



***APPLICATION FOR PROPOSED PLAN CHANGE
UNDER SECTION 73 OF RESOURCE MANAGEMENT ACT 1991
AT 5 CARLTON GORE ROAD, AUCKLAND CITY***



**APPLICATION FOR PRIVATE PLAN CHANGE TO MEET THE REQUIREMENTS OF
SCHEDULE 1 CLAUSE 22 OF THE RESOURCE MANAGEMENT ACT 1991**

TO: Auckland City Council
Private Bag 92 516
Wellesley Street
Auckland

APPLICANT: Barney Holdings Limited ("the Applicant")

**THE NAMES AND ADDRESSES OF THE OWNER AND
OCCUPIER OTHER THAN THE APPLICANTS ARE:**
OWNER: Barney Holdings Limited

THE LOCATION OF THE ACTIVITY: 5 Carlton Gore Road, Grafton

LEGAL DESCRIPTION: Lot 1 DP 66260, NA 49A/175

**NAME OF AGENT:
ADDRESS FOR SERVICE:** Green Group Limited
PO Box 105 153
Auckland
Attn: Nesh Pillay

ADDRESS FOR ACCOUNTS: Barney Holdings Limited
c/- Green Group Limited
P O Box 105 153
Auckland

RMA SCHEDULE 1 CLAUSE 22 REQUIREMENTS

PURPOSE: To rezone Residential 7b land and additional modifications stated in the attached report

REASONS: To enhance the utility of the site and to reflect existing uses and additional reasons stated in the attached report

SECTION 32 ANALYSIS: See Section 5 of attached report

ASSESSMENT OF EFFECTS: See Section 5.0 of attached report

DATED AT AUCKLAND: 24 April 2009

SIGNED


Nesh Pillay
Duly Authorised Agent for Barney Holdings Limited



1.0 Introduction

- 1.1 This application outlines the resource management issues associated with a request by Barney Holdings Limited (“the applicant”) to the Auckland City Council (‘the Council’) as the owner of 5 Carlton Gore Road Grafton to amend the zoning of this property from Residential 7b to Mixed Use.
- 1.2 The planning site (‘the Site’) is comprised of a single certificate of title being Lot 1 DP 66260 NA49A/175. The site has an area of 1754m².
- 1.3 A copy of the certificate of title is attached.
- 1.4 The Resource Management Act 1991 (‘the Act’) provides the opportunity to apply for a private plan change to an Operative District Plan where certain preconditions are able to be complied with.
- 1.5 These matters are set out at section 25(4) of Part II of the 1st Schedule to the Act. The proposal in our opinion accords with these requirements such that the Council is able to consider this proposal in terms of the provisions of the Schedule.
- 1.6 Part II of the 1st Schedule of the Act provides for “Requests for Changes to Policy Statements and Plans of Local Authorities and Requests to Prepare Regional Plans” and states:
 - “21. *Requests*
 - (1) *Any person may request a change to a district plan or regional plan 9including a regional coastal plan)*”And:
 - “22. *Form of request –*
 - (1) *A request made under clause 21 shall be made to the appropriate local authority in writing and shall explain the purpose of, and reasons for, the proposed plan change to a policy statement or plan.*
 - (2) *Where environmental effects are anticipated, the request shall describe those effects, taking into account the provisions of the Fourth Schedule, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan.*”
- 1.7 In this case the Operative District Plan (‘the Plan’) is the *Isthmus Section of the Auckland City District Plan* made Operative in 1998.
- 1.8 The subject site has, despite its present commercial land use activities



established over many years, been accorded with a residential zoning which is inappropriate to the land uses of commercial offices presently on site.

- 1.9 It is requested that the Plan make provision for the uses that exist on this site currently and are expected to exist in the foreseeable future by way of change to the Plan and to introduce a zoning type that provides for residential and other mixed use activities on site.
- 1.10 The geographically isolated nature of the site lends itself to a zoning of the type discussed which will not undermine the pattern of the zoning in the area nor derogate from adjacent residential amenity. What will be facilitated is a pattern of zoning which will provide for the existing commercial activities in a manner similar to the provisions of the Mixed Use Zone and at the same time incorporate interface controls – currently absent, to assist in preserving, maintaining and enhancing residential amenity.
- 1.11 Greater control over amenity and certainty to the land owners will result both in and adjacent to the subject site.
- 1.12 The change comprises the sustainable and appropriate development of natural and physical resources. The use and development of the site is considered to comprise development consistent with existing residential amenity.
- 1.13 As the following assessment outlines the effects of the activity are constrained to the site subject to the zoning and subject to appropriate development controls being imposed on development will not give rise to adverse effects that are more than minor.
- 1.14 In accordance with the provisions of Clause 22 of the Act, this document shall serve as written notice of the plan change request and also of the following requirements:

Purpose of the plan change:

The purpose of this plan change is to rezone the subject site to the Mixed Use zone

Reasons for the plan change:

The change is sought to enhance the utility of the property in keeping with its location at the fringe of a commercial and to allow for the development of the site as a mixed use property.

Section 32 evaluation:

See Section 5 of this report.

- 1.15 This report explains the purpose of, and reasons for, the proposed plan change, and contains an evaluation under Section 32 of the Act. The request describes the environmental effects of the change taking into account the provisions of Schedule 4 and the provisions of the District Plan.

1.16 Specifically the proposal will result in the following changes to the Planning Maps:

Planning Map C08, Page 1: Shall have the Mixed Use zone applied to the subject site while presently they are zoned Residential 7b

1.17 It is considered that for the reasons set out below, the proposal is merited and is recommended to Council for consideration and approval.

