

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Celia Davison – Manager, Planning Central South

FROM Nicholas Lau - Senior Policy Planner, Planning – Central South


DATE 20 October 2023


SUBJECT **Partial removal of Designation 4948 Māngere College 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

| | |
|--|---|
| Reason for update – <i>Partial removal of Designation 4948 Māngere College in the Auckland Unitary Plan</i> | |
| Chapter | AUP GIS Viewer |
| Section | |
| Designation only | |
| Designation # | 4948 Māngere College – Ministry of Education |
| Locations: | 51 Bader Drive, Māngere |
| Lapse Date | Given effect to (no lapse date) |
| Purpose | Educational purposes – secondary school (years 7 - 13) |
| Changes to text (shown in underline and strikethrough) | N/A |
| Changes to diagrams | N/A |
| Changes to spatial data | Remove designation from Section 1 SO 560916 in AUP GIS viewer – Unitary Plan Layer – Designations |
| Attachments | Attachment 1: Notice of Removal Attachment 2: Section 182 Report Attachment 3: Updated GIS viewer |

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|--|--|
| Prepared by: Nicholas Lau Senior Policy Planner, Planning – Central South | Text Entered by: Planning Technician |
| Signature:  | Signature: N/A |
| Maps prepared by: Rachel Joseph Geospatial Specialist Plans Geospatial | Reviewed and signed off by: Marc Dendale Acting with delegated authority for Celia Davison, Manager Planning – Central South |
| Signature:  | Signature: |

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Attachment 1: Notice of Removal



21 September 2023

To Auckland Council
Nicholas.Lau@aucklandcouncil.govt.nz

And to Ministry of Housing and Urban Development
Matt.Fraser@hud.govt.nz

And to Kainga Ora Limited
James.D'Anvers@kaingaora.govt.nz

And to Māngere College
T.Webb@mangere.school.nz

Kia ora koutou

Notice of removal of part of designation 4948, Māngere College

The Ministry of Education gives notice that it no longer requires the following part of designation 4948, Māngere College:

| | |
|-----------------------------|-----------------------------------|
| Council Designation Number: | 4948, Māngere College |
| Address: | 51 Bader Drive, Māngere, Auckland |
| Legal Description: | Section 1 SO 560916 |
| Land area: | 2,116m ² |

The Ministry of Education requests the territorial authority to amend the district plan accordingly as required by section 182 of the Resource Management Act 1991. An updated shape file will be provided to Auckland Council in due course.

If you require further information please contact Martien (Marty) van Aken at martien.vanaken@education.govt.nz.

Ngā mihi

Clive Huggins
Director
Land Investment and Planning
(07) 571-7857
Clive.Huggins@education.govt.nz



Attachment 2: Section 182 Report

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



To: Marc Dendale, Team Leader, Planning – Central South

From: Nicholas Lau, Senior Policy Planner, Planning – Central South

Date: 20 October 2023

Subject: Partial removal of Designation 4948 Māngere College 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 21 September 2023, to remove in part Designation 4948 Māngere College.

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 4948 Māngere College in the Auckland Unitary Plan be **accepted** for the following reasons:
 - Section 1 shown on SO 560916 at 51 Bader Drive, Māngere has been deemed surplus by the Ministry of Education.
2. That Designation 4948 Māngere College be partially removed, as soon as reasonably practicable, in the Designation overlay in the Auckland Unitary Plan.

