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I hereby give notice that a hearing by commissioners will be held on:

**Date:** Wednesday, 10 February 2021  
**Time:** 9.30am  
**Meeting room:** Boardroom  
**Venue:** Ground Floor, Auckland Town Hall, 301 Queen Street, Auckland Central

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**HEARING REPORT**

**PRIVATE PLAN CHANGE 47 - FLAT BUSH  
PRECINCT - SUB-PRECINCT H**

**BR LAND COMPANY LIMITED**

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**COMMISSIONERS**

<b>Chairperson</b>	<b>David Mead</b>
<b>Commissioner</b>	<b>Lisa Mein</b>

**Bevan Donovan**  
**HEARINGS ADVISOR**

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**Note:** The reports contained within this document are for consideration and should not be construed as a decision of Council. Should commissioners require further information relating to any reports, please contact the hearings advisor.

## **WHAT HAPPENS AT A HEARING**

At the start of the hearing, the Chairperson will introduce the commissioners and council staff and will briefly outline the procedure. The Chairperson may then call upon the parties present to introduce themselves to the panel. The Chairperson is addressed as Mr Chairman or Madam Chair.

Any party intending to give written or spoken evidence in Māori or speak in sign language should advise the hearings advisor at least five working days before the hearing so that a qualified interpreter can be provided.

Catering is not provided at the hearing. Please note that the hearing may be audio recorded.

### **Scheduling submitters to be heard**

A timetable will be prepared approximately one week before the hearing for all submitters who have returned their hearing appearance form. Please note that during the course of the hearing changing circumstances may mean the proposed timetable is delayed or brought forward. Submitters wishing to be heard are requested to ensure they are available to attend the hearing and present their evidence when required. The hearings advisor will advise submitters of any changes to the timetable at the earliest possible opportunity.

### **The Hearing Procedure**

The usual hearing procedure (as specified in the Resource Management Act) is:

- The applicant will be called upon to present his/her case. The applicant may be represented by legal counsel or consultants and may call witnesses in support of the application. After the applicant has presented his/her case, members of the hearing panel may ask questions to clarify the information presented.
- Submitters (for and against the application) are then called upon to speak. Submitters may also be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker. The council officer's report will identify any submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
- Should you wish to present written information (evidence) in support of your application, or your submission please ensure you provide the number of copies indicated in the notification letter.
- Only members of the hearing panel can ask questions about submissions or evidence. Attendees may suggest questions for the panel to ask but it does not have to ask them. No cross-examination - either by the applicant or by those who have lodged submissions – is permitted at the hearing.
- After the applicant and submitters have presented their cases, the chairperson may call upon council officers to comment on any matters of fact or clarification.
- When those who have lodged submissions and wish to be heard have completed their presentations, the applicant or his/her representative has the right to summarise the application and reply to matters raised by submitters. Hearing panel members may further question the applicant at this stage.
- The chairperson then generally closes the hearing and the applicant, submitters and their representatives leave the room. The hearing panel will then deliberate "in committee" and make its decision by way of formal resolution. You will be informed in writing of the decision and the reasons for it.

**A LIMITED NOTIFIED PLAN MODIFICATION TO THE AUCKLAND UNITARY PLAN BY  
BR LAND COMPANY LIMITED**

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**Reporting officer, Vanessa Leddra, Planner**

Reporting on a proposed private plan modification for amendments to two development standards (side yard and site coverage) to the Flat Bush Precinct - sub precinct H and minor amendments to adjacent sub-precinct boundaries and underlying zone boundaries

**APPLICANT:** BR LAND COMPANY LIMITED

<b>SUBMITTER:</b>	
Page 289	Neil Construction Limited





**Hearing Report for Proposed Plan Change 47: amendments to two development standards to the Flat Bush Precinct - sub precinct H, minor amendments to adjacent sub-precinct boundaries and underlying zone boundaries, to the Auckland Unitary Plan (Operative in Part)**

Section 42A Hearing Report under the Resource Management Act 1991

**Report to:** Independent Commissioners

**File No:** Hearing Report – Proposed Plan Change 47 (PC47)

**File Reference** \\aklc.govt.nz\Shared\CPO\RLP\FC\LUP\UP MODIFICATIONS\PC047 - Flat Bush amendments sub precinct H (Private)\04 Hearings

**Report Author** Vanessa Leddra, Policy Planner, Central-South Planning, Plans & Places

**Report Approvers** Craig Cairncross, Team Leader Central-South, Plans & Places

**Report produced** 26 January 2021

**Summary of Proposed Plan Change 47: amendments to two development standards to the Flat Bush Precinct - sub precinct H, minor amendments to adjacent sub-precinct boundaries and underlying zone boundaries**

<b>Plan subject to change</b>	Auckland Unitary Plan (Operative in Part) 2016
<b>Number and name of change</b>	Proposed Plan Change 47 – amendments to two development standards to the Flat Bush Precinct - sub precinct H in the upper McQuoids Road / Flat Bush School Road area and minor amendments to adjacent sub-precinct boundaries and underlying zone boundaries to the Auckland Unitary Plan (Operative in Part)
<b>Status of Plan</b>	Operative in part
<b>Type of change</b>	Proposed Private plan change
<b>Date of approval (or adoption) for notification by Planning Manager, Central &amp; South</b>	28 July 2020
<b>Parts of the Auckland Unitary Plan affected by the proposed plan change</b>	AUP(OP) Planning Maps I412 Flat Bush Precinct

<b>Date draft proposed plan change was sent to iwi for feedback</b>	14 August 2020
<b>Date of notification of the proposed plan change and whether it was publicly notified or limited notified</b>	14 August 2020 Limited notification
<b>Plan development process used – collaborative, streamlined or normal</b>	Normal
<b>Submissions received (excluding withdrawals)</b>	1
<b>Date summary of submissions notified</b>	24 September 2020
<b>Number of further submissions received (numbers)</b>	0
<b>Legal Effect at Notification</b>	No
<b>Date of site visit</b>	9 October 2019 and 14 December 2020
<b>Main issues or topics emerging from all submissions</b>	Urban design, landscape character/visual effects

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<b>Appendix 1</b>	<b>Proposed Plan Change 47 - Amendments to development standards in the Flat Bush precinct: sub-precinct H and minor realignment of boundaries of sub precincts H, J and K, as notified</b>
<b>Appendix 2</b>	<b>Clause 23 Requests for further Information and responses</b>
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<b>Appendix 7</b>	<p><b>Council's Specialist Assessments</b></p> <ul style="list-style-type: none"> <li>• <b>Urban form/streetscape</b>      <b>Nicole Bitossi</b>      <b>Motu Design Ltd</b></li> <li>• <b>Visual amenity and landscape effects</b>      <b>Ainsley Verstraeten</b>      <b>Urban Design Unit, Auckland Council</b></li> <li>• <b>Engineering/Geotechnical</b>      <b>Maria Baring</b>      <b>Regulatory Engineering, Auckland Council</b></li> <li>• <b>Healthy Waters</b>      <b>Iresh Jayawardena</b>      <b>Healthy Waters Resource Management, Auckland Council</b></li> </ul>
<b>Appendix 8</b>	<b>Local Board Views dated 16 November 2020</b>
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## Abbreviations in this report include:

Abbreviation	Meaning
PC47 or Plan Change	Proposed Plan Change 47
RMA	Resource Management Act 1991
AUP(OP)	Auckland Unitary Plan (Operative in Part)
PAUP	Proposed Auckland Unitary Plan
IHP	Independent Hearings Panel
NPS	National Policy Statements
SH	Single House zone
MHS	Mixed Housing Suburban zone
AEE	Assessment of Environmental Effects
RUB	Rural Urban Boundary

## 1. EXECUTIVE SUMMARY

1. BR Land Company Ltd (the requestor – hereafter referred to as the ‘applicant’) lodged a private plan change to the Auckland Unitary Plan (Operative in Part) (**AUP(OP)**) initially on 3 September 2019. An updated proposal was lodged/received on 16 June 2020. On 28 July 2020 the private plan change was considered and accepted by the Council under clause 25(2)(b) of the Schedule 1 of the Resource Management Act (**RMA**).
2. Proposed Plan Change 47 (**PC47**) seeks to amend two development standards in the Flat Bush Precinct – sub precinct H and provide for minor realignment of boundaries of sub precincts H, J and K and underlying zone boundaries. More specifically this request seeks to reduce the side yards from 3m to 1.2m and increase the building coverage from 35% to 40% for sites over 400 sq m; modify the boundaries of sub-precincts H, J and K of the Flat Bush precinct and amend the associated underlying zoning from single house zone [**SH**] to mixed housing suburban zone [**MHS**]
3. The applicant has stated that the purpose of the proposed private plan change is to enable greater consistency in medium density development in the area and more appropriately provide for the degree of spaciousness as set out in the description of the sub precinct. The modifications to the boundary changes to sub precincts H, J and K and amendments to the zoning from SHZ to MHZ would bring alignment with the approved subdivision design and layout for Bremner Ridge [as the area is known].
4. Further information was sought from the applicant by the Council in accordance with Clause 23 of Schedule 1 of the RMA on 17 October 2019 and 21 February 2020 on matters relating to urban design, landscape and visual amenity assessments. The applicant provided further information in response to the Clause 23 request on 16 June 2020. Council considered that the further information provided by the applicant was satisfactory.
5. PC47 was limited notified by the Council on 14 August 2020. Following the closing date of submissions on 11 September 2020, one submission was received. The Council’s summary of decisions requested was notified on 24 September 2020, with

the period for making further submissions closing on 8 October 2020. No further submissions were received.

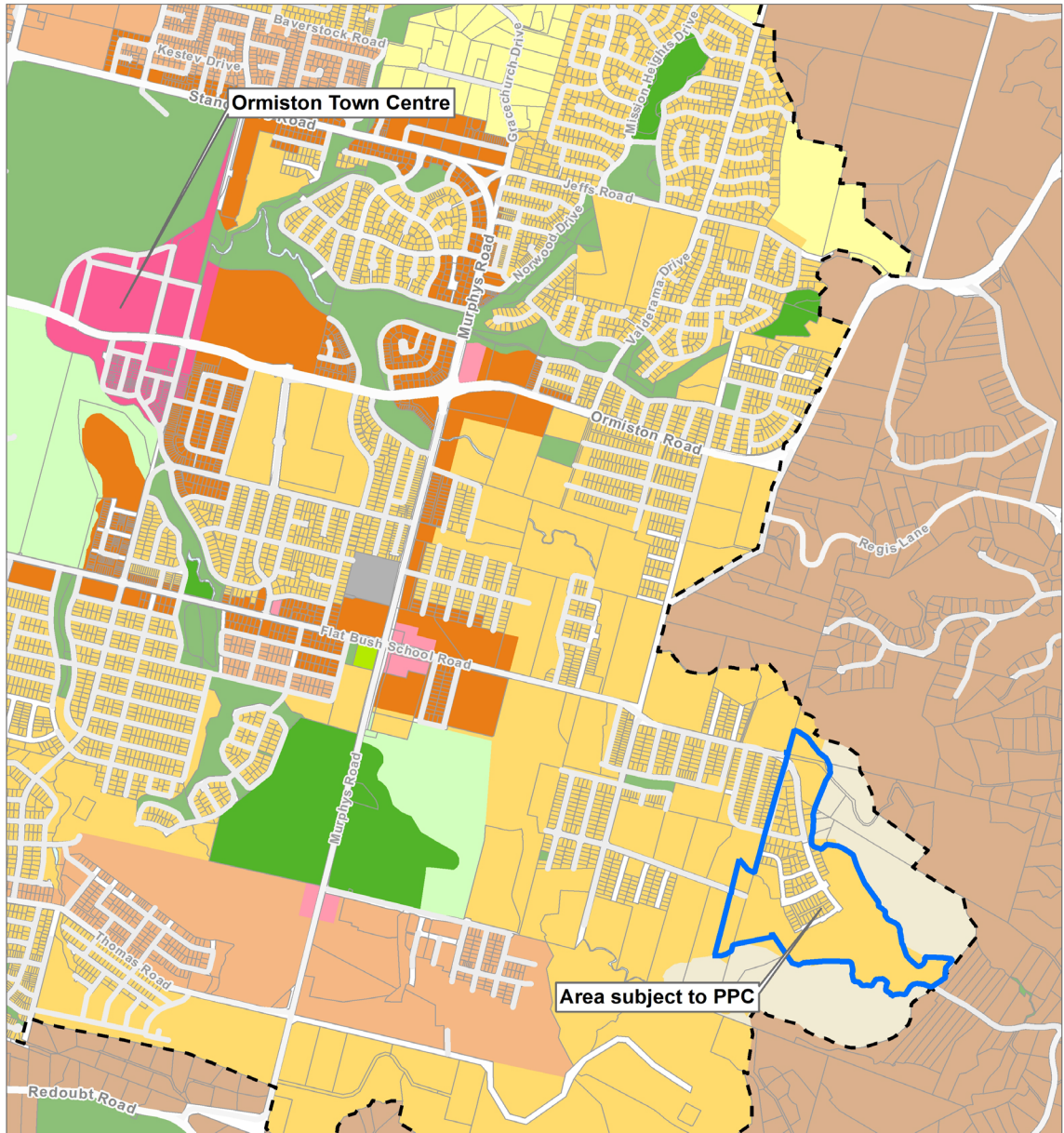
6. This hearing report has been prepared in accordance with section 42 of the RMA. It addresses the merits of PC47, with reference to an assessment of effects on the environment and the matter raised by the submission. The discussion and draft recommendations in this report are intended to assist the Independent Commissioners, and those persons or organisations that lodged submissions on PC47.
7. The recommendations contained within this report are not the decisions of the Independent Commissioners.
8. This report also forms part of Council's ongoing obligations under section 32 of the RMA, to consider the appropriateness of the proposed objectives and provisions in PC47, as well as the benefits and costs of any policies, rules or other methods, as well as the consideration of issues raised in submissions on PC47.
9. A report in accordance with section 32 of the RMA was prepared by the applicant as part of the private plan change request as required by clause 22(1) of Schedule 1 of the RMA.

## **2. CONTEXT AND PLAN PROVISIONS**

### **2.1 Site and Surrounding Area**

10. The site subject to this private plan change is within Sub-precinct H and relates to land in the upper McQuoids Road / Flat Bush School Road area that transitions to the upper catchment area of the Flat Bush basin and precinct. The area is highly visible from the wider Flat Bush basin and can be described as an elevated plateau with steep gullies.
11. The Flat Bush area has been developing over the past 15 years or so. The light industrial and commercial areas of East Tamaki are located to the north-west, including Ormiston Town Centre with residential areas to the north and east and the rural [rural urban boundary] areas to the east. **[as shown in Figure 1 below]**

#### **Figure 1: Locality Plan**



- - - Rural Urban Boundary (RUB)
- Flat Bush Sub-precinct H
- Residential - Large Lot Zone
- Residential - Single House Zone
- Residential - Mixed Housing Suburban Zone
- Residential - Mixed Housing Urban Zone
- Residential - Terrace Housing and Apartment Buildings Zone
- Open Space - Conservation Zone
- Open Space - Informal Recreation Zone
- Open Space - Sport and Active Recreation Zone
- Open Space - Community Zone
- Business - Town Centre Zone
- Business - Neighbourhood Centre Zone
- Rural - Countryside Living Zone
- Special Purpose Zone
- Water [i]
- Road [i]

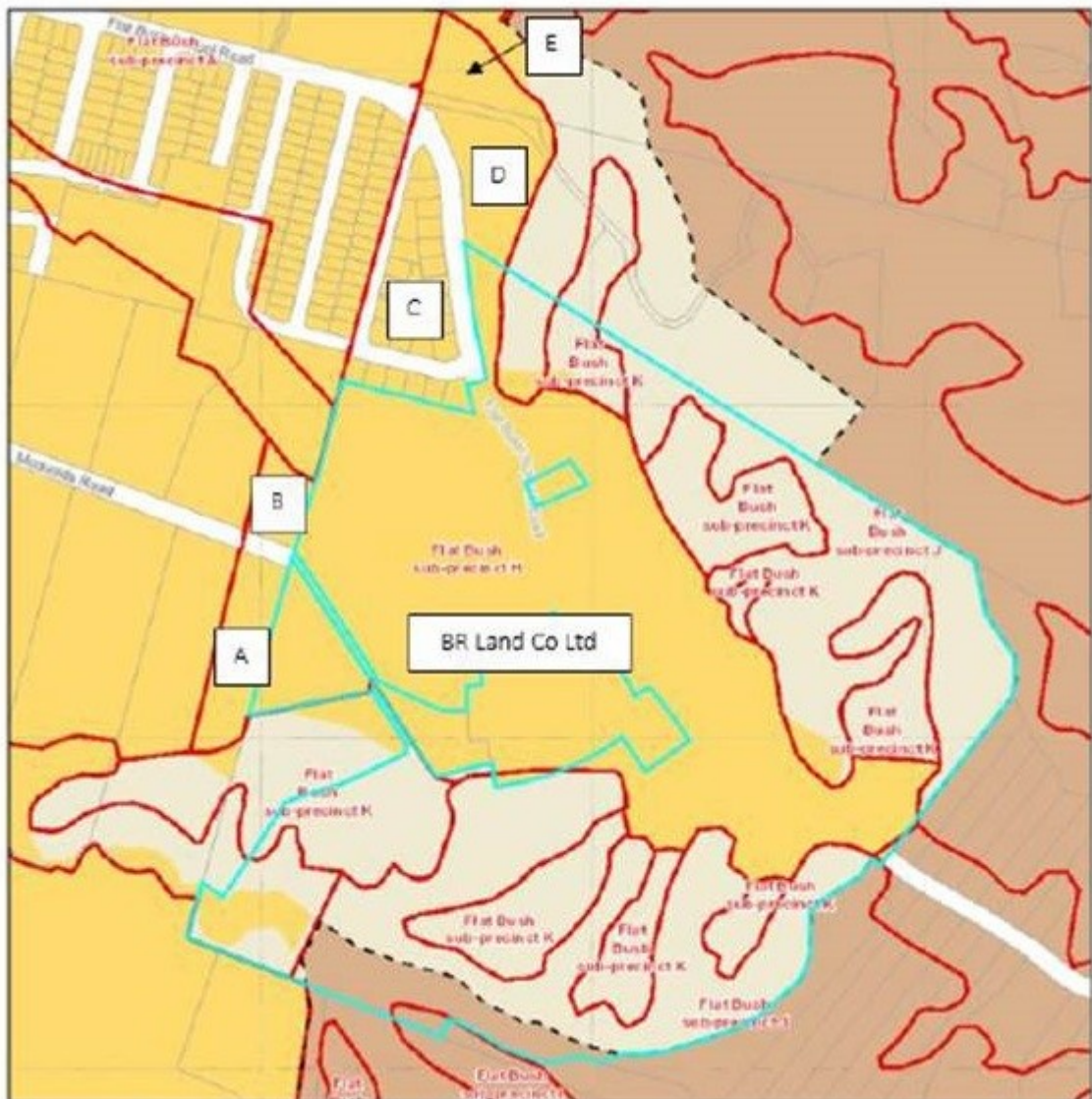




12. BR Land Company Limited own approx. 90% of the land within sub precinct H, including 42ha at 315 Flat Bush School Road on the interface between the Flat Bush community and the Redoubt Road ridge.
13. This area of ownership includes land at 87 and 99 McQuoids Road and 361 Flat Bush School Road and is now known as Bremner Ridge.
14. There are a number of sites in the vicinity of sub precinct H owned by other parties. This includes land at 85 McQuoids Rd, to the west of 87 McQuoids Rd, identified as A below, 66 McQuoids Rd identified as B below, a block of recently subdivided lots to the north in multiple ownership including 303-321 Flat Bush School Road, 43-51 Matahae Drive and 6-20 Perehia Road, shown as C below, the area also to the north, 323 Flat Bush School Road shown as D below and 333 Flat Bush School Road shown as E. As shown in Figure 2 below.

