

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Celia Davison, Manager Planning – Central South

FROM Lee-Ann Lucas, Senior Policy Planner – Central South


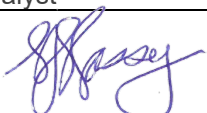

DATE 1 October 2021

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

Chapter	N/A
Section	N/A
Designation only	
Designation #	N/A
Locations:	N/A
Lapse Date	N/A
Purpose	N/A
Changes to text (shown in underline and strikethrough)	N/A
Changes to diagrams	N/A
Changes to spatial data	GIS Viewer: Change from Residential Mixed Use Suburban zone to <i>Business – Mixed Use zone</i>
Attachments	Attachment A: PC 56 Decicion Attachment B: Updated GIS Viewer

Prepared by: Lee-Ann Lucas, Prinipal Planner – Central South	Text Entered by: N/A Planning Technician
Signature: 	Signature: N/A
Maps prepared by: Shelley Glassey Geospatial Analyst	Reviewed by: Fiona Sprott, Team Leader – Central South
Signature: 	Signature: 
Signed off by: Celia Davison Manager Planning – Central South	

Signature:

C. E. Janson

Attachment A: PC 56 Decicion

Decision following the hearing of a Plan Modification to the Auckland Unitary Plan under the Resource Management Act 1991



Proposal

This plan change seeks to rezone the property at 10 Mitchelson Street, Ellerslie from Residential - Mixed Housing Suburban zone to Business – Mixed Use zone.

This plan change is **APPROVED**, with modifications. The reasons are set out below.

Plan modification number:	Proposed (Private) Plan Change 39
Site address:	10 Mitchelson Street, Ellerslie
Requester:	Warrington Group Limited.
Commissioner's site visit	13 June 2021

INTRODUCTION

1. This decision is made on behalf of the Auckland Council ("the Council") by Independent Hearing Commissioner Janine Bell (sitting alone), appointed and acting under delegated authority under section 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 Plan Change 56 ("PPC 56") to the Auckland Unitary Plan Operative in Part ("the Unitary Plan") after considering all the application, the submission, the report prepared by the Council officers and associated correspondence.
3. PPC 56 is a privately initiated plan change that has been prepared following the standard RMA Schedule 1 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as enabled under the RMA).
4. PPC56 was lodged on 19 May 2020, notified on 24 October 2020 and closed for submissions on 20 November 2020. One submission from Watercare Services Limited was received.
5. The summary of submissions was notified on 28 January 2021 and closed for further submissions 12 February 2021. There were no further submissions received.
6. The Council's Section 42A report was prepared and circulated on 4 June 2021.

SUMMARY OF PLAN CHANGE

7. PPC 56 seeks to amend the Unitary Plan planning maps, contained within the Council's GIS mapping layer, to rezone the property at 10 Mitchelson Street, Ellerslie from Residential - Mixed Housing Suburban zone to Business – Mixed Use zone.
8. No proposed text changes to the Unitary Plan arise from PPC 56.

