

Gore District Council Decisions



REMOVAL OF DESIGNATION RECOMMENDATION UNDER s182

Resource Management Act 1991

Application reference	OTHR 23705
Requiring Authority	Minister of Police
Proposal	Notice under Section 182(1) of the Resource Management Act 1991 (RMA) for part removal of a designation #D19
Location	117-119 Main Street, Mataura
Legal Description	Section 2 BLK IX Town of Mataura (SO 496231)
Designation	#D19
Recommendation Date	26 July 2023

SUMMARY OF RECOMMENDATION

1. Pursuant to Section 182(1) of the RMA, the notice for part removal of Designation Ref. #D19 is **ACCEPTED**. This decision is made by Werner Murray, on 26 July 2023 under delegated authority pursuant to Section 34A of the RMA.

1. THE PROPOSAL

The New Zealand Police, on behalf of the Minister of Police provided notice under Section 182 of the Resource Management Act 1991 advising the parcel of land designated as #D19 located at 117 Main Street, Matura is no longer required for the designation purpose.

The designation will remain for the adjoining site at 119 Main Street, Matura. The purpose of the designation is for the “Police Facilities Purposes”.

2. SITE DESCRIPTION

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history in Sections 2 and 3 of the report entitled “*Partial Uplift of Designation #D19 117 Main Street, Matura June 2023*”, prepared by Amanda Leith of Remarkable Planning, and submitted as part of the application (attached as Appendix 1). This description is considered accurate and is adopted for the purpose of this report.

4 SECTION 182

182 Removal of designation

- (1) *If a requiring authority no longer wants a designation or part of a designation, it shall give notice in the prescribed form to—*
- (a) *the territorial authority concerned; and*
 - (b) *every person who is known by the requiring authority to be the owner or occupier of any land to which the designation relates; and*
 - (c) *every other person who, in the opinion of the requiring authority, is likely to be affected by the designation.*
- (5) *Notwithstanding subsections (2) to (4), where a territorial authority considers 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 the notice under subsection (1), decline to remove that part of the designation.*

The requiring authority has notified the territorial authority (Gore District Council) concerned in accordance with Section 182(1)(a).

The site at 117 Main Street is currently owned by His Majesty the King and tenanted by the New Zealand Police. New Zealand Police are requesting this designation is removed on behalf of the requiring authority, the Minister of Police, and as such notice being served on the owner of the site can be assumed (Section 182(1)(b)).

The requiring authority has not identified any other persons likely to be affected by the designation (Section 182(1)(c)).

4.1 Assessment of Effects (Section 182(5))

The following assessment determines whether the removal or part removal of the designation involves no more than a minor change to the effects on the environment associated with the use or proposed use of the land.

The subject site will retain its existing underlying zoning (Industrial) under the Operative District Plan. Immediately adjoining sites to the north-west, south-west, south-east, and north-west are also within the Industrial Zone. Sites further north are zoned Residential. The removal of the designation will not alter the character or amenity of the area to a more than minor degree. The removal of the designation will not impact the ability of surrounding neighbours to use their sites as provided for by the District Plan.

The site is no longer required for its designated purpose. Whilst currently occupied by the New Zealand Police, following removal of the designation and upon proceeding with disposal of the site the New Zealand Police will vacate the site.

5 RECOMMENDATION ON REMOVAL OF DESIGNATION PURSUANT TO SECTION 182 OF THE RMA

For the reasons outlined in Sections 4.0 the notice to partially remove the designation #D19 as it relates to 117 Main Street, by the Minister for Police is accepted.

Administrative Matters

The Minister for Police as Requiring Authority has the opportunity to object under section 357, to any decision to decline removal of part of a designation under subsection 5.

The costs of processing the request to remove the designation are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

If you have any enquiries please contact the duty planner on phone (03) 209 0330 or email planning@goredc.govt.nz.

