

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Celia Davison, Manager – Planning Central and South

FROM Jo, Hart, Senior Policy Planner – Planning Regional, North, West and Islands



DATE 19 December 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 – designation removal in full	
Chapter	Chapter K – Designations AUP GIS Viewer
Section	Schedules and Designations (Auckland Council)
Designation only	
Designation #617	Auckland Council
Locations:	Buckland Road, Buckland (Lot 1 DP 55095)
Lapse Date	Given effect to (i.e., no lapse date)
Purpose	Stock Pound
Changes to text (shown in underline and strikethrough)	Removal of text for Designation 617 and in the schedule. Refer to Attachment D
Changes to diagrams	N/A
Changes to spatial data	Removal of Designation 617 boundary and notation in the AUP GIS viewer map ‘Unitary Plan – Management Layers – Designations’ layer.
Attachments	<ul style="list-style-type: none"> • Attachment A: section 182 request • Attachment B: Auckland Council – Property and Commercial Business (Parks and Community Facilities) confirmation email • Attachment C: Section 182 report and approval • Attachment D: Removal of text and schedule for Designation 617 • Attachment E: Designation 617 GIS viewer map (to be removed).

Prepared by: Jo Hart Senior Policy Planner	Text Entered by: Maninder Kaur-Mehta Planning Technician
Signature: 	Signature: 
Maps prepared by: Rachel Joseph Geospatial Specialist	Reviewed by: Craig Cairncross Team Leader - Planning Central and South

Signature:	Signature: 
Signed off by: Celia Davison Manager – Planning Central and South	
Signature: 	

Attachment A: section 182 request

Memorandum

SUBJECT	Removal of Designation 617 Stock Pound at Buckland Road (Lot 1 DP55095), Buckland
DATE	November 2022
TO	Auckland Council
cc	Andrew Elcoat, Portfolio Specialist
FROM	Lee Te, Intermediate Planner

1. Executive summary

The purpose of this memo is to seek the removal of Designation 617 Stock Pound from Lot 1 DP55095 held in record of title NA7B/54. Lot 1 DP55095 is owned by Auckland Council. Eke Panuku has been tasked to dispose of Lot 1 DP55095 on behalf of Auckland Council.

The site was used as a stock pound but is no longer used for that purpose and is not occupied. There are no other persons that will be affected by the removal of Designation 617 Stock Pound. Designation 617 Stock Pound can be removed, which will help with the proposal for sale of the site as part of the ‘Unlock Pukekohe High Level Project Plan’.

2. Description of Designation in the AUP(OP)

617 Stock Pound

Designation Number	617
Requiring Authority	Auckland Council
Location	Buckland Road (Lot 1 DP 55095), Buckland
Rollover Designation	Yes
Legacy Designation	Designation 116, Auckland Council District Plan (Franklin Section) 2000
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

Stock pound.

Conditions

No conditions.

Attachments

No attachments.

3. Background

In 2019, following the Planning Committee’s approval of Eke Panuku’s Unlock Pukekohe High Level Project Plan (PLA/2019/49), the Finance and Performance Committee approved the sale of Lot 1 DP55095 to enable delivery of the programme’s objectives (FIN/2019/61). The sale of the property was also endorsed by the Franklin Local Board (FR/2019/44) and Land Advisory Services from Parks and Community Facilities have concluded investigations to confirm Lot 1 DP55095 is not required for any current or future service.

Auckland Council acquired Lot 1 DP55095 in 1968 for a stock pound. The site has fencing along the front boundary and fencing related to stock pound activities, there is also a shed (see Figure 1). The rear boundary has the Tutaenui Stream with riparian planting. Lot 1 DP55095 is a vacant site and no longer used as a stock pound as this service has been discontinued. The designation is therefore no longer required, and the removal of the designation will help with the disposal of the site for sale.