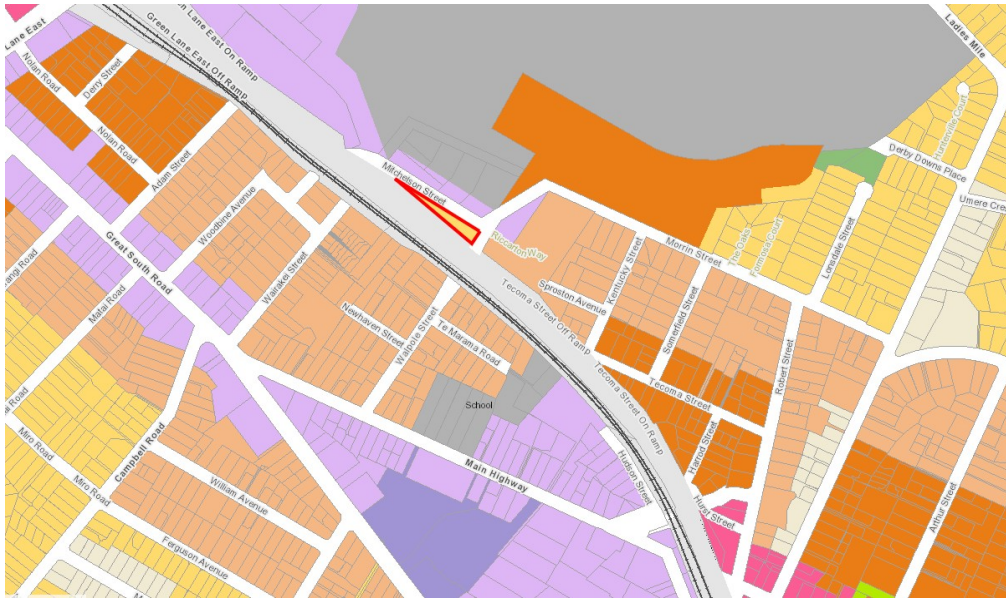
BACKGROUND

9. In 1981, the former Auckland City Council granted a planning consent for an office building to be constructed at 6 Mitchelson Street, Ellerslie (LUC_1981_945). A condition of this approval was the provision of 47 carparking spaces in the vicinity of the property. These spaces were established at 10 Mitchelson Street (some 30 metres away) which was also owned by the owner of 6 Mitchelson Street. Over time the building at 6 Mitchelson Street has been extended/ developed and any additional carparking was also required to be provided at 10 Mitchelson Street.
10. The site at 10 Mitchelson Street, Ellerslie is currently occupied by a sealed carpark containing 52 parks and continues to be used by the tenants of the commercial units at 6 Mitchelson Street, Ellerslie. Both properties are owned and managed by the requestor - Warrington Group Limited.

THE SITE AND SURROUNDING AREA

11. The site at 10 Mitchelson Street has an area of 1693m² and is a triangular shape with a 23m wide eastern boundary abutting the western side of Mitchelson Street, 158m wide northern boundary abutting the southern side of Mitchelson Street and a 158m wide southern boundary abutting the Southern Motorway. The existing carpark has a one-way circulation system with a vehicle entrance located in the north east of the site providing egress from Michelson St and a one-way vehicle exit to Mitchelson St at the northern end.
12. Under the provisions of the Unitary Plan, 6 Mitchelson Street is zoned Business – Mixed Use zone, while 10 Mitchelson Street is zoned Residential – Mixed Housing Suburban Zone. The site is surrounded by properties zoned Business Mixed Use zone (BMU) (predominantly to the north) and Residential - Mixed Housing Urban zone (MHU) to the east and south on the other side of the southern motorway – as shown in the figure below.
13. The site is immediately adjacent the Ellerslie Racecourse which is located across the road to the north-east. Most of the racecourse site has been rezoned to Special Purposes, Terrace Housing and Apartment Building and Business – Mixed Use. In addition, there are a number of precincts applying to the Ellerslie Racecourse. The portion of the Racecourse site directly adjacent to 10 Mitchelson Street is zone Business Mixed Use and is not within any of the Ellerslie Racecourse Precincts.

14. The site across Mitchelson Street to the south-east is occupied by a relatively new residential development of medium to high intensity comprising terraced houses and duplex dwellings (Ascot Villas). The site is zoned Residential – Mixed Housing Urban. Further east and diagonally adjacent to the site are a two-level mixed-use business development, comprising offices, real estate agents and cafes. This site is zoned Business – Mixed Use. The Southern Motorway runs along the south-western boundary of the site.



