

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Celia Davison, Manager Planning – Central South

FROM Lee-Ann Lucas, Principal Planner – Central South





DATE 24 August 2020

SUBJECT **Plan Modification 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 – Plan Change 33 – 131 Remuera Road, Remuera, to be made operative.	
Chapter	AUP GIS Viewer
Section	GIS Viewer
Designation only	
Designation #	
Locations:	
Lapse Date	
Purpose	
Changes to text (shown in underline and strikethrough)	N/A
Changes to diagrams	N/A
Changes to spatial data	Change the overlay at the site at 131 Remuera Road from Special Purpose – School zone to Business – Mixed Use zone in accordance with Plan Change 33.
Attachments	Attachment 1: PC 33 Decision Attachment 2: Updated GIS Viewer

Prepared by: Lee-Ann Lucas Principal Planner, Central South	Maps prepared by: Aching Konyak Geospatial Analyst
Signature: 	Signature: 
Reviewed by: Lee-Ann Lucas Principal Planner, Central South	Signed off by: Celia Davison Manager, Central South
Signature: 	Signature: 

Attachment 1: PC 33 Decision

Decision on a Private Plan Change 33 - Dilworth School Trust Board - under the Resource Management Act 1991



Proposal

Private Plan Change 33: Proposed rezoning of property at 131 Remuera Road, Remuera from Special Purpose – School zone to Business – Mixed Use zone.

Private Plan Change 33 is **APPROVED**. The reasons are set out below.

Plan change number:	33
Site address:	131 Remuera Road, Remuera.
Hearing:	No hearing was held as there were no submitters and the Dilworth School Trust Board (the Requester) waived its right to be heard as the recommendation in the Council's section 42A report was to approve the Plan Change as requested.
Hearing Commissioner:	Greg Hill
Appearances:	There were no appearances

INTRODUCTION

1. This decision is made on behalf of the Auckland Council ("the Council") by Independent Hearing Commissioner Greg Hill (Chair), appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 ("the RMA").
2. The Commissioner has been given delegated authority by the Council to make a decision on Private Plan Change 33 ("PPC 33") to the Auckland Council Unitary Plan Operative in Part ("the Unitary Plan") after considering the request and the accompanying section 32 evaluation, and the section 42A report prepared by the Council Officer.
3. PPC 33 is a private plan change requested by the Dilworth School Trust Board (the Requester). It is to re zone a site at 131 Remuera Road, Remuera from Special Purpose – School zone to Business – Mixed Use zone.
4. PPC 33 was publicly notified on the 29 October 2019 following a feedback process involving Iwi, as required by Clause 4A of Schedule 1 of the RMA. Notification involved a public notice as well as letters to directly affected landowners and

occupiers alerting them to the plan change. The latter step was aimed at ensuring that landowners and occupiers of properties affected by the plan change were made aware of it.

5. The submission period closed on 22 November 2019. At the close of the submission period no submissions had been received.

SUMMARY OF PLAN CHANGE

6. PPC33 to the Unitary Plan seeks to rezone the property at 131 Remuera Road, Remuera (1282m²) from Special Purpose – School zone to Business – Mixed Use zone.
7. The only change to be made to the Unitary Plan is to remove the Special Purpose – School zone from the planning maps at 131 Remeura Road, Remeura and replace it with the Business – Mixed Use zone.

BACKGROUND

8. PPC3 was initiated as a private plan change at the request of the owner of the property – Dilworth School Trust Board.
9. The site is occupied by a large villa tenanted by the Mt Hobson Middle School which currently has 49 students. The lease for the school is due for review and the owner is seeking to rezone the site to Business – Mixed Use zone in keeping with the adjacent zoning of properties along Remuera Road and to enable other uses of the site.
10. The plan change request does not include any proposed change in activity or built form of the site – simply to re zone it consistent with the surrounding sites zoned Business- Mixed Use.
11. The requestor has obtained a Certificate of Compliance under s139 of the RMA (CER70014435 granted 9 January 2019) to remove all buildings and vegetation from the site. That certificate lapses on 9 Jan 2024 if unimplemented.