Figure1. Google map of Lot 1 DP55095

The site is zoned Future Urban Zone, see Figure 2. The Pukekohe-Paerata Structural Plan, August 2019 proposes the zoning for Lot 1 DP55095 as Residential Single House Zone. The site is outside Urban Environment and is excluded from Plan Change 78.

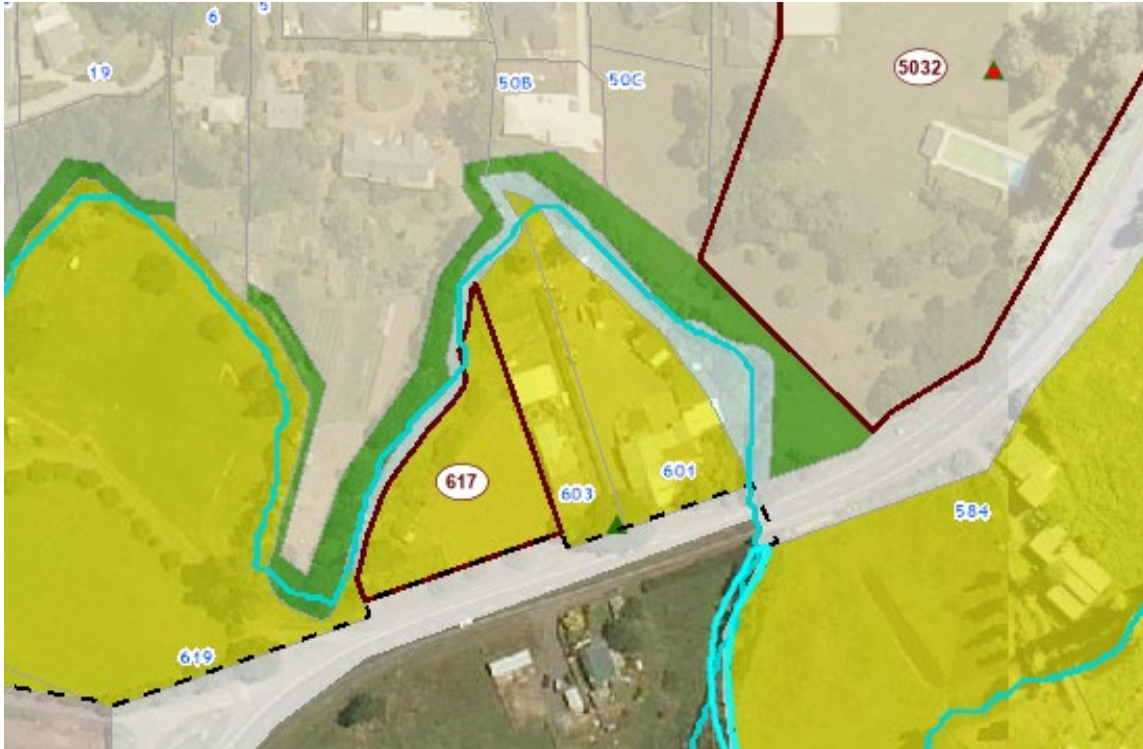


Figure 1. Auckland GIS map showing Designation 617, Future Urban Zone and Tutaenui Stream at Lot 1 DP55095

4. Details of Designation

Designation 116 in the Auckland Council District Plan (Franklin Section) 2000 was rolled over as Designation 617 in the Auckland Unitary Plan (OP) to provide for stock pound. The Designation is shown in Figure 2. The site does not have an address and is adjacent to 603 Buckland Road, Buckland. The Designation 617 Stock Pound is over only Lot 1 DP55095.

Section 182 of the RMA allows a requiring authority to remove a designation or part of a designation if it no longer wants it. Section 182(2) states that as soon as reasonably practicable the territorial authority shall, without using the process in Schedule 1, amend its district plan accordingly. 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.

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.

The requiring Authority is Auckland Council. Auckland Council is the owner of the site. The site is no longer utilised for the use specified in the designation and the site is not occupied. There are no other persons that will be affected by the removal of Designation 617 Stock Pound.

