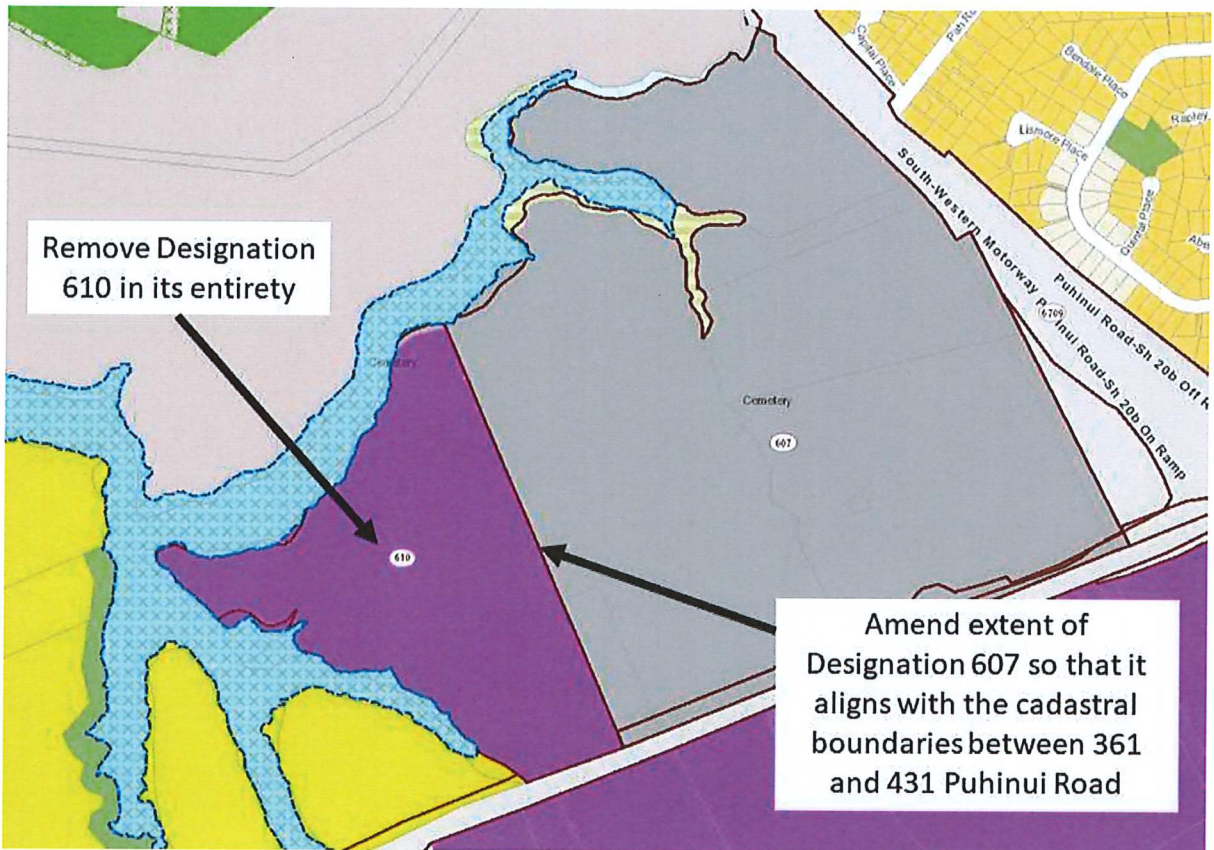
Yours faithfully



Allan Christensen  
Manager Land Advisory Services  
Community Facilities

Cc. Rod Sheridan  
Mace Ward  
Craig Cairncross

AUP GIS View Map



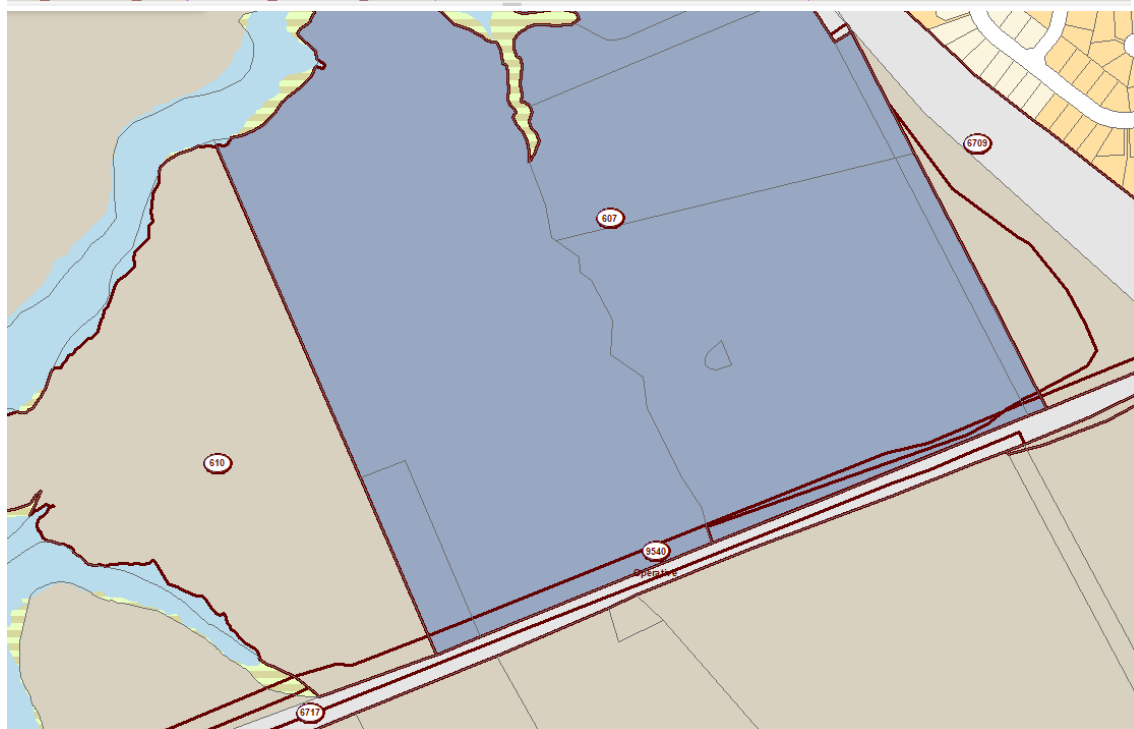
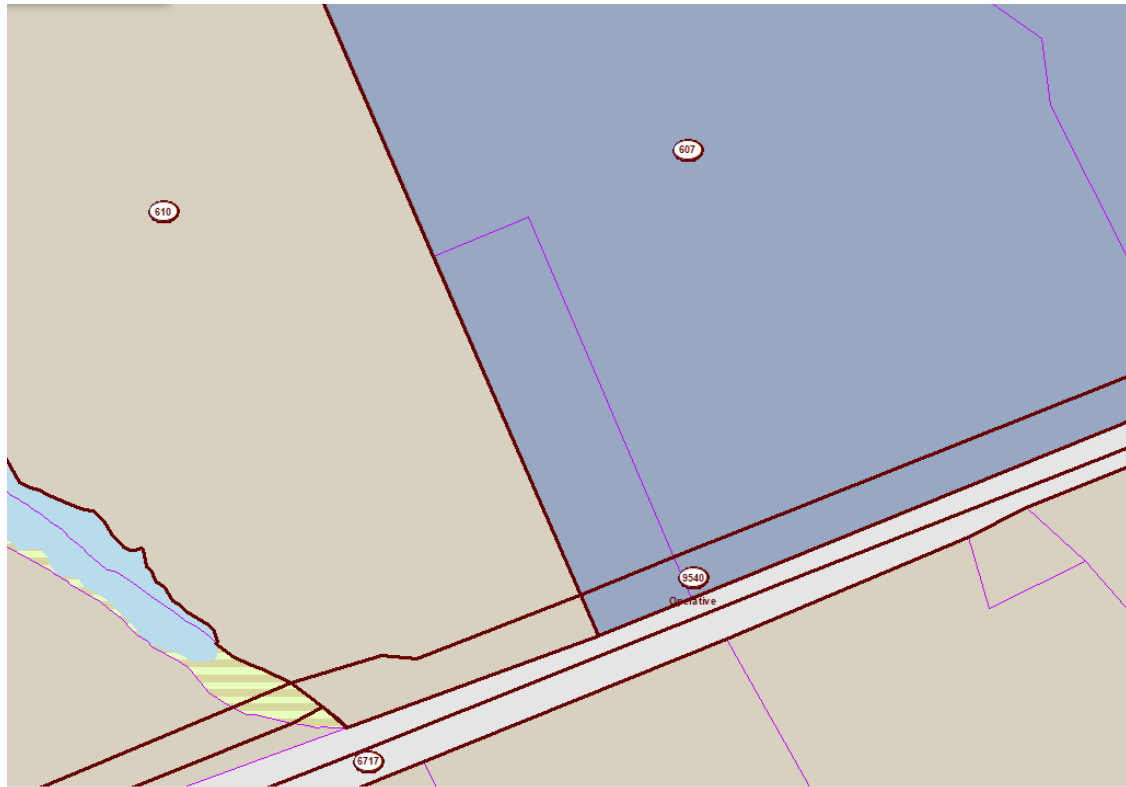
## **Attachment B: Maps showing parcel data 2012 and 2020**

**Attachment B: Maps showing parcel data 2012 and 2020**

**Proposed Auckland Unitary Plan zones and designations from 2013 with 2012 parcel data**

The 2012 parcel boundary for 361 Puhinui Road aligns with the proposed Designation 607.

