

# Notification Assessment Proposed Plan Change ‘D’ – Improving consistency of provisions in the Viewer of the Auckland Unitary Plan (Operative in part)

## Limited Notification of Proposed Plan Changes

Under Clause 5A of the First Schedule of the Resource Management Act 1991 (RMA) there is the option to give limited notification of a proposed plan change. Clause 5A of the first schedule of the RMA states:

*“5A Option to give limited notification of proposed change or variation*

*(1) This clause applies to a proposed change or variation.*

*(2) The local authority may give limited notification, but only if it is able to identify all the persons directly affected by the proposed change or a variation of a proposed policy statement or plan.*

*(3) The local authority must serve limited notification on all persons identified as being directly affected by the proposed change or variation....”*

## Overview of Proposed Plan Change ‘D’

Proposed Plan Change ‘D’ – Improving consistency of provisions in the Viewer of the Auckland Unitary Plan (Operative in part) (PCD) introduces changes to the Auckland Unitary Plan (AUP) Viewer to amend zone and mapped control, overlay and precinct boundaries to 189 properties across the region. The proposed amendments fall within four themes:

- The zoning of the site is inconsistent with surrounding sites (i.e. a “spot zone”), where multiple zones have been applied to a single site (i.e. a “split zone”) or the incorrect zoning has been applied;
- Zone and precinct boundaries no longer follow road or property boundaries as a result of a recent subdivision;
- Inconsistencies in the mapping of controls and overlays to identified sites; and
- Inconsistencies in the mapping of zones on certain sites within the Waitakere Ranges.

The following assessment considers whether the persons directly affected by the proposed change can be identified to proceed with notifying the plan change on a limited basis.

The assessment that follows relates to these four key themes.

Theme	Overview of the Proposed Amendments	Analysis	Persons Directly Affected
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Theme	Overview of the Proposed Amendments	Analysis	Persons Directly Affected
1.	<p>There are nine identified mapping anomalies within the AUP Viewer where the zoning of site(s) is causing issues because:</p> <ul style="list-style-type: none"> <li>• more than one zone has been applied to a property (split zone) in an urban setting; or</li> <li>• the zoning of the site is inconsistent with surrounding sites (spot zone); or</li> <li>• the incorrect zone has been applied to the site.</li> </ul>	<p>The identified spot zoning, split zoning and incorrect zonings within the AUP Viewer are causing workability issues as property owners do not have a clear understanding of what they can and cannot do on their properties. The identified spot zoning and incorrect zoning creates inconsistencies when development occurs in an area.</p> <p>The amendments proposed within PCD will correct zoning issues, improving the efficiency, effectiveness and usability of the AUP Viewer for property owners as well as Council staff.</p> <p>The proposed amendments do not seek to amend the policy direction of the plan but simply enable the AUP to function in the way it was intended. The amendments align zoning with adjoining and surrounding land uses and continue an existing and established zoning pattern of the subject area. Development potential and the anticipated use of land on the site subject to the plan change is to be amended to reflect the surrounding land uses and will align generally with the surrounding sites. Any effects of the zone change will be minimal and limited only to those sites that directly adjoin the subject site, given the nature of the change and the extent to which the zone is being altered to reflect those zones of adjoining sites. Therefore, the people affected by the zone changed can be identified as those who own or occupy the subject sites and those who own or occupy directly adjoining sites.</p>	<p>Owners and occupiers of property subject to the plan change.</p> <p>Owners and occupiers of properties that share a common boundary with the property subject to the plan change.</p> <p>Owners and occupiers of properties directly across the road from the property subject to the plan change where the property subject to the plan change is a front site.</p>
2.	<p>There are eight mapping anomalies within the AUP Viewer where there is a misalignment of zone, precinct and sub-precinct boundaries with</p>	<p>The misalignment of property boundaries with zone boundaries, precinct boundaries and sub-precinct boundaries reduces the effective usability of the AUP Viewer. It creates a split in the zoning or precinct</p>	<p>Owners and occupiers of the property subject to the plan change.</p>