5. Recommendation

It is requested that under section 182 Auckland Council approves the removal of Designation 617 Stock Pound from Lot 1 DP55095 held in record of title NA7B/54 and the Auckland Unitary Plan (OP) Designation Overlay and related text in Chapter K Designations be amended accordingly.

**Attachment B: Auckland Council – Property
and Commercial Business (Parks and
Community Facilities) confirmation email**

Jo Hart

From: Kim O'Neill
Sent: Monday, 12 December 2022 8:18 AM
To: Christine Smith
Cc: Andrew Elcoat; Jo Hart; Craig Cairncross; Lee Te
Subject: RE: Request for removal of designation 617 from former stock pound site at Buckland Road Buckland

Follow Up Flag: Follow up
Due By: Monday, 12 December 2022 2:30 PM
Flag Status: Flagged

Thank you Christine, I endorse the request for the removal of Designation 617 Stock Pound from Lot 1 DP55095 held in record of title NA7B/54.

Kind regards,
Kim

Ngā mihi
Kim O'Neill
Head of Property & Commercial Business
Parks & Community Facilities

Customer & Community Services Division | Auckland Council

M: 027 284 4048

E: kim.oneill@aucklandcouncil.govt.nz

Auckland Council, Level 21N, 135 Albert Street, Auckland

www.aucklandcouncil.govt.nz



From: Christine Smith <Christine.Smith@aucklandcouncil.govt.nz>
Sent: Friday, 9 December 2022 8:15 am
To: Kim O'Neill <kim.oneill@aucklandcouncil.govt.nz>
Cc: Andrew Elcoat <andrew.elcoat@ekepanuku.co.nz>; Jo Hart <Jo.Hart@aucklandcouncil.govt.nz>; Craig Cairncross <Craig.Cairncross@aucklandcouncil.govt.nz>; Lee Te <lee.te@ekepanuku.co.nz>
Subject: Request for removal of designation 617 from former stock pound site at Buckland Road Buckland

Tēnā koe Kim,

Please see the attached letter from Eke Panuku to Planning and Consents requesting the removal of a designation from a Property that has been approved for sale at Buckland (Pukukohe).

The Planning team requires that such a request come from a delegated authority in Auckland Council, not a CCO.

Under s168 RMA a requiring authority (Auckland Council) may at any time give notice in writing to withdraw a requirement.

The Delegations Register for the RMA states that a Tier 4 in "Property" may make this request.

Please would you endorse the request from Panuku by a Reply All email.

Ngā mihi nui
Christine



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Attachment C: Section 182 report and approval

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



To: Craig Cairncross, Team Leader – Planning Central/South

From: Jo Hart, Senior Policy Planner – Regional, North, West and Islands Planning

Date: 16 December 2022

Subject:

Removal of Designation 617: Stock Pound in the Auckland Unitary Plan (Operative in Part).

Summary

Auckland Council has received a request from Auckland Council – Property and Commercial Business (Parks and Community Facilities) under section 182 of the Resource Management Act 1991 (RMA), dated 30 November 2022, to remove in full Designation 617: Stock Pound (Buckland Road, Buckland).

A section 182(1) request is required to uplift the existing designation in full from land which has been deemed to be 'no longer required' by Auckland Council – Property and Commercial Business (Parks and Community Facilities (on behalf of Eke Panuku Development Auckland)).

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 section 182 request for the removal of Designation 617: Stock Pound be accepted.

Recommendation

1. That the section 182 request, from Auckland Council – Property and Commercial Business (Parks and Community Facilities), on behalf of Eke Panuku Auckland Development, for the removal of Designation 617: Stock Pound in the Auckland Unitary Plan be **accepted** for the following reasons:
 - the site is no longer utilised for the use specified in the designation and the site is not occupied
 - Auckland Council – Property and Commercial (Parks and Community Facilities) no longer requires the designation.
2. That Designation 617: Stock Pound be removed as soon as reasonably practicable, in the GIS viewer map designation layer and Chapter K Schedules and Designations (Auckland Council) in the Auckland Unitary Plan (Operative in Part).