Operative zones of site and surrounds

SUBMISSIONS

15. One submission, from Watercare Limited, was received to PPC 56. The submission neither supporting nor opposing the proposed plan change. The submission seeking the requestor enter into a written agreement to undertake the necessary upgrades to the wastewater connections.
16. The requestor agreed to undertake and fund these future upgrades and this agreement has been provided in writing (attached as Appendix 4 to the s42A report). Consequently, Watercare confirmed, in writing, that it no longer wished to be heard at any hearing that may be held for PPC 56.

LOCAL BOARD COMMENTS

17. On 26 March 2019, the requestor consulted with the Orakei Local Board. Initial feedback from the Board sought further detail of the future proposed development. The requestor explained that this was not the subject of PPC 56. The Local Board stated they had no further comment of the proposal but advised that the local residents may want to submit. The Local Board did not submit to PPC56 nor have they provided any further formal feedback.

HEARING

18. Having read the proposed private plan change application and further information prepared by Align Limited, the submission received, the Council's s42A report and related correspondences, I decided, in accordance with Clause 8C of the RMA Schedule 1, that a hearing was not required.

ISSUES IN CONTENTION

19. There is general agreement between the requester and the Council's planning and other technical specialists on the effects of the rezoning with both recommending that the plan change be approved as notified.
20. The only issue in contention related to the submission received from Watercare Services Limited which sought that the requestor accepts responsibility for upgrading and funding any future connections to the wastewater network for the site. This issue has been resolved, as a written agreement, has been reached between the requestor and submitter that binds the requestor to fund any necessary upgrades.

RELEVANT STATUTORY PROVISIONS

21. The RMA requires that private plan change requests must comply with the same mandatory requirements as Council initiated plan changes, and the private plan change request must contain an evaluation report in accordance with section 32 and clause 22(1) in Schedule 1 of the RMA. I am satisfied that PPC 56 has been developed in accordance with the relevant statutory and policy matters. This assessment is set out in detail in Section 8 of the Council's Section 42A report.

SECTION 32AA FURTHER EVALUATION

22. The recommendations made in the Section 42A Report and the underpinning Section 32 Evaluation Report were not challenged. There is no demonstrated need to undertake a Section 32AA Further Evaluation.

CONCLUSIONS

23. Having visited the site, considered the requested private plan change application, the supporting Section 32 Analysis report, the Council's Section 42A report, the submission received and subsequent correspondence on the agreement reached for upgrading and funding any future connections to the wastewater network, I am satisfied that PPC 56 will assist the Council in achieving the purpose of the RMA; will give effect to the Regional Policy Statement and assist with the effective implementation of the Auckland Unitary Plan.