**Figure 2 – Land ownership – extract taken from Plan Change Request and Section 32 report**

*Figure 1: Flat Bush Precinct: Sub-Precinct H (Source: Auckland Unitary Plan Geomaps Viewer)*



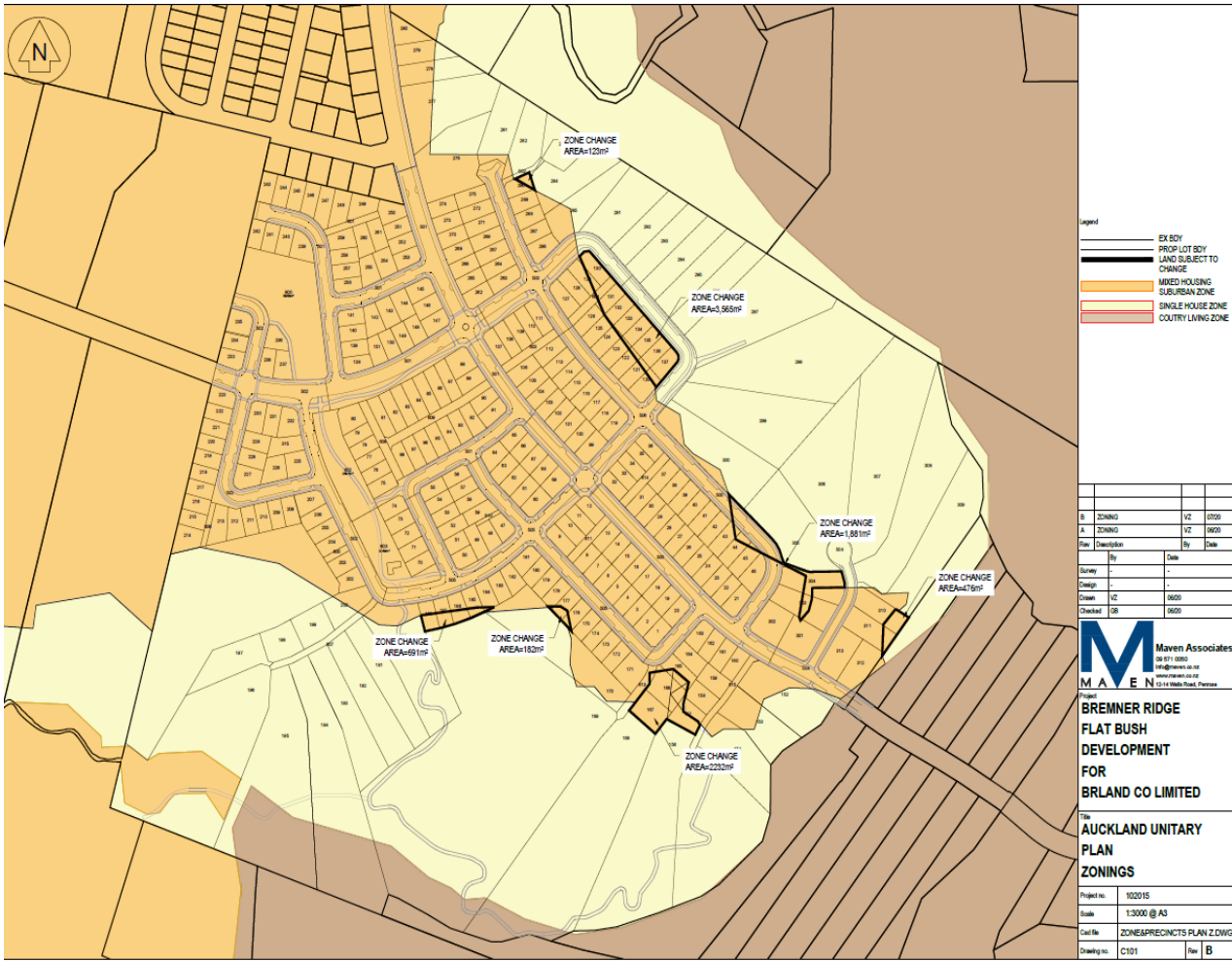
**Figure 1: Land ownership plan**



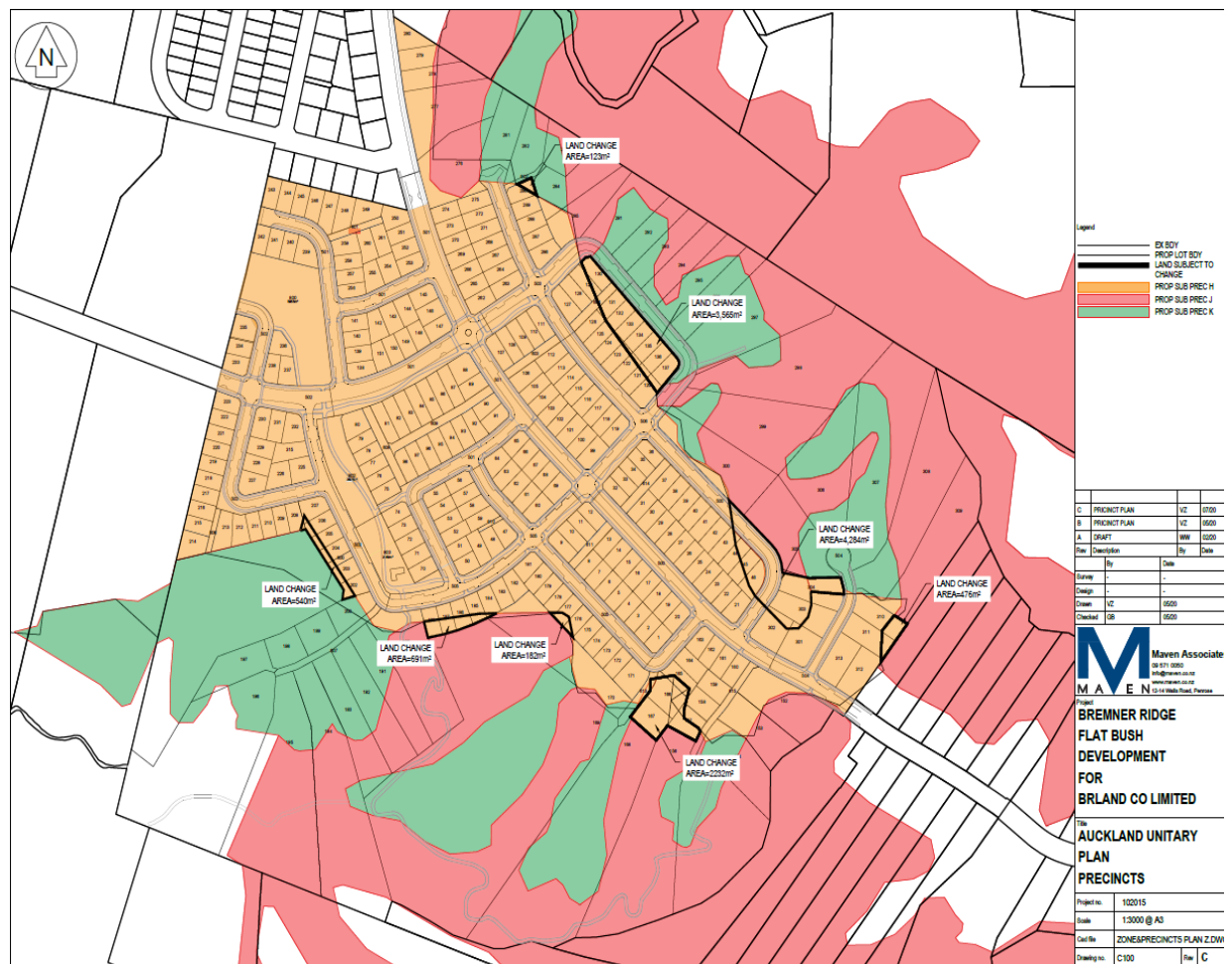
## 2.2 Private Plan Change Request

15. The private plan change request was initially lodged on 3 September 2019 with an updated/amended plan change request lodged on 16 June 2020 following requests for further information and amendments initiated by the applicant. Note that changes to the Height in Relation to Boundary standard was removed from the subsequent request and now does not form part of the Plan Change Request.
16. The proposed plan change request relates substantially to land which is located within sub precinct H of the Flat Bush precinct and amendments to boundaries included in this plan change relate to sub-precincts H, J and K and associated underlying zone boundaries in the Auckland Unitary Plan (Operative in Part) 2016. See Appendix 1.
17. More specifically the proposed plan change seeks to:
  - a) amend two of the Flat Bush Precinct: Sub-Precinct provisions to:
    - (i) increase the maximum building coverage for sites over 400 sq.m. from 35% to 40%
    - (ii) reduce the side yard requirement from 3m to 1.2m and
  - b) modify the boundaries of sub-precincts H, J and K and underlying zone boundaries to align with the approved subdivision consent for the land, including a total of approximately 1.2ha of land
    - (i) the areas to be rezoned from Single House zone [sub precinct K] to Mixed Housing Suburban [sub precinct H] are shown below in Figure 3
    - (ii) The areas to be included in sub precinct H from sub-precinct J and K are shown below in Figure 4

**Figure 3 Proposed changes to AUP (OP) maps [as provided by the applicant] to amend zoning from Single House (sub-precinct K) to Mixed Housing Suburban (sub-precinct H)**



**Figure 4 – Proposed changes to to AUP (OP) maps areas of sub-precincts J and K to be included in sub-precinct H [as provided by the applicant]**



18. BR Land Co Ltd have provided the following documents in support of their private plan change application.

Document	Specialist	Date
Plan change request, planning report including an assessment of environmental effects and section 32 analysis [updated]	Tattico Limited	16 June 2020
Proposed Unitary Plan Maps and Precinct Plan	Tattico Limited	16 June 2020
Urban Design Assessment and Neighbourhood Design Statement	Ian Munro	December 2019 and updated June 2020
Massing Study	A Studio Architects	April 2020

### **2.3 Clause 23 requests for further information and acceptance under Clause 25**

19. On 17 October 2019, the Council requested that the applicant provide further information under Clause 23 of Schedule 1 of the RMA. It was noted that once the council obtained the services of an urban design consultant, further information and assessment of urban design/landscape effects may be required. On 22 January the applicant provided material in response to the Clause 23 further information request.
20. The council issued a further request on 21 February 2020. The purpose of the further information request was to enable Council to better understand the effects of PC47 on the environment and the ways in which adverse effects may be mitigated. The key information sought from the requests related to assessments around urban design/landscape and visual effects.
21. On 16 June 2020, the applicant provided the material in response to the Clause 23 further information requests. A full set of updated information was provided on 16 June 2020, to avoid confusion. The requests are attached as **Appendix 2** to this report.
22. Council considered that the further information provided by the applicant was sufficient to enable Council to assess the private plan change request.
23. The Plan Change request was accepted for notification under clause 25 to Schedule 1 RMA on 28 July 2020. A copy is attached as **Appendix 3** of this report.

### **2.4 Background Information**

24. The land subject to this request forms part of an area which was subject to structure planning by the legacy Manukau City Council. The area was zoned Flat Bush Residential 4 zone under the Manukau District Plan with wider objectives for the area relating to a need for creating and maintaining a degree of spaciousness within the zone. The Residential 4 zone anticipated a low-density residential environment with large lots generally in the order of 1200-1500 sqm.
25. Given the location and topography of the area and its high visibility from the wider Flat Bush basin, the area was not considered suitable for intensive urban activities. An appeal at the time [by Todd Property Group] on Plan Change 20 [see below] sought to rezone the land to allow for a greater population to provide for within this particular area. In order to progress the appeal, Council commissioned Rebecca Skidmore to carry out a landscape and visual assessment of the area. This assessment noted that while the land was elevated from the basin, it did not act as an enclosing element to the core area within the Flat Bush basin. In addition, the expert noted that, when the lower catchment of Flat Bush was fully urbanised, the intervening buildings and vegetation will obscure views to this area and that the landform would not be easily discernible. The expert was of the view that, while the McQuoid's Road catchment required larger lots to be created combined with lower site coverage, it is likely the development will result in creating larger and more prominent dwellings, therefore achieving a similar visual impact as a medium density development.
26. The report concluded that this zone did have some potential for further intensification and identified two broad development areas within the zone [and subsequently identified as sub-precinct H and K. Sub-precinct H as set out in the AUP(OP) and set out in para 3.1.1 below] Sub-precinct H was identified as the area located on the

elevated plateau and characterised by a gentle grade that is suitable for medium density development. Sub-precinct K [single house zone] covered the rest of the zone with undulating topography with areas of developable land located on the flanks and spurs of the deep gullies and anticipates lower density residential development with development controls to ensure a degree of spaciousness.

27. It must be noted that while the landscape and visual assessment identified the potential for further development, it did not provide details on the appropriate scale of medium density development or appropriate zoning for the area. Furthermore, it was noted that further work needed to be carried out with regards to developing new precinct description and development controls for the new precincts [within the Flat Bush Residential 4 zone].
28. In conclusion, the appeal decision recommended that the provisions of the Flat Bush Residential 4 zone be amended to allow for medium to low density residential developments and that the new provisions should ensure the wider objective of spaciousness would still be achieved while delivering on additional housing within the area. These densities and other provisions generally became part of the Operative PC20 of the Auckland Council District Plan, Manukau version. PC20 was made operative in January 2015. [see Appendix 4]
29. These provisions were then “rolled over” and became part of the Unitary Plan [AUP(OP)] with minor changes and were renamed sub precincts. The sub-precincts contain the objectives, policies and standards relevant to subdivision, development and earthworks in the precinct plan.
30. The Independent Hearings Panel [IHP] ‘up zoned’ the area within sub precinct H from single house to Mixed Housing Suburban and this was adopted by the Council. The AUP(OP) standards for the sub precinct set out to achieve the environmental outcomes, the objectives and policies of sub-precinct H and include specific controls on density, height, height in relation to boundary, yards, building coverage, impervious area and fences for this area.

## **2.5 Relevant Planning History**

31. Auckland Council granted resource consent to subdivide land within sub precinct H in May 2017. The original subdivision (SUB 60300672) was approved with 239 vacant lots and associated earthworks, stream works and the formation of new roads. This consent related to an area formerly known as 315 Flat Bush School Road covering approx. 42 ha.
32. The applicant was granted a variation to this consent (SUB 60300672A) which included expanding the area to include 361 Flat Bush School Road and increased the the yield to 315 lots in May 2018. This allowed a greater variety of lot sizes with many lot sizes reduced, as were the minimum lot dimensions (both width and depth).
33. More specifically, 247 of the consented lots did not meet the minimum 520 sqm site size requirement of the sub precinct H and not all sites met the minimum 20 m width and/or 26m minimum depth requirements. There were some narrow lots (12-14 m wide) proposed, however the design guidelines provided in conjunction with this application [Flat Bush School Road Design Statement for Development Advisory Services dated December 2017 prepared by JASMAX [see Appendix 5] showed that houses could be designed to “fit” the smaller sites.

34. The justification as part of this Design Statement was that all sites were designed to meet site coverage, yards and other controls which determine spaciousness. Therefore, the applicants were able to justify that the proposal would meet the environmental outcomes, objectives and policies of the Flat Bush sub-precinct H area, particularly in regard to the environmental outcome of achieving spaciousness. The statement showed how it would be possible to develop these smaller sites and still comply with the development controls. Housing typologies were provided to show that it would be possible to comply with the 3m side yards, the 35% site coverage and the height in relation to boundary building envelopes – pages 28 and 29 of the Jasmax document
35. Subsequent variations to this subdivision approval were granted in January and November 2019 and latterly in April 2020 [SUB60300672-D]. These approvals have resulted in amended lot sizes, amended conditions and the adoption of new staging plans.
36. Officers in the Resource Consents team are currently dealing or have recently dealt with a number of applications for land use resource consents within sub-precinct H for multi-generational homes [relating to Lots 85-86 and 96-97] within the wider area known as 87 McQuoids Road.
37. The applications for Lot 85 and 86 comprise proposed two storey houses and connected double garages with loft over the garage, located towards the rear of the sites. This reduces the car parking available but increases the landscaped area to the front of the sites. These proposals would result in sites with no rear yards on lots where they adjoin a rear access way – potentially affecting up to 48 lots.
38. The application for Lot 85 at 87 McQuoids Road [Ref LUC60355177] has a 445 sq m<sup>2</sup> site area. It is noted that this site is somewhat atypical with a front yard at 15 metres which is particularly deep given its position within the subdivision and fronting a linear park. This application includes infringements of both side yards [down from 3m to 1.2m and 1.7m respectively] and a building coverage infringement of 2.3% over the 35% site coverage. In October 2020 the Duty Commissioner determined the matter of notification for Lot 85 and as part of this, the findings noted the acceptance of the interpretation of the minimum density provision of the Flat Bush precinct [412.6.1.1.(1)] The application was recommended for refusal, subsequently was considered at a hearing in November 2020. and granted on 20 November. The application was approved on the basis that any loss in spaciousness resulting from the side yard infringements was compensated for by the extra deep front yard setback. The application for Lot 86 is very similar to the application for Lot 85. As a result, consent has also been granted for Lot 86.
39. The application for Lots 96 and 97, lodged as one application for the two sites, as both sites are under 400sqm, comprise two detached three storey dwellings located 4m back from the front boundary and two detached double garages with lofts over them situated adjacent to the rear access lot. Outdoor living areas are proposed between the dwellings and the garages. The application includes infringements of the side yards (down to between 1.2-1.5m), building coverage (6% infringement), height in relation to boundary and earthworks standards. This application is yet to be determined.
40. Currently officers in the Premium Team [Resource Consents] are dealing with a comprehensive land use and subdivision application [BUN60361650] further up within BR Land Company Ltd's site. This is located at the eastern end of the block at 87 McQuoids Rd comprising the final stages of the Bremner Ridge development. This is

for an integrated land use and subdivision for construction of 162 dwellings on 26ha of land, including variations of underlying consents for earthworks and other matters. This proposal includes further subdivision of already created lots to create approximately 50 additional lots and includes 37 intergenerational dwellings. The proposal includes infringements of the sub precinct H development controls (side yards which range from 1.4 -1.8m on one or both sides] front yards, [infringement varies between 0.4m - 2.1m] and height in relation to boundary [varying infringements]. Site coverage is retained at 35% or less for all lots. The application is currently under consideration and an update may be able to be provided in due course.