Prepared by



Joanne Skuse
Consultant Planner

Decision made by



Werner Murray
Delegate

Appendix 1: Application

APPENDIX 1 –

Application report: “*Partial Uplift of Designation #D19 117 Main Street, Maitara June 2023*”, prepared by Amanda Leith of Remarkable Planning



remarkable
planning

Partial Uplift of Designation #D19

117 Main Street, Maitaura

June 2023

Form 23

Notice of Removal of Designation – Section 182, Resource Management Act 1991

To the relevant local authority:	Gore District Council
And to the current owner of the site:	New Zealand Police on behalf of Her Majesty the Queen (His Majesty the King).
And to any likely affected parties:	No parties are considered likely to be affected by the partial removal of the Designation #D19 for the site at 117 Main Street, Maitava from Gore District Plan.
Requiring Authority:	Minister of Police
Agent:	Amanda Leith Resource Management Consultant Remarkable Planning Limited 021 621 759 amanda@remarkableplanning.nz
Address for service:	Remarkable Planning Limited PO Box 2023, Wakatipu, 9349 amanda@remarkableplanning.nz
Site Description:	117 Main Street, Maitava
Legal description:	Section 2 SO 496231
Enclosed:	Notice of Removal supporting information Appendix 1 – Gazette Notice Appendix 2 – Letter from New Zealand Police

The New Zealand Police, on behalf of the Minister of Police, give notice that it no longer requires the Designation #D19 on the site at 117 Main Street, Maitava, as identified in the Gore District Plan. The designation will remain for the adjoining site at 119 Main Street, Maitava. The purpose of the designation is for "Maitava Police Station".

The New Zealand Police on behalf of the Minister of Police requests the territorial authority to amend the District Plan accordingly, as required by section 182 of the Resource Management Act 1991.



I Introduction

New Zealand Police hereby gives notice under Section 182 of the Resource Management Act 1991 that the parcel of land designated as #D19 located at 117 Main Street, Matura and identified in Appendix 1 *Schedule of Designations* section is no longer required for the designation purpose.

The parcel of land designated as #D19 located at 119 Main Street, Matura and identified in the *Schedule of Designations* section is still required and should be retained for the designation purpose.

2 Site Description

The 769m² site is located at 117 Main Street, Matura and is held under Gazette Notice 10736157.1 and legally described as Section 2 SO 496231. This Gazette Notice is attached in **Appendix 1**.

The site contains a single residential building. There is a formed vehicle crossing and driveway in the middle of the front boundary of the site which connects to a carparking area located on the site at 119 Main Street.

The neighbouring site to the north-east at 119 Main Street, legally described as Section 1 SO 496231, is also included within Designation #D19 and will remain within this designation. The site at 119 Main Street accommodates the existing police station.

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



Figure 1: Location of 117 Main Street, Matura (outlined in yellow)



3 District Plan Information

The site is identified as designation #D19 on the District Plan Maps. The schedule of designations section of the District Plan notes the purpose of Designation #D19 is for “Mataura Police Station”. There are no conditions in relation to Designation #D19.

The site is zoned Industrial in the Operative Gore District Plan. With the removal of the designation, the site will be subject to the underlying zone activity specific standards. The neighbouring site at 119 Main Street would remain designated under #D19.

It is noted that in accordance with section 10(1)(b) of the RMA that existing use rights apply to any non-compliance that exist once the designation is removed.