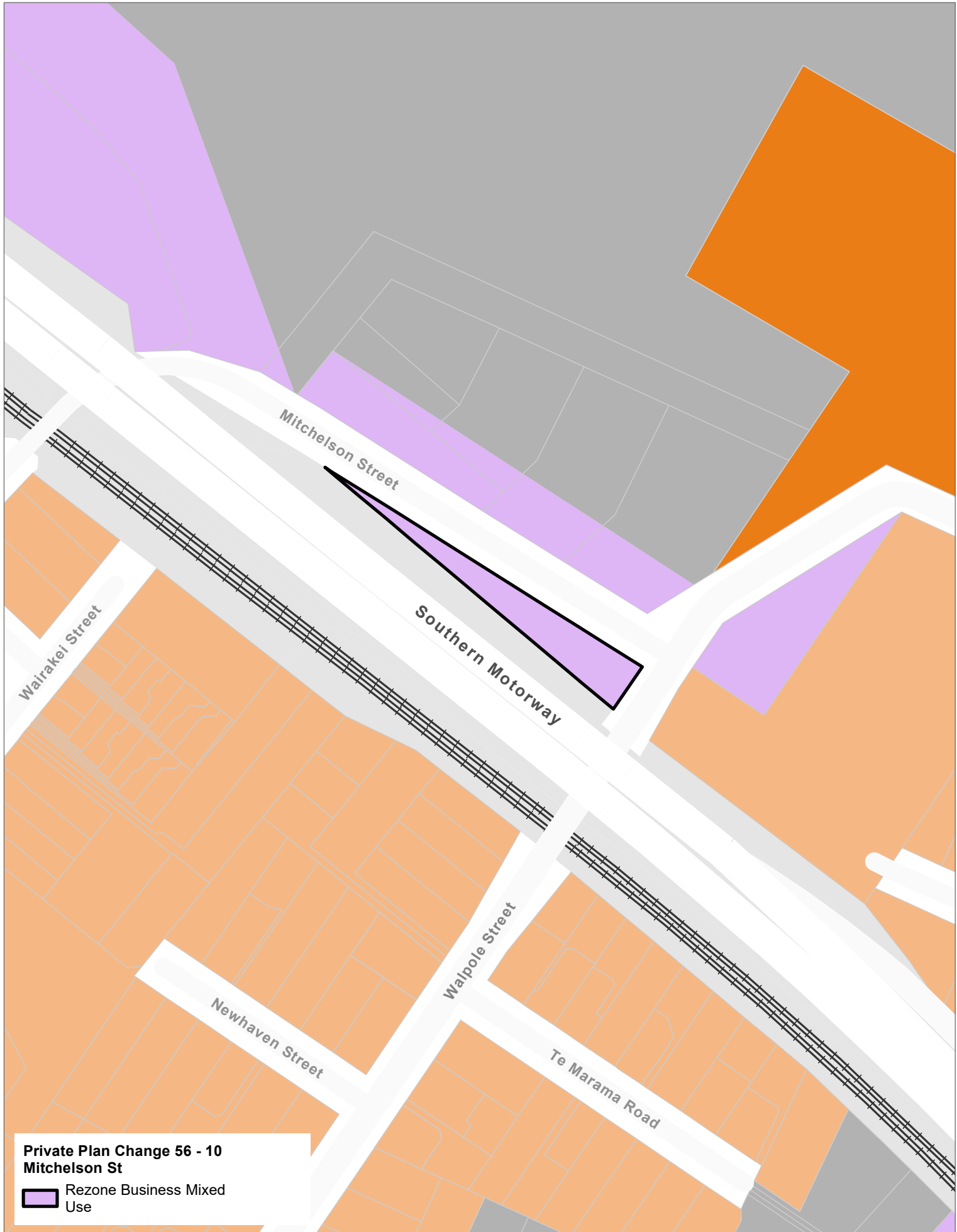
DECISION

As the Independent Commissioner (sitting alone), I have determined:

1. That according to Schedule 1 Clause 8C and Clause 10 of the Resource Management Act 1991 a hearing was not required.
2. That Proposed Plan Change 56 to the Auckland Unitary Plan Operative in Part be **APPROVED** pursuant to Clause 10 of Schedule 1 of the Resource Management Act 1991.
3. The reasons for the decision are that the approval of Proposed Plan Change 56 will:
 - a. assist the Council in achieving the purpose of the Resource Management Act 1991.
 - b. give effect to the Auckland Unitary Plan Regional Policy Statement.
 - c. is supported by necessary evaluation in accordance with section 32 of the RMA.
 - d. assist with the effective implementation of the plan; and
 - e. be consistent with the Auckland Plan 2050.
4. That the submission by Watercare Services Limited is received.
5. That the Auckland Unitary Plan Operative in Part be amended in accordance with Attachment A, Private Plan Change 56 – 10 Mitchelson Street, Ellerslie by rezoning the property from Residential - Mixed Housing Suburban zone to Business – Mixed Use zone.



Janine A. Bell
Independent Hearing Commissioner
14 June 2021



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.