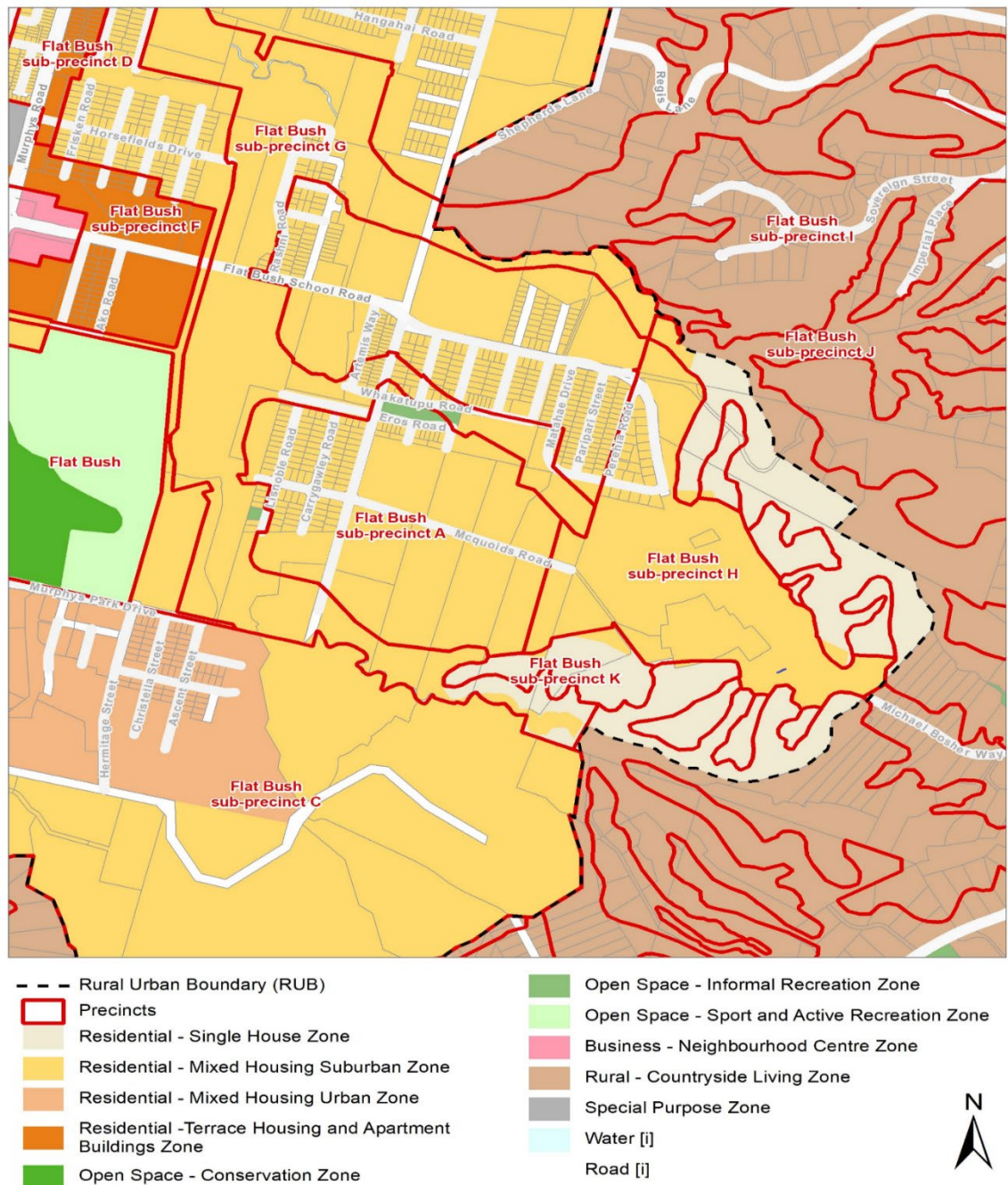
### 3. PLAN PROVISIONS

#### 3.1 Existing plan provisions

41. The Flat Bush area is subject to the specific planning provisions of the Flat Bush precinct, which covers approximately 1730ha. The Flat Bush precinct I412 is described in full, along with its objectives and policies in the AUP(OP) and attached **as Appendix 6**.
42. The precinct is divided into 10 sub precincts, each with a specific set of standards and with different underlying zonings. Eight sub-precincts apply to land within the urban residential zones including A, B, D, E, F, G, H and K. Two sub-precincts, I and J apply outside the urban areas. Sub-precinct C is not subject to the provisions of the Flat Bush Precinct [as depicted in Figure 5 below]



**Figure 5 – Operative zoning, Precinct and sub-precincts in Auckland Unitary Plan (Operative in Part) 2016**



The sub-precincts vary in density from higher density within close proximity to the town centre and Barry Curtis Park, around neighbourhood centres and arterial roads [sub-precincts A, B D, E and F], to medium densities of sub-precinct H and lower densities of sub-precincts J and K towards the outer edges of the Precinct. This forms



a transition from the urban centre to the Country Side Living zone on the other side of the RUB. Sub-precincts I and J relate to environmental protection and enhancement of the surrounding streams, gullies and waterways.

### **3.1.1 Descriptions of relevant sub precincts**

#### **Flat Bush Sub-Precinct H (Mixed Housing Suburban)**

*This Sub-precinct relates to land in the upper McQuoids Road / Flat Bush School Road area that transitions to the upper catchment area. It therefore anticipates a medium density residential environment with development controls to ensure a degree of spaciousness.*

#### **Flat Bush Sub-Precinct J (Conservation and Stormwater Management)**

*This Sub-precinct covers the steep gully areas and waterways that have been identified as warranting environmental enhancement. The function of the Sub-precinct is to improve the overall ecological condition of these gullies and waterways and ensure a level of open space by limiting development in these sensitive areas and undertaking riparian planting and allowing areas of existing native vegetation to regenerate. The riparian planting will enhance the ecological condition of streams, maintain stream bank stability and reduce the level of erosion and flooding created within the catchment where existing exotic planting exists. Land covered by this Sub-precinct is to remain in private ownership and is to be kept free from buildings and structures.*

#### **Flat Bush Sub-Precinct K (Single House)**

*This area relates to steeper land in the upper McQuoids Road / Flat Bush School Road area that transitions to the upper catchment area. It therefore anticipates lower density residential environment with development controls to ensure a degree of spaciousness*

### **3.1.2. Relevant objectives and policies**

*Objective I412.2.2 for Sub-precincts A, B, D, E, F, G, H and K*

*(3) In Sub-precincts H and K, the landscape quality, water and soil resources, native forest, wetlands and open space amenity values of this highly visible landscape in the mid to upper reaches of the Flat Bush basin along with a degree of spaciousness in this medium to low density residential sub-precinct is maintained and enhanced*

AND

#### **Policy I412.3.1 for Flat Bush Precinct**

*(1) “(1) Enable land uses within Sub-precincts that orient primarily towards business, residential and open space activities and provide a gradation of residential activity density by:*

(a) focusing the highest allowable densities around the Flat Bush Town Centre, Flat Bush Neighbourhood Centres, the perimeter of Barry Curtis Park and along arterial roads;

(b) allowing medium/higher densities within the remaining residential areas; and

(c) locating less intensive residential areas at the extremities of the Flat Bush Precinct Plan area.

(4) Require subdivision and development to be of a type, density and design that does not detract from, and is supportive of, the specific environmental outcomes identified for each Sub-precinct

### Policy I412.3.2 Sub-precincts A, B, D, E, F, G, H and K

(5) In Sub-precinct H and K, require medium to lower densities and site coverage to create spacious urban development with reduced visual impact

The policy refers to density and site coverage to create spacious urban development.

43. Special zoning standards apply to achieve the objectives of the zones including specific controls on density, height, height in relation to boundary, yards, building coverage, impervious area and fences. The relevant ones are set out below.

### 3.1.3 Development control tables for comparison between sub-precincts.

Table I412.6.1.4.1 Yards

	A	B	D	E	F	G	H	I	J	K
Front Yard in meters	3	NA	0	0	3	0	4	6	6	4
Side Yard in meters	1.2	1.2	1.2	1.2	1.2	0	3	6	0	3
Rear Yard <sup>1</sup> in meters	8	8	8	8	8	0	8	6	0	8

Table I412.6.1.5.1 Maximum building coverage (as a percent of the site)

	A	B	D	E	F	G	H	I	J	K
Sites over 400 sqm net site area	40	40	50	50	40	NA	35	15	NA	30
Sites between 200sqm-399sqm net site area	40	45	50	50	45	NA	NA	NA	NA	NA
Sites under 200sqm net site area	50	50	50	50	50	NA	NA	NA	NA	NA

44. Therefore, under the operative provisions there would be a minimum 6m gap between adjacent dwelling [3m side yards on each property] and a maximum building coverage of 35% for sites over 400 sqm in sub-precinct H.

### 3.1.4 Description of relevant zones

The [abbreviated] descriptions of the Single House Zone [H3.1] and the Mixed Housing Suburban zones [H4.1] from the AUP(OP) are as follows: -

*The purpose of the Residential – Single House zone is to maintain and enhance the amenity values of established residential neighbourhoods in a number of locations..... the zone is generally characterised by one to two storey high buildings consistent with a suburban built character.*

*The purpose of the Residential – Mixed Housing Suburban Zone is the most widespread residential zone ..... The zone enables intensification while retaining a suburban built character. Development within the zone will generally be two storeys detached and attached housing in a variety of types and sizes to provide housing choice. ....*

The underlying MHS zone provision [H4.6.7] includes the following: -

- *“to maintain the suburban built character of the streetscape and provide sufficient space for landscaping within the front yard;*
- *to maintain a reasonable standard of residential amenity for adjoining sites....”.*

The zoning of land within the Flat Bush sub-precincts A, B and D to K and the relationship between the different zones is set out in the table below [as shown below - from AUP(OP)].

**Table I412.1.1 - Zoning of land within this precinct**

Zones	Sub-precincts
Residential - Mixed Housing Urban and Residential - Mixed Housing Suburban	Flat Bush Sub-precinct A (General)
Residential - Terrace Housing and Apartment Buildings	Flat Bush Sub-precinct B (Central)
Residential - Terrace Housing and Apartment Buildings and Residential - Mixed Housing Suburban	Flat Bush Sub-precinct D (Arterial)
Residential - Terrace Housing and Apartment Buildings and Residential - Mixed Housing Urban	Flat Bush Sub-precinct E (Barry Curtis Edge)
Residential - Terrace Housing and Apartment Buildings	Flat Bush Sub-precinct F (Local Centre)
Residential Mixed Housing Suburban	Flat Bush Sub-precinct G (Open Space)
Residential Mixed Housing Suburban	Flat Bush Sub-precinct H (Mixed Housing suburban)
Residential - Single House	Flat Bush Sub-precinct K (Single House)
Residential - Large Lot	Flat Bush Sub-precinct I (Countryside Transition)
Rural - Countryside Living	Flat Bush Sub-precinct I (Countryside Transition)
Rural - Countryside Living	Flat Bush Sub-precinct J (Conservation and Stormwater Management)
As noted above areas of the Flat Bush Precinct that lie outside the boundaries of any of the sub-precincts listed above are subject to the provisions of the zone.	

45. The areas subject to the proposed Plan Change is also subject to the following controls, designations and overlays - Controls: Macroinvertebrate Community Index –

Rural, Designations: Airspace Restriction Designations - ID 200, Ardmore Airport - Height Restrictions, Ardmore Airport Ltd and Designations: Airspace Restriction Designations - ID 1102, Protection of aeronautical functions - obstacle limitation surfaces, Auckland International Airport Ltd. In my view these controls, designations and overlays do not have any effects on this proposed plan change.

### 3.2 Proposed Plan Change Provisions and Maps

46. The plan change request is to amend provisions of the Flat Bush sub-precinct H and more specifically to amend the side yard and building coverage within the sub-precinct and to modify the boundaries of the sub-precincts H, J and K to align with the approved subdivision consent [SUB60300672 and subsequent variations to this] . No consequential amendments are proposed to amend the text within the precinct or sub-precinct.

47. In their s32 report, Tattico have identified that: -

*“a small number of precinct development standards inhibit the successful provision of medium density housing with a degree of spaciousness, being a stated objective of the precinct. The suite of precinct standards are considered to deliver a compromised urban design outcome that limits building typologies to two-storeyed dwellings that present narrow façades to the street, create privacy and nuisance issues across side boundaries, and include private open spaces with poor utility”*

Through the plan change request, BR Land Co. seek to address the above with amendments to two proposed standards and this includes boundary adjustments as shown **in strikethrough and in bold** in the tables below and the map in Figure 5.

Proposed amendments to Table I412.6.1.4.1 - Yards

	A	B	D	E	F	G	H	I	J	K
Front Yard in meters	3	NA	0	0	3	0	4	6	6	4
Side Yard in meters	1.2	1.2	1.2	1.2	1.2	0	<del>3</del> <b>1.2</b>	6	0	3
Rear Yard <sup>1</sup> in meters	8	8	8	8	8	0	8	6	0	8

Proposed amendments to Table I412.6.1.5.1 – Maximum Building Coverage (as a percent of the site)

	Maximum Building Coverage (as a percent of the site)									
	Sub-Precinct									
	A	B	D	E	F	G	H	I	J	K
Sites over 400sqm net site area	40	40	50	50	40	NA	<del>35</del> <b>40</b>	15	NA	30

Sites between 200 sqm-399 sqm net site area	40	45	50	50	45	NA	NA	NA	NA	NA
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48. Therefore the proposal would reduce the gaps between dwellings to 2.4m [1.2m side yards on each property] and the maximum site coverage would be increased to 40% for sites over 400 sqm.

#### 4. HEARINGS AND DECISION-MAKING CONSIDERATIONS

49. Clause 8B (read together with Clause 29) of Schedule 1 of RMA requires that a local authority shall hold a hearing into submissions on a proposed plan change.
50. The Regulatory Committee has delegated to the Hearings Commissioners authority to determine Council's decisions on submissions on PC47, under section 34 of the RMA. Independent Commissioner will not be recommending a decision to the Council but will be making the decision directly on PC47.
51. This report summarises and discusses submissions received on PC47. It makes recommendations on whether to accept, in full or in part; or reject, in full or in part; each submission. Any conclusions or recommendations in this report are not binding on the Independent Commissioner.
52. This report has been prepared by the following author and draws on the reviews and advice from the following experts on behalf of the council and specialist Auckland Council officers: -

Author	Vanessa Leddra, Policy Planner, Plans and Places
Reviewing specialists	
Urban design	Nicole Bitossi, Motu Design Ltd
Visual and landscape effects	Ainsley Verstraeten, Urban Design Unit, Auckland Council
Development Engineering	Maria Baring, Regulatory Engineering, Auckland Council
Healthy Waters	Iresh Jayawardena, Healthy Waters Resource Management, Auckland Council

53. The technical reports/comments provided by the above experts are attached in **Appendix 7** of this report.

#### 5. STATUTORY AND POLICY FRAMEWORK

##### 5.1. Resource Management Act 1991

54. PC47 is a plan change to district plan provisions within the AUP(OP). The key directions of the RMA regarding the consideration of private plan changes is set out in the below paragraphs.

**Table 1: Sections of the RMA relevant to private plan change decision making**

<b>RMA Section</b>	<b>Matters</b>
Part 2	Purpose and principles of the RMA.
Section 31	Outlines the functions of territorial authorities in giving effect to the Resource Management Act 1991
Section 32	Requirements preparing and publishing evaluation reports. This section requires councils to consider the alternatives, costs and benefits of the proposal
Section 67	Contents of regional plans – sets out the requirements for regional plan provisions, including what the regional plan must give effect to, and what it must not be inconsistent with
Section 72	Sets out that the purpose of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.
Section 73	Sets out Schedule 1 of the RMA as the process to prepare or change a district plan
Section 74	Matters to be considered by a territorial authority when preparing a change to its district plan. This includes its functions under section 31, Part 2 of the RMA, national policy statement, other regulations and other matter
Section 75	Contents of district plans – sets out the requirements for district plan provisions, including what the district plan must give effect to, and what it must not be inconsistent with
Section 76	Outlines the purpose of district plan rules which is to carry out the functions of the RMA and achieve the objective and policies set out in the district plan. A district rule also requires the territorial authority to have regard to the actual or potential effect (including adverse effects), of activities in the proposal, on the environment.
Schedule 1	Sets out the process for preparation and change of policy statements and plans by local authorities. It also sets out the process for private plan change applications.

## **5.2. Relevant Planning Documents**

### **National Policy Statements**

The relevant national policy statements ('NPS') must be given effect to in the preparation of the proposed plan change, and in considering submissions.

