

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Warren MacLennan, Manager Regional, North, West and Island Planning
FROM Ewen Patience, Policy Planner, Central/ South



DATE 1 July 2022

SUBJECT Approved zoning provisions of THAB zoned land (with HVC of 22.5m) in Takapuna no longer subject to appeal and to be shown as operative in the GIS viewer (Plan maps) 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 – <i>Approved provisions no longer subject to appeal can now be shown as operative and not subject to appeal</i>	
Chapter	NA
Section	NA
Designation only	
Designation #	Name & RA
Locations:	
Lapse Date	
Purpose	.
Changes to text (shown in underline and strikethrough)	NA
Changes to diagrams	NA
Changes to spatial data	<p>The subject THAB areas were previously challenged in legal proceedings by Franco Belgiornio-Nettis. However, his most recent legal proceedings do not include these areas of THAB as subject to challenge. On 8 February 2021 the High Court issued an order that prohibited the Council from making operative the zonings of the reduced areas that were still the subject of judicial review proceedings, as outlined in the proceedings filed by Mr Belgiorno-Nettis. The two areas of THAB land were not included in the areas of land identified by Mr Belgiorno-Nettis as still subject to challenge. These areas of THAB land are shown with bold outlining and cross-hatching. The absence of ongoing proceedings over the subject THAB land (Figure One) was overlooked at the time the legal proceedings were served on the Council.</p> <p>The zoning of the affected area was presented to the Planning committee and approved under clause 17 on 30 June 2022. Please refer to Attachment B.</p> <p>GIS viewer to show subject THAB land as operative, by removing the cross-hatching which indicates the land to be subject to appeal. (see <u>Figure One</u> below)</p>

Attachments	Attachment A – Planning Committee Minutes Attachment B - Updated GIS viewer maps
Prepared by: Ewen Patience Policy Planner – Central/ South	Text Entered by: N/A Planning Technician
Signature: 	Signature: N/A
Maps prepared by: Natalia Liana Geospatial Specialist	Reviewed by: Peter Vari Team Leader – Regional, North, West and Islands
Signature: 	Signature: 
Signed off by: Warren MacLennan Manager Regional, North, West and Islands Planning	
Signature: 	

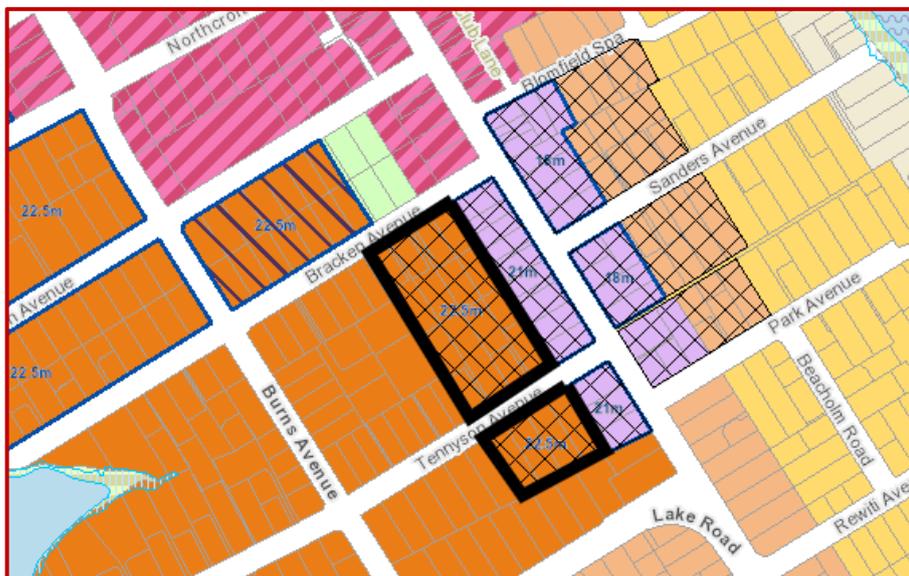


Figure One: Subject areas of Takapuna land zoned THAB, with HVC of 22.5m, demarcated with a **bold black** line, having ‘approved’ status and no longer subject to appeal and which are to be made operative and to have the cross-hatching removed to indicate this.