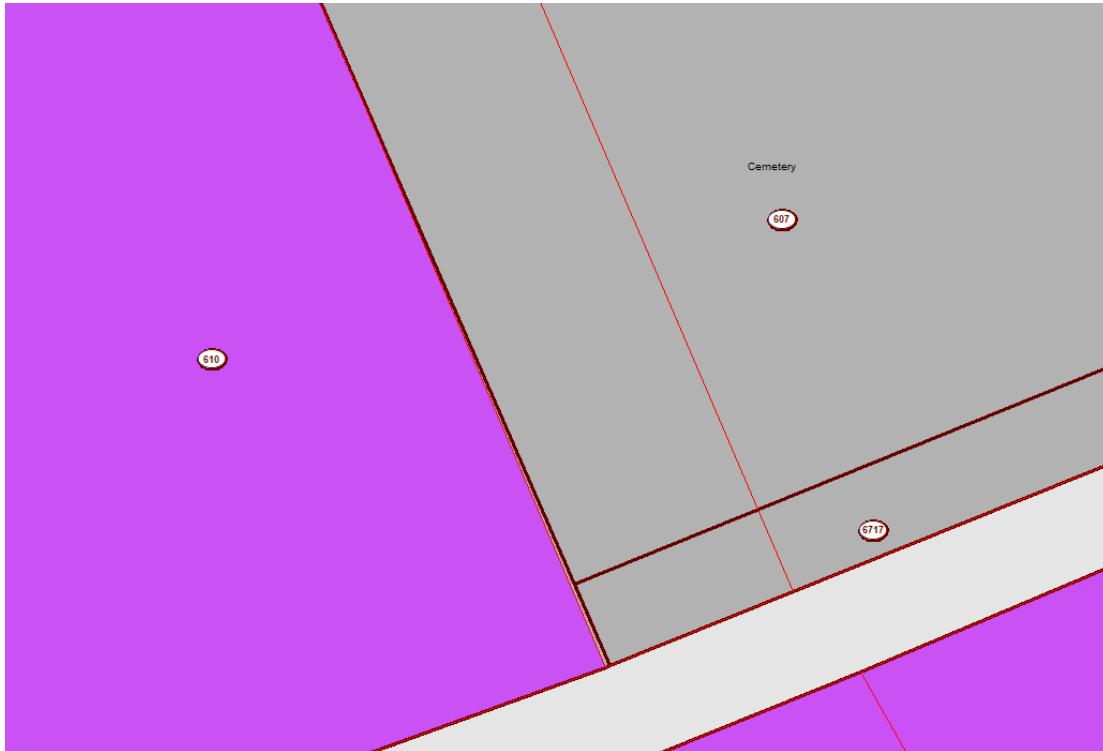
Parcel outlines shown in pink in first map and light grey in second map. Designation boundaries shown in brown.



**Auckland Unitary Plan (Operative in Part) zones and designations with current parcel data (2020)**

The current parcel boundary for 361 Puhinui Road does not align with Designation 607 boundary.

Parcel outlines shown in red. Designation boundaries shown in brown.



**Attachment C: Notice served on the owners of 431 Puhinui Road dated 8 December 2020, and letter of agreement from owners of 431 Puhinui Road**

**Notice of Removal and Alteration of Designation**  
**Sections 181 and 182 Resource Management Act 1991**

**To**

Auckland Council  
Private Bag 92300  
Auckland 1142

**And To**

P Lam and P Lam



Auckland Council gives notice that it no longer requires designation 610 Cemetery at 431 Puhinui Road, Papatoetoe as shown in the Auckland Unitary Plan (AUP).

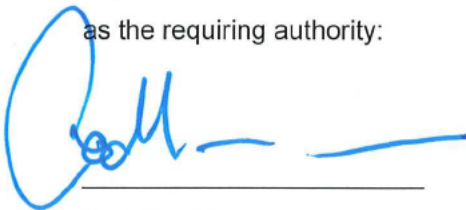
The AUP lists the two designations as:

- o 607 Manukau Memorial Gardens. 361 Puhinui Road. For the purpose of cemetery and crematorium
- o 610 Manukau Memorial Gardens. 431 Puhinui Road. For the purpose of cemetery (extension B)

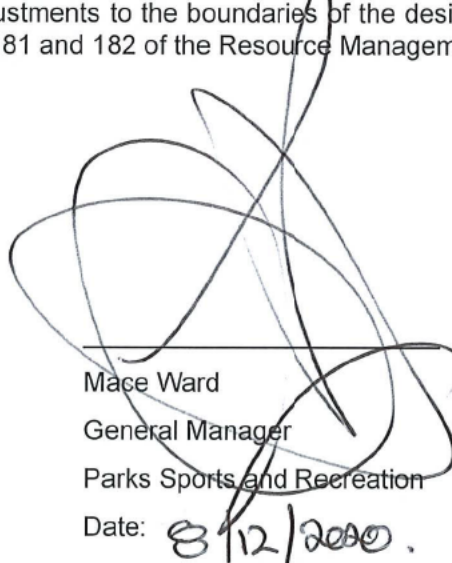
The boundary where these two designations abut align with each other, but they are slightly out of alignment with the parcel boundaries underneath. This means that a very small part of Designation 610 covers 361 Puhinui Road, and a very small part of Designation 607 covers 431 Puhinui Road.

Auckland Council, the requiring authority requests that Auckland Council, the territorial authority removes the designation 610, makes a minor alteration or adjustments to the boundaries of the designations and amend the district plan accordingly pursuant to sections 181 and 182 of the Resource Management Act 1991.

Signed for and on behalf of Auckland Council  
as the requiring authority:



Rod Sheridan  
General Manager  
Community Facilities  
Date: 7/12/20



Mace Ward  
General Manager  
Parks Sports and Recreation  
Date: 8/12/2020.



## Katrina David

---

**Subject:** RE: Letter to the Lams and signed S181-182 notice - 431 Puhinui Road, Papatoetoe [SG-SGDMS.FID1008044]

---

**From:** Frances Ting <Frances.Ting@aucklandcouncil.govt.nz>  
**Sent:** Thursday, 7 January 2021 10:57 am  
**To:** Katrina David <Katrina.David@aucklandcouncil.govt.nz>  
**Subject:** FW: Letter to the Lams and signed S181-182 notice - 431 Puhinui Road, Papatoetoe [SG-SGDMS.FID1008044]

Hi Katrina

FYI – see confirmation below.

Nga mihi | Kind Regards

**Frances Ting | Principal Property Advisor**  
**Property and Commercial Business | Community Facilities**  
**Customer & Community Services Directorate**  
Mobile 021 955 657  
Auckland Council, Level L18N, 135 Albert Street  
Auckland 1010  
Visit our website: [aucklandcouncil.govt.nz](http://aucklandcouncil.govt.nz)



---

**From:** Paul Cassin <[pcassinbarrister@gmail.com](mailto:pcassinbarrister@gmail.com)>  
**Sent:** Thursday, 7 January 2021 10:56 am  
**To:** Nick Wilson <[nick.wilson@simpsongrierson.com](mailto:nick.wilson@simpsongrierson.com)>  
**Cc:** Alan Roskruge <[alan.roskruge@panuku.co.nz](mailto:alan.roskruge@panuku.co.nz)>; Frances Ting <[Frances.Ting@aucklandcouncil.govt.nz](mailto:Frances.Ting@aucklandcouncil.govt.nz)>; Ruby Grubb <[Ruby.Grubb@simpsongrierson.com](mailto:Ruby.Grubb@simpsongrierson.com)>; Joanne Furminger <[Joanne.Furminger@panuku.co.nz](mailto:Joanne.Furminger@panuku.co.nz)>  
**Subject:** Re: Letter to the Lams and signed S181-182 notice - 431 Puhinui Road, Papatoetoe [SG-SGDMS.FID1008044]

431 Puhinui Road

Hello Nick,

1. Your email of 17 December 2020 and our discussion of today refers to the confirmation given in your email of 17 December 2020 satisfies my query of 16 December 2020 thus my client confirms its approval to the alteration of designation 607.