#### **5.2.1 National Policy Statement on Urban Development 2020 ('NPS: UD')**

55. The NPS: UD provides policy direction for urban environments in relation to a range of issues and matters that concern urban growth. Some of the key matters are:
- a. Well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural well-being (Objective 1);
  - b. Improving affordable housing by supporting competitive land and development markets (Objective 2)
  - c. Enabling more people to live in, and more businesses and community services to be located in or near a centre, in areas well-served by public transport, and in areas of high demand for housing or business land (Objective 3)

- d. Planning decisions relating to urban environments and Future Development Strategies, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (Objective 5)
  - e. Supporting reductions in greenhouse gas emissions and resilience to the current and future effects of climate change (Objective 8)
56. The NPS: UD was approved on 20 July 2020, and as such the applicant's Plan Change Request did not assess PC47 against these provisions although an assessment against the discussion document for the NPS:UD is made in Section 7.4.3 - 7.4.5 of the s32 report.
57. The applicant notes that the AUP(OP) acknowledged the need for residential development with the provisions of the Flat Bush precinct, the sub-precincts, the SH and MHS zones. The up zoning of sub-precinct H from SH to MHS reflects this. The Flat Bush area enables substantial areas of housing, some of which will be near to public transport, (thereby contributing to achieving Objective 1) once the bus network is extended following the continued development of the Flat Bush area, However the location and proximity of the extended bus network is not yet known. Auckland Transport acknowledge that as new roads are built, bus routes will change to better serve Ormiston Town Centre and growing residential areas.
58. I agree that PC47 is not inconsistent with the intent of the NPS: UD given the expected development of the Flat Bush area as is intended in the AUP(OP). However, the proposed changes to development standards as set out in PC47 do not accord with the environmental outcomes and objectives and policies of the sub-precinct which seek a degree of on-site spaciousness through compliance with the development controls. The land use framework and infrastructure enable the future provision of public transport and walking and cycling in the area generally. The delivery of this infrastructure framework will provide for a well-functioning environment as the area develops in the future.

### **5.2.2 National Policy Statement on Freshwater Management 2020 ('NPS:FM')**

59. The NPS:FM came into force on 3 September 2020, and given the timing, the applicant's Plan Change Request did not assess PC47 against these provisions.
60. The NPS:FM has the overarching objective as follows:
- (1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:*
- (a) first, the health and well-being of water bodies and freshwater ecosystems*
  - (b) second, the health needs of people (such as drinking water)*
  - (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*
61. A number of outcomes are sought within this framework. Of particular relevance to PC47 are the following:
- (a) Freshwater is managed in a way that gives effect to Te Mana o te Wai (Policy 1)*
  - (b) Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for (Policy 2)*

62. As outlined in Section 6.3 of the AEE report, the proposed amendments to the standards do not alter the stormwater considerations through the sub-precinct as the impervious area remains unchanged. PC47 does not propose to change the way in which stormwater or flooding is managed within the precinct and stormwater management outcomes are covered in Sub-Precincts G and J.
63. I agree with the advice from experts within council whose advice is set out in Appendix 7 which states that “the proposed precinct rules do not add or remove any controls in relation to the impervious area”. Council’s expert confirms that “the effects on water quality and quantity and the mitigation of these specific to this development and how these will be achieved would have been assessed as part of the original precinct and subsequent resource consent process.....”. Therefore, in my view, PC47 will give effect to the NPS: FM.
64. The extent of involvement of mana whenua is discussed in para. 75 of this report particularly in relation to Ngāi Tai Ki Tāmaki’s feedback which states they have been involved in the area’s development for a number of years and will continue to be involved.

### 5.2.3 Hauraki Gulf Marine Park Act 2000

65. Given the subject land’s location within a catchment of the Hauraki Gulf, I note the applicant’s comments relating to this Act and concur with their conclusions.

### 5.2.4 Auckland Unitary Plan

66. Section 75(3)(c) of the RMA requires that a district plan must give effect to any regional policy statements and in the consideration of submissions.
67. The applicant has provided an assessment against the objectives and policies of the AUP(OP) Regional Policy Statement (‘RPS’) in Section 7.6 of the s32 report prepared by Tattico Ltd, dated June 2020.

**Table 2: Relevant Regional Policy Statements and District Provisions in AUP(OP)**

Relevant Policy/Plan	Section	Matters
Regional Policy Statement	B2.2	Urban growth and form
Regional Policy Statement	B2.3	A quality-built environment
Regional Policy Statement	B2.4	Residential growth
Regional Policy Statement	B3.2	Infrastructure
Regional Policy Statement	B7.3	Freshwater systems
Regional Policy Statement	B10.2	Freshwater Systems
District provisions	H3	SH
District provisions	H4	MHS



District provisions	I412	Flat Bush precinct
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68. I have read the applicant’s assessment against the relevant RPS objectives and policies and I generally agree with the assessment provided.
69. I generally agree with section 7.6.4 of the s32 report that the proposed realignment of the boundaries and underlying zone boundary to ensure the lots sit within sub-precinct H is more efficient in looking at which standards apply.
70. However, in B2.2 Urban Growth and Form, B2.2.1 objective (1) refers to a quality compact urban form that enables all of the following.... (a) refers to “a higher-quality urban environment”. In my opinion the proposed reduction to the side yards as part of the proposed Plan Change would not result in a higher quality environment for the reasons set out elsewhere in this report. This is, in my view, mainly given the loss of the transition to the upper catchment areas of the Flat Bush precinct and the anticipation of lower density residential environment with development controls to ensure a degree of spaciousness. Therefore, this would result in the loss of spaciousness which is the purpose behind the policies set out in sub-precinct H.
71. In B2.4 Residential Growth, B2.4.1 Objective (1) refers to “Residential intensification supports a quality compact urban form” and Objective (2) refers to “Residential areas are attractive, healthy and safe with quality development that is in keeping with the planned built character of the area”, In my opinion, the proposed reduction to the side yards would not result in a “quality” compact urban form for the reasons set out in this report.

### 5.2.5 Other Plans

#### The Auckland Plan 2050

72. In considering a plan change, a territorial authority must have regard to plans and strategies prepared under other Acts. The Auckland Plan prepared under section 79 of the Local Government (Auckland Council) Act 2009 is a relevant strategy document that Council should have regard to in considering PC47, pursuant to section 74(2)(b) of the RMA.
73. The Auckland Plan 2050 was adopted in June 2018. It is a long-term spatial plan which considers how Auckland will address key challenges over the next 30 years. These include high population growth, shared prosperity, and environmental degradation. Below is a summary of sections of the Auckland Plan 2050 that are relevant to PC47.

**Table 3 - Relevant sections of the Auckland Plan 2050 [to PC47]**

Outcomes	Matters
Homes and Places	<p>Direction 1 Develop a quality compact urban form to accommodate Auckland’s growth</p> <p>Auckland’s population will increase significantly over the next 30 years and its urban form will continue to develop and</p>

	change as a result. Auckland will follow a quality compact urban form approach to growth to realise the environmental, social and economic benefits and opportunities this approach brings.
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74. It is my opinion that the proposed plan change is generally consistent with Direction 1 of the Auckland Plan as the amendments to development standards would not impact on this outcome.

## 6. CONSULTATION

### 6.1. Mana Whenua

75. BR Land Company Ltd engaged with 13 mana whenua groups. A summary of the proposed private plan change was sent to mana whenua providing an opportunity for feedback, before the plan change request was lodged with the Council. One response was received from Ngāi Tai Ki Tāmaki who requested a hui for further discussion. This hui, in conjunction with a site visit was held in August 2019. A response from Ngāi Tai Ki Tāmaki dated 13 August 2019 confirmed that they have no objection to the granting of the amendments. No responses have been received from other mana whenua. No submissions were received from any mana whenua on notification of the plan change.

### 6.2. Local Board

76. No contact was made by the applicants with the Howick Local Board prior to lodgement by the applicants. Council officers advised the local board about the proposed Plan change at the time of lodgement and after the notification of PC47. Following consideration of the proposal, the local board at their business meeting on 16 November 2020 advised that they did not support the proposed Plan Change but offered no views in association with this. The board's advice is attached at Appendix 8.

## 7. NOTIFICATION AND SUBMISSIONS

77. PC47 was limited notified by the Council on 14 August 2020. One submission in support of the proposal was received from Neil Construction Ltd.
78. The Council's summary of decisions requested was publicly notified on 24 September 2020, with the period for making further submissions closing on 8 October 2020. No further submissions were received. A copy of the Neil Construction submission is contained in **Appendix 9** of this report.
79. The matters raised in this submission will be referred to in section 9.1

## 8. ASSESSMENT OF ENVIRONMENTAL EFFECTS

80. Clause 22 of Schedule 1 to the RMA requires private plan changes to include an assessment of environmental effects that are anticipated by the Plan Change, taking into account clauses 6 and 7 of Schedule 4 of the RMA.

81. An assessment of actual and potential effects on the environment (“AEE”) is included in the Plan Change request and supporting documents. The submitted Plan Change request identifies and evaluates the following actual and potential effects:
- Urban design
  - Landscape and visual effects
  - Stormwater and flooding
82. The following sections assess the environmental effects relevant to the proposed private plan change.

### 8.1 Urban Design

83. I generally agree with the applicant’s description of the area set out in section 3 of the s32 report. Neither Council’s urban design specialist, Nicole Bitossi from Motu Design Ltd nor Ms Ainsley Verstraeten, Council’s Landscape Architect, Council’s expert with regard to landscape character/visual effects have specifically commented on this particular section of the s32a report.
84. In my opinion, the built character is now well established in the areas further down Flat Bush School Road and within roads such as Matahae Drive and Paripari Street. The lower areas of the Flat Bush valley are located within sub-precinct A and this area is characterised by predominantly two storey detached dwellings with side yards of 1.2m giving 2.4m gaps between dwellings.

85. In contrast, the built character of the area which has already been developed at the top end of Flat Bush School Road and dwellings on the eastern side of Perehia Road and the eastern end of Matahae Drive which lie within sub-precinct H is becoming more apparent. These have 6m gaps between dwellings i.e 3m side yards, as is required under sub-precinct H currently. See photos below which show the differences between residential and the streetscape with the two different side yards in the two sub-precincts.



Example within sub-precinct A with 1.2 m side yards



Example within sub-precinct H with 3m side yards



Example within sub-precinct A with 1.2m side yards Example within sub-precinct H with 3m side yards



View down the valley showing dwellings in sub-precinct H with 3m side yards [6m gap between dwellings]

### 8.1.1 Side Yards

86. The applicant proposes to reduce the side yard requirement from 3m to 1.2 within sub-precinct H. Tattico's section 32 report on behalf of the applicant, states that this would bring the side yard in line with other high and medium density houses areas within Flat Bush precinct. It goes further to say that the spaciousness sought within sub-precinct H comes from the 4m front yard, the high amenity streetscapes that this control provides for and the 8m rear yards. [section 2.1.(b)]
87. In section 6 of the applicant's urban design report by Ian Munro, Mr Munro addresses: the side yard by referencing the existing boundary activity provisions and the opportunities for integrated residential developments in this zone which mean that the side yard could be reduced or eliminated. He notes that there are few opportunities from publicly visible places in the wider environment that people might see such a 6m wide gap as is required currently in sub-precinct H.

88. Council's urban design specialist, Nicole Bitossi from Motu Design has reviewed the private plan change. In 5.2 of her evidence [see appendix 7] she generally concurs with the Urban Design assessment provided by Mr Munro, the view that spaciousness is provided not only by side yards, but also the importance of front and rear yard controls.
89. Ms Bitossi in para. 2.1 commented that *"Due to the approved subdivision [SUB60300672A [granted in May 2018 and referred to in para. 22 above], the lot layout and dimensions for sub-precinct H have already been determined, whereby the majority of lots are mostly in the range of 350 – 450 m<sup>2</sup>, with some as low as 324 m<sup>2</sup>, much smaller than the 520 sqm minimum lot size set out in Table I412.6.2.1.1. Many of the lots also have narrow front site widths many within the range of 12-14m, much narrower than the 20m set out in the precinct provisions".* Furthermore Ms Bitossi notes that *"Lot testing was undertaken at the time of the resource consent application, to illustrate how potential building footprints, typologies, access and associated outdoor space could be achieved using the current 3m side boundary control and front and rear yard controls, and it was accepted through this process that there was sufficient space for development with the narrow lots and current provisions for [3m] side yards and [35%] building coverage".*
90. In para. 6.0 of her evidence, Ms Bitossi acknowledges that *"The reduction in site size and width and increase in density that has already been approved will have a much greater impact on the levels of spaciousness than changes to the side yard and building coverage controls. While reduction of spaces between buildings as proposed will be noticeable from the street, it is unlikely to be particularly noticeable from outside the development area".* Ms Bitossi acknowledges that *"while not to the extent anticipated by the precinct provisions, a sense of spaciousness and transition from the urban centre to the countryside living zone is still able to be achieved subject to a change to the rear yard standard ..... as well as side yards, there are other factors that can contribute to the sense of spaciousness and provide a difference in intensity of development from other sub-precincts".*
91. Ms Bitossi raises concerns [in para. 6.1] that the proposed reduction in side yards [and greater building coverage] which is similar to those in other sub-precincts, will result in the loss of the distinctive character of Sub-precinct H which then makes it similar to other Flat Bush sub-precincts. The 3m side yards provided for within the operative provisions provide a point of difference and enables a greater degree of spaciousness between houses than was possible in other sub-precincts.
92. However, Ms Bitossi considers that the large front and rear yards in this sub-precinct and wider road corridors which allow street planting and linear open spaces along some road are other factors that contribute to the sense of spaciousness, not just site size [lot] and side yard widths.
93. Ms Bitossi does express concern about rear yard controls [see para. 6.1] and considers that the originally recommended change to the rear yard control that has been removed, is important and notes that this was removed from the revised Urban Design assessment [dated June 2020] by Mr Munro. She recommends it be reintroduced to ensure that 8m rear yards contribute to the spaciousness in a way that is unlikely in other sub-precincts. Ms Bitossi recommends a change in wording in the rear yard provisions for sub-precinct H to ensure an 8m rear yard is provided without buildings in it including the 5m height component. She considers that this would contribute to the spaciousness "in a way that is unlikely to occur in other sub-precincts" but notes that this would only be practicable for lots with street access and not rear lane access.

94. In terms of the already approved lot widths, and if there were to be a reduction in side yards, Ms Bitossi agrees with Mr Munro in his Urban Design report that potentially the likely demand for double garaging on these narrow lots could result in a poor urban design outcome. Reference is also made to better outcomes with more variety and choice in dwelling size and typology with reduced side yards.
95. Ms Bitossi concludes [in para. 8.3 of her evidence] that a sense of spaciousness and transition from the urban centre to the Countryside Living zone is still able to be achieved while not to the extent anticipated by the precinct provisions. She notes that there are other factors which contribute to a sense of spaciousness as well as side yards which will make a difference in intensity of development from other sub-precincts. These include the larger front and rear yards in sub-precinct H [4m and 8m respectively] *“which are large enough to allow for larger scale vegetation that can contribute to the landscape quality and amenity, allow development to sit cohesively within its surroundings and complement tree planting within the road corridors and revegetation around the gullies”*.
96. Ms Bitossi concludes that with the proposed amendment relating to rear yards as set out above, that although the level of spaciousness is less than that outlined in the sub-precinct provisions, a difference is achievable.
97. With regard to the proposed amendment to rear yards as suggested by Ms Bitossi, it is my view that rear yards alone are not a key contributor to the appreciation of spaciousness. It is the cumulative impact of the front, rear and side yards that lead to the spaciousness as described in the precinct provisions. These yard controls are based on the history of the precinct which intended a transition from the higher density area in the valley to the rural edge of the Flat Bush area, while also accommodating the medium density housing where possible.

### **8.1.2 Landscape Character**

98. Ms Ainsley Verstraeten, Council’s Landscape Architect is Council’s expert with regard to landscape character/visual effects. Ms Verstraeten has reviewed the relevant application material. Here evidence is in Appendix 7.
99. In her assessment Ms Verstraeten confirms that sub-precinct H relates to land that transitions to the upper catchment area towards the RUB / rural - countryside living zone. Its underlying zoning is Mixed Housing Suburban (MHS) and as it transitions up the landscape it is flanked on either side by lower density sub-precincts that aim to assist in that transition towards rural zoned land. The precinct provisions provide for the landscape quality of this area of Flat Bush and allow it to be maintained and enhanced. This has been achieved by locating the single house zone and lower density sub precincts over the steeper slopes and gullies and providing a sense of spaciousness within sub-precinct H not otherwise found within the MHS or other Flat Bush sub precincts.
100. In Ms Verstraeten’s view the following standards contribute most significantly to creating a sense of spaciousness and differentiation between the other residential sub precincts:
  - Wider site frontages
  - Deeper front yards
  - Wider side yards
  - Reduced building coverage



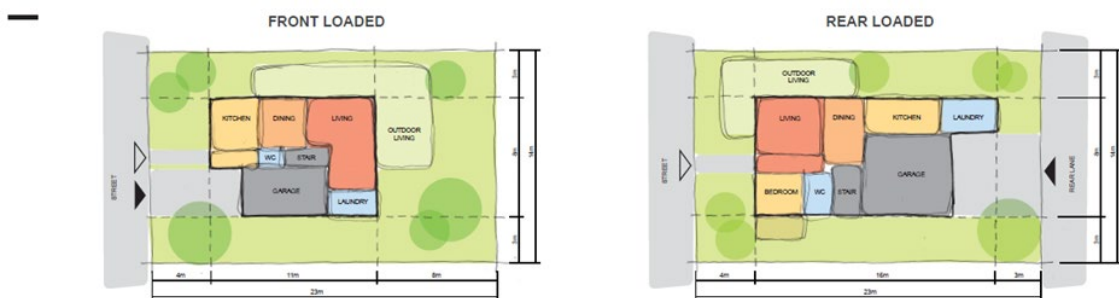
101. Ms Verstraeten confirms that the approved subdivision consent [see section 2.5 para 32 SUB6030072 A May 2018] was approved with a reduction in the width of site frontages (on average 12m-14m as opposed to 20m). Her view is that this alone has an impact on the sense of spaciousness and the anticipated character of the precinct. However, it is her understanding that this was approved based on the applicant demonstrating and testing/showing that typical dwellings could be accommodated on site and still comply with the generous yard provisions. [see section 2.5 and paras 33 and 34]. In her opinion that ensured future development would achieve a sense of spaciousness.
102. This testing of 12m and 14m site widths demonstrated that primary outlook would be to the front and rear of the dwellings ensuring any concerns with privacy between dwellings was unlikely. This is demonstrated in the images below by Jasmx which were provided with the subdivision consent application [see para 33 and 101 and Appendix 5].

