

30 May 2019

The Occupier,
[REDACTED]

Grey Lynn,
Auckland 1021,

Dear resident/property owner

Proposed Plan Change - Clarifying the relationship between the Special Character Areas Overlay and underlying zone provisions within the Auckland Unitary Plan

Auckland Council is proposing to make changes to the Auckland Unitary Plan to clarify how the Special Character Areas Overlay works with underlying zone in some areas of Auckland. We have sent you this letter because you own and/or live in a property, [REDACTED] that is in a zone the proposed plan change applies to.

Proposed Plan Change 26 relates to Chapter D18, Special Character Areas Overlay – Residential and Chapter E38, Subdivision – Urban of the Auckland Unitary Plan.

The Special Character Areas Overlay helps manage the special character of some areas in Auckland. The Auckland Unitary Plan also zones land to manage how it is used, developed or protected, including the residential zones.

The proposed plan change seeks changes to the Auckland Unitary Plan to make it clear that certain planning provisions of the Special Character Areas Overlay would prevail over the corresponding provisions of the underlying residential zones. The proposed plan change also refines some of the standards within the Special Character Areas Overlay, including height in relation to boundary, yards, paved areas and fences.

The intention of the proposed plan change is to provide clarity for property owners, developers and design/development professionals about how the Auckland Unitary Plan will be applied when decisions are made about activities that take place on properties within the Special Character Areas Overlay.


You can make a submission by completing the online submission form or by emailing your submission to unitaryplan@aucklandcouncil.govt.nz. The submission form will be available on our web site www.aucklandcouncil.govt.nz/unitaryplanmodifications under the 'Proposed plan changes' section from 30 May 2019. You can have your say on the proposed plan change from 30 May to 28 June 2019.

Public submissions will inform decisions made on the proposed plan change. If the council's proposed plan change becomes operative and you intend to develop your property, you would need to take the plan change into consideration.

More information, including the public notice is attached to this letter. You can also visit the council's website at www.aucklandcouncil.govt.nz/unitaryplanmodifications or visit any Auckland Council library or council office to view this information online.

If you have any questions about the proposed plan change, please contact us by email at unitaryplan@aucklandcouncil.govt.nz or by phone (09) 365 3786.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Duguid'.

John Duguid

General Manager – Plans and Places

Auckland Unitary Plan

Proposed Plan Change 26 : Clarifying the relationship between the Special Character Areas Overlay and underlying zone provisions

Auckland Council has prepared the following proposed plan change to the Auckland Unitary Plan (Operative in Part) under Schedule 1 to the Resource Management Act 1991 (RMA) (**proposal**).

Proposed Plan Change 26 Special Character Areas Overlay and underlying zone provisions is a proposal that relates to the provisions of Chapter D18, Special Character Areas Overlay – Residential and Chapter E38, Subdivision - Urban. The purpose of the proposal is to clarify that where there are corresponding provisions (including activities and standards) in the Special Character Areas Overlay and in the underlying zone, the provision in the Special Character Areas Overlay will prevail over the corresponding provision in the underlying zone. The Council is also seeking to refine some of the standards within the Special Character Areas Overlay, including height in relation to boundary, yards, paved areas and fences.

The proposal may be inspected at www.aucklandcouncil.govt.nz/unitaryplanmodifications or during business hours at any library or Service centre. If you have any questions or would like more information on Proposed Plan Change 26, please contact us by email at unitaryplan@aucklandcouncil.govt.nz or call (09) 365 3786.

The following persons may make a submission on the proposal:

- The local authority in its own area may make a submission; and
- Any other person may make a submission but, if the person could gain an advantage in trade competition through the submission, then the person may make a submission only if the person is directly affected by an effect of the proposal that –
 - adversely affects the environment; and
 - does not relate to trade competition or the effects of trade competition.

