

## UNITARY PLAN UPDATE REQUEST MEMORANDUM

**TO** Warren MacLennan, Manager, North West and Islands

**FROM** Cosette Saville, Planner, North West and Islands





**DATE** 26 June 2020



**SUBJECT** **Partial removal of Designation 4537 Onepoto School in accordance with section 182 of the Resource Management Act 1991 in the Auckland Unitary Plan(AUP) Operative in part (15 November 2016)**

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

<b>Reason for update – Partial removal of Designation 4537 Onepoto School in the Auckland Unitary Plan</b>	
<b>Chapter</b>	AUP GIS Viewer
<b>Section</b>	
<b>Designation only</b>	
<b>Designation #</b>	<b>4537 Onepoto School – Ministry of Education</b>
<b>Locations:</b>	31 Fraser Avenue, Northcote
<b>Lapse Date</b>	Given effect to (no lapse date)
<b>Purpose</b>	Educational purposes - primary school (years 0 - 8)
<b>Changes to text (shown in underline and strikethrough)</b>	N/A
<b>Changes to diagrams</b>	N/A
<b>Changes to spatial data</b>	Partial Removal of Designation 4537 from Allotment 606 Parish of Takapuna (SO 49601)  See Attachment 2
<b>Attachments</b>	Attachment 1: Section 182 Partial Removal of Designation 4537 Report  Attachment 2: Updated GIS Viewer to Designation 4537

<b>Prepared by:</b> Cosette Saville Planner	<b>Maps prepared by:</b> Mitesh Bhula Geospatial Analyst
<b>Signature:</b> 	<b>Signature:</b> 
<b>Reviewed by:</b> Cosette Saville Planner	<b>Signed off by:</b> Warren MacLennan Manager Planning – North, West and Islands
<b>Signature:</b> 	<b>Signature:</b> 

Attachment 1: Section 182 Partial Removal of  
Designation 4537 Report

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



**To:** Ross Moffatt, Team Leader, North West and Islands

**From:** Cosette Saville, Planner, North West and Islands

**Date:** 30 June 2020

**Subject:** Partial removal of Designation 4537 Onepoto School in the Auckland Unitary Plan

## Summary

Auckland Council has received a request from the Ministry of Education under section 182 of the Resource Management Act 1991 (RMA), dated 29 April 2020, to remove in part Designation 4537 Onepoto School.

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

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 the Ministry of Education for the partial removal of Designation 4537 Onepoto School in the Auckland Unitary Plan be **accepted** for the following reasons:
  - Allotment 606 Parish of Takapuna shown on SO 49601 is not owned by the Crown. The legal owner of the property at 17 – 27 Fraser Avenue, Northcote, is 39 Bolton Road Limited.
2. That Designation 4537 Onepoto School be partially removed, as soon as reasonably practicable, in the Designation overlay in the Auckland Unitary Plan.

## 1. Description

### 1.1. References

<b>Designation number:</b>	4537 Onepoto School
<b>Lodgement date:</b>	29 April 2020

<b>Requiring authority:</b>	Ministry of Education
<b>Reporting officer:</b>	Cosette Saville, Planner, Plans and Places
<b>Site address:</b>	31 Fraser Avenue, Northcote, 0627 Pt Allot 435 Parish of TAKAPUNA, SECT 6 SO 529034
<b>UP Zoning:</b>	Residential – Terrace Housing and Apartment Building zone

## 2.0 Background

### 2.1 Details of designation

The purpose of Designation 4537 (Onepoto School) is for *Educational purposes – primary school (years 0-8)*. Designation 4537 is a rollover designation (Designation 3, Auckland Council District Plan (North Shore Section), 2002).

### 2.2 Land affected by removal

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



The Ministry of Education has provided a site plan (refer to image below) showing the extent of the designation which is to be partially removed. The area outlined in yellow which is now Allotment 606 Parish of Takapuna (SO 49601) is in disposal and is the area sought to be removed from the designation.