1. Description

1.1. References

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|----------------------------|----------------------|
| Designation number: | 4948 Māngere College |
| Lodgement date: | 20 September 2023 |

| | |
|-----------------------------|---|
| Requiring authority: | Minister of Education |
| Reporting officer: | Nicholas Lau, Senior Policy Planner, Plans and Places |
| Site address: | 51 Bader Drive, Māngere Section 1 SO 560916 |
| UP Zoning: | Residential – Mixed Housing Urban zone |

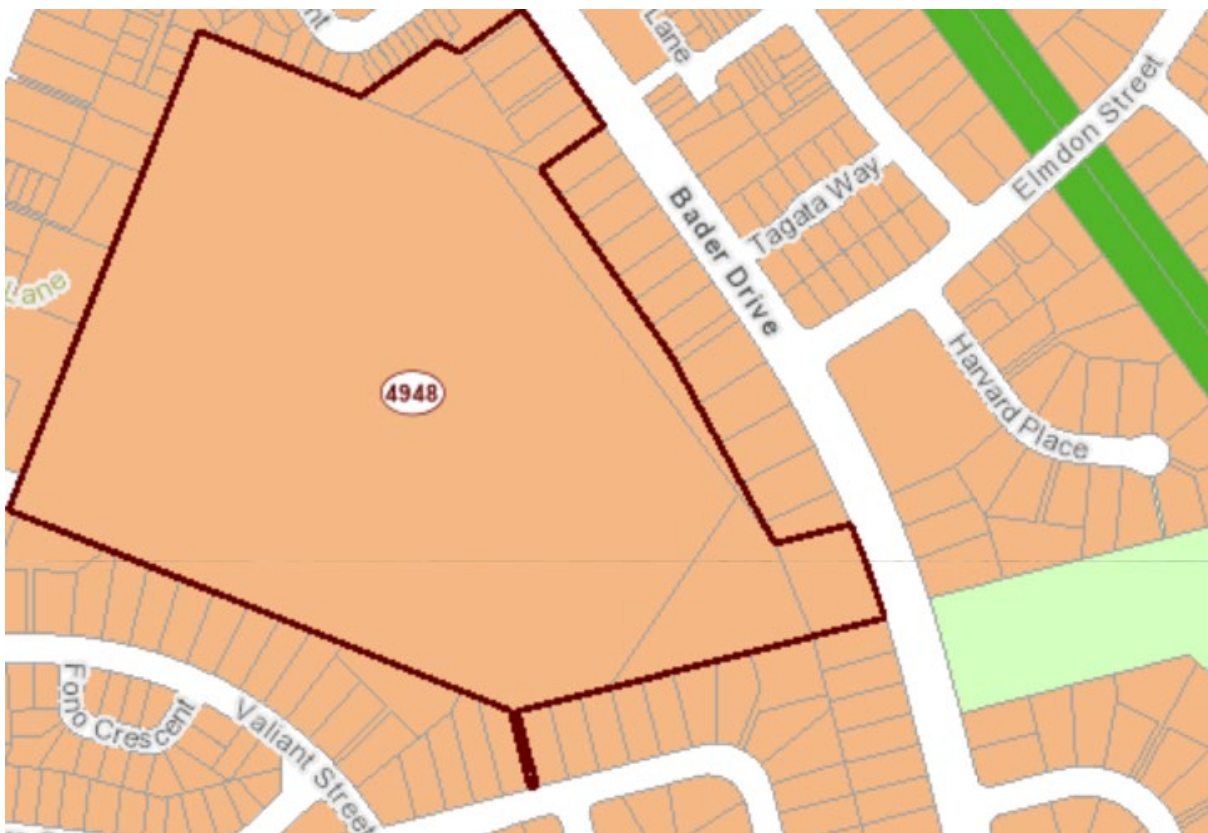
2.0 Background

2.1 Details of designation

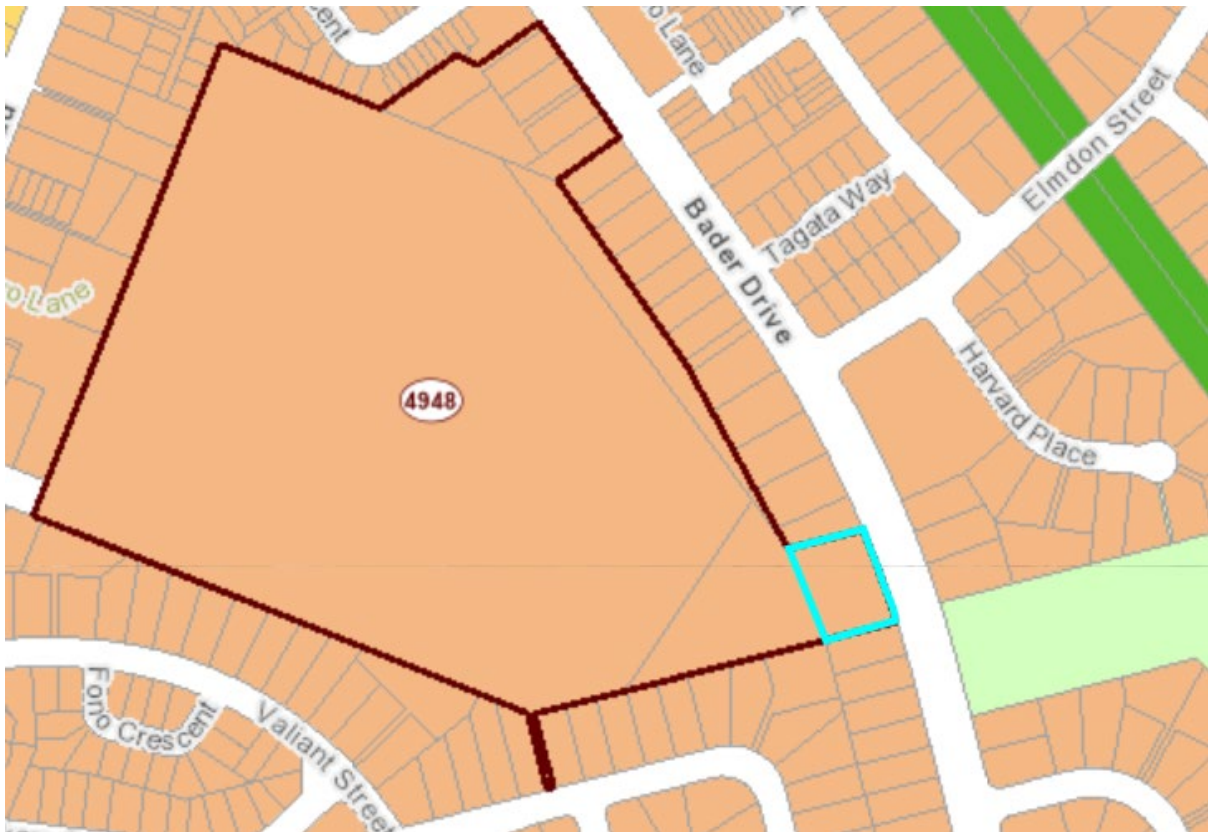
The purpose of Designation 4948 (Māngere College) is for *Educational purposes – secondary school (years 7 - 13)*. Designation 4948 is a rollover designation (Designation 45, Auckland Council District Plan (Manukau Section) 2002).

2.2 Land affected by removal

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



The land parcel (Section 1 SO 560916) to be removed from the designation is shown in turquoise below:



2.3 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 September 2023), 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.

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 4948 Māngere College for the following reasons:

- The part of the designation legally described as Section 1 shown on SO 560916 at

51 Bader Drive, Māngere has been deemed surplus by the Ministry of Education.

3.0 Recommendation

That pursuant to Section 182 of the Resource Management Act 1991 that the partial removal of Designation 4948 Māngere College be **accepted** and the Auckland Unitary Plan Operative in part designation overlay be amended accordingly.