HEARING PROCESS

12. There was no hearing at the request of the Dilworth School Trust Board under clause 29 (3) of Schedule 1 to the RMA.
13. Moreover, I determined there was no need for a hearing in terms of Clause 8C of Schedule 1 to the RMA as I agreed with the Trust's proposal, the recommendation of the Council's reporting officer, and that there were no submissions.

PROCEDURAL MATTERS.

14. There were no procedural matters

RELEVANT STATUTORY PROVISIONS CONSIDERED, PLANNING CONTEXT, STATUTORY PROVISIONS

15. The RMA sets out a range of matters that must be addressed when considering a plan change, as identified in the section 32 report accompanying the notified plan change. As already addressed PPC33 is solely focused on rezoning this single site from Special Purpose –School to Business- Mixed use, consistent with the adjacent sites.
16. I note that section 32 clarifies that analysis of efficiency and effectiveness is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the proposal. The section 32 prepared for this proposal, in my view, has appropriately addressed the efficiency and effectiveness of the plan change request.
17. I have also reviewed the Council Officers' section 42A report. It has comprehensively addressed the plan change proposal in terms of the:
 - Background to the Request;
 - Existing plan provisions;
 - Proposed plan change provisions;
 - Clause 23 Requests for further information;
 - Hearings and decision making considerations;
 - Statutory and Policy Framework;
 - Assessment of Effects on the Environment;
 - Consultation undertaken;
 - Notification and Submissions;
 - Conclusions; and
 - Recommendations
18. Having read the plan change request documents and the Council Officer's section 42A report, I agree with the analysis and conclusions and the recommendations to approve the plan change. On this basis there is little point in 're-stating' the material in those documents as my findings as it would add nothing to this decision. I accept and adopt that material to the extent that it addresses the necessary 'statutory processes and tests' and provides my reasons for approving the plan change.

19. Having considered the plan change request documents, including the section 32 evaluation, and the section 42A report, I am satisfied that that PPC33 has been developed and assessed in accordance with the relevant statutory and policy matters with regard to the re zoning request.
20. As no changes have been made to the notified PPC33 there is no requirement, and no need, to undertake a further evaluation in accordance with the requirements of section 32AA (1) (a) of the RMA.

DECISION

21. That pursuant to Clause 29 of Schedule 1 of the Resource Management Act 1991, that Proposed Private Plan Change 33 to the Auckland Unitary Plan (Operative in Part) be **approved** as notified.
22. The reasons for the decision are that PPC3:
 - All of those reasons set out above;
 - It will assist the Council in achieving the purpose of the RMA;
 - Its consistent with the provisions of Part 2 of the RMA;
 - It is consistent with the Auckland Regional Policy Statement;
 - It is supported by necessary evaluation in accordance with section 32 of the RMA; and
 - It will help with the effective implementation of the plan.