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

The Team Leader - Planning North, West and Islands (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 – North, West and Islands (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 the Ministry of Education has provided sufficient justification for the partial removal of Designation 4537 Onepoto School for the following reasons:

- The part of the designation legally described as Allotment 606 Parish of Takapuna (SO 49601) held for Onepoto School is not owned by the Crown.

### 3.0 Recommendation

That pursuant to Section 182 of the Resource Management Act 1991 that the partial removal of Designation 4537 Onepoto School be **accepted** and the Auckland Unitary Plan Operative in part designation overlay be amended accordingly.

**Prepared by:** Cosette Saville  
Planner  
North, West and Islands

**Accepted by:** Ross Moffatt  
Acting Team Leader  
North, West and Islands

**Signature:**



**Signature:**



Date: 30 June 2020

### **SCHEDULE OF ATTACHMENTS:**

**Attachment A:** Designation 4537 Onepoto School s182 Notice of Removal



29 April 2020

The Chief Executive  
Auckland Council  
Private Bag 92300  
**AUCKLAND 1142**

Dear Sir

**NOTICE OF REMOVAL OF (PART) DESIGNATION 4537 UNDER SECTION 182 OF THE RESOURCE MANAGEMENT ACT 1991.**

The Crown own the land at 31 Fraser Avenue, Northcote for a Public School, which is currently designated for Education Purposes – Primary School (years 0-8), Onepoto School – Designation 4537.

Pursuant to section 182(1) of the Resource Management Act (RMA) 1991, the Minister of Education (the Minister) gives notice that part of Designation 4537 for Onepoto School be removed from an adjoining privately owned property at 17-27 Fraser Avenue, Northcote 0627. That part over which Designation 4537 is to be removed is legally described as Allotment 606 Parish of Takapuna, being a part of Record of Title NA31C/399 and also shown on SO 49601.

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

Allotment 606 Parish of Takapuna shown on SO 49601 is not owned by the Crown. The legal owner of the property at 17 – 27 Fraser Avenue, Northcote, is 39 Bolton Road Limited.

To meet the requirement of section 182(1)(b) of the Resource Management Act, 39 Bolton Road Limited (via their planning consultants) have been forwarded a copy of this notice.

No other persons will be affected by the removal of the designation from the property.

The Minister requests that Auckland Council amend the Auckland Unitary Plan accordingly and looks forward to confirmation that Designation 4537 has been removed from Allotment 606, Parish of Takapuna.



Jayne Taylor-Clarke  
Regional Infrastructure Manager  
Ministry of Education

cc: 39 Bolton Road Limited  
C/- Mt Hobson Group  
481 Parnell Road, Parnell 1151  
**Attention: Rose Bayes-Powell**

**Appendices:**

Form 23

Figure 1 – Copy of Record of Title NA31C/399

Figure 2 – Plan of Designation 4537 and uplift over SO 49601



**FORM 23**

**NOTICE OF REMOVAL OF (PART) DESIGNATION UNDER SECTION 182 OF THE RESOURCE MANAGEMENT ACT 1991**

**To:** Auckland Council

**And to:** 39 Bolton Road Limited

The Minister of Education gives notice that it no longer requires the following part of a designation:

**Designation:** Designation 4537 of the Auckland Unitary Plan (Operative in Part)

**Affecting:** **part** 17 – 27 Fraser Avenue, Northcote 0627

**Legal Description:** Allotment 606 Parish of Takapuna, being part of Record of Title NA31C/399 and also shown on Survey Office Plan 49601

**Purpose of Designation:** Education purposes – primary school (years 0 – 8)

**Requiring Authority:** Minister of Education

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



Jayne Taylor-Clarke  
Regional Infrastructure Manager  
On behalf of the Minister of Education

Date: 29 April 2020

Electronic address for service of requiring authority: [Jayne.Taylor-Clarke@education.govt.nz](mailto:Jayne.Taylor-Clarke@education.govt.nz)