Thanks for your help in this matter.

**Paul Cassin**  
Barrister & Solicitor

Ph. (09) 582-0815

Fax (09) 580-2231

Mobile (021) 754 545

The content of this e-mail is confidential and may contain copyright information and/or legally privileged information. If this e-mail is not intended for you, you must not use, read, distribute or copy it. If you have received this e-mail by mistake please call the sender immediately on Auckland +64-9-582 0815 and erase the original message and any attachments. Nothing in this e-mail message constitutes a designation of an information system for the purposes of section 11(a) of the Electronic Transactions Act 2002 (New Zealand). You agree that if you respond to this e-mail, the time of receipt will be when the message actually comes to the attention of the addressee. Thank you.

---

## Attachment 2: Section 182 Report

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



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

**From:** Katrina David – Senior Policy Planner, Planning Central and South

**Date:** 17 December 2020

**Subject:** Removal of Designation 610 Manukau Memorial Gardens (Cemetery extension B) in the Auckland Unitary Plan

## Summary

Auckland Council has received a request from Auckland Council (Community Facilities) under section 182 of the Resource Management Act 1991 (RMA), dated 3 December 2020, to remove in full Designation 610 Manukau Memorial Gardens (Cemetery extension B).

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

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 Council (Community Facilities) for the removal of Designation 610 Manukau Memorial Gardens (Cemetery extension B) in the Auckland Unitary Plan be **accepted** for the following reasons:
  - the land is no longer required for the purpose of a cemetery as provided for by the designation
  - the designation is no longer required to provide for a cemetery.
2. That Designation 610 Manukau Memorial Gardens (Cemetery extension B) be removed, as soon as reasonably practicable, in the Designation Overlay and Chapter K Designations where the text needs to be deleted in the Auckland Unitary Plan.

## 1. Description

### 1.1. References

<b>Designation number:</b>	610 Manukau Memorial Gardens (Cemetery extension B)
<b>Lodgement date:</b>	3 December 2020
<b>Requiring authority:</b>	Auckland Council (Community Facilities)
<b>Reporting officer:</b>	Katrina David
<b>Site address:</b>	431 Puhinui Road, Papatoetoe (as listed in Chapter K)
<b>UP Zoning:</b>	Business: Light Industry

## 2. Background

### 2.1 Details of designation

The Manukau Memorial Cemetery is managed by two different designations. These are both Auckland Council designations.

- Designation 607 applies to the land zoned Special Purpose – Cemetery at 361 Puhinui Road, Papatoetoe. The purpose is for a cemetery and crematorium.<sup>1</sup>
- Designation 610 applies to the land zoned Business – Light Industry at 431 Puhinui Road, Papatoetoe. The purpose is for a cemetery (extension B).<sup>2</sup>

This section 182 request only applies to Designation 610. Concurrent to this section 182 request Auckland Council has also lodged a section 181 request to make a minor amendment to the extent of Designation 607. That request is dealt with in a separate section 181 report.

431 Puhinui Road has not been used as a cemetery despite the designation enabling this.

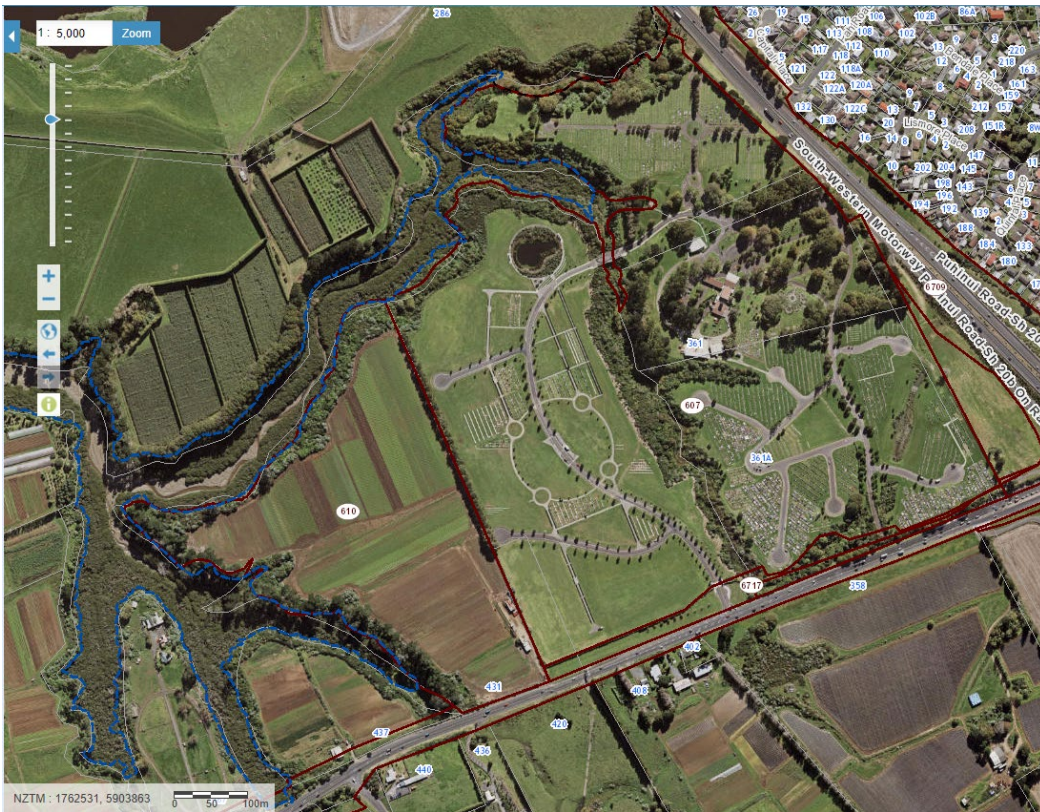
Maps 1 and 2 show the location and context of these two designations.

---

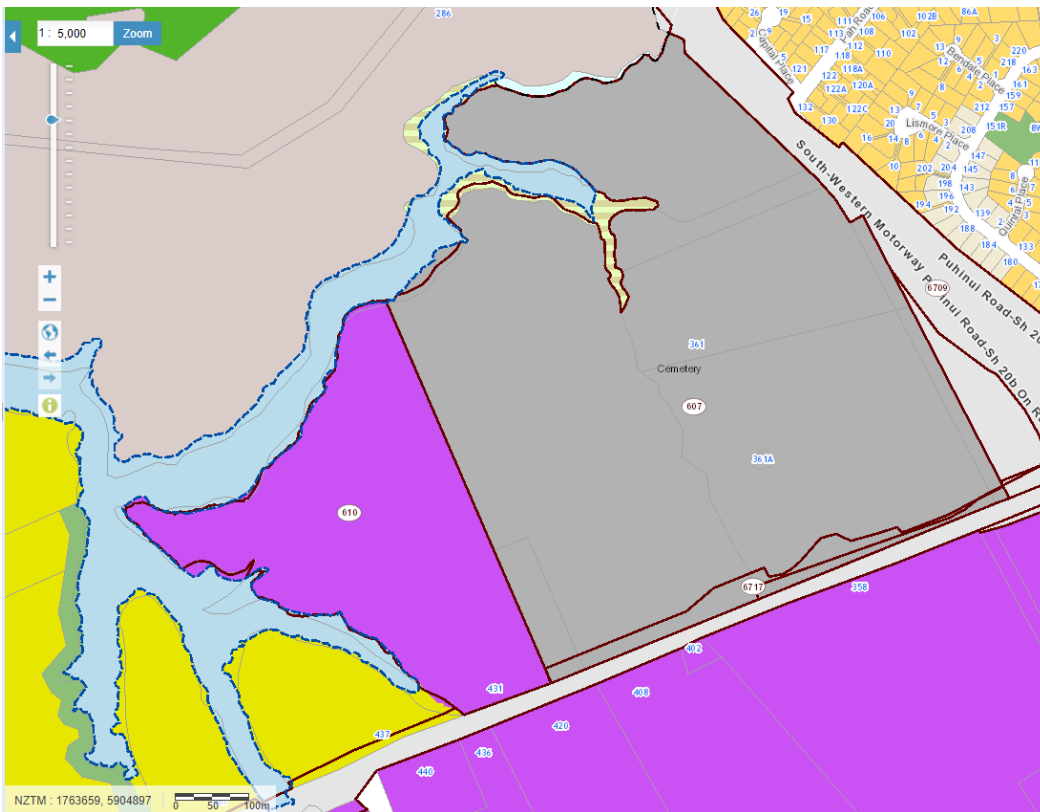
<sup>1</sup> Note Designation 607 also applies to a very small area of 431 Puhinui Road. This error is dealt with in a separate section 181 report.