**Figure 6 – from Jasmx - Lot Testing**

**LOT TESTING \_ 12 X 27M**



**LOT TESTING \_ 14 X 23M**



103. Similarly, Ms Verstraeten notes that the side yard requirement of Sub-Precinct H is substantially wider than in Sub-Precincts A-F which recognises the more sensitive landscape approach required for development in this part of Flat Bush. It is her opinion that to reduce side yards to 1.2m, in line with Sub-Precincts A-F, would significantly reduce the ability of Sub-Precinct H to provide the intended spaciousness and therefore the transition towards the RUB.
104. In Ms Verstraeten's opinion the reduction of side yards as well as the already reduced widths of site frontages results in cumulative effects on landscape character. Ms Verstraeten states *"I do not consider the front yards or rear yards on their own will achieve a spacious character, nor do I accept that Sub-Precincts J and K provide the sense of spaciousness on their own, as Sub-Precinct H is also intended to achieve that together with the sub precincts that surround it. The difference between Sub-*

*Precinct A and H, if this amendment to the sub precinct were to be approved, would only be an additional 1m within the front yard".* In her opinion, it would remove its point of difference to other sub precincts and would in some ways become irrelevant.

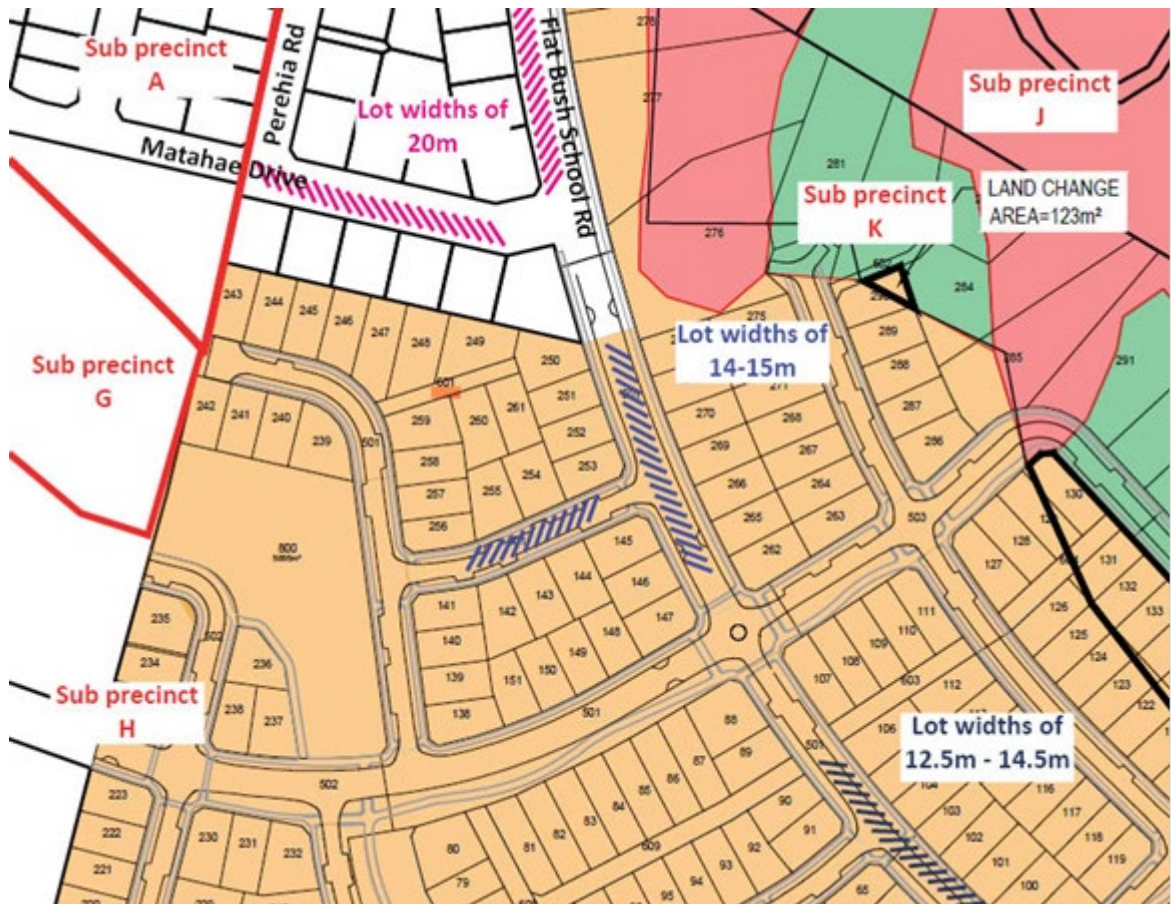
105. A sense of transition to the RUB is a consistent theme throughout the AUP (OP) with Flat Bush applying a precinct in order to achieve a sensitive transition to the rural edge while also accommodating medium density housing where topography allows. Ms Verstraeten is of the opinion that reducing the side yards will have a moderate – high adverse effect on the ability of the sub precinct to achieve its objective of maintaining and enhancing the landscape quality of this highly visible landscape with a degree of spaciousness.
106. Ms Verstraeten has reached this conclusion after consideration of the approved subdivision consent within the Sub-Precinct H and the cumulative impacts on landscape character resulting from the proposed changes to development controls that seek to achieve a degree of spaciousness.

### **8.1.3 Visual Effects**

107. Ms Verstraeten has also considered the visual effects which would result from the proposed change in terms of the reduced side yards and building coverage. Her conclusion was that the visual effects will be experienced mainly from travelling within the Flat Bush area and streets within the Flat Bush Precinct.
108. Her view is that the anticipated outcomes for Flat Bush would have included a noticeable change in character when travelling between Sub-Precincts A and H and this can be seen along Perehia Road where each side of the road is within a different sub precinct. This strategy was adopted so that users would experience a transition in density from the elevated and more open areas of Redoubt Road to the urban centre of Flat Bush i.e when travelling from outside of the RUB through Flat Bush.
109. The change in landscape character will be most appreciated when travelling into Sub-Precinct H along Flat Bush School Road or Perehia Road which already have dwellings built within the lots. There is already a noticeable change in character between the existing development within Sub-Precincts A and H and there will also be a noticeable change between existing areas of Sub-Precinct H and those areas yet to be developed due to the reduced site widths of the consented subdivision.
110. Ms Verstraeten notes that the consented subdivision [see section 2.5 paras 32,33 and 34] with its smaller lot widths has the potential to also create a noticeable change in character than was originally anticipated for Sub-Precinct H. However deeper front and wider side yards would assist in achieving the level of spaciousness anticipated. As already indicated, Ms Verstraeten is of the view that the cumulative impact of reducing side yards as well as [the already agreed] site frontages will have a significant impact on the ability to achieve a degree of spaciousness and change in character between Sub-Precincts A and H.
111. Figure 7 below demonstrates that instead of having a consistent 20m wide site frontage, the lots reduce in width as you travel south along Flat Bush School Road towards the RUB. These site widths are closer in width to Sub-Precinct A at 12m. This is at odds with the anticipated graduation of spaciousness sought through the precinct, so to then reduce side yards here will have a significant impact on landscape character and the ability to achieve the transition out to the RUB.



**Figure 7 – Showing comparison of lot widths of existing development and subdivision**



112. It is Ms Verstraeten’s view that ‘spaciousness’ will be experienced at a streetscape scale. This was also the intention of the sub-precinct – Policy 5 [of I412.3.2(5) as set out in section 3.1.1] which refers to “medium density and lower site coverage to create spacious urban development with reduced visual impact” This is why Ms Verstraeten’s does not consider the rear yards to be a key contributor to spaciousness. If the side yards were to be reduced to 1.2m it is unlikely that already highly limited views from the street into rear yards will be appreciated. Additionally, appreciation of any spaciousness in rear yards is further reduced by the existing lot layout that minimises views of rear yards by having lots fronting onto each street edge and backs of lots adjoining one another. It is Ms Verstraeten’s view that this does not typically allow views of rear yards from within the streetscape.
113. Ms Verstraeten’s view is that while an 8m rear yard does contribute a degree of spaciousness for future residents, the rear yards do little to contribute to spaciousness from the public realm and in reality, will only be 2m deeper than a typical development within the MHS zone.
114. While it is likely that the gaps between side yards would include fences and trees and potentially block views towards rear yards, Ms Verstraeten’s view is that this does contribute to a sense of spaciousness in that it relates to space between buildings. She acknowledges that 6m gaps or “view corridors”, as seen in elevation, will not be

perceived while moving along a street, however the sense of spaciousness of an area not built upon will be appreciated and does have an impact on landscape character or the “feel” of the street.

115. Although a developer led document, the Bremner Ridge website refers to a design review panel and house design guidelines that assist in creating a high-quality development with examples of how to design homes with a 12-14m wide lot and requiring visual variety within blocks. From Ms Verstraeten’s perspective, this will reduce the likelihood for homogeneous built form and a negative streetscape character.
116. Therefore, Ms Verstraeten’s view is that there are two fundamental concerns from a landscape and visual effects perspective with the proposal to reduce side yards to 1.2m within Sub-Precinct H. Her view is that:
  - there will be “an odd transition between the existing developed area of Sub-Precinct H to the north, the adjoining Sub-Precinct A and the area subject to this proposed plan change and
  - the inability of the sub precinct to achieve the degree of spaciousness that enables a transition towards the RUB. This is due to the already reduced site widths not being able to accommodate 1.2m side yards while trying to achieve a degree of spaciousness”.

#### **8.1.4 Conclusion - in terms of the proposed reduction of the side yards**

117. I accept and note the input from Council’s experts on such matters.
118. In my view, the stated purpose for yard setbacks is reinforced in H4.6.7 Yards which is set out in the Mixed Housing Suburban zone in the AUP(OP) and in section 3.1.4. This states that yards are “to maintain the suburban built character of the streetscape and provide sufficient space for landscaping within the front yard”. In my view, side yards are noticeable in the street scene and visually influence the built character of the streetscape. This is evident in the photos shown above which provide typical examples of nearby properties within Sub-Precinct A and Sub-Precinct H, as viewed from the road. The relative spaciousness achieved between the buildings afforded by a 3m side yard [6 m between dwellings] is clear and contributes to the transition required and as set out in the description of the sub-precinct H [MHS] which anticipates a medium density residential environment with controls to ensure a degree of spaciousness. Policies I412.3.1 and I412 3.2 for sub-precinct H set it out clearly.
119. This separation between dwellings helps achieve open space necessary for this spaciousness and visually achieves the purpose set out in the sub-precinct. I consider the 3m side yard setback a crucial part of the Flat Bush sub-precinct provisions which helps to achieve spaciousness. The proposed reduction by over 50% from 3m to 1.2m would have more than a minor effect on the spaciousness and built character of the subdivision from both long views up the valley to the ridgeline and more locally from Redoubt Road.
120. Similarly, I consider the 4m front yard is also a point of difference to other higher density sub-precincts of Flat Bush closer to the town centre [see Figure 5 for zonings]. The front yard only partly contributes to the spaciousness which sub-precinct H is aiming for. In my view, it is cumulatively the retention of the development controls [of front, rear and side yards] which contributes to the high amenity streetscapes in this transitional zone and the land use outcomes that reflect the objectives and policies of

the zone and sub-precinct.

121. I note that the proposed scheme recently approved by Commissioners [Ref LUC60355177 – Lot 85 of 87 McQuoids Road, see para 38] shows a deep front landscape border but no rear yard. In terms of this decision, the uniqueness of the site helps achieve the feel of spaciousness given its large front yard area. However, in my view, the spaciousness envisaged as part of sub-precinct H's purpose, cumulatively include the provision of side, front and rear yards, not just front yards.
122. I note that in Ian Munro's Urban Design report [in the summary and conclusion] reference is made to rear yards and how "the rear yard in particular will create the most substantial pools of concentrated open space based on the relatively conventional block structure that has been approved". However, Mr Munro's vision in his report for rear yards helping provide "pools of spaciousness" is not what is being applied for elsewhere in the area. For example, the recently approved Lot 85 consent [LUC60355177] [see para 37 and 38], there are no rear yards being retained, these are proposed to be built on.
123. Any adverse effects as a result of PC47 on the character and amenity of the area as a result of the proposal to reduce the side yards will be more than minor. This is due to the transition required to the upper reaches of the Flat Bush precinct especially towards the lower density area and especially the countryside living zone [sub-precinct I]. This is especially important for the houses fronting Michael Boshier Way as this is where the transition will be experienced in a highly visible location and for the medium – low density anticipated within the precinct. The precincts and the surrounding streets are shown in Figure 5.

## 8.2 Building Coverage

124. The application proposes to increase the maximum building coverage for sites over 400 sq.m from 35 to 40%. In the s32 report in section 6.1.4, Tattico indicate that the amendment to the building coverage standard may result in additional building mass but this would generally sit behind or within the site and will not be visible from the street. I note that the report indicates that this does not impact or amend the maximum impervious area limit and the default landscaped area.
125. In section 6 of the applicant's urban design report by Ian Munro, Mr Munro addresses building coverage by indicating this is an efficient use of land and that front and rear yard controls are the key for open space and spaciousness around and between buildings. He considers "rear yards in particular create the most substantial 'pools' of concentrated open space based on the relatively conventional block structure that has been approved, and that it presents the 'backs' of lots adjoining one another" As noted above, in some of the sub-precinct, there are no rear yards being retained, these are proposed to be built on.
126. Council's urban design expert, Ms Nicole Bitossi in para 6.2 of her evidence states "*as the proposed change in building coverage is only for sites larger than 400 sqm this applies to less than half the lots within sub -precinct H and the applicable lots are dispersed across the development area.*" She goes on to say that "*combined with the yard controls [whether it be the existing 3m side yard or proposed 1.2m side yard ] additional building coverage on narrow lots would most likely to be located at the rear of the dwelling and not visible from the street*" Ms Bitossi also comments that for some of the wider lots around the periphery, the additional coverage may be visible from the street but the extra 5% would be unlikely to be noticeable. Her comment

though that "... *The side yard control would have more influence on the mass of building visible from the street than the building coverage control*"

127. Ms Verstraeten notes that the side yard control is more important in achieving the anticipated landscape character (medium density housing with a degree of spaciousness) than building coverage control. In her view, given that she considers a degree of spaciousness to be most greatly appreciated at a streetscape level, she considers that the increase in building coverage will not have a significant impact on landscape character, as this is likely to be pushed further into the rear yard.
128. I agree with both experts that the proposed building coverage amendment will not be readily perceived and will not have a detrimental impact on the streetscape character and amenity of the sub-precinct. It is my view the side yards along with the front and rear yards provide the feeling of open space and spaciousness around and between buildings rather than the coverage.

### **8.3 Stormwater and flooding**

129. The applicants did not provide information relating to impact on infrastructure as a result of the proposed changes to development standards. However in section 1.11 and section 6 [6.1.4, 6.2.5 and 6.3.1 etc of the AEE], the applicant confirms that it is not proposed to amend the maximum impervious area limit of 70%, the landscape area requirements nor will there be a change to the stormwater approach or requirements in this area.
130. Council's specialist team from Healthy Waters have reviewed the information submitted as part of the proposed plan change and advise that they have no concerns with regard to such matters of stormwater management and flooding [see Appendix 7].

### **8.4 Boundary Adjustments**

131. The proposed plan change seeks minor amendments to zoning maps and precinct maps to modify the boundaries between sub-precinct H, J and K. The applicant's section 32 report indicates [in 2.1 and 8.3.1] that this has occurred as a result of an approved subdivision layout [SUB60300672 and subsequent amendments] and design for Bremner Ridge. [in section 2.5] "and would reflect the approved subdivision pattern and to remove split zoning and dual Sub-Precincts applying to a single site".
132. The applicant's urban design report by Ian Munro states "the proposal to adjust the boundaries of the Sub-Precincts to align with an approved subdivision will raise negligible adverse urban design effects".
133. Ms Bitossi supports the minor changes to the sub-precinct boundaries for the following reasons: -
  - The areas are discrete
  - They are part of approved subdivision
  - Development controls are similar for sub-precinct H and K in terms of front, rear and side yards, building coverage in H is 35% and sub-precinct K is 30%;
  - There is a difference in lot sizes, but these have been approved already
134. In terms of the part of the proposed Plan change request to make minor adjustments to the sub precinct boundaries, Ms Verstraeten, notes that in her view, this will have

no impact on landscape character. Furthermore, she considers a degree of spaciousness to be most greatly appreciated at a streetscape level, therefore the increase in building coverage will not have a significant impact on landscape character as this is likely to be pushed further into the rear yard.

135. I agree with these statements that adjusting the boundaries of the MHZ zone and sub-precinct H would be a practical solution to the current situation where there is different underlying zonings and multiple, conflicting Sub-Precincts. Only a small amount of sub-precincts J and K are involved. The areas also have different underlying zoning (Single House rather than Mixed Housing Suburban) and a number of sites have split zoning with both applying across parts of the lots. As part of the proposed plan change, it is proposed to adjust the zone boundaries so that the Mixed Housing Suburban zoning applies to the Sub-Precinct H land. This would ensure consistency and allow certainty of plan provisions. **As shown in appendix 10**

## **8.5 Conclusion**

136. I note the comments of Council's landscape architect and I agree with Ms Verstraeten's views on the detrimental visual impact which would result from the reduction in side yards as set out above. I also agree that the spaciousness of sub-precinct H, as set out in the description, the objectives and policies of sub-precinct H would be undermined if the side yards were to be reduced.
137. I agree that Sub-precinct H provides the transition to the upper catchment area towards the RUB/rural country side living zone. The transition envisaged from the single house zone in the valley going up to the lower density sub-precincts would not be maintained if this part of the plan change [reducing side yards] were to be approved.
138. In my view, although the Council has approved variations to the subdivision with a considerable number of smaller lots, this makes it more difficult to achieve a good urban design outcome while maintaining spaciousness. I note that the urban design report provided at the time when the lot numbers were increased from 239 to 315 [ref SUB60300672-A] [see section 2.5, para 33 and Appendix 5] showed housing typologies whereby the development standards were able to be achieved in association with the smaller lots [see Figure 6 and Appendix 5]. This likely provided the "comfort" to the council that spaciousness could be achieved with these smaller lots with the development standards in place.
139. In my opinion, a reduction in side yards would be more consistent with the pattern of development anticipated in the higher density sub-precincts A and F and if approved, the provisions of this proposed plan change would erode the spacious character of development intended through policies for sub-precinct H. Three metre side yards help contribute to the spaciousness sought for sub-precinct H and needs to be read in conjunction with the 4m front yard and the 8m rear yard required. I do not consider that the side yard amendment will contribute to an enhanced streetscape edge.
140. I agree that the proposed building coverage amendment will not be readily perceived and will not have a detrimental impact on the streetscape character and amenity of the sub-precinct. It is my view the side yards along with the front and rear yards provide the feeling of open space and spaciousness around and between buildings much more so than the potential increase in site coverage.
141. In section 6.2.1 of the s32 report, Tattico acknowledge that "any proposed amendments to development standards have the ability to impact built form outcomes for an area and influence the quality of adjacent streetscapes. In this instance, it is

considered that individually and cumulatively the proposed reduction to side yards requirements and increase in building coverage standard for these allotments, larger than 400sqm have the potential to alter the street scape outcomes within sub-precinct H". I concur with Ms Verstaeten's views, I consider that the proposed reduction to the side yards will result in an adverse effect on the streetscape.