**Attachment A - Planning
Committee Minutes**

9 Auckland Unitary Plan - Making operative provisions for land in Takapuna

Resolution number PLA/2022/74

MOVED by Cr R Hills, seconded by Deputy Mayor BC Cashmore:

That the Planning Committee:

- a) **request staff to complete the necessary statutory processes to publicly notify the date on which the zoning of the Terraced Housing and Apartment Building land and the associated Height Variation Control of 22.5m in Takapuna (described fully in the agenda report) is to become operative, as soon as possible, in accordance with the requirements in clause 20 of Schedule 1 of the Resource Management Act 1991.**

CARRIED

**Attachment B - Updated GIS viewer
maps**

BEFORE



-  Parcel boundary
-  Appeals seeking changes to zones or management layers

AFTER



-  Parcel boundary
-  Appeals seeking changes to zones or management layers

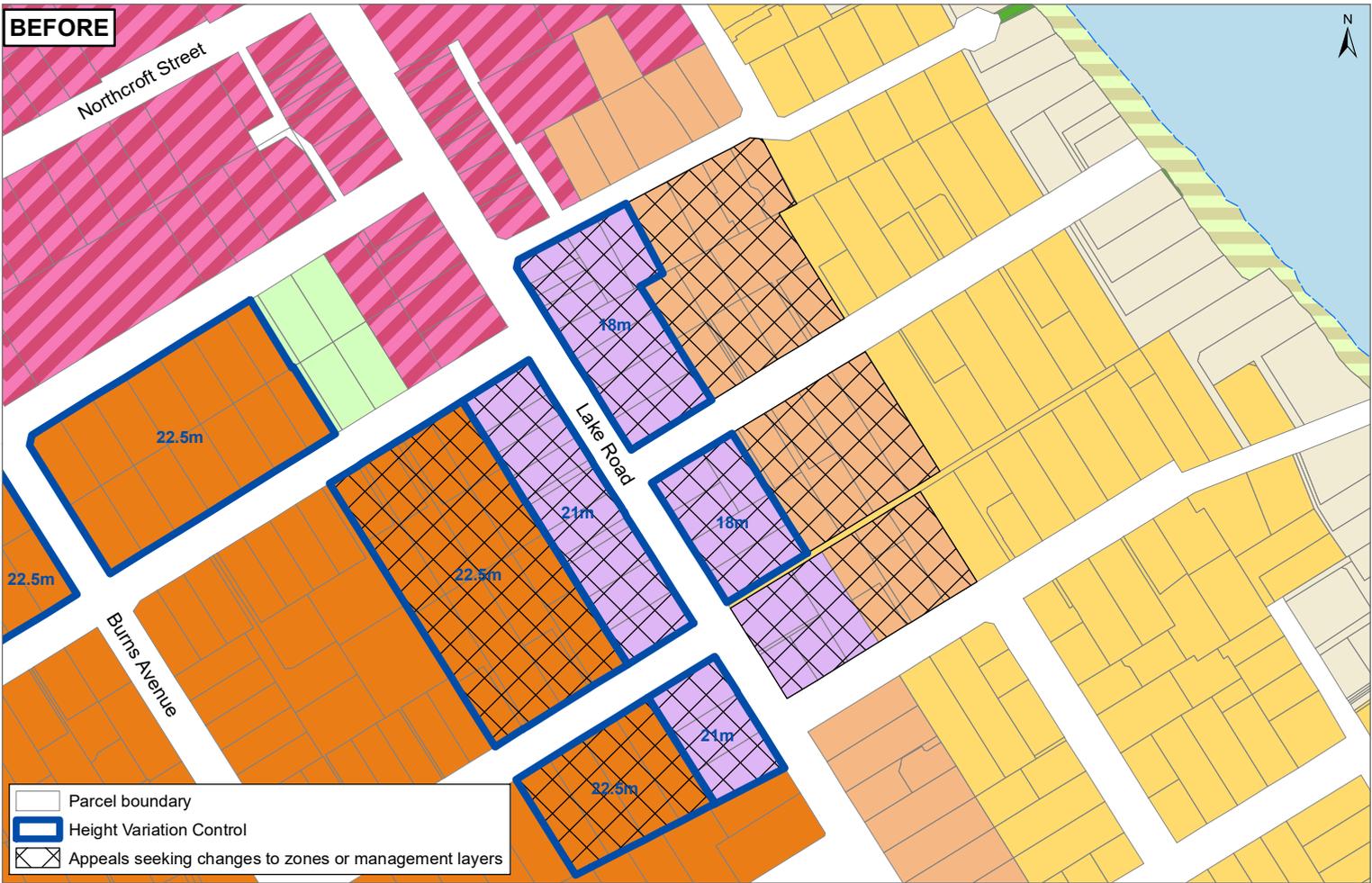


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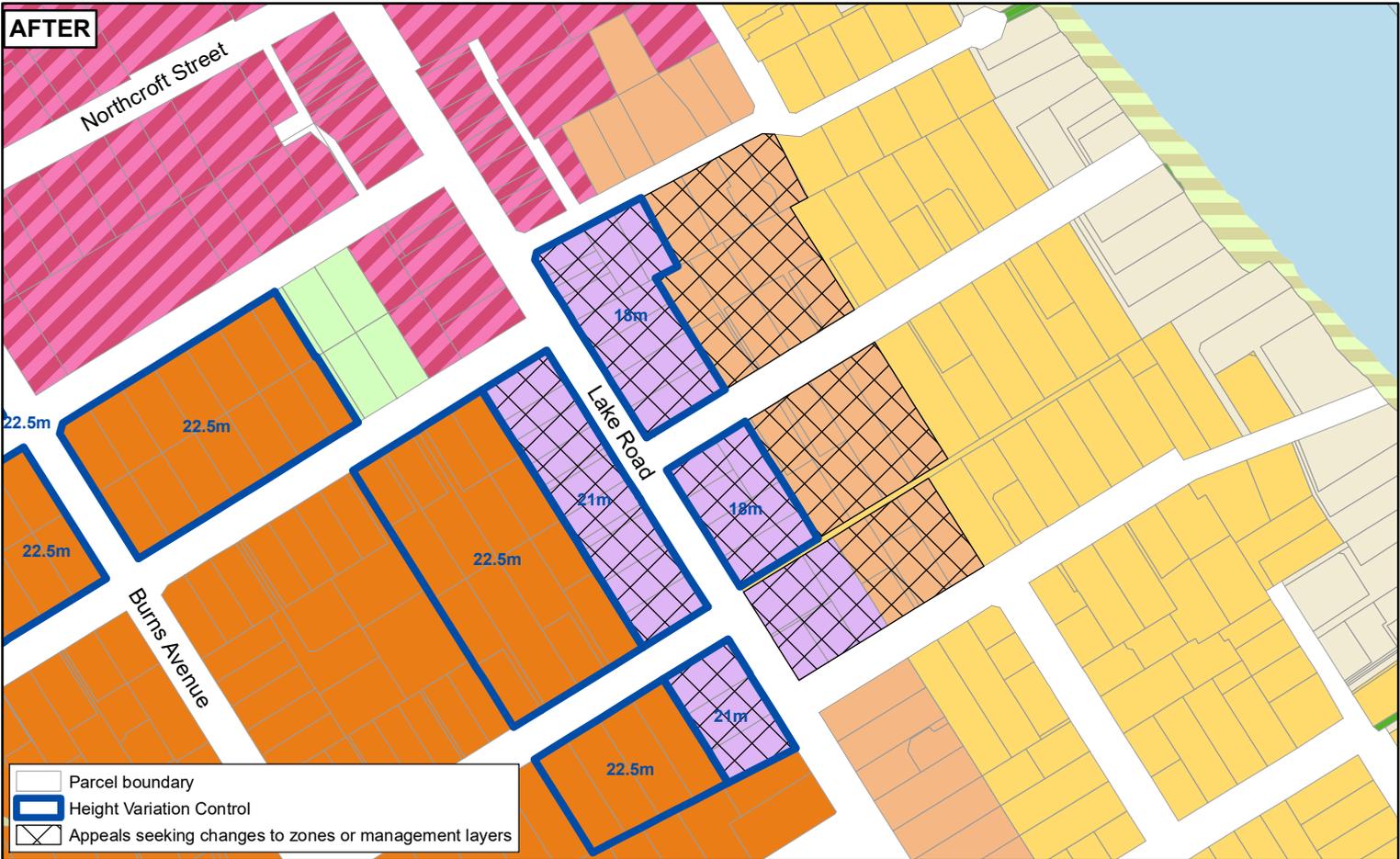
Date: 2/07/2022

Removal of Appeal area over Terraced House and Apartment Building Zone Lake Road, Takapuna

BEFORE



AFTER



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Date: 4/07/2022

Removal of Appeal area over Terraced House and Apartment Building Zone Lake Road, Takapuna