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	<p>identifiable physical boundaries, such as a road or property boundaries. Precincts are a tool for enabling local differences to be recognised by providing place-based provisions which can vary the outcomes sought by the zones or Auckland-wide provisions. This has often transpired as a result of a subdivision occurring after the IHP zoning process, which has created lots which do not align with the zone.</p>	<p>provisions that apply to a site affecting the future development potential of the identified properties. Furthermore, it creates uncertainty and ambiguity for property owners and developers.</p> <p>The amendments proposed within PCD will correct the identified misalignment of zone, precinct and sub-precinct boundaries with identifiable physical boundaries, such as a road or property boundaries. This will improve the efficiency, effectiveness and usability of the AUP Viewer for property owners as well as Council staff.</p> <p>The proposed amendments do not seek to amend the policy direction of the plan, but simply enable the AUP to function in the way it was intended. The correction of mapped physical boundaries will not impact development potential or the intent of precinct or zone rules, The anticipated use of land on the sites subject to the plan change is to be retained and psychical consistency with mapped boundaries are to be corrected. Any effects of the changes will be minimal and limited only to those sites that directly adjoin the subject site, given the minor nature of the mapped changes proposed. Therefore, the parties affected can be identified as those who own or occupy the subject sites and those who own or occupy the adjoining sites.</p>	<p>Owners and occupiers of properties that share a common boundary with the property subject to the plan change.</p> <p>Owners and occupiers of properties directly across the road from the property subject to the plan change where the property subject to the plan change is a front site.</p>
3.	<p>There are six inconsistencies in the mapping of controls and overlays to identified sites. These issues have arisen for various reasons including:</p> <ul style="list-style-type: none"> <li>The underlying zoning has been</li> </ul>	<p>The identified inconsistencies with the mapping of controls and overlays create a misalignment with the policy direction within the AUP for that particular area.</p> <p>The identified mapping anomalies create inconsistencies when development occurs in an area.</p> <p>The amendments proposed within</p>	<p>Owners and occupiers of property subject to the plan change.</p> <p>Owners and occupiers of properties that share a common boundary</p>

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	<p>amended through the AUP hearings process and the mapping of controls is no longer consistent or compatible with the zoning;</p> <ul style="list-style-type: none"> <li>• The control or overlay is no longer required, because the surrounding environment has changed, or an alternative control is in place. However, the AUP Viewer has not been updated to reflect this.</li> <li>• The control is applied inappropriately ignoring the purpose and methodology of using controls in the AUP. This causes inconsistencies with the underlying zone and its policies and also duplicates an existing control over the activity</li> </ul>	<p>PCD will fix/remove the identified mapping anomalies ensuring there is alignment with the policy direction of the plan.</p> <p>The proposed amendments do not seek to amend the policy direction of the plan but simply enable the AUP to function in the way it was intended. The correction of mapped overlays and controls will not impact development potential or the intent of the rules relating to these overlays/controls, Any effects of the changes will be minimal and limited only to those sites that directly adjoin the subject site, given the minor nature of the changes for which the purpose is to amend inconsistencies Therefore, the people affected can be identified as those who own or occupy the subject sites and those who own or occupy the adjoining sites.</p>	<p>with the property subject to the plan change.</p> <p>Owners and occupiers of properties directly across the road from the property subject to the plan change where the property subject to the plan change is a front site.</p>
4.	<p>The Waitakere Ranges are subject to several mapping layers within the AUP Viewer, including two zones which are unique to the area; Waitakere Ranges zone and Waitakere Foothills zone and the Waitakere Ranges Heritage Area overlay which covers the majority of the Waitakere Ranges. The mapping of the area has an element of complexity to it which</p>	<p>The identified mapping anomalies within the AUP Viewer in respect of the Waitakere Ranges are causing workability issues as property owners do not have a clear understanding of what they can and cannot do on their properties. The identified spot zoning and incorrect zoning creates inconsistencies when development occurs in an area.</p> <p>The amendments proposed within PCD will fix/remove the identified mapping anomalies will remove ambiguity and confusion from the AUP</p>	<p>Owners and occupiers of property subject to the plan change. Owners and occupiers of properties that share a common boundary with the property subject to the plan change.</p> <p>Owners and occupiers of properties directly</p>

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	<p>is different to anywhere else in the Auckland Region. There has been a number of mapping anomalies identified in the Waitakere Ranges.</p> <p>There have been eight errors on the AUP Viewer identified where incorrect and/or inconsistent application of established zones to parcels of land has led to spot zones that bear no relationship to the adjacent zones, land parcels with split zones, and incorrect zoning of land.</p>	<p>Viewer. Property owners will have a clear understanding of what they can and cannot do on their property.</p> <p>The proposed amendments do not seek to amend the policy direction of the plan but simply enable the AUP to function in the way it was intended. The amendments align zoning with adjoining and surrounding land uses and continue an existing and established zoning pattern of the subject area. Development potential and the anticipated use of land on the site subject to the plan change is to be amended to reflect the surrounding land uses and will align generally with the surrounding sites. Any effects of the zone change will be minimal and limited only to those sites that directly adjoin the subject site, given the nature of the change and the extent to which the zone is being altered to reflect those zones of adjoining sites. Therefore, the people affected by the zone change can be identified as those who own or occupy the subject sites and those who own or occupy directly adjoining sites.</p>	<p>across the road from the property subject to the plan change where the property subject to the plan change is a front site.</p>

### Overview of Properties Affected

PCD amends the mapping of anomalies in respect of the zoning, overlays, controls or precinct boundaries that apply to 189 privately owned properties. As the properties are privately owned, all the people who may be adversely affected by the proposed changes are able to be identified and notice can be served directly on these parties.

### Recommendation

As the Council is able to identify all the persons directly affected by PCD it is recommended that this plan change is notified on a limited basis in accordance with Clause 5A of the First Schedule of the RMA. Limited notification should be served on the owners and occupiers of the properties subject to the changes; and the people affected by the proposed amendments which have been determined to be the owners and occupiers of all adjoining sites.