Greg Hill - Chairperson

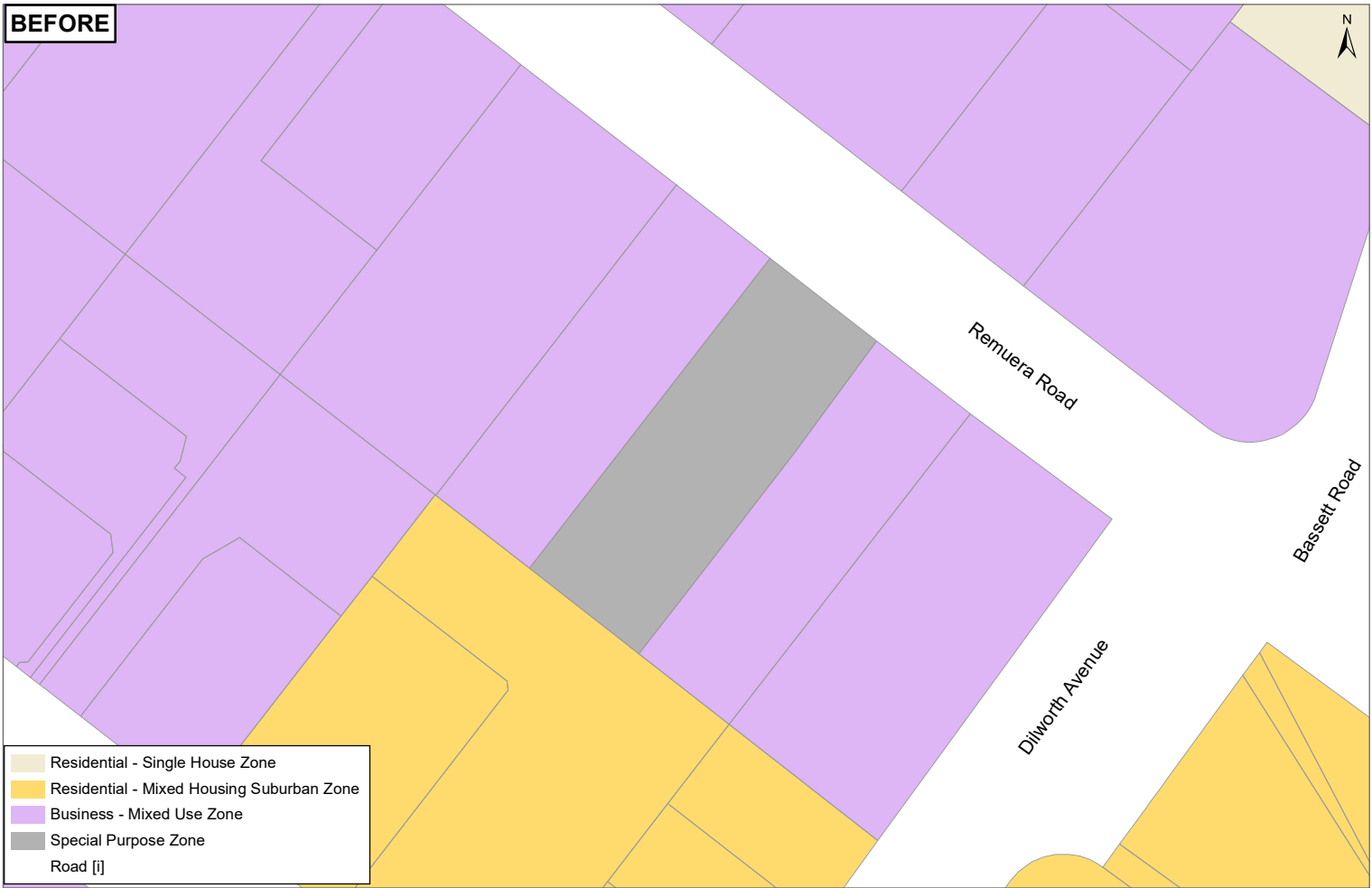
Date: 7 May 2020

AMENDMENTS TO THE AUCKLAND UNITARY PLAN

Amend the planning maps to zone the site at 131 Remuera Road, Remuera as Business – Mixed Use.