142. I note the comments in relation to the density standards of the Flat Bush precinct that were discussed and set out in the Hearings report by Sarah Gambitsis, Intermediate Planner, Resource Consent team, on Lot 85 at 87 McQuoids Road [Ref LUC60355177] as referenced in para. 38]. Ms Gambitsis notes that "...accepting the legal interpretation of minimum density (i.e. that the minimum density standard is not a cap but a base density to be achieved) removes any limit on the number of dwellings per site. As such, it would seem that the density standard is no longer effective as a means to control spaciousness. Rather, one has to rely on the development controls such as yards and building coverage and therefore adherence with those is all the more important if we are to achieve the environmental outcome of spaciousness for Sub Precinct H. As acknowledged in the legal opinion of Ellis Gould, other development standards support that differentiation in terms of the intensity of development on the various Sub Precincts. These include the more onerous yard and building coverage controls, ... which will affect the overall intensity of development that can be achieved within Sub Precinct H relative to the other sub - precincts." I understand that Ellis Gould provided a peer review for the applicants of the council's view on the density matter as part of the resource consent applications.
143. I agree with Sarah Gambitsis' comments and with the above comments made by Ellis Gould and this highlights the need for compliance with the development standards in order to achieve the spacious outcome for sub precinct H. In my opinion adherence to standards such as side yards becomes more important in order to achieve the environmental outcome of spaciousness as set out in the purpose of sub-precinct H, particularly when density is no longer considered effective to control spaciousness.
144. I consider the intent of this sub-precinct to provide for spaciousness would not be met and the purpose of the side yard control would be undermined if the proposed reduction in side yards were adopted. It is a cumulative effect of all the yards [side, rear and front] which leads to the feeling of spaciousness that is envisaged in the purpose of the sub-precinct H and in the relevant objectives and policies of the sub-precincts.

## **8.6 Conclusion on assessment of environmental effects**

145. Based on the assessment of environmental effects in relation to character and amenity, visual and landscape effects. I believe the policy direction of the sub-precincts H and K are clearly set out in the AUP(OP). The development standards anticipate medium density development which in turn achieves the wider objective of spaciousness within the area.
146. With regard to the reasons for the different controls in the different sub-precincts, this is set out in the introduction to the Flat Bush precinct in the AUP[OP] and follows on from the amendments to the provisions of the Flat Bush Residential 4 zone under the Manukau District Plan. The different controls [principally the side yards and building coverage] were proposed [and adopted] in sub-precinct H as compared with those in sub-precinct A, to create more spacious development in the different areas. This in turn would allow for a noticeable transition between the more intensive development down in the Flat Bush basin and the more spacious development in the Rural

Countryside areas.

147. It is my view and my conclusion that the proposed changes to the development control standards for side yards would result in a detrimental impact on the intended spaciousness of this medium density residential environment, which in turn would be contrary to the purpose of the sub-precinct.

## 9. RECOMMENDATION ON SUBMISSION

### 9.1 Submission from Neil Construction Limited

148. A submission from Neil Construction Limited seeks to accept the plan change.
149. I recommend that the submission by Neil Construction Limited be **rejected in part** in relation to the reduction in side yards and **accepted in part** in relation to the increase in building coverage.

## 10. CONCLUSION

150. Having considered the submission and reviewed all relevant statutory and non-statutory documents and having had regard to all statutory obligations including those under sections 32 and 32AA of the Resource Management Act 1991, and supported by peer reviews from relevant specialists, I recommend that

(a) the reduction in side yards from 3m to 1.2m in Sub-Precinct H be rejected for the following reasons:-

- (i) this is likely to have adverse effects on the environment relating to landscape character and visual effects, given the inability of the sub-precinct to achieve the degree of spaciousness that enables the transition toward the Rural Urban Boundary and sub-precincts of J and K
- (ii) this would result in the loss of the distinctive character of Sub-Precinct H, making it similar or the same to other sub-precincts in Flat Bush, particularly when viewed from the street within the sub-precinct and longer views up the from the Flat Bush basin up to the valley
- (iii) previous approvals for subdivision consent were granted on the basis that typical dwellings could be accommodated on these sites and comply with the stated yard provisions
- (iv) the policy direction is clear and indicates medium to lower density with yard controls which support and create spacious urban development

AND

(b) the minor adjustments to the sub-precinct boundaries of sub-precincts H, J and K and associated changes to underlying zone boundaries and the increase in building coverage from 35% to 40% for sites over 400 sq.m as shown in Appendix 10 be accepted for the following reasons, based on an assessment of environmental effects and specialist assessments:



- (i) the minor adjustments to the sub-precinct boundaries of sub-precincts H, J and K and associated changes to underlying zone boundaries will have little impact on the Flat Bush precinct and the wider area given their location in discrete areas



(ii) the increase in building coverage from 35% to 40% for sites over 400 sq.m will not have a significant impact on the character of the area

## 11. RECOMMENDATIONS

151. I recommend that the Independent Commissioners accept in part and reject in part the submission that seeks to approve the proposed Plan Change 47
152. I recommend that PC47 to the Auckland Unitary Plan (Operative in Part) be accepted in part and rejected in part based on the reasons stated above.

Name and title of signatories	
Author	Vanessa Leddra, Policy Planner Central / South 
Reviewer	Craig Cairncross, Team Leader, Planning Central – South
Reviewer	Celia Davison on behalf of Craig Cairncross who is on leave – Manager Central South  26-01-2021



# **APPENDIX ONE**

## **PLAN CHANGE 47 LODGED DOCUMENTS**



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6. Attachment E – Urban Design Report
7. Attachment F – Massing Study
8. Zone and Precincts Plan



**Private Plan Change  
Request:  
Flat Bush Sub-Precinct H  
BR Land Co Limited**

**Plan Change Request including Section 32  
Report**

June 2020

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Documents supporting this Private Plan Change Request:

Attachment A	Planning Report and Section 32 Analysis (this report)
Attachment B	Proposed Unitary Plan Maps and Precinct Plans
Attachment C	Consultation Summary
Attachment D	Site Visit and Assessment Summary, provided by Ngai Tai Ki Tamaki Tribal Trust
Attachment E	Urban Design Assessment and Neighbourhood Design Statement (updated June 2020), prepared by Ian Munro
Attachment F	Massing Study (April 2020), prepared by A Studio



## 1 INTRODUCTION

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- 1.1 This is a request under clause 21 of the Schedule 1 of the Resource Management Act 1991 (RMA) by BR Land Company Limited (**BR Land Co**) for a private plan change to amend provisions of the Flat Bush Sub-Precinct H of the Auckland Unitary Plan (Operative in Part) (**the Unitary Plan**), and specifically to amend the side yard and building coverage standards within the Sub-Precinct, and to modify the boundaries of Sub-Precincts H, J and K.
- 1.2 The Flat Bush Precinct was subject to a significant structure planning exercise by the former Manukau City Council prior to the amalgamation of local government in Auckland and the formation of Auckland Council in 2010. This led to a plan change which rezoned the Flat Bush Precinct land and identified a number of differentiated planning areas across the precinct area. These provisions were effectively rolled over into the notified version of the Unitary Plan (Proposed Auckland Unitary Plan) (**PAUP**) with only minor formatting changes (including the renaming of the differentiated planning areas as “Sub-Precincts”).
- 1.3 In considering the submissions made to the PAUP, the Independent Hearings Panel appointed to make recommendations on the proposed provisions determined it appropriate to ‘up-zone’ the underlying zone within Sub-Precinct H from Single House zone to Mixed Housing Suburban zone. The recommendation was subsequently adopted by Auckland Council, and brought about a fundamental change to the anticipated future form of Sub-Precinct H in that it provides for medium density housing. The Mixed Housing Suburban zone more comfortably fits this description, whereas the Single House zone is the lowest density residential zone with the exception of the Large Lot zone and provides for a fundamentally different built form outcome.
- 1.4 The purpose of Sub-Precinct H as stated in the Unitary Plan is to create a Sub-Precinct on land “in the upper McQuoids Road / Flat Bush School Road area that transitions to the upper catchment area”. It anticipates a medium density residential environment with provisions to ensure a degree of spaciousness”.
- 1.5 Special zoning standards apply to achieve the objectives of the zone, including specific controls on density, height, height in relation to boundary, yards, building coverage, impervious area and fences. As set out in the following assessment, it is my view that the operative provisions are not the most effective means of implementing the stated objectives and policies for the land. The existing development standards, and in particular the 3m side yard requirement, create a conflict between the need for medium-density residential development and the ability to deliver the ‘degree of spaciousness’.

1.6 BR Land Co are the majority land owners within Sub-Precinct H, with their 42ha block of land at 87 and 99 McQuoids Road and 361 Flat Bush School Road comprising some 90% of the land identified as Sub-Precinct H. There are a number of properties on the periphery of Sub-Precinct H that are not owned by BR Land Co, including two properties to the west of 87 McQuoids Road (identified as **A** and **B** in *Figure 1* below), a block of recently subdivided allotments to the north (identified collectively as **C** in *Figure 1* below), and portions of larger sites to the north which are identified as **D** and **E** in *Figure 1* below.

Figure 1: Flat Bush Precinct: Sub-Precinct H (Source: Auckland Unitary Plan Geomaps Viewer)

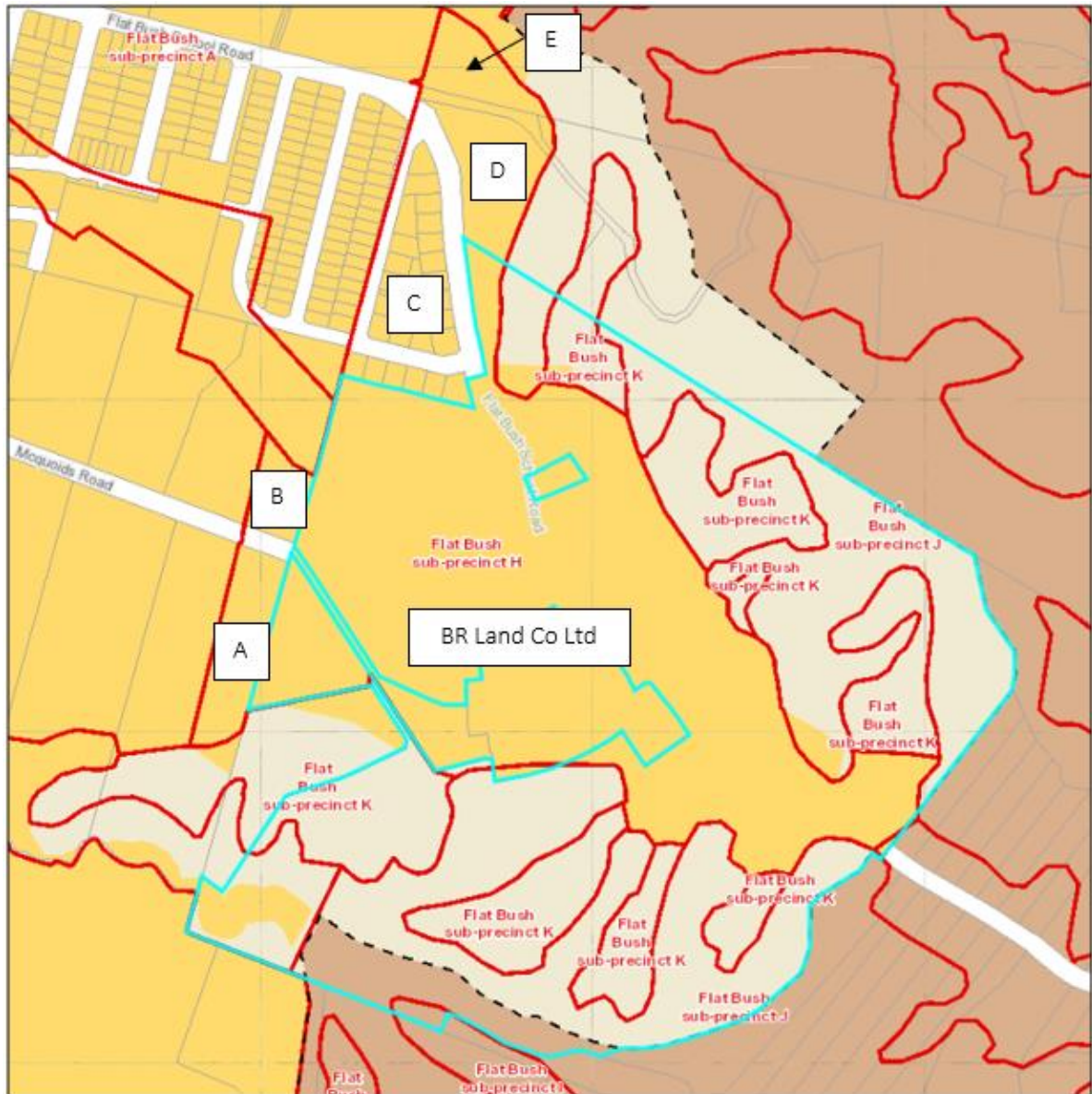


Figure 1: Land ownership plan

- 85 McQuoids Road
- 66 McQuoids Road

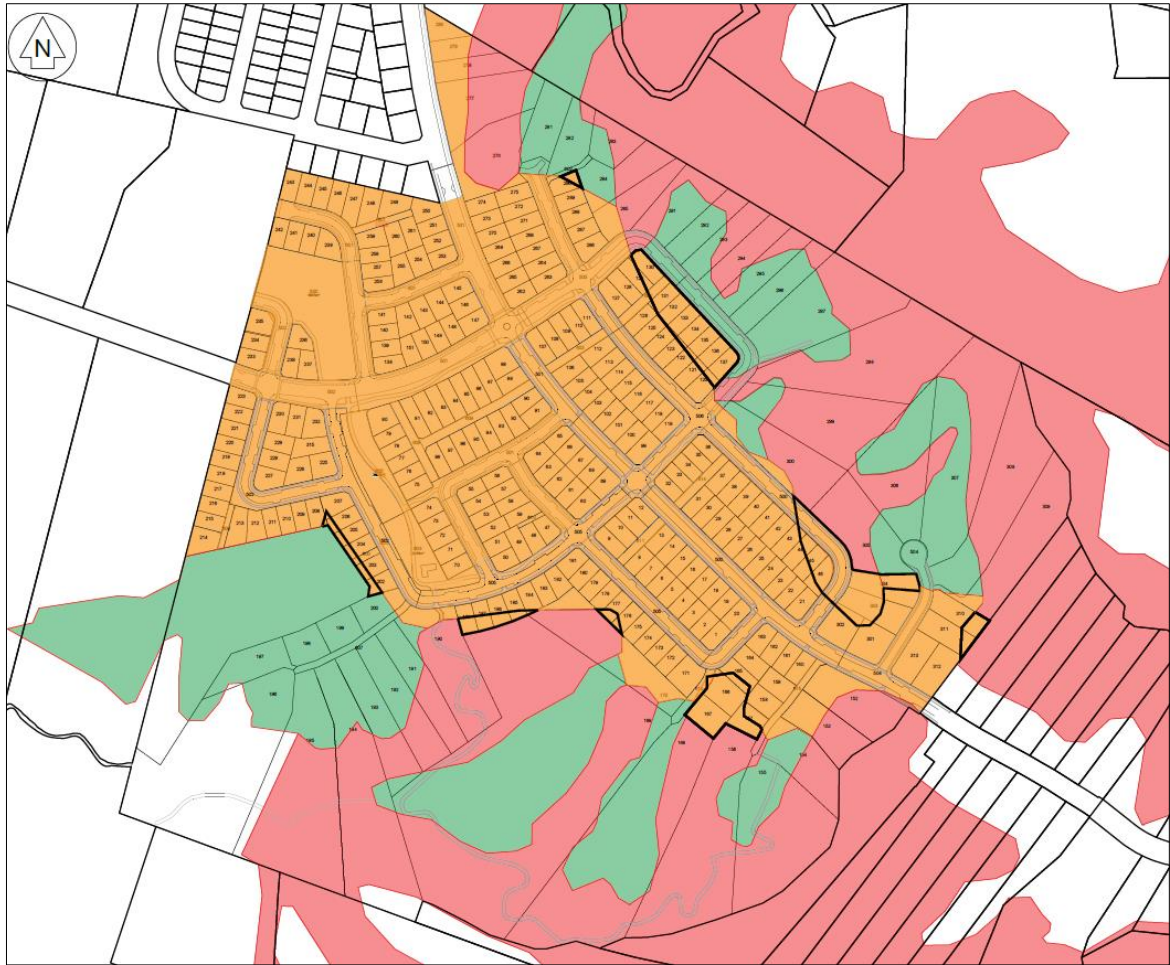
- Newly-subdivided sites of 301 Flat Bush School Road are currently being sold for individual development. 303-321 Flat Bush School Road
- 43-51 Matahae Drive
- 6-20 Perehia Road
- 323 Flat Bush School Road
- 304 Flat Bush School Road

1.7 BR Land Co has obtained resource consent for a comprehensive subdivision of its land into 315 vacant residential allotments, including a mixture of lot sizes reflecting the large lot size of the Sub-Precinct J and K land through to a variety of different lot sizes within Sub-Precinct H.

1.8 Having subdivided the land, BR Land Co have identified that a small number of precinct development standards inhibit the successful provision of medium density housing with a degree of spaciousness, being a stated objective of the precinct. The suite of precinct standards are considered to deliver a compromised urban design outcome that limits building typologies to two-storeyed dwellings that present narrow façades to the street, create privacy and nuisance issues across side boundaries, and include private open spaces with poor utility. Through this private plan change request, BR Land Co seeks to address those matters in a pragmatic manner. The precise amendments sought are set out within the private plan change request and are summarised below:

(a) Amendment of Sub-Precinct boundaries

1.9 The plan change seeks minor amendments to the zoning maps and precinct maps to modify the boundaries between Sub-Precincts H, J and K. These are a consequence of the approved subdivision design and layout for Bremner Ridge. The effect the proposed amendments is to ensure that all areas approved for medium density development through that subdivision are located within Sub-Precinct H and are enabled to deliver that outcome in a manner that generates design flexibility, strong streetscape character, private open spaces with strong utility and a degree of collective spaciousness. The amended Precinct Plan is set out in the proposed provisions within the Plan Change Request. **Figure 2** below identifies the proposed boundary adjustments:



**Figure 2: Amendments to Sub-Precinct boundaries**

(b) Building coverage

BR Land Co request that the maximum building coverage for sites over 400m<sup>2</sup> be increased from 35% to 40%. For the avoidance of doubt, it is not proposed to amend the maximum impervious area limit of 70%.