<sup>2</sup> Note Designation 610 also applies to a very small area of 361 Puhinui Road. This is an error which will be corrected with the removal of the designation.

Map 1: Location of Designations 610 and 607 with aerial photo



Map 2: Location of Designations 610 and 607 with underlying zoning

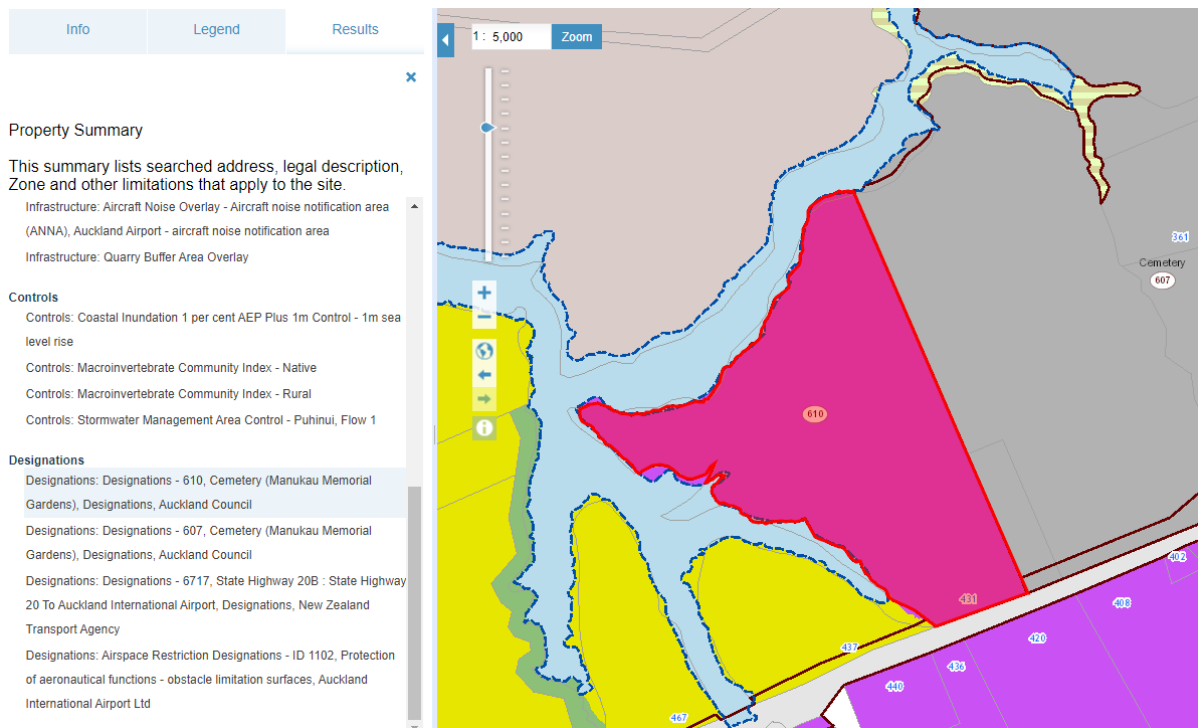


In the Auckland Unitary Plan, Designation 610 contains 18 conditions relating to a variety of matters. It is also listed as a rollover of Designation 222B from the legacy Auckland Council District Plan (Manukau Section) 2002, with a lapse date of 31 August 2022.

## 2.2 Land affected by removal

The location of Designation 610 is listed in Chapter K of the Auckland Unitary Plan as 431 Puhinui Road, Papatoetoe. The Designation Overlay shows Designation 610 applying to 431 Puhinui Road and a very small part of 361 Puhinui Road. The extent of Designation 610 is shown in Figure 1 below.

Figure 1: 431 Puhinui Road property summary and the extent of Designation 610 (outlined in red)



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

431 Puhinui Road is not owned by the requiring authority, Auckland Council (Community Facilities). Rather it is privately owned by P Lam and P Lam. Auckland Council (Community Facilities) has provided a copy of a letter sent to the property owners informing them of this section 182 request to remove Designation 610 from their property (refer to Attachment B).

361 Puhinui Road is owned by the requiring authority.

## 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 Delegations: Chief Executive Officer (updated February 2017), 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 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 Auckland Council (Community Facilities) has provided sufficient justification for the removal of Designation 610 Manukau Memorial Gardens (Cemetery extension B) for the following reasons:

- the land is no longer required for the purpose of a cemetery as provided for by the designation
- the designation is no longer required to provide for a cemetery.

## 3. Recommendation

That pursuant to Section 182 of the Resource Management Act 1991 that the removal of Designation 610 Manukau Memorial Gardens (Cemetery extension B) be accepted and the Auckland Unitary Plan (Operative in part) Designations Overlay and the text in Chapter K Designations be amended accordingly. See Attachment C for amendments.

**Prepared by:** Katrina David  
Senior Policy Planner  
Planning Central and South

**Signature:**



Date: 17 December 2020

**Accepted by:** Craig Cairncross  
Team Leader  
Planning Central and South

**by:**

**Signature:**



Date: 18 December 2020

**SCHEDULE OF ATTACHMENTS:**

- Attachment A:** Auckland Council s182 Notice of Removal of Designation 610 (letter to Auckland Council) dated 3 December 2020
- Attachment B:** Notice served on the owners of land which Designation 610 relate to dated 8 December 2020
- Attachment C:** Amendments to Chapter K and Designation Overlay, Auckland Unitary Plan Designation 610

**Attachment A: Auckland Council s182 Notice of Removal of Designation 610 (letter to Auckland Council) dated 3 December 2020**

3 December 2020

Senior Policy Planner  
Central & South Planning  
Plans and Places  
Auckland Council  
Private Bag 92300  
Auckland 1142

Attention: Katrina David

Notice of Removal and alteration of Designations – 431 Puhinui Road, Papatoetoe

Auckland Council (the Council) is the requiring authority for Designation 610 Cemetery at 431 Puhinui Road, Papatoetoe in the Auckland Unitary Plan Designation Schedule (see attached).

The Council hereby gives notice for removal of designation 610 under section 182 of the Resource Management Act 1991 (RMA) affecting the property at 431 Puhinui Road.

The Council also gives notice under section 181 of RMA for a minor amendment to the extent of Designation 607 at 361 Puhinui Road. Designation 607 as listed in Chapter K of the Auckland Unitary Plan (AUP) applies to 361 Puhinui Road, Papatoetoe. However, there is a minor error in the extent of Designation 607 as shown in the planning maps (AUP GIS Viewer attached), and it does not follow the exact cadastral boundaries between 361 Puhinui Road and 431 Puhinui Road.

Please amend the extent of Designation 607 on the planning maps so that the boundary on the western side of the designation aligns with the cadastral boundaries between 361 Puhinui Road and 431 Puhinui Road. For clarity this means Designation 607 should not cover 431 Puhinui Road. Only the western boundary of Designation 607 should be amended. The remaining extent of Designation 607 remains unchanged.

The Council's notice, as required by RMA, is attached. A copy of the notice will be sent to the landowner of 431 Puhinui Road, Papatoetoe, in accordance with sections 181(3) and 182(1) of the RMA.

Please arrange for the removal of the designation, minor amendment and updating of the district plan in accordance with sections 181 and 182 of the RMA as required.