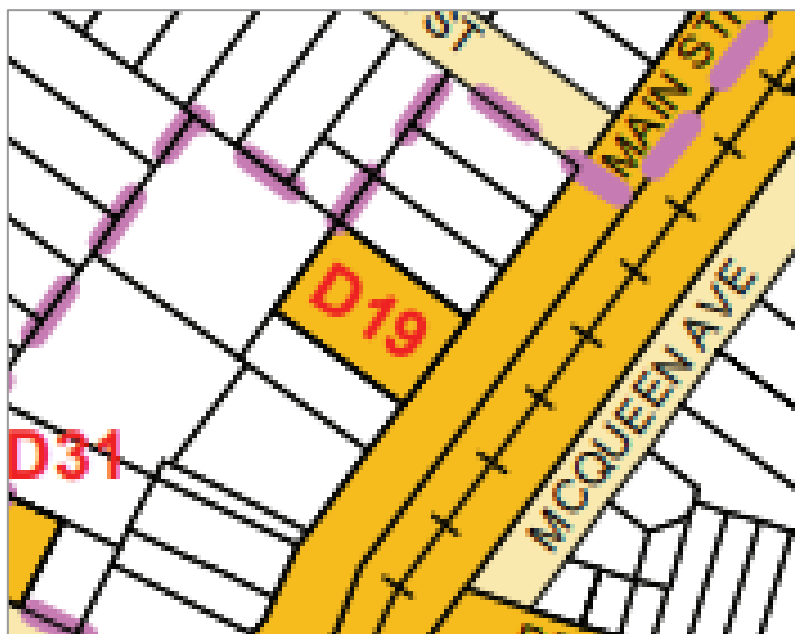


Figure 2: Operative District Plan map showing the designated sites at 117 and 119 Main Street

The site is subject to an inundation overlay in the Operative District Plan which notes the site is potentially flood prone from the Mataura River in floods larger than that of 1978.

4 Notice of Removal Assessment

The property at 117 Main Street is no longer required or used for New Zealand Police purposes.

The property at 119 Main Street is still required and used by New Zealand Police purposes and the designation will remain on this property.



4.1 Names and addresses of owners and occupiers

Section 182(1)(b) of the RMA requires that the requiring authority must give notice in the prescribed form to every person who is known to be the owner or occupier of the land to which the designation relates.

The site at 117 Main Street is currently owned by Her Majesty the Queen and tenanted by the New Zealand Police. New Zealand Police are requesting this designation is removed on behalf of the requiring authority, the Minister of Police, and as such notice being served on the owner of the site can be assumed.

4.2 Names and addresses of who are likely to be affected by the removal of the designation

Section 182(1)(c) of the RMA requires that the requiring authority gives notice in the prescribed form to every other person who, in the opinion of the requiring authority, is likely to be affected by the designation. No parties will be affected by the removal of the designation for the reasons outlined below:

- The subject site will retain its existing underlying zoning under the Operative District Plan of Industrial (see Figure 2 above).
- Adjoining sites to the north-west, south-west, south-east, and north-west are in the Industrial Zone. Sites further to the north are in the Residential Zone. The removal of the designation will not impact the ability of surrounding neighbours to use their site as provided for by the District Plan.
- The site is no longer required for its designated purpose. The site is currently occupied by the New Zealand Police, following removal of the designation and upon proceeding with disposal of the site the New Zealand Police will vacate the site.

With the removal of the designation, owners of neighbouring properties will have more certainty over what activities can or will occur on the subject site as the designation provisions will no longer be able to override the District Plan provisions.

5 Conclusion

This notice has been completed in the prescribed form (Form 23) and given to Gore District Council (as the territorial authority concerned). New Zealand Police are acting on behalf of the Her Majesty the Queen (His Majesty the King) as the owner of the site and no parties are affected by the partial removal of the designation.

Removing the designation from the site at 117 Main Street, while retaining the designation on the neighbouring site at 119 Main Street, is considered best practice and essentially contributes to keeping the District Plan provisions up to date. It also ensures the site can be sold without any unnecessary uncertainty for future owners and occupiers.



The New Zealand Police, on behalf of the Minister of Police, request that Gore District Council amend the District Plan without using a Schedule 1 process as required by section 182 of the RMA.

Attachments

Appendix A – Designation uplift letter

Appendix B – Government gazette notice



25 May 2023

Gore District Council
P O Box 8
Bowler Avenue
Gore, 9740

Dear Sir / Madam

Removal of Designation D19: Matura Police Station at 117 Main Street, Matura

Pursuant to section 182 of the Resource Management Act 1991, New Zealand Police hereby gives notice that it no longer requires the following designation in relation to Section 2 SO 496231:

Designation D19: Matura Police Station at 117 Main Street, Matura.