2.0 The Site

2.1 The site subject to the application has an area of 1754m² and is a front property that generally slopes to the east.



Figure 1: Photo of Subject Site

2.2 The site is a corner site with frontage to Carlton Gore Road to the north and Arotau Street to the east. To the south of the site is the southern motorway. The site is essentially an 'island' enjoying no contiguous boundaries with other sites with the exception of the small local purposes reserve to the west.

2.3 The current activities on the site comprise a commercial office building. It is occupied by the Zeacom company which is a technology company. This is a quiet clean commercial activity long established on the site. The use of the site is not regulated and is constrained only by the capacity of the building.

2.4 The building (as shown on the plans included with the application) has an average height of 11m (approximately) less than that permitted as of right in

the Residential 7B zone of 12.5m. It has a building coverage of 47.8% and paved impermeable surfaces of 30%, landscaped areas of 22% and a GFA of 1:176. It has on site carparking for 38 vehicles.



Figure 2: Photo of Subject Site (viewed from western boundary)

2.5 The building is in a good state of repair and appears as a quality commercial development in the environs.



Figure 3: Photo of corner of Carlton Gore Road and Grafton Road with local purpose reserve to the west of the site

2.6 A zoning map is provided below,

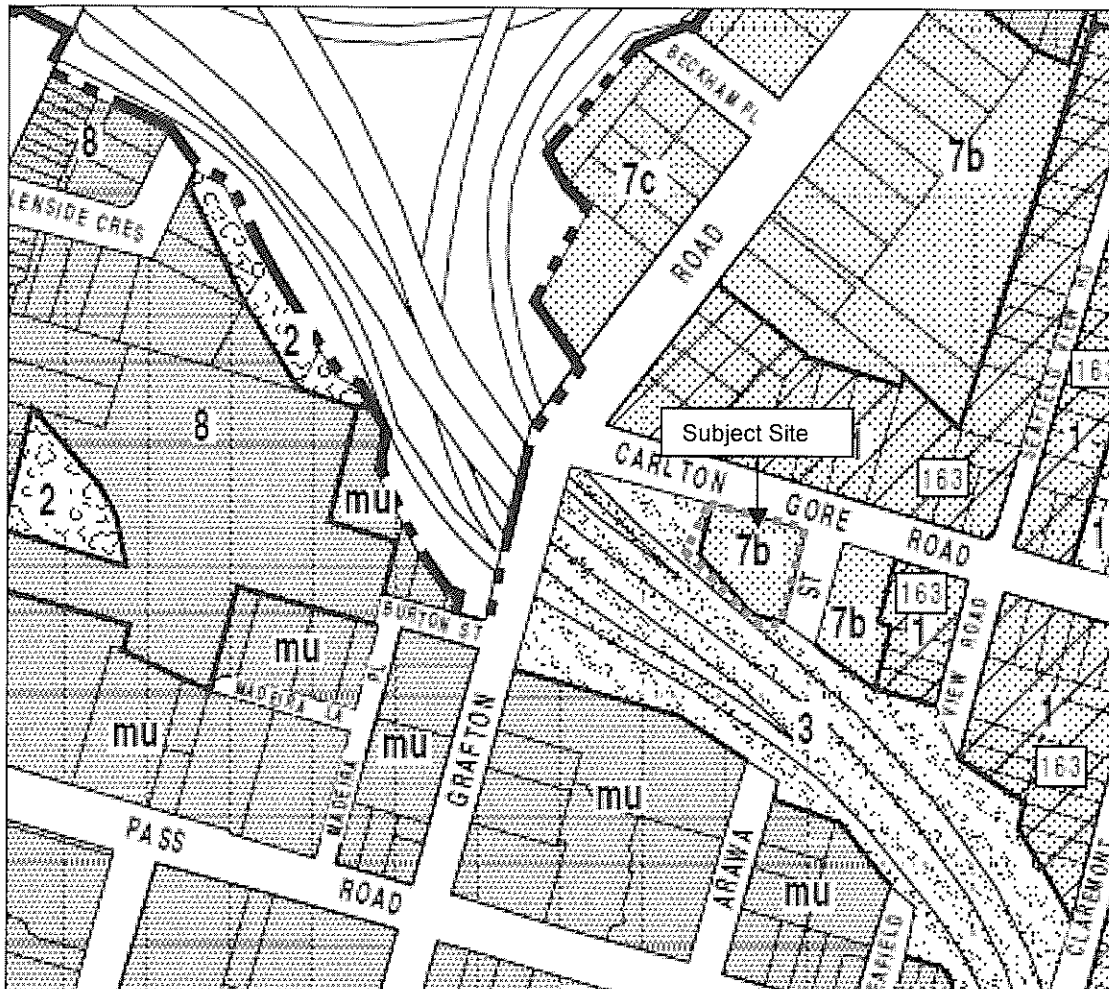


Figure 4: Planning Map C08

- 2.7 As can be seen from the above zoning patterns, the site is surrounded by a mixture of zones that range from Residential 1 through to Mixed use and Business 8. Opposite the site is the Whitecliffes Art School which occupies the historic building on the corner of Carlton Gore Road and Grafton Road that was formerly the Auckland Hospital Nurses training facility.
- 2.8 It is presently a commercial activity in the form of a tertiary training facility for the arts. The building occupies a significant portion of the frontage opposite the subject site and along Carlton Gore Road. The site is zoned as Residential 1, which appears to be a zoning which does not reflect the present, past or probably future use of that property.
- 2.9 From the motorway bridge south along both sides of Grafton Road is land zoned as mixed use but used entirely as commercial offices in a manner quite similar to the subject site.