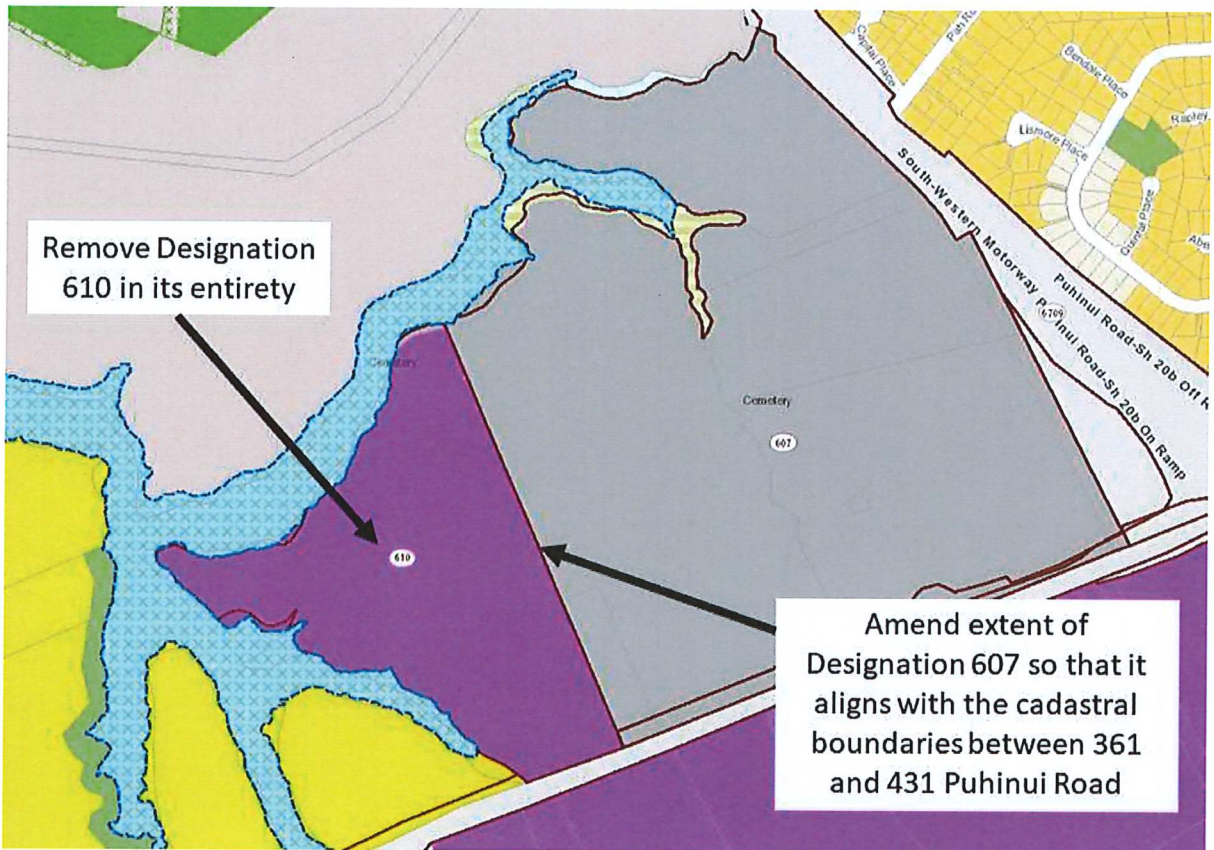
Yours faithfully



Allan Christensen  
Manager Land Advisory Services  
Community Facilities

Cc. Rod Sheridan  
Mace Ward  
Craig Cairncross

AUP GIS View Map



**Attachment B: Notice served on the owners of land which  
Designation 610 relate to dated 8 December 2020**

**Notice of Removal and Alteration of Designation**  
**Sections 181 and 182 Resource Management Act 1991**

**To**

Auckland Council  
Private Bag 92300  
Auckland 1142

**And To**

P Lam and P Lam



Auckland Council gives notice that it no longer requires designation 610 Cemetery at 431 Puhinui Road, Papatoetoe as shown in the Auckland Unitary Plan (AUP).

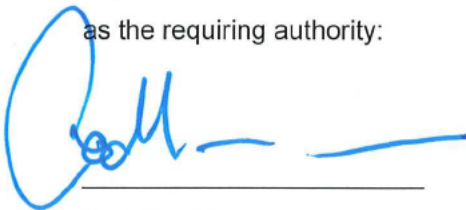
The AUP lists the two designations as:

- o 607 Manukau Memorial Gardens. 361 Puhinui Road. For the purpose of cemetery and crematorium
- o 610 Manukau Memorial Gardens. 431 Puhinui Road. For the purpose of cemetery (extension B)

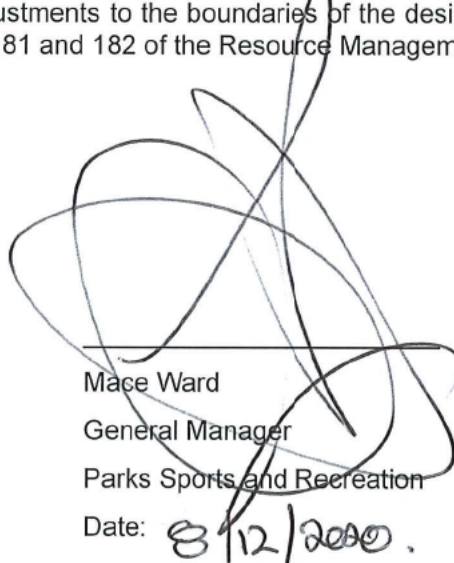
The boundary where these two designations abut align with each other, but they are slightly out of alignment with the parcel boundaries underneath. This means that a very small part of Designation 610 covers 361 Puhinui Road, and a very small part of Designation 607 covers 431 Puhinui Road.

Auckland Council, the requiring authority requests that Auckland Council, the territorial authority removes the designation 610, makes a minor alteration or adjustments to the boundaries of the designations and amend the district plan accordingly pursuant to sections 181 and 182 of the Resource Management Act 1991.

Signed for and on behalf of Auckland Council  
as the requiring authority:



Rod Sheridan  
General Manager  
Community Facilities  
Date: 7/12/20



Mace Ward  
General Manager  
Parks Sports and Recreation  
Date: 8/12/2020.

**Attachment C: Amendments to Chapter K and Designation Overlay,  
Auckland Unitary Plan Designation 610**



## Designation Schedule - Auckland Council (3/3)

### South

Number	Purpose	Location
600	Regional park ...	265 Kawakawa Bay Coast Road, Clevedon
601	Regional park ...	Moumoukai Road, Hunua
602	Regional park ...	100 Hill Road, Manurewa
603	Regional park ...	44R Maraetai Road, Maraetai
604	Regional park ...	95 Deerys Road, Orere Point
605	Regional park ...	933R North Road, Clevedon
606	Local and sports park ...	14 Miami Street, Mangare East
607	Cemetery and crematorium	361 Puhinui Road, Papatoetoe
608	Regional park ...	1168 Clevedon-Kawakawa Road, Clevedon
609	Regional park ...	66 Wellesley Road, Mangere Bridge
610	<del>Cemetery [deleted]</del>	<del>431 Puhinui Road, Papatoetoe [deleted]</del>
611	Greenmount Landfill ...	1 Harris Road, East Tamaki
612	Whitford Landfill ...	373 Whitford-Maraetai Road, Whitford
613	Stormwater Management Area ...	128 Ormiston Road, Flat Bush
614	Rubbish dump	109 and 151 Hunua Road, Drury
615	Rubbish dump	109 Hunua Road, Drury
616	Regional park ...	216 Brook Road, Waiuku
617	Stock pound	Buckland Road (Lot 1 DP 55095), Buckland
618	Fire station	460 Clarks Beach Road, Pukekohe
619	Depot and transfer station	5 Hosking Place, Waiuku
620	Whitford Quarry ...	401 Trig Road, Whitford
621	Depot	2R Bells Road, Pakuranga
622	Construction, operation and maintenance of a stormwater pond ...	2 Popes Road and 22 Popes Road, Takanini
623	To construct, operate and maintain a stormwater corridor (including a channel for the conveyance of stormwater, planting and provision for pedestrian footpaths and cycleways in an area of public open space) to convey the 1 per cent AEP* storm event flows from the upper Papakura Central Catchment to the McLennan Wetland *AEP means Annual Exceedance Probability (AEP), where the 1% AEP storm event is the probability of exceeding a given flood event level within a period of a year, where there is a 1 per cent chance or greater probability of flooding occurring in an area in 1 year.	Takanini, within blocks surrounded by: Walters, Cosgrave, Grove and Old Wairoa Roads; Hamlin, Cosgrave and Old Wairoa Roads; and Old Wairoa, Papakura – Clevedon and Cosgrave Roads specifically: Lot 1 DP21849, Lot 2 DP21849, Lot 4 DP188918, Lot 2 DP 55480, Lot 3 DP55480, Lot 2 DP159502, Lot 1 DP69608, Lot 2 DP69608, Lot 200 DP490095; 50 metre section of Cosgrave Road adjacent to 84 Cosgrave Road 25 metre section of Old Wairoa Road east of Ancroft Street

## 610 Manukau Memorial Gardens

Designation Number	610
Requiring Authority	Auckland Council
Location	431 Puhinui Road, Papatoetoe
Rollover Designation	Yes
Legacy Designation	Designation 222B, Auckland Council District Plan (Manukau Section)-2002
Lapse Date	31 August 2022

### Purpose

Cemetery (extension B).