Telephone: (09) 6329533

Postal address: Ministry of Education, Private Bag 92644, Symonds Street Auckland 1150

Contact person: Jayne Taylor-Clarke, Regional Infrastructure Manager

Figure 1 – NA31C/399



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



**Identifier** NA31C/399  
**Land Registration District** North Auckland  
**Date Issued** 01 August 1975

**Prior References**

NA28A/697 NA5D/959

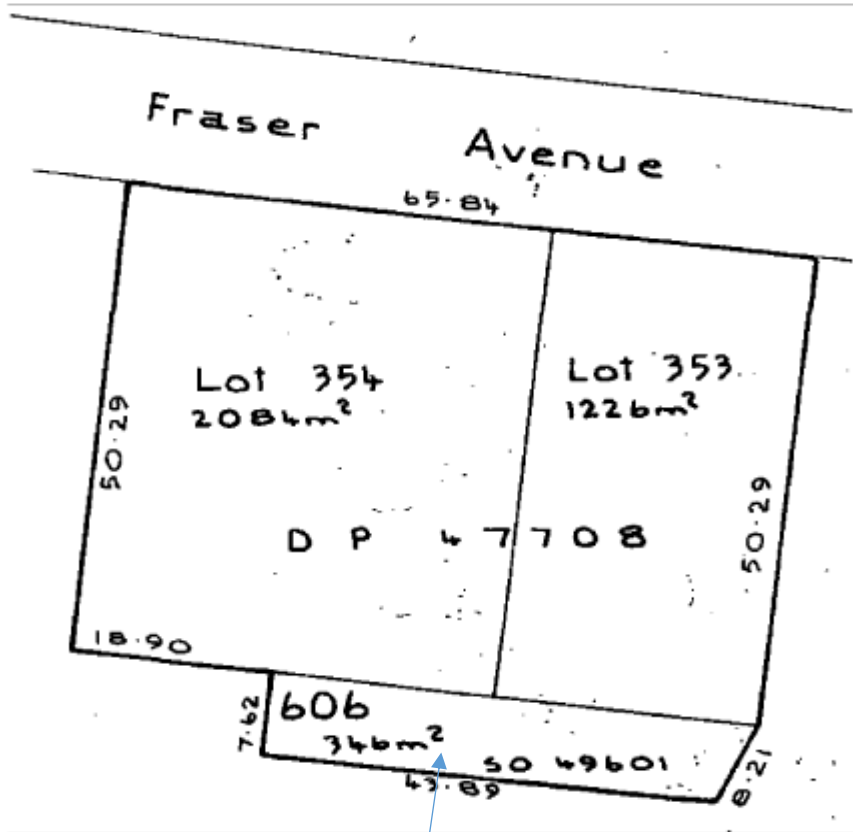
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**Estate** Fee Simple  
**Area** 3656 square metres more or less  
**Legal Description** Lot 353-354 Deposited Plan 47708 and  
Allotment 606 Parish of Takapuna

**Registered Owners**  
39 Bolton Road Limited

**Interests**

A565782 Certificate that pipelines for the passage of stormwater pass through and serve the within land -  
6.7.1971 at 2:30 pm  
7266352.3 Mortgage to ANZ National Bank Limited - 8.3.2007 at 9:00 am  
9709012.1 Variation of Mortgage 7266352.3 - 24.4.2014 at 5:24 pm  
10859605.1 Variation of Mortgage 7266352.3 - 30.8.2017 at 12:54 pm



Removal of Designation 4537 over 17-27 Fraser Avenue, Northcote, being also that part legally described as Allotment 606 Parish of Takapuna, being part of Record of Title NA31C/399, and also shown on Survey Office Plan 49601.