(c) Side yard

The yard control in Sub-Precinct H is a 4m front yard, 3m side yard and 8m rear yard. In all the other high and medium density housing within the Flat Bush Precinct, the side yard is 1.2m, and this plan change request seeks that a 1.2m side yard requirement replace the existing 3m requirement.

1.10 No consequential amendments have been identified as needing to be made to the text within the Precinct / Sub-Precinct, however any deemed necessary subsequently form part of this proposal.

1.11 The potential effects of the proposed amendments to the provisions of Sub-Precinct H are considered to be less than minor for the following reasons:

- In regard to the proposed side yard standard, enabling more development opportunity utilising the width of a site makes it more likely that larger rear yard setbacks will be retained. These will make a more relevant contribution to 'spaciousness' within the Sub-Precinct than the existing side yard setbacks because of the way the block layouts (the approved subdivision) pool these areas together within blocks.
- Creating smaller side yard setbacks and enabling wider buildings enables a more consistent creation of a perimeter block building configuration rather than a series of buildings presented end-on to the street and which are aligned perpendicular to the street.
- The building orientation influenced by the current 3m side yard requirement has the unfortunate effect of promoting rather than minimising visual privacy and nuisance issues between neighbours across side boundaries. It also results in inferior outlooks space based upon the width of the approved lots and the limited usable building space resulting.
- The combination of the approved subdivision and the operative Unitary Plan provisions will promote substantial repetition in building shapes and volumes because the side yard requirement restricts the available building width along the street frontage. The net result will be a very homogeneous built form outcome with negative streetscape character and residential amenity consequences. Providing for a greater proportion of the width of a site for building design and location will enable greater diversity and variation in building size (including enabling single-storey development), shape and placement, will enable more windows fronting the street and will result in more interesting streetscapes and importantly, greater housing choice.
- The proposed amendments to the building coverage standard may result in additional building mass being visible from the street and open space (resulting from the side yard amendment only), with the additional building coverage behind not visible from the street.
- Land within the Sub-Precinct is subject to approved subdivision consents, however none of the approved sites has been developed to date meaning that the amended development standards will be applied consistently across the area, delivering coherent streetscape and residential built form character / amenity throughout that area
- The request will enable a balance between enabling important medium-density residential development and protecting the amenity of this transitional area within the broader Flat Bush precinct
- The proposed amendments will have no effect on infrastructure as the medium-density residential outcome anticipated within the precinct objectives and policies is being supported. Further, it is

noted that the residential subdivision has been approved for the whole of Sub-Precinct H and is currently being implemented, with roads and service connections to be provided

- The land requested to be realigned into Sub-Precinct H exhibits the characteristics associated with Sub-Precinct H, not of Sub-Precinct J and K. The land subject to rezoning exhibits the characteristics of land which is suitable for residential development as provided for by provisions of Sub-Precinct H and will not compromise the protection and maintenance of the ecological characteristics and environmental values of land within Sub-Precinct J and K.

1.12 The conclusion of this report and the associated section 32 analysis is that this plan change will better deliver the objectives and policies of the Flat Bush Precinct: Sub-Precinct H and the proposed planning methods are the best to achieve the policies. The planning analysis demonstrates that the character and amenity effects of this change are all either positive or less than minor. This proposal meets the statutory tests for a plan change. This report:

- a. Sets out the requested plan change and the impact of that plan change
- b. Sets out the property ownership and land management within Sub-Precinct H
- c. Highlights the strategic importance of Flat Bush
- d. Sets out an analysis of the site and locality
- e. Sets out an analysis of key planning aspects
- f. Undertakes a statutory assessment including a section 32 analysis
- g. Outlines the consultation undertaken as part of this plan change; and
- h. Addresses issues of notification.

1.13 This plan change request comprises:

- The requested plan change
- Attachment A Planning Report and Section 32 Analysis (this report)
- Attachment B Proposed Unitary Plan Maps and Precinct Plans
- Attachment C Consultation Summary
- Attachment D Site Visit and Assessment Summary, provided by Ngai Tai Ki Tamaki Tribal Trust
- Attachment E Urban Design Assessment and Neighbourhood Design Statement (updated June 2020), prepared by Ian Munro
- Attachment F Massing Study (April 2020), prepared by A Studio

## 2 IMPACT OF THE PLAN CHANGE

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2.1 The proposed change is comprised of the following amendments:

- (a) A slight increase to the maximum permitted building coverage for sites larger than 400m<sup>2</sup> will enable greater flexibility in the design of dwellings. These building coverage figures reflect the underlying zone and what is provided for elsewhere within medium density development areas within Flat Bush.
- (b) A reduction in the side yard requirement from 3 metres to 1.2 metres is sought. This would bring the side-yard requirement into line with the side yards for other high and medium density housing within the Flat Bush Precinct. This is demonstrably an appropriate side yard within a precinct providing for medium density housing. The spaciousness sought within Sub-Precinct H comes from the 4m front yard, the high amenity streetscapes that this control provides for, and the 8m rear yards.
- (c) Changes to the Sub-Precinct H, J and K boundaries and underlying zone boundaries to align with the approved subdivision consent for the land (SUB60300672). This realignment of the Sub-Precinct boundaries to accord with the approved subdivision consent is considered appropriate for the following reasons:
  - i. The approved subdivision included all land in the area considered to be appropriate for medium residential development. The subdivision design took into account topography, ecological, environmental and urban design factors. All these matters were comprehensively tested through the masterplan process.
  - ii. The masterplan and the resultant approved subdivision consent provided a finer grain approach to land use and has been able to refine the precinct boundaries to reflect the actual development potential of the area.
  - iii. The proposed amendments to the Sub-Precinct boundaries represent those residential lots within the approved subdivision which are subject to multiple, conflicting Sub-Precincts. These areas also have different underlying zoning (Single House rather than Mixed Housing Suburban) and a number of sites have split zoning with both applying across parts of the allotment. It is proposed to snap the zone boundaries so that the Mixed Housing Suburban zoning applies to the Sub-Precinct H land to ensure consistency, clarity and certainty of provisions and outcomes provided for.



- 2.2 The overall impact of the plan change is to enable development that achieves the spaciousness sought through Sub-Precinct H while ensuring an unnecessary level of resource consents are required for technical infringements relating to the application of the height in relation to boundary standard on steeply sloping land.
- 2.3 One of the key advantages of seeking changes to Sub-Precinct H now is that no new housing has been built within the area (although we understand that a small number of sections at the 301 Flat Bush School Road subdivision have been sold to individuals). The Sub-Precinct is comprised of a small number of overall landowners, meaning that should the proposed plan change be accepted, there will be consistent implementation of the amended provisions.

### 3 FLAT BUSH CONTEXT AND SITE DESCRIPTION

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#### 3.1 Flat Bush Context

3.1.1 Flat Bush is a new suburb being developed progressively across a greenfield area of approximately 1730 hectares within the south-eastern part of Auckland. The East Tamaki light industrial / commercial area sits to the north-west of Flat Bush, with the suburban of Dannemora to the north and the Rural Urban Boundary (RUB) providing the eastern edge to the medium density development area.

3.1.2 The Flat Bush area is subject to the specific planning provisions of the Flat Bush precinct under the Auckland Unitary Plan (Operative in Part). Whilst the bulk of the precinct is within the RUB, Sub-Precincts I and J sit outside the RUB across land zoned Rural - Countryside Living. In recognition of the location outside the RUB, and the rural zoning applied to the land, Sub-Precincts I and J provide for a lower density residential outcome than the other parts of the Flat Bush precinct.

*Figure 2: Location of Flat Bush (taken from Google Maps)*

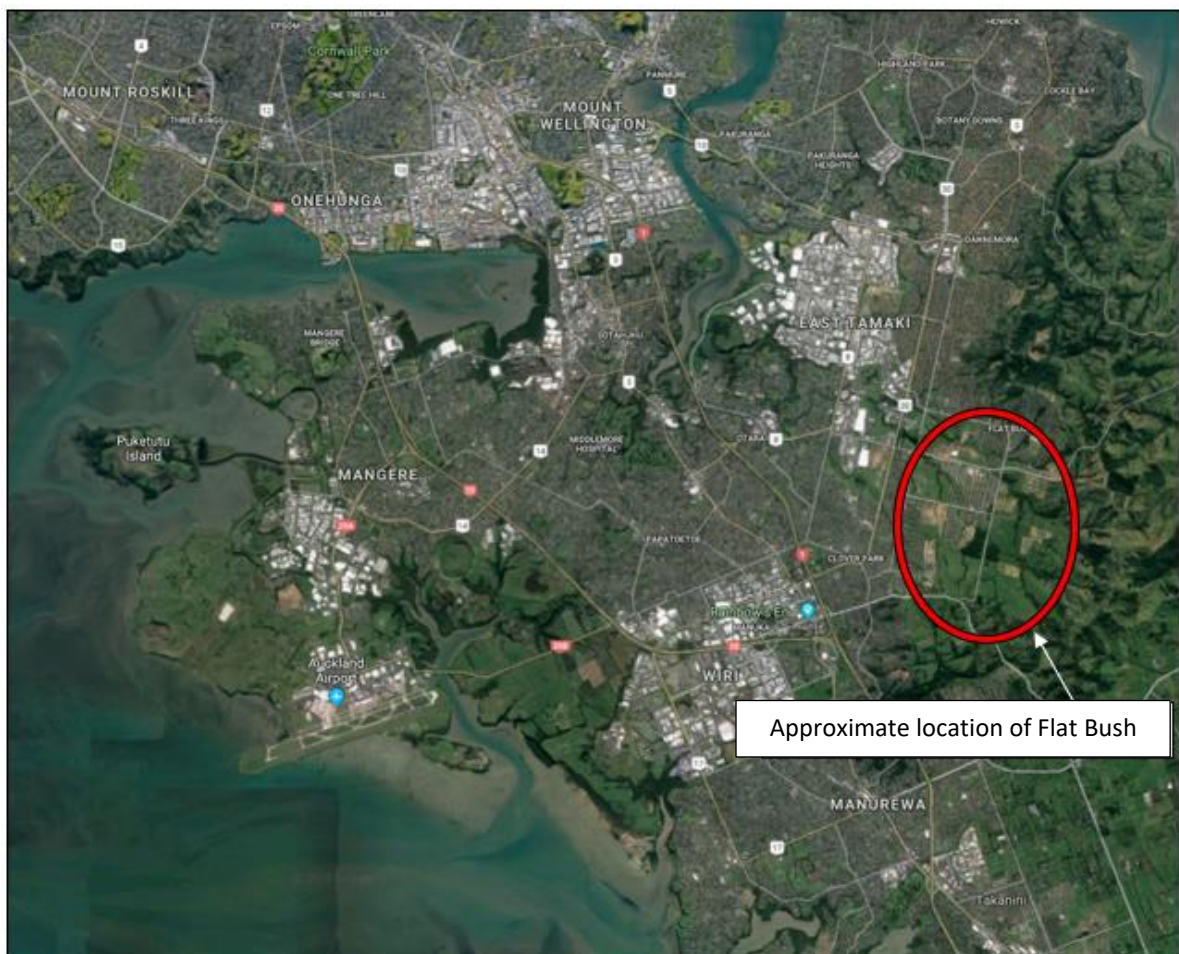


Figure 3: Auckland Unitary Plan (Operative in Part) - Zoning Map (Source: Auckland Unitary Plan Geomaps Viewer (<https://unitaryplanmaps.aucklandcouncil.govt.nz/upviewer/>))

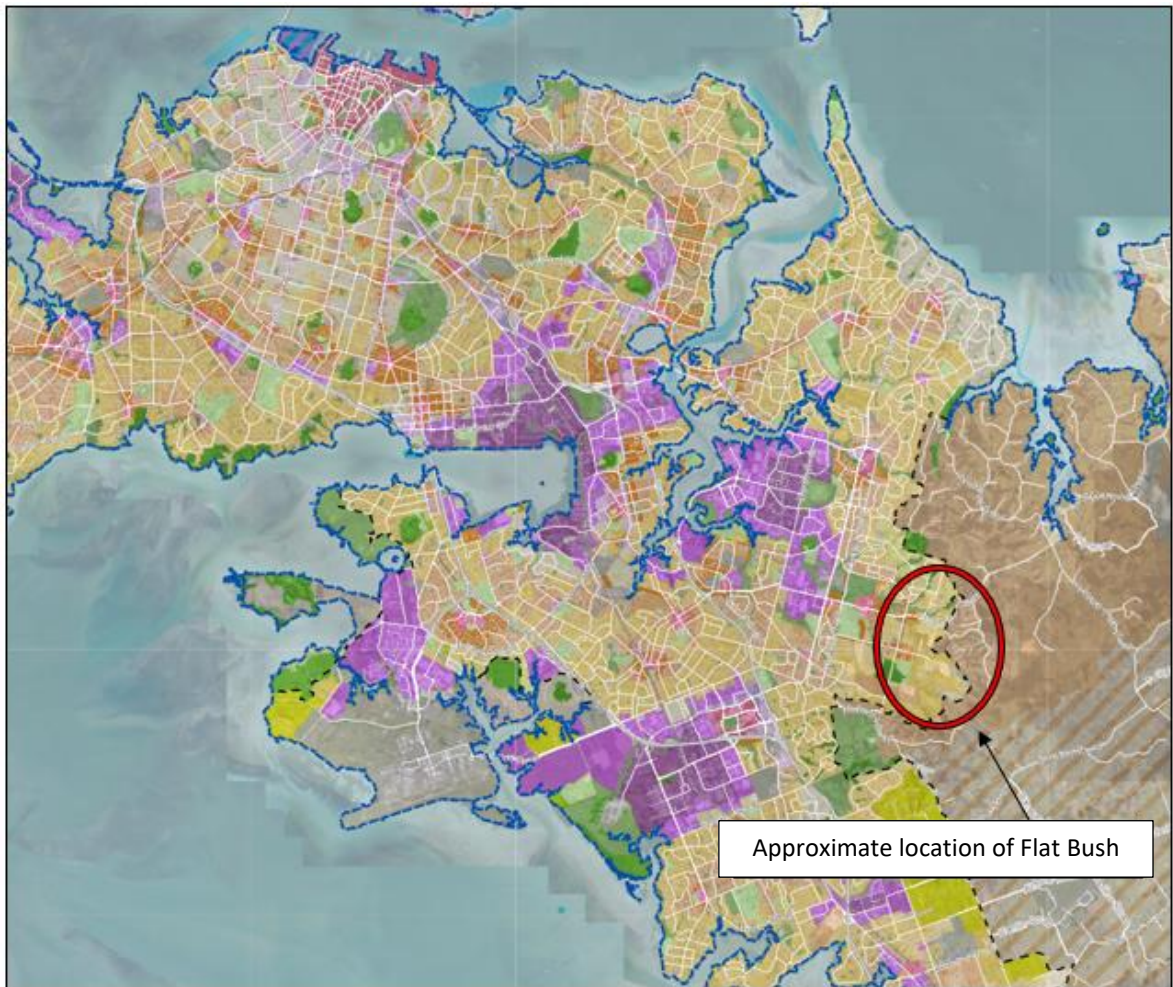




Figure 4: Aerial Photograph of Flat Bush (taken from Google Maps)



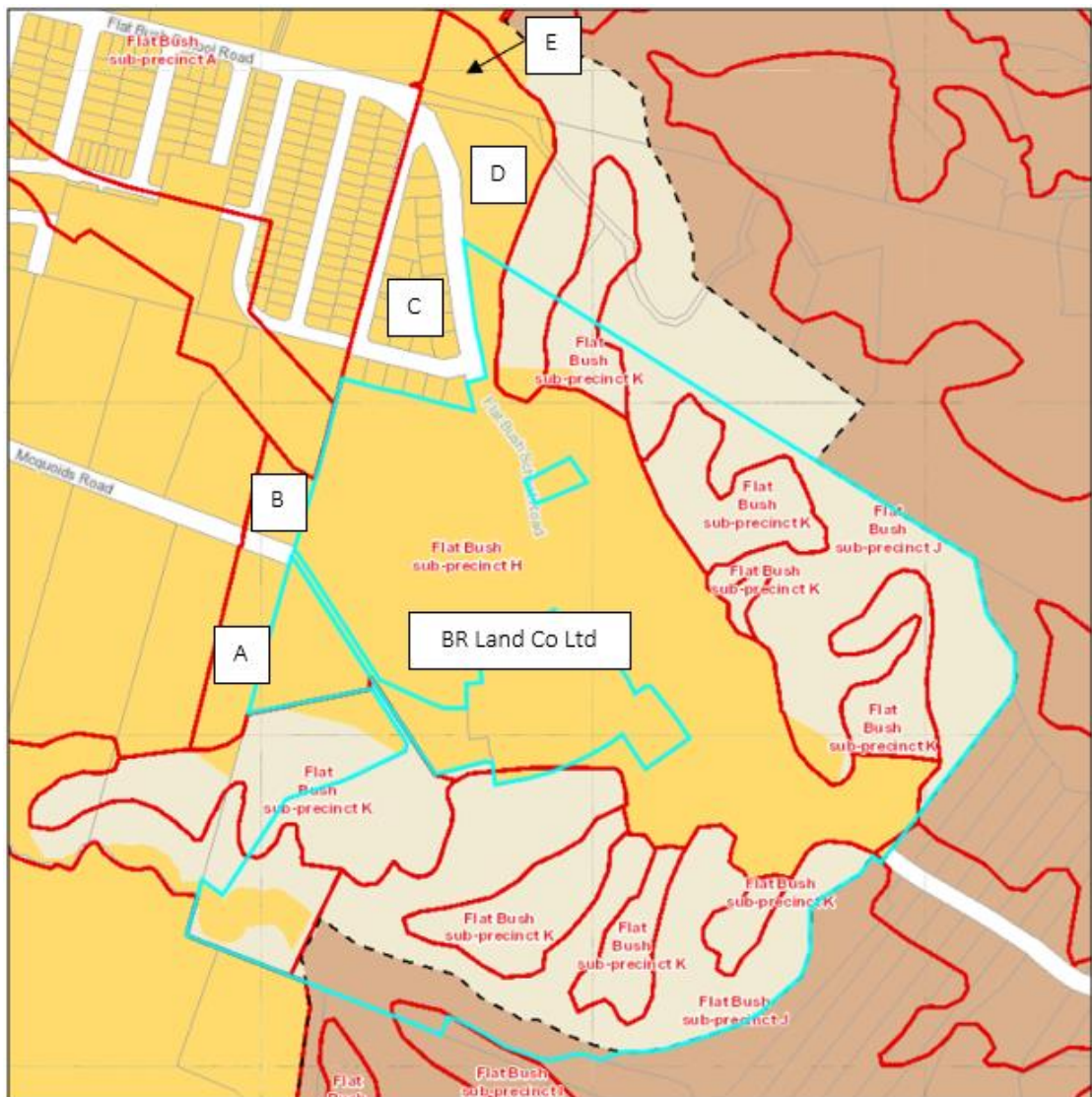
3.1.3 *Figures 2, 3 and 4* above illustrate that Flat Bush:

- a. Is a very large land area within close proximity to a number of significant employment areas including East Tamaki, Manukau, Auckland Airport, Onehunga and Penrose, and the southern motorway which provides access to the city centre
- b. Key transport routes are already established through the precinct, providing a strong grid pattern around which development has and continues to develop, particularly within the western half of the precinct
- c. A significant portion of the precinct is still greenfield development area, noting however that within the 'upper catchment' (i.e. the area outside the RUB), only low-density residential development is anticipated, a reflection of the rural zoning of that land
- d. The varying topography across the precinct, particularly at and past the RUB, necessitates a varied planning response to development of the Flat Bush precinct

## 3.2 Subject land and ownership

3.2.1 The land that is the subject of this private plan change request is all land described as being within Flat Bush Precinct: Sub-Precinct H, as identified within the Auckland Unitary Plan (Operative in Part). *Figure 5* below identifies Sub-Precinct H:

**Figure 5: Flat Bush Precinct: Sub-Precinct H** (Source: Auckland Unitary Plan Geomaps Viewer (<https://unitaryplanmaps.aucklandcouncil.govt.nz/upviewer>))



3.2.2 BR Land Co owns 90% of the land identified as Sub-Precinct H, being that portion within the 42-hectare block known as 315 Flat Bush School Road (87, 99 McQuoids Road and 361 Flat Bush School Road). This site includes land within Sub-Precincts J and K also, however this private plan change request relates only to that land within Sub-Precinct H.