### Conditions

#### Outline Plan of Works

1. Before any works, including new buildings, are undertaken an Outline Plan of Works shall be submitted in terms of Section 176A of the Resource Management Act 1991 to the Council unless the works are exempt, under Condition 1, from requiring an outline plan of works. The Outline Plan of Works shall show those matters required by Section 176A of the Act and those matters specified in the following conditions (where relevant). All work shall be undertaken in accordance with the Outline Plan of Works.

#### Exemptions

2. The following works will be exempt from an outline plan of works, except where the works involve a scheduled heritage place, pursuant to section 176A (2) of the Resource Management Act 1991:

Development and maintenance of cemetery infrastructure		Nature of works
Burials	The construction of works associated with interments, including ornamental gardens.	Structures, such as burial plots, berms, headstones and mausoleums.

Paths and tracks	Construction and maintenance of paths and tracks in a manner that prevents erosion and/or avoids sensitive natural and cultural features and sites	Construction and maintenance of paths and tracks up to 2.5 metres in width, including the construction of structures, such as directional signs, information signs, safety barriers, foot bridges, steps, boardwalks and rafts, and the maintenance of existing paths and tracks involving: <ul style="list-style-type: none"> <li>i. Water tables and track drainage</li> <li>ii. Track surfaces</li> <li>iii. Track structures</li> <li>iv. Modification of native vegetation up to 1 metre from the edge of the track.</li> </ul>
Minor buildings, structures and utility services, including drainage systems	Construction and maintenance of minor buildings and structures and utility services Maintenance, repairs and minor alterations to buildings, structures and utility services	The construction of utility services and minor structures, such as notice boards, information kiosks, signs, outdoor seating, entrance gates, shade shelters, pavilions and toilet blocks.
Car parking and roads	Maintenance identified in an approved management plan and minor alterations to existing car parks and roads	Works associated with approved car parking areas and access roads, including the modification of native vegetation up to 1 metre from the edge of the car park or road, or within the car park for safety reasons
Vegetation	Management of vegetation for specified reasons	Vegetation management involved in: <ul style="list-style-type: none"> <li>i. Removal of non-native and non-scheduled plants</li> <li>ii. The development of approved works</li> <li>iii. The maintenance of view shafts identified in the Cemetery Management Plan</li> </ul>

### **Cultural / Heritage / Archaeological**

3. Where any works or development involve the demolition of, or alterations or additions to a scheduled historic heritage place (item) an outline plan of works is required. The following shall be submitted with the outline plan of works:

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

*Note:*

For the avoidance of doubt, this condition does not prevent the use of the land for the purpose of a cemetery but is to conserve and protect the recognised natural, cultural and historic values that significantly contribute to the cemetery setting.

This condition (Condition 2) will not apply in the following circumstances:

- i. In respect of buildings or structures, the redecoration, repair and/or insignificant alteration of any existing fabric or detailing carried out in a manner and design and with materials similar in appearance to those originally used, which does not detract from those features for which the place has been scheduled;
- ii. Any routine maintenance which does not destroy, compromise, damage or impair the heritage values of the scheduled place; or
- iii. Where there is a conservation plan or similar plan that has been prepared for the management of the scheduled historic heritage place and the proposed new works are in accordance with this conservation plan. The conservation plan or similar plan may be prepared as a document supplementing the approved Regional Parks Management Plan, prepared in terms of section 83 of the Local Government Act 2002, but must include an assessment of the historic heritage values of the place, relevant management policies and objectives, and a specific management plan and a monitoring regime.

## **General**

4 The works undertaken to give effect to the designation shall be generally in accordance with the plans and information submitted by GHD Limited on behalf of Community Policy and Planning Directorate, Manukau City Council referenced as Proposal 34715, updated Sheet No 1 numbered by Council.

## **Amalgamation**

5. Prior to the commencement of any development works on the subject site, the existing cemetery and crematorium designated sites, being Part Lot 2 DP 11565 and Allotment 507 Parish of Manurewa and Lot 1 DP 41610 and Lot 1 DP 201144 and Sections 1 and 2 So 69950 and Part Lot 1 DP 96646, shall be amalgamated to the Council's satisfaction. This shall be accomplished by the registration of a covenant pursuant to Section 108(2)(d) of the Resource Management Act 1991. The covenant shall be prepared by the Council's solicitor at the consent holder's expense.

This covenant shall be registered on the Certificates of Title of the above mentioned lots to require that the lots shall not to be separately sold or otherwise disposed of in any way except in conjunction with each other. The Council's solicitor will be instructed by Council officers to prepare the necessary documentation upon receipt of all information, documentation and deposit of \$750.00 from the applicant in accordance with the attached form. A copy of Council's requirements for the preparation of legal documentation is attached in this regard. (See attached form GEN-026 and Advice Note No. 3).

## **Landscaping**

~~6. A Landscape Plan ("LP") shall be submitted to the satisfaction of the Manager Resource Consents and Compliance under the OPW prior to its implementation within the proposed designation. Landscaping of the subject site shall be completed prior to the commencement of the use of the site for cemetery purposes.~~

## **Esplanade Reserve**

~~7. A 20 m esplanade reserve indicated on the approved plan, referenced Proposal 34715 Sheet No 1 of 1, shall be vested with Council at no cost or compensation to the Council, prior to the commencement of the use of the site for cemetery purposes.~~

## **Archaeological**

~~8. If any traditional sites, taonga, or other archaeological sites are exposed during site works then the following procedures shall apply:~~

~~(a) works in the immediate vicinity of the site that has been exposed shall cease;~~

~~(b) the site supervisor shall immediately secure the area in a way that ensures that any artefacts or remains are untouched;~~

~~(c) the site supervisor shall notify representatives of local iwi, the New Zealand Historic Places Trust, the Auckland Council, and in the case of human remains, the Police. This notification includes such persons being given reasonable time to record and recover archaeological features discovered before work may recommence on the site. In the event of any New Zealand Historic Places Trust matter, work may not recommence until approval to do so has been given;~~

~~(d) any newly discovered archaeological site shall be screened by a fence at least 1.0 m in height until any necessary authority required by the New Zealand Historic Places Trust is obtained. The fencing shall be supervised by a suitably qualified archaeologist to determine the appropriate location for fencing. No construction material or equipment shall be stored within the fenced area;~~

~~e) any geological discoveries shall be recorded and, where practicable, damage to those features minimised. Records of any such geological discoveries shall be provided to the Auckland Council for information and future reference.~~

## **Contamination**

~~9. Prior to the commencement of any activity on site (including earthworks) the following reports shall be prepared in accordance with the Ministry for the Environment's Contaminated Land Management Guidelines and be submitted to the Council for approval (unless prior agreement has been obtained):~~

~~(a) a complete Preliminary Site Investigation Report ("PSIR") including a site-walkover plus discussion of issues and risks relating to groundwater affecting burial plot depth and also potential groundwater contamination arising from burial~~

~~leachates/contaminants from bodies, embalming materials, medical devices, personal effects, or casket materials;~~

~~(b) a Site Investigation / Detailed Site Investigation Report ("SIR/DSIR") that addresses horticultural soil contamination and groundwater issues. In particular to groundwater issues, this should determine the suitability of the designated land for various interment depths and other site activities. It will involve monitoring and investigation of ground water levels. It shall demonstrate how interments can be undertaken on the designated land in manner that will not result in burial into the ground water table and ensure that ground water quality would not be compromised from leachate or contaminants from bodies, embalming materials, medical devices, personal effects, or casket materials. The assessment shall specifically detail mitigation of high, seasonal or other variations in groundwater levels (including drainage, or restrictions on burial depth or the areal extent of burials or land uses) and any other issues that could impact on ground water quality. This information may form part of a Management and Monitoring Plan for the site. The SIR / DSIR will identify any remediation that is required to protect site workers (e.g. earth breaking, future ground staff) and the public;~~