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| Prepared by: Nicholas Lau Senior Policy Planner Planning - Central South | Accepted: Marc Dendale Team Leader Planning - Central South |
| Signature:  | Signature:  |

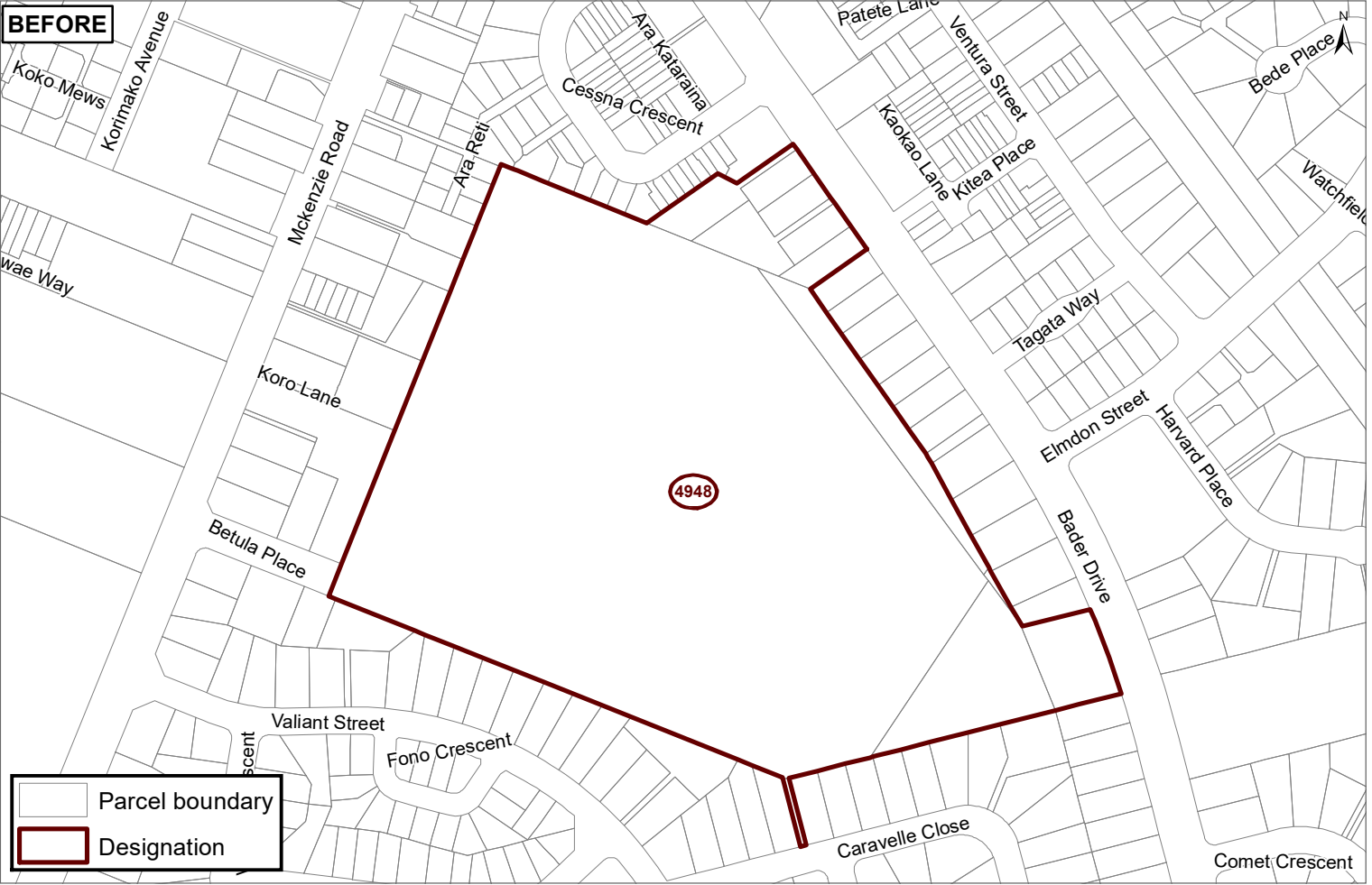
Date: 24 October 2023

SCHEDULE OF ATTACHMENTS:

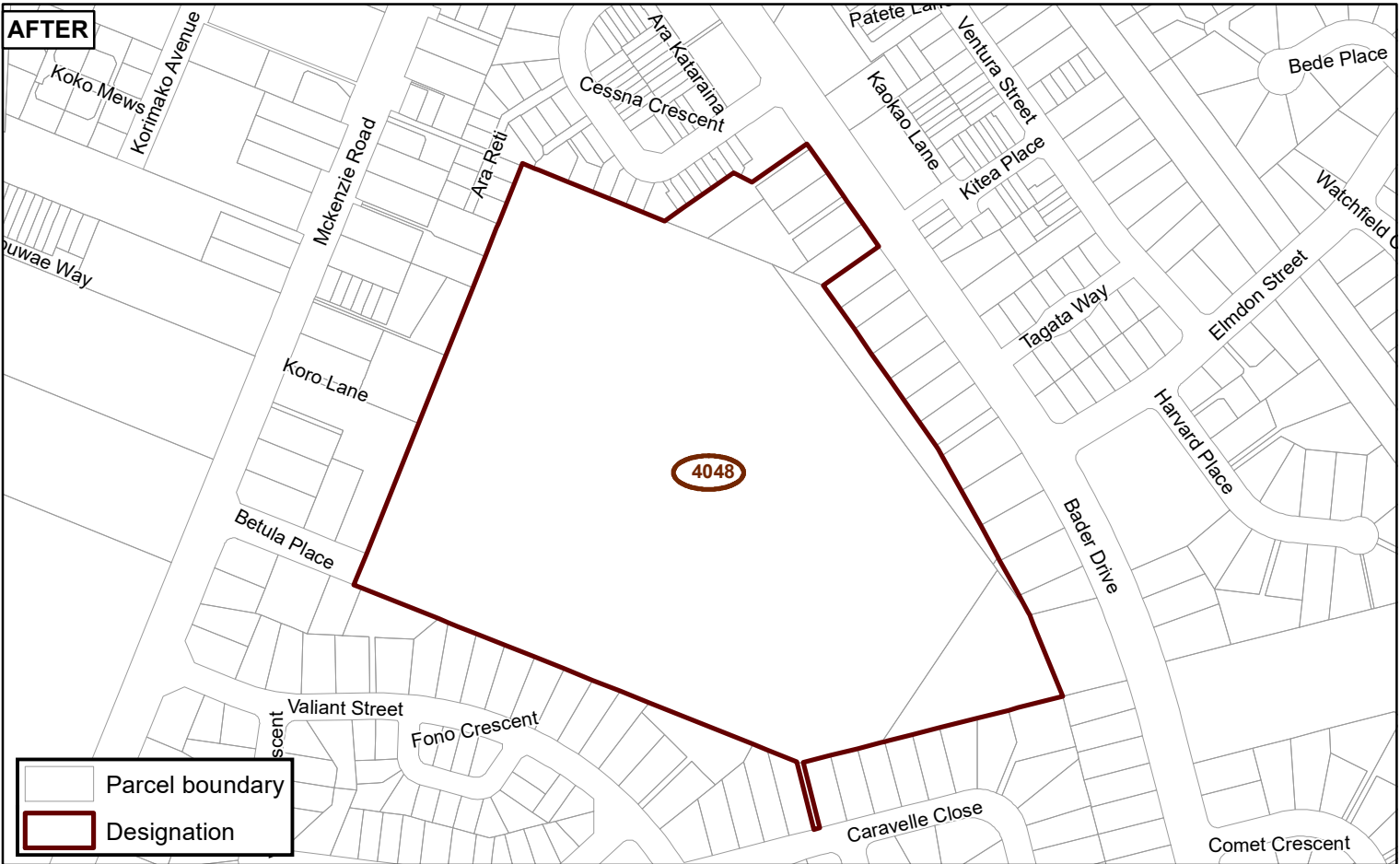
Attachment A: Designation 4948 Māngere College s182 Notice of Removal

Attachment 3: Updated GIS viewer

BEFORE



AFTER



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: 3/11/2023

Designation 4948