1. Description

1.1. References

Designation number:	617: Stock Pound
Lodgement date:	30 November 2022
Requiring authority:	Auckland Council – Property and Commercial Business (Parks and Community Facilities) on behalf of Eke Panuku Development Auckland
Reporting officer:	Jo Hart, Senior Policy Planner – Regional, North, West and Islands Planning
Site address:	Buckland Road, Buckland (Lot 1 DP 55095)
UP Zoning:	Future Urban Zone

2.0 Background

2.1 Details of designation

Designation 617: Stock Pound was rolled over from the legacy Auckland Council District Plan (Franklin Section) 2000 into the Auckland Unitary Plan (Operative in Part).

1.2 Land affected by removal

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

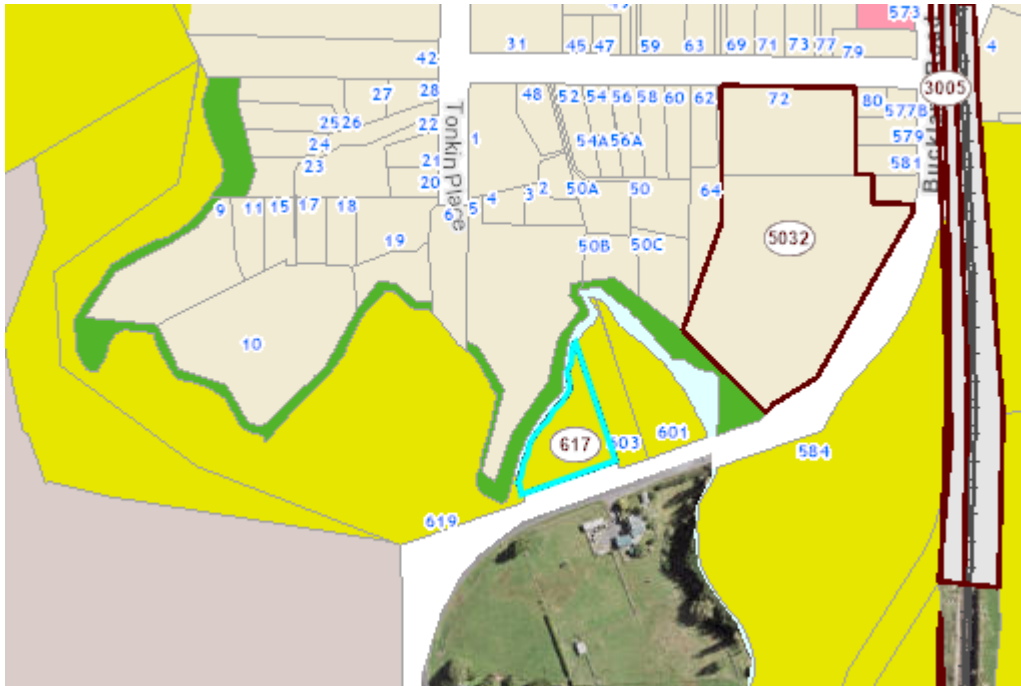


Figure 1: AUP(OP) GIS Viewer map of Designation 617 (outlined in blue)

Eke Panuku Auckland Development (Eke Panuku) requested the removal of Designation 617 in an attachment to an email dated 30 November 2022 (refer to **Attachment A**).

I advised, in an email of the same date, that Eke Panuku did not have the delegation to exercise the functions, powers, duties and discretions under the Resource Management Act 1991. The delegation sits with the Auckland Council department who has the financial responsibility for the designation; Auckland Council – Property and Commercial Business (Parks and Community Facilities).