The designation is no longer required as the site is no longer used as a police residential property and is being sold. The designation is to remain over the property at 119 Main Street, Matura being Section 1 SO 496231.

The New Zealand Police requests that Gore District Council amends the Gore District Council Plan accordingly as required by section 182 of the Resource Management Act 1991.

Yours sincerely



Wayne Goodfellow
Director Property

Police National Headquarters

180 Molesworth Street. PO Box 3017, Wellington 6140, New Zealand.
Telephone: 04 474 9499. Fax: 04 498 7400. www.police.govt.nz

Revocation and Replacement of a Notice—Revocation of the Reservation Over a Reserve

Under the Reserves Act 1977, and by reason of an error made in the notice described subsequently, the Permissions/Statutory Land Management Manager, Dunedin Shared Service Centre, Department of Conservation, revokes the notice headed "Revocation of the Reservation Over a Reserve" dated 19 July 2016 and published in the *New Zealand Gazette*, 28 July 2016, Issue No. 67, Notice No. 2016-ln4239 and issues the following notice in its place.

Under the Reserves Act 1977, the Permissions/Statutory Land Management Manager, Dunedin Shared Service Centre, Department of Conservation, revokes the reservation over the reserve described in the Schedule.

Southland Land District—Gore District

Schedule

Area
ha

Description

0.0769 Section 2 SO 496231.

Dated at Dunedin this 8th day of March 2017.

D. K. JOHNSTONE.

(DOC PAR-00-07)

2017-ln1148

GN 10736157.1 Gazette No

Cpy - 01/02, Pgs - 002, 20/03/17, 11:26



DocID: 214731576

MANUAL DEALING LODGEMENT FORM

Landonline Firm Code: _____

LODGING FIRM: **APL Property Queenstown Ltd**

Private Individual: _____

Address: **PO Box 1586**

Queenstown

ASSOCIATED FIRM: _____

Client Code / Ref: **jreidy001**

Contract Date: _____

Tax Statement included

Dealing/SUD Number:
(LINZ use only)

Priority Barcode/Date Stamp
(LINZ use only)

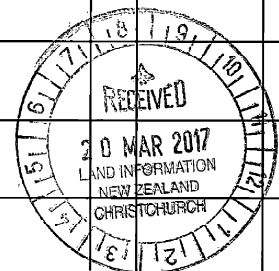
Plan Number Pre-Allocated or
to be Deposited: _____

Rejected Dealing Number: _____

GN 10736157.1 Gazette No
Copy - 02/02, Pgs - 002, 20/03/17, 11:25
Copies
(inc. original)
DocID: 214731676

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Priority Order	CT Ref	Type of Instrument	Names of Parties	Document Fees	Resubmission	Notices	Priority Capture*	FEES \$ GST INCLUSIVE
1		GN		\$0.00				
2				\$0.00				
3				\$0.00				
4				\$0.00				



Land Information New Zealand Manual Dealing Lodgement Form
 Fees Receipt and Tax Invoice
 GST Registered Number 17-022-895
 LINZ Form P005
 September 2015

Annotations (LINZ use only).

 Original Signatures? _____

	Subtotal	\$0.00
	Total for this dealing	\$0.00
Less fees paid on Dealing # _____		
Debit my Landonline account for <small>(Only available for Landonline customers)</small> or Cash / Cheque enclosed for <small>(Only pay in cash if depositing in drop box at a LINZ processing centre)</small> or Eft-pos payment due for <small>(Eft-pos only available if lodging the dealing in person at a LINZ processing centre)</small>	\$0.00	

* Making a priority lodgement ensures the lodgement is entered into the LINZ work queue at the time and date it was handed over at the counter. Priority does not provide urgency in processing the dealing. For further details please reference the [manual dealing user guide](#).

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