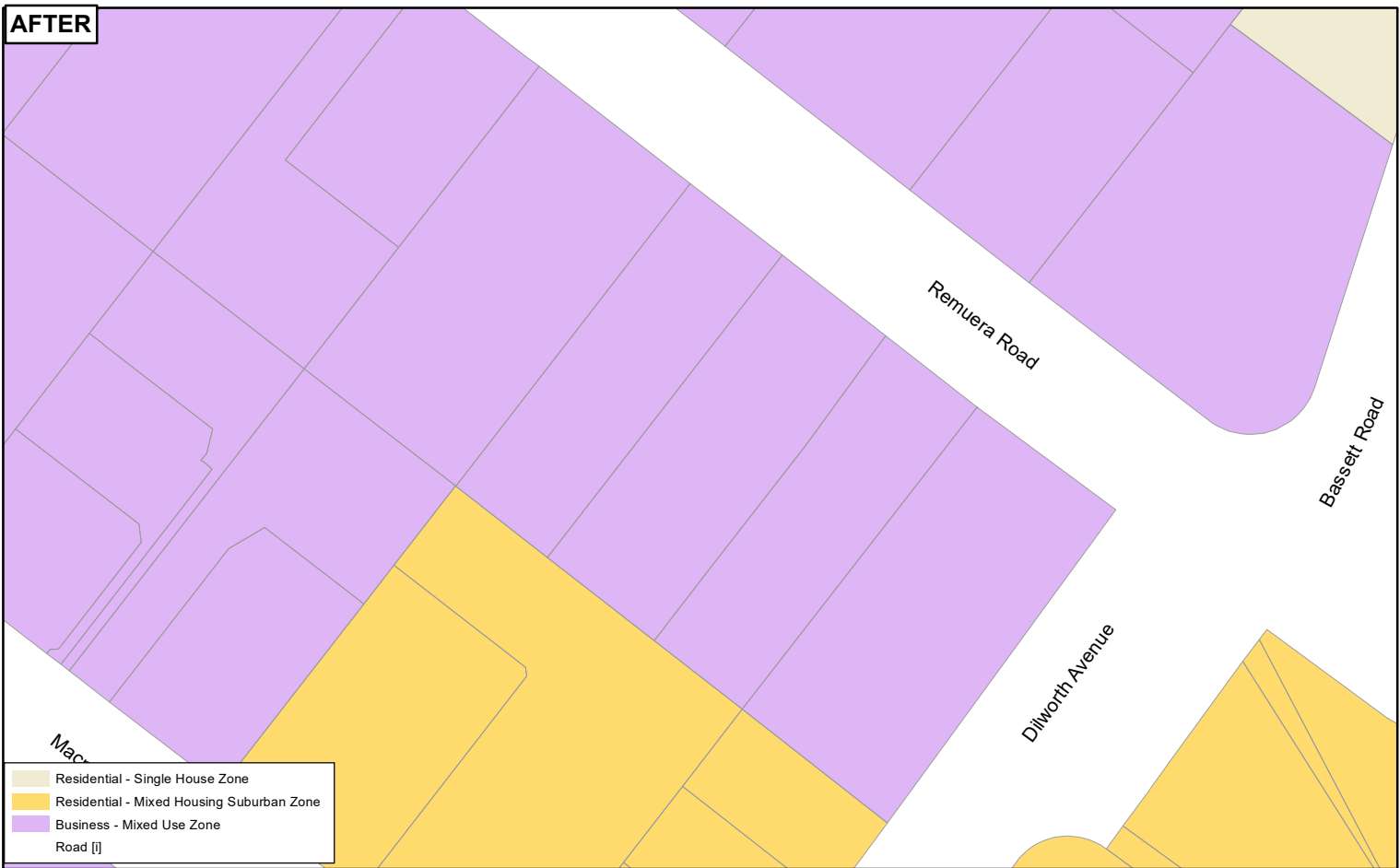
Attachment 2: Updated GIS Viewer

BEFORE



- Residential - Single House Zone
- Residential - Mixed Housing Suburban Zone
- Business - Mixed Use Zone
- Special Purpose Zone
- Road [i]

AFTER



- Residential - Single House Zone
- Residential - Mixed Housing Suburban Zone
- Business - Mixed Use Zone
- Road [i]



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: 4/09/2020

Private Plan Change 33 131 Remuera Road to become Mixed Use Zone



Plans and Places