Kim O'Neill, Head of Property and Commercial Business (Parks and Community Facilities) in an email dated 12 December 2022, has endorsed the request for the removal of Designation 617 (refer to **Attachment B**).

The land subject to Designation 617 is located within the Franklin Local Board area.

As stated in the section 182 request, the Auckland Council Planning Committee's approval of Eke Panuku's Unlock Pukekohe High Level Project Plan, and the sale of the property was approved by Auckland Council's Finance and Performance Committee in 2019. The sale of the property was also endorsed by the Franklin Local Board in 2019.

Auckland Council – Land Advisory Services (Parks and Community Facilities) have confirmed through their investigations that Lot 1 DP55095 is not required for any current or future service. Lot 1 DP55095 is a vacant site and no longer used as a stock pound as this service has been discontinued. The designation is therefore no longer required, and the removal of the designation will help with the disposal of the site for sale.

1.3 Delegated authority to consider alterations to designations

The Team Leader - Planning Central/South (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 Central/South (Plans and Places Tier 5) and accepted or declined.

1.4 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.

If a requiring authority no longer wants a designation, it shall give notice in the prescribed form to:

- the territorial authority concerned
- every person who is known by the requiring authority to be the owner and occupier of any land to which the designation relates
- every other person, who in the opinion of the requiring authority, is likely to be affected by the designation.

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 (s182(5)).

The removal of a designation is an administrative process. The statutory requirement is for the requiring authority to give notice that it no longer wants a designation.

Auckland Council – Property and Commercial Business (Parks and Community Facilities), on behalf of Eke Panuku, has requested the full removal of Designation 617. Therefore section 182(5) does not apply.

It is considered that Eke Panuku's memo (endorsed by Auckland Council – Property and Commercial Business (Parks and Community Facilities)) has provided sufficient justification for the removal of Designation 617: Stock Pound for the following reasons:

- the site is no longer utilised for the use specified in the designation and the site is not occupied
- Auckland Council – Property and Commercial Business (Parks and Community Facilities) no longer requires the designation.

2.0 Recommendation

That pursuant to Section 182 of the Resource Management Act 1991 that the removal of Designation 617: Stock Pound be **accepted** and the Auckland Unitary Plan (Operative in part) designation layer and text in Chapter K Schedule and Designations (Auckland Council) be amended accordingly.

Prepared by: Jo Hart
Senior Policy Planner
Regional, North, West and
Islands Planning

Accepted by: Craig Cairncross
Team Leader
Planning Central/South

Signature:



Signature:



Date: 16 December 2022

SCHEDULE OF ATTACHMENTS:

Attachment A: Eke Panuku request for removal of Designation 617

Attachment B: Email from Auckland Council – Property and Commercial Business
(Parks and Community Facilities) - agreement to uplift Designation 617

**Attachment D: Removal of text and schedule
for Designation 617**

617 Stock Pound

Designation Number	617
Requiring Authority	Auckland Council
Location	Buckland Road (Lot 1 DP 55095), Buckland
Rollover Designation	Yes
Legacy Designation	Designation 116, Auckland Council District Plan (Franklin Section) 2000
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

Stock pound.

Conditions

No conditions.

Attachments

No attachments.

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	Withdrawn	
611	Greenmount Landfill ...	1 Harris Road, East Tamaki
612	Whitford Landfill ...	373 Whitford-Maraetai Road, Whitford
613	Lapsed	
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

Attachment E: Designation 617 GIS viewer map (to be removed).

BEFORE

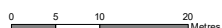


- Designation
- Parcel boundary
- Residential - Single House Zone
- Open Space - Conservation Zone
- Future Urban Zone
- Water [i]
- Road [i]

AFTER



- Parcel boundary
- Residential - Single House Zone
- Open Space - Conservation Zone
- Future Urban Zone
- Water [i]
- Road [i]



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Date: 2/02/2023

Designation number 617
Buckland Road
Auckland Council