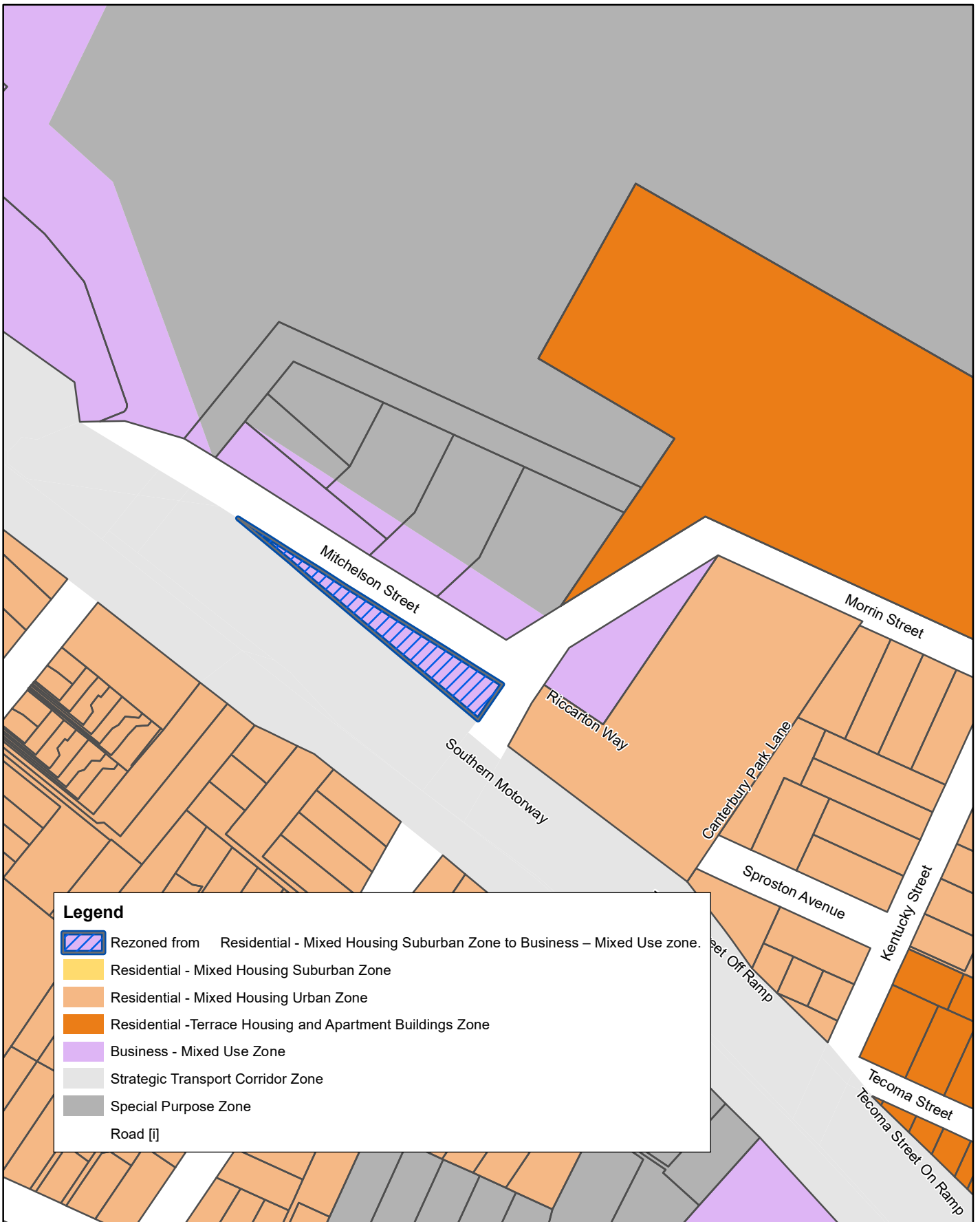
Date: 25/05/2021

Private Plan Change 56 - 10 Mitchelson St Zone Change



Plans and Places

Attachment B: Updated GIS Viewer



PPC 56 -10 Mitchelson Street, Ellerslie