You may make a submission by sending a written or electronic submission to Auckland Council at:

- Auckland Council, Unitary Plan Private Bag 92300, Auckland 1142, Attention: Planning Technician, or
- By using the electronic form on the Auckland Council website at www.aucklandcouncil.govt.nz/unitaryplanmodifications; or
- By email to: unitaryplan@aucklandcouncil.govt.nz; or
- Lodging your submission in person at Auckland Council Libraries or offices

The submission must be in 'Form 5' and must state whether or not you wish to be heard in relation to your submission. Copies of this form are available to download at www.aucklandcouncil.govt.nz/unitaryplan or can be collected from any Library or Council office.

Submissions close on Friday 28 June 2019

The process for public participation in the consideration of the proposal under the RMA is as follows.

- after the closing date for submissions, Auckland Council must prepare a summary of decisions requested by submitters and give public notice of the availability of this summary and where the summary and submissions can be inspected; and
- there must be an opportunity for the following persons to make a further submission in support of, or in opposition to, the submissions already made:
 - any person representing a relevant aspect of the public interest;
 - any person who has an interest in the proposal greater than the general public has;
 - the local authority itself; and

- if a person making a submission asks to be heard in support of his or her submission, a hearing must be held; and
- Auckland Council must give its decision on the provisions and matters raised in the submissions (including its reasons for accepting or rejecting submissions) and give public notice of its decision within 2 years of notifying the proposal and serve it on every person who made a submission at the same time; and
- any person who has made a submission has the right to appeal the decision on the proposed plan change to the Environment Court if-
 - in relation to a provision or matter that is the subject of the appeal, the person referred to the provision or matter in the person's submission on the proposal; and
 - in the case of a proposal that is a proposed policy statement or plan, the appeal does not seek the withdrawal of the proposal as a whole.

John Duguid
Manager – Plans & Places

Notification date: 30 May 2019

A bit more information about Proposed Plan Change 26

What is the Auckland Unitary Plan?

The Auckland Unitary Plan is the council's planning rulebook. It identifies how and where the city will grow and sets out the environmental resource management issues of significance for Auckland. It contains objectives, policies and rules for the development and subdivision of land, and objectives, policies and rules for lakes, rivers, streams and marine and coastal areas.

Why is the council proposing this plan change?

The council expects the proposed plan change to make it clear which planning provisions apply when a property is zoned residential and also has a Special Character Areas Overlay. Greater clarity will benefit people who want to develop their property, interested neighbours and the council's team who assess resource consent applications.

Does the proposed plan change affect my existing resource consent or resource consent application?

Existing resource consents are not affected by the proposed plan change. However, if you are currently applying for, about to apply for, or have recently lodged a new resource consent application, the provisions of the proposed plan change may be relevant to the processing of your application.

If the plan change becomes operative, you would need to consider the planning provisions put in place by the plan change if you intend to develop your property in the future.

The proposed plan change includes planning provisions like:

- how high you can build a new dwelling or additions to an existing dwelling in relation to a side or rear boundary
- the height of any new fence on the front boundary or the side boundary
- how much of your property can be covered by impervious areas, and;
- yard requirements (i.e. areas around the inside perimeter of your property where you cannot build).

Why am I receiving notice of this proposed plan change?

You are receiving notice of this proposed plan change because the property you own or rent is located in a residential zone that also has a Special Character Areas Overlay.

How do I have a say about the proposed plan change?

You can tell us your thoughts about the proposed plan change by making a submission to the council. You can do this by completing the online submission form or by emailing your submission to unitaryplan@aucklandcouncil.govt.nz

When will the plan change be in effect? (Become operative)

The submissions we receive through the submission process will help inform the outcome of the plan change hearing. A hearing will be held later in 2019. This is where independent commissioners will consider the submissions received on the proposed plan change. The commissioners will publish their decision (made on behalf of the council) following the hearing.

People who make a submission on the proposed plan change will have the opportunity to appeal that decision to the Environment Court if they do not agree with the decision. If no appeals are received, or when the appeals are resolved, the plan change will become operative.

How can I get more information?

You can check out the council's website for more information about the proposed plan change and if you need more information or wish to ask a specific question, you can contact the council by emailing us your question and contact details at unitaryplan@aucklandcouncil.govt.nz. We will respond to your email as soon as we can, within five working days.