~~(c) where required, a Remediation Action Plan ("RAP") in relation to any contamination on the designated site. Following sign-off of the RAP, the RAP shall be fully implemented;~~

~~(d) a Site Validation Report ("SVR") prepared and submitted to the Council within three months of the remediation works being completed for sign-off; and~~

~~(e) a Monitoring and Management Plan ("MMP") prepared and submitted prior to the commencement of any activity on site including earthworks (unless otherwise authorised by the Council).~~

~~10. Should any contaminants be discovered during any other earthworks, works shall immediately cease and the Council's Team Leader – Resource Compliance and the Council's contaminated land specialist advisor shall be immediately notified. Works shall not recommence until further investigations and appropriate remediation has been undertaken to the satisfaction of the Council. This process shall be incorporated into the site management plan for the site development works.~~

## **Transportation**

~~11. The OPW required by condition (2) shall include engineering plans to address all internal road works, associated parking, loading, manoeuvring and circulation areas at 431 Puhinui Road.~~

~~Any proposed changes to the operation of the existing accesses at Manukau Memorial Gardens shall take into consideration the following for a review by the Council and New Zealand Transportation Agency, prior to implementation:~~

~~(a) up to date traffic modelling data;~~

~~(b) traffic distribution and queue length at Manukau Memorial Gardens proposed~~

~~permanent access during peak times;~~

~~(c) front boundary set back of 20 m to incorporate the four lanes for Puhinui Road, aligned with the land designated on either side of this access point;~~

~~(d) the right turn bay for the western entrance increased to 40m in length;~~

~~(e) the western entrance controlled by a 'Stop' sign as proposed under the application for the eastbound slip lane for the western entrance;~~

~~(f) road marking and signage details;~~

~~(g) detail on removal and reinstatement of the existing eastern access and the existing access at 431 Puhinui Road, including time frames and temporary traffic management procedures;~~

~~(h) Swept Paths: The western vehicle crossing within State Highway 20B shall be designed to accommodate the swept path of the largest vehicle expected to use it. When turning left the vehicle must not be required to cross the road centreline or the right hand edge of the rear traffic lane where there is more than one lane;~~

~~(i) Separate Entry and Exits: Where activities provide separate entry and exit crossings they are to be clearly marked as such;~~

~~(j) impact on street furniture, street trees to be addressed; and~~

~~(k) evidence of consultation with New Zealand Transport Agency.~~

~~12. Alterations to the 397 Puhinui Road (western) access shall be constructed and operated in accordance with the following plans (or later versions as approved by the NZTA):~~

~~(a) Sheet number 39123-LM-02 prepared by Aurecon dated 6/7/10; and~~

~~(b) Sheet number 39123-LS-02 prepared by Aurecon dated 6/7/10.~~

~~Works undertaken on the 397 Puhinui Road (western) access shall be to the satisfaction of the NZTA.~~

~~13. The utilisation of the two existing entrances (eastern access located at 361 Puhinui Road and western access located at 397 Puhinui Road) to Manukau Memorial Gardens shall be retained and the eastern access shall be closed off no more than one year after the opening of the western access. The eastern access shall then be removed and the berm reinstated to the satisfaction of the NZTA within 6 months of closure.~~

~~14. The existing access servicing 431 Puhinui Road shall not be used for the designated purpose (i.e. cemetery) or works associated with establishing the designated use. When rural activities cease at 431 Puhinui Road, the existing access shall be removed and the berm reinstated to the satisfaction of the NZTA.~~

## **Earthworks**

~~15. Engineering plans shall be submitted to the Council for approval prior to earthworks construction to demonstrate how the land modification works are to be undertaken to ensure that there is no 'dust' or 'soil erosion / siltation' that might create an adverse effect on the receiving environment.~~

~~16. Prior to commencement of earthworks, an Environmental Management Plan ("EMP") shall be submitted to the Manager – Resource Consents and Compliance for approval, detailing measures for the monitoring of the following matters during the course of the construction:~~

~~(a) method of dust control;~~

~~(b) method of vegetation disposal;~~

~~(c) identification of any noxious plants;~~

~~(d) method of noise control~~

~~(e) level of monitoring and recording of any problems or complaints and the mitigating measures taken; and~~

~~(f) control measures to ensure that any trucks leaving the site do not deposit soil or other debris on the roading network.~~

## **Stormwater Quality**

~~17. Engineering plans shall be submitted for the Council's approval to demonstrate how stormwater runoff from the establishment of any future car parking and manoeuvring areas is specifically treated to minimise the adverse effects to the receiving marine environment.~~

## **Engineering plans**

~~18. Engineering plans shall be submitted for approval by the Council for stormwater drainage, water quality treatment, wastewater drainage, water supply and underground power and telephone services as required for subsequent Outline Plan of Works. These works are subject to the following requirements:~~

~~(a) all materials, workmanship and testing shall be in accordance with the current Auckland Council Engineering Standards;~~

~~(b) all construction work shall be supervised by an engineering representative appointed by the consent holder~~

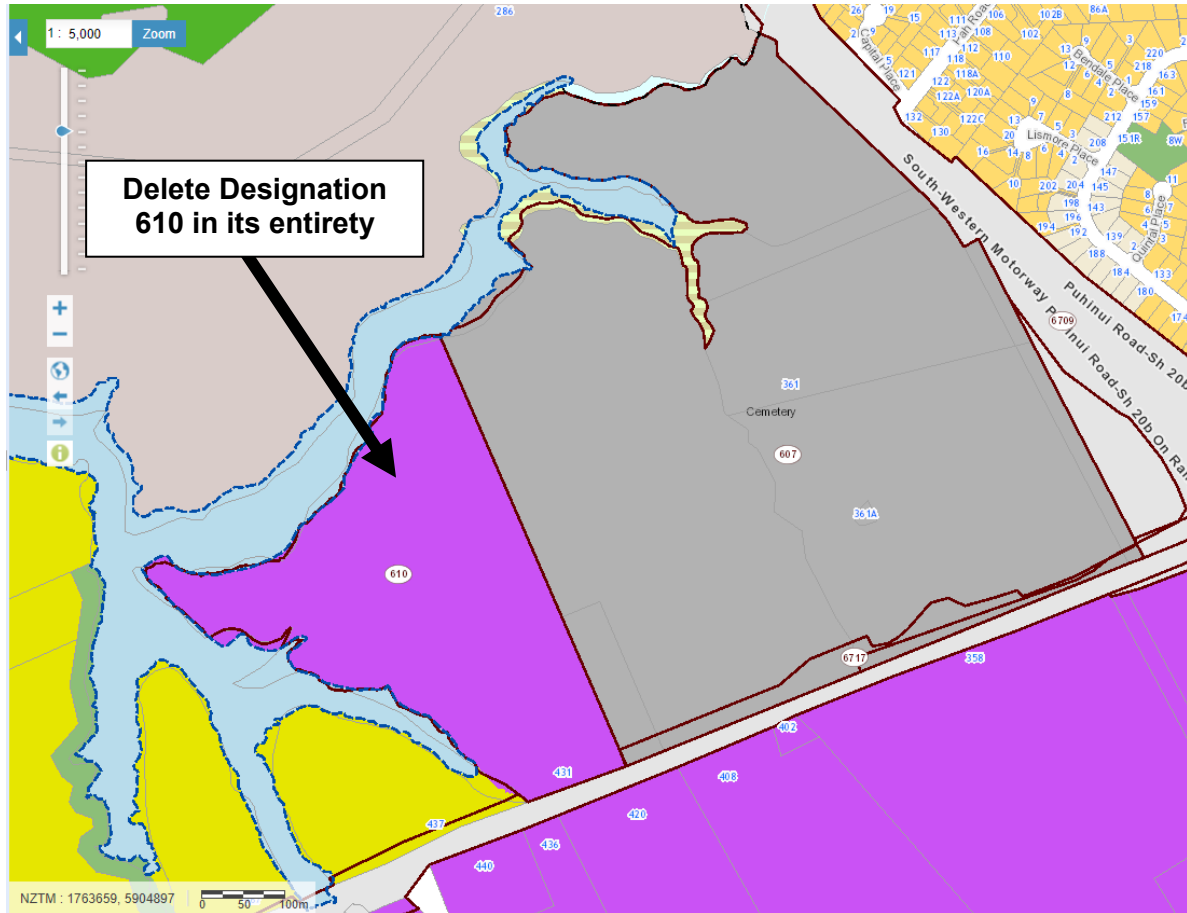
~~(c) on completion of the work, as-built plans and a completion certificate shall be forwarded to Council's appointed field officer;~~