Figure 2 – Plan of Designation 4537 over Allotment 606 shown on SO 49601

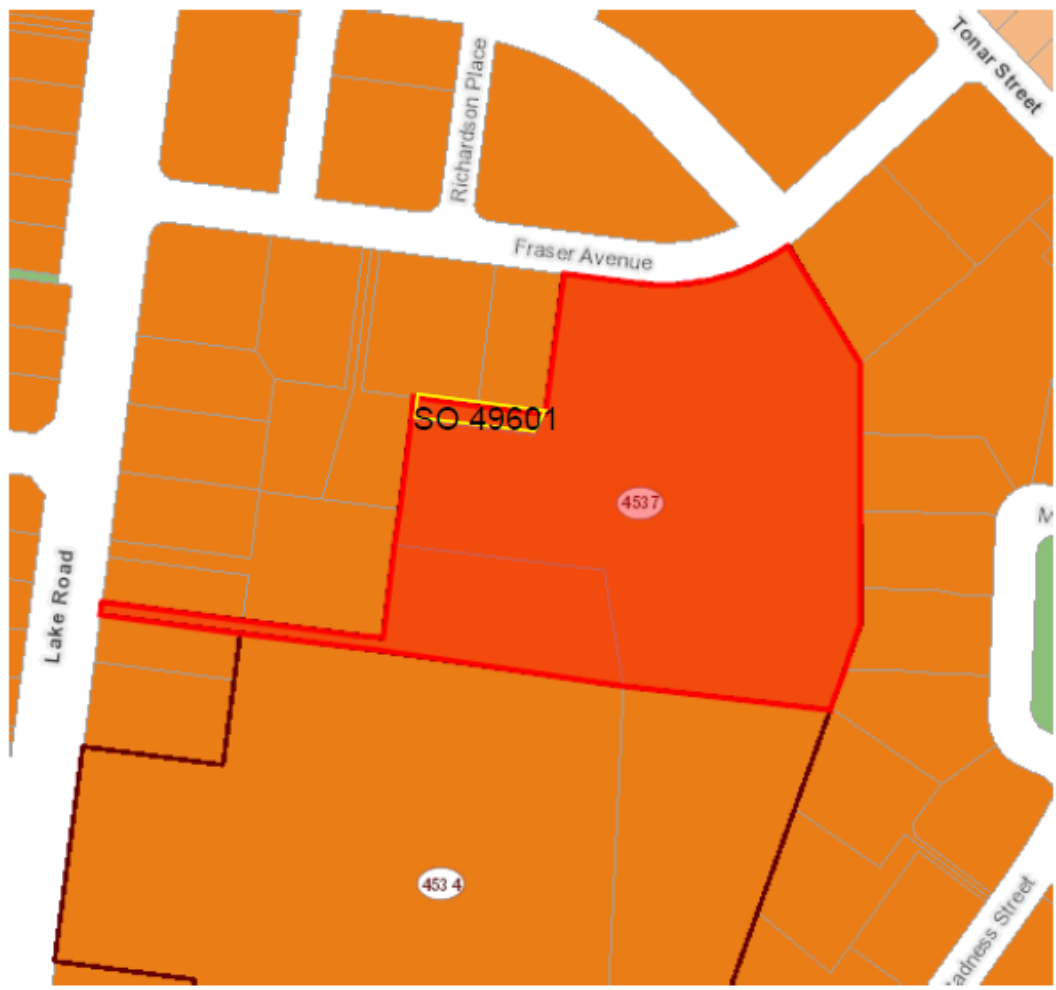


Figure 2: Auckland Unitary Plan: Operative in Part (AUP: OP) Geomaps, showing the extent of Designation 4537 shown in red) and the portion of 17-27 Fraser Avenue, Northcote subject to the Designation outlined in yellow.

Attachment 2: Updated GIS Viewer to  
Designation 4537

**BEFORE**



**AFTER**



0 10 20 40 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: 2/07/2020

**Partial Removal of Onepoto School  
(Designation 4537)  
Ministry of Education**