~~(d) a 'pre-construction' meeting shall be arranged at least 48 hours prior to commencement of the works; and~~



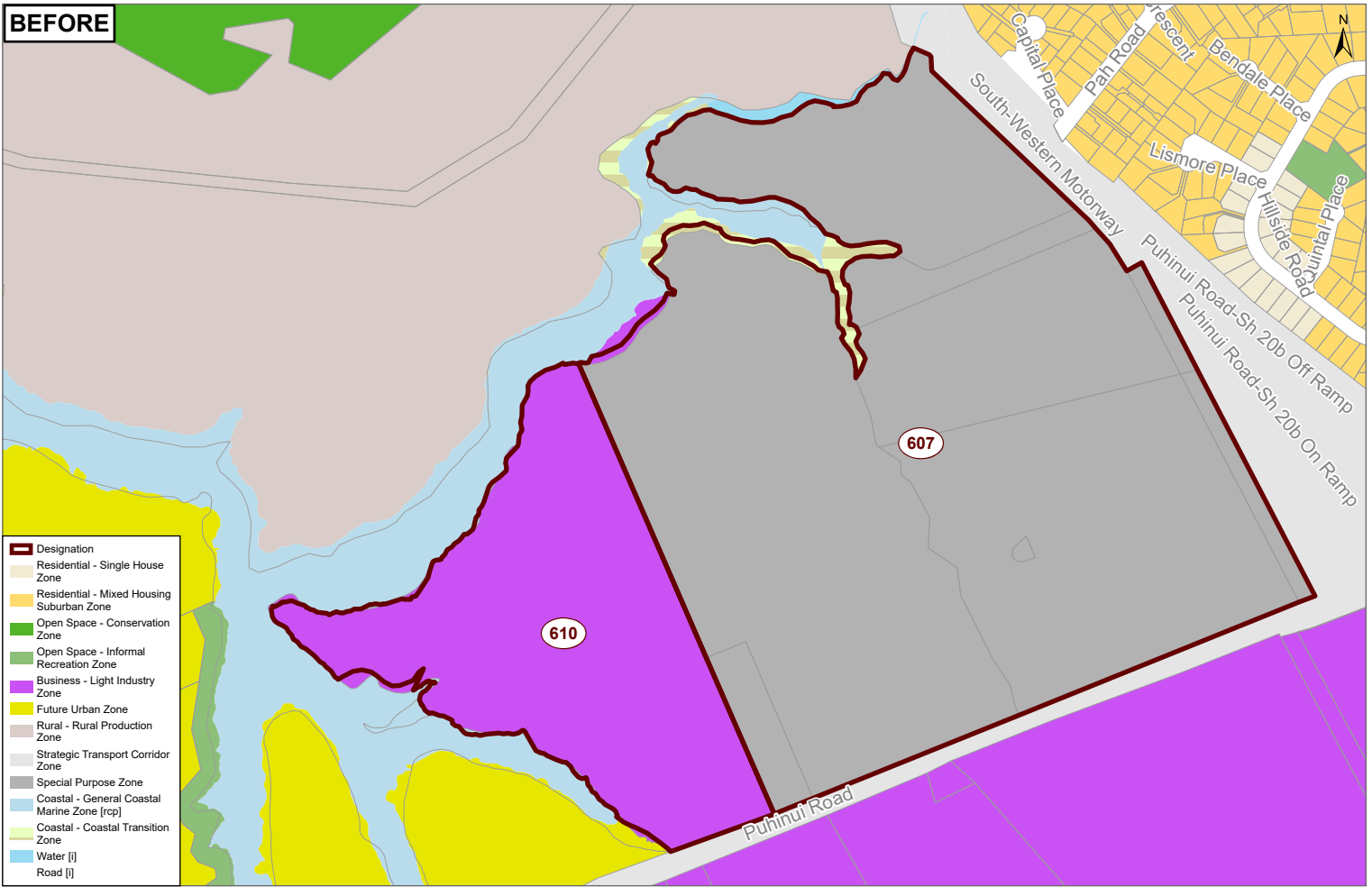
(e) all works on existing public wastewater, stormwater and watermains shall be carried out by a Watercare/ Council approved licensed contractor at the consent holder's expense.

### Amendments to Designation Overlay in GIS Viewer

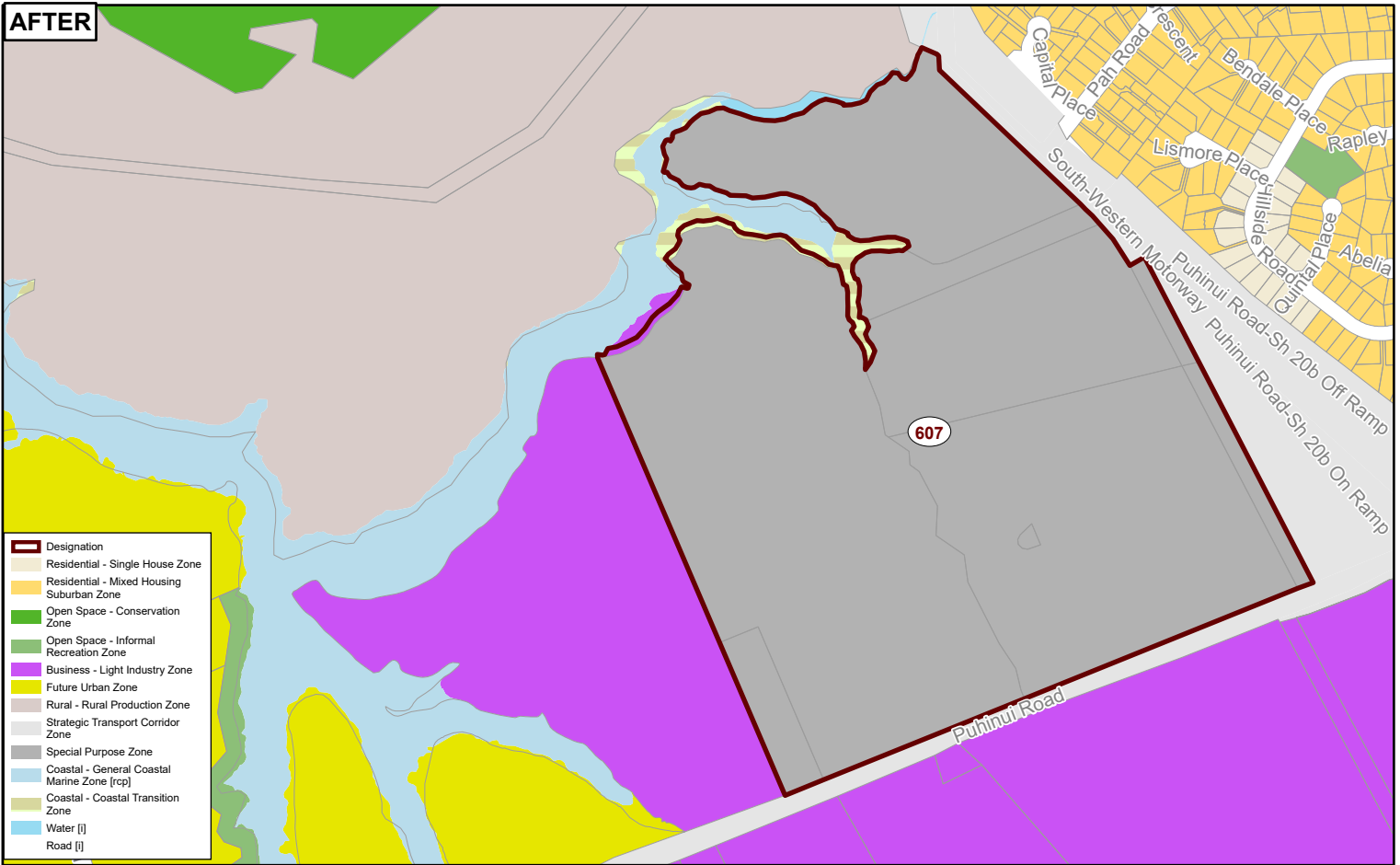


## Attachment 3: Updated GIS Viewer

BEFORE



AFTER



0 62.5 125 250 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: 6/01/2021

# Alteration to Designation - ID 607 and Removal of Designation - ID 610



Plans and Places