3.2.3 The only land within Sub-Precinct H not within the ownership of BR Land Co is in the blocks identified on *Figure 5* above as A – E:

- A. 85 McQuoids Road
- B. 66 McQuoids Road
- C. Newly-subdivided sites all still within common ownership:
  - 303-321 Flat Bush School Road

- 43-51 Matahae Drive
- 6-20 Perehia Road
- D. 323 Flat Bush School Road
- E. 333 Flat Bush School Road
- F. 304 Flat Bush School Road

### 3.3 Site Description

- 3.3.1 The land within Sub-Precinct H is generally rural pasture with some more significant vegetation in places. It is noted that the land owned by 301 Flat Bush School Road and identified as 'C' in *Figure 5* above has been recently subdivided, with earthworks, roads and service connections complete. Bulk earthworks associated with an approved subdivision application (refer section 3.4 below) for the remainder of Sub-Precinct H are currently being undertaken across an area that was until recently rural in character and a reflection of past zoning.
- 3.3.2 The topography of the Sub-Precinct is varied, largely covered by steeply-sloping land covered by ridges and valleys, although there are two overall trends, as the land rises from north to south, and from west to east. The low point across the precinct is at 55m above sea level at the northern tip of the Sub-Precinct (within the property at 304 Flat Bush School Road), and the high point is up to almost 125m above sea level in the east (87 McQuoids Road).
- 3.3.3 It is noted that bulk earthworks relating to the approved subdivision consents for the BR Land Co Ltd property is underway on site.

### 3.4 Approved Resource Consents

#### *BR Land Co site – 87 Mcquoid Road*

- 3.4.1 BR Land Co has obtained resource consent for the subdivision of sites (formerly known as 315, 340 and 361 Flat Bush School Road, and 99 McQuoids Road) into 315 residential allotments and for preparation works (bulk earthworks and streamworks) including the formation of new roads. Resource consents LUC60292498-B, LUC60303035-B and SUB60300672-B (which supersedes P52126 (as varied by LUC60303035-A and SUB60300672-A) and P52127 (LUC60303035).
- 3.4.2 If this plan change request is successful, BR Land Co anticipate the subsequent development of all residential allotments (either by BR Land Co or subsequent purchasers of vacant sites) will rely on



the amended provisions of the Residential – Mixed Housing Suburban zone and Sub-Precinct H.  
None of the approved allotments has been developed to date.

## 4 STRATEGIC IMPORTANCE OF FLAT BUSH

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- 4.1 Flat Bush is a large area of greenfield development land within the RUB that is anticipated under the Unitary Plan to accommodate a significant amount of residential development. At a time when Auckland is struggling to meet the demand for housing (for a number of reasons), Flat Bush provides a prime opportunity for the delivery of housing in a location that is well-connected to employment and education areas.
- 4.2 The area has been the subject of concerted development efforts by a number of developers, with the result being a medium-density suburban residential neighbourhood across approximately three-quarters of the land area of the Flat Bush Precinct, with only the south-eastern quadrant remaining relatively undeveloped. Sub-Precinct H sits within that quadrant.
- 4.3 While much of the development undertaken within Flat Bush to date has been via the Housing Accord and Special Housing Areas Act 2013 (**HASHAA**), the operative status of the Auckland Unitary Plan provisions applying to the land now provides the opportunity for development in accordance with the decision version of the planning provisions rather than the notified version implemented previously under the HASHAA legislation.

## 5 PLANNING INFORMATION

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### 5.1 Effective Planning Document

- 5.1.1 The effective planning document applying to the land that is the subject of this private plan change request is the Auckland Unitary Plan (Operative in Part) (**the Unitary Plan**). The following summary is provided as an overview of the planning provisions applying within Flat Bush, and more specifically to the subject land.
- 5.1.2 Land within the Flat Bush area is subject to a large range of zonings including business, residential and public open space zones. Pockets of business-zoned land incorporate a town centre, local centre and a number of neighbourhood centres across the precinct, while higher density residential zoned land (Terrace Housing and Apartment Buildings, and Mixed Housing Urban) have been applied at key intersections and along transport corridors, with lower-medium density zoning applied within blocks and generally to the east of the precinct as separation from main arterial roads increases. The eastern portion of Flat Bush occupies land within the Rural – Countryside Living zone and sits outside the RUB. The range of zoning is provided indicatively within *Figure 5* above.
- 5.1.3 The Flat Bush Precinct includes specific planning controls, and more detailed, area-specific controls within each of the 10 Sub-Precinct areas that form the precinct. The various Sub-Precincts have been established largely based upon their proximity to centres, public facilities and arterial routes, with those Sub-Precincts in very close proximity enabled to deliver a high-density residential product (Sub-Precincts B, D and E), through those Sub-Precincts intended to deliver medium-density housing (Sub-Precinct A, F and H), to low-density Sub-Precincts (Sub-Precincts K and I) and areas identified for public open space and stormwater management outcomes (Sub-Precincts G and J). The outcomes for each Sub-Precinct is supported by the underlying zoning of the land.
- 5.1.4 Flat Bush Precinct was subject to a significant structure planning exercise by the former Manukau City Council prior to the amalgamation of local government in Auckland and the establishment of Auckland Council in 2010. This led to a plan change which rezoned the Flat Bush Precinct land and identified a number of differentiated planning areas across the precinct area. These provisions were effectively rolled over into the PAUP with only minor formatting changes (including the renaming of the differentiated planning areas as “Sub-Precincts”).

5.1.5 In considering the submissions made to the PAUP, the Independent Hearings Panel appointed to make recommendations on the proposed provisions determined it appropriate to ‘up-zone’ the underlying zone within Sub-Precinct H from Single House zone to Mixed Housing Suburban zone. The recommendation was subsequently adopted by Auckland Council, and brought about a fundamental change to the anticipated future form of Sub-Precinct H in that it provides for medium density housing.

5.1.6 The purpose of Sub-Precinct H as stated in the Unitary Plan is to create a Sub-Precinct on land “in the upper McQuoids Road / Flat Bush School Road area that transitions to the upper catchment area. It therefore anticipates a medium density residential environment with development controls to ensure a degree of spaciousness”. Sub-Precinct H, being the subject of this private plan change request, is defined within the precinct description as follows:

*“This Sub-Precinct relates to land in the upper McQuoids Road / Flat Bush School road area that transitions to the upper catchment area. It therefore anticipates a medium density residential environment with development controls that ensure a degree of spaciousness.”*

5.1.7 Additional planning requirements, as set out in *Table 1* below.

*Table 1: Auckland Unitary Plan – Additional Planning Requirements*

AUCKLAND UNITARY PLAN (Operative in Part)	
Planning approach	
Overlays	<ul style="list-style-type: none"> <li>▪ Natural heritage: Ridgeline protection overlay – Modified</li> <li>▪ Infrastructure: Aircraft noise overlay – Aircraft noise notification area (ANNA), Auckland Airport</li> <li>▪ Historic heritage: Extent of place [2267], Major Bremner’s Cottage</li> </ul>
Controls	<ul style="list-style-type: none"> <li>▪ Macroinvertebrate Community Index</li> </ul>
Designation	<ul style="list-style-type: none"> <li>▪ Designation 1102: Airspace restriction designation, Protection of aeronautical functions – obstacle limitation surfaces, Auckland International Airport Ltd</li> <li>▪ Designation 200: Airspace restriction designation, Ardmore Airport – Height restrictions, Ardmore Airport Ltd</li> <li>▪ Designation 200</li> </ul>
Modification	<ul style="list-style-type: none"> <li>▪ Notice of requirement, NoR 7: Proposed northern runway, Airspace restriction designation</li> </ul>

5.1.8 In addition to the requirements of the underlying Mixed Housing Urban zone, the following zone standards are specifically excluded:

- a. Outlook
- b. Separation between buildings within a site (note that this is a standard from the PAUP and does not exist within the operative version of the Unitary Plan)
- c. Maximum building length (note that this is a standard from the PAUP and does not exist within the operative version of the Unitary Plan)

5.1.9 Table 2 below summarises the development standards that apply within Sub-Precinct H, being a combination of zone and precinct standards:

*Table 2: Auckland Unitary Plan - Zone and Precinct Provisions Summary*

AUCKLAND UNITARY PLAN ZONE AND PRECINCT SUMMARY		
	Mixed Housing Suburban zone	Flat Bush Sub-Precinct H
Permitted activity standards		
Density	No zone equivalent	1412.6.1.1 Minimum density, 1 dwelling per 520m <sup>2</sup> net site area
Building height	H4.6.4 Replaced by precinct standard	1412.6.1.2 8m
Height in relation to boundary	H4.6.5 Replaced by precinct standard	1412.6.1.3 a. does not apply to the street boundary b. front lots (not being corner lots), 5m + 45° along side boundaries up to a max of 8m from rear boundary c. within 8m of rear boundary, side boundary to be 2.5m + 35° (south), 45° (east / west) or 55° (north) d. for front lots adjoining corner lots: ▪ (c) applies for the full length of shortest side boundary ▪ (b) and (c) apply on the longest side boundary

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- on the shortest side boundary, all windows above ground floor level must have a sill height at least 1.6m above floor level or be opaque glass
- e. for corner lots:
- (c) applies for the full length of the shortest boundary
  - (b) and (c) applies
  - all buildings within 6m of the shortest side boundary must be limited to a single storey and 5m maximum height
- f. the following exceptions apply:
- gable end fascia up to 7m<sup>2</sup>
  - minor projections such as radio and tv antennas, solar heating devices and chimneys not exceed 2.0m in any horizontal dimension and projecting no more than 2m above the permitted height of the main structure
  - where a site abuts an entrance strip, access lot, etc, the furthest boundary of these may be deemed to be the site boundary for the purpose of this standard
  - there is no HiRB applicable to the length of common walls between abutting buildings.

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Yards	<i>H4.6.7</i> Replaced by precinct standard	<i>I412.6.1.4</i> <ul style="list-style-type: none"> <li>▪ Front yard – 4m</li> <li>▪ Side yard – 3m</li> <li>▪ Rear yard – 8m, except that a single storey building up to a maximum height of 5m is permitted within the</li> </ul>
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			<p>rear yard provided that it is no closer than 3m from the rear boundary</p> <ul style="list-style-type: none"> <li>▪ The rear yard above does not apply where the site adjoins a rear lane or access lot</li> <li>▪ For rear sites, all yards must be a minimum of 3m.</li> </ul>
Building coverage	<p><i>H4.6.9</i></p> <p>Replaced by precinct standard</p>	<i>I412.6.1.5</i>	<ul style="list-style-type: none"> <li>▪ Maximum building coverage of 35% for sites over 400m<sup>2</sup> net site area</li> <li>▪ Maximum building coverage for sites between 200m<sup>2</sup>-399m<sup>2</sup> net site area, N/A</li> <li>▪ Maximum building coverage for sites under 200m<sup>2</sup> net site area, N/A</li> </ul>
Impervious area	<p><i>H4.6.8</i></p> <p>Replaced by precinct standard</p>	<i>I412.6.1.6</i>	<p>Maximum impervious area must not exceed 70% gross site area</p>
Front, site and rear fences and walls	<p><i>H4.6.14</i></p> <p>Fences or walls or a combination of these structures must not exceed the height specified below, measured from ground level at the boundary:</p> <ul style="list-style-type: none"> <li>▪ Within the front yard, either: <ul style="list-style-type: none"> <li>- 1.4m in height; or</li> <li>1.8m in height for no more than 50% of the site frontage and 1.4m for the remainder; or</li> <li>1.8m in height if the fence is at least 50% visually open as viewed perpendicular to the front boundary</li> </ul> </li> <li>▪ Within the site and rear yards: 2m</li> </ul>		
Outlook space	<p><i>H4.6.11</i></p> <p>Does not applying within the precinct</p>		
Daylight	<p><i>H4.6.12</i></p> <p>Where the proposed building and / or opposite building contains principal</p>		

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living room or bedroom windows in a dwelling, then that part of a building higher than 3m opposite buildings within the same site is limited in height to twice the horizontal distance between the two buildings for a length defined by a 55° arc from the centre of the window. The arc may be swung to within 35° of the plane of the wall containing the window.

Where a room has two or more external faces with windows, this standard applies to the largest window.

Where the window is above ground level, the height restriction is calculated from the floor level of the room containing the window.

This standard does not apply to development opposite the first 5m of a building which faces the street, measured from the front corner of the building.

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Outdoor living *H4.6.13*

space

- A ground floor dwelling must have an outdoor living space at least 20m<sup>2</sup> that:
  - has no dimension less than 4m
  - it in the form of a balcony / terrace, is at least 5m<sup>2</sup> and has a minimum dimension of 1.8m
  - is accessible from the dwelling; and
  - is free of buildings, parking spaces, services and manoeuvring
  
- A dwelling located above ground level must have a balcony / roof terrace / patio that:



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	<ul style="list-style-type: none"> <li>- is at least 5m<sup>2</sup> with a minimum dimension of 1.8m for studio and one-bedroom dwellings</li> <li>- is at least 8m<sup>2</sup> with a minimum dimension of 1.8m for dwellings of two or more bedrooms</li> <li>- is accessible from the dwelling</li> <li>▪ Where outdoor living space is provided at ground level and is located south of any building located on the same site, the southern boundary of the space must be separated from any wall or building by at least 2.0m + 0.9(height of the wall or building). For the purpose of this standard, south is defined as between 135 and 225 degrees.</li> </ul>
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Minimum dwelling size	<p><i>H4.6.15</i></p> <p>Dwellings must have a minimum net internal floor area as follows:</p> <ul style="list-style-type: none"> <li>▪ 30m<sup>2</sup> for studio dwellings</li> <li>▪ 45m<sup>2</sup> for dwellings of one or more bedrooms</li> </ul>
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Auckland-wide	Flat Bush Sub-Precinct H
Subdivision standards	
Minimum and average lot sizes	<p><i>I412.6.2.1</i></p> <ul style="list-style-type: none"> <li>▪ Average site size (m<sup>2</sup>) – N/A</li> <li>▪ Minimum site size (m<sup>2</sup>) – 520</li> <li>▪ except that no minimum lot sizes apply to an integrated land use and subdivision application</li> <li>▪ any application not meeting the above requirements shall be a non-complying activity</li> </ul>
Minimum site dimensions	<p><i>I412.6.2.2</i></p> <ul style="list-style-type: none"> <li>▪ Front site minimum width – 20m</li> </ul>

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- Front site minimum depth – 26m
  - Front site legal width of back lanes – N/A
  - Rear sites – N/A
  - Any application not meeting the above requirements shall be a discretionary activity
- 

5.1.10 Additional subdivision standards apply within Sub-Precinct H relating to the provision and form of new roads / connections. Those standards are not subject to any proposed change under this plan change request and so are not summarised here, however for completeness I note that a suite of cross-sections are set out for collector and local roads, including park edge roads, ranging in overall width from 14m to 19.6m, including pedestrian and landscaping zones.

5.1.11 As noted previously, subdivision consent has been obtained for the entirety of Sub-Precinct H that is under the ownership of BR Land Co. The subdivision design and layout of the site was approved on the basis that it would enable residential development characteristic of the Residential – Mixed Housing Suburban zone. The provisions of the zone aim to provide for predominantly single detached housing ranging between one and two storeys in height. The provisions of Sub-Precinct H are intended to enable medium density residential development which considers the context of the area and aim to provide a “degree of spaciousness” in comparison to the standard zone provisions.

5.1.12 The zone and precinct boundaries have been applied to reflect the topography of the area and flooding/stormwater modelling data. The approved subdivision design and layout considered these variables which resulted in a layout which supported the zoning pattern and anticipated development outcomes for the area. However, in order to provide the lot sizes appropriate for the type of development anticipated for by the Sub-Precinct H, parts of some residential lots encroaching into Sub-Precinct K (Single House) resulting in a split zoning.

5.1.13 The total area of land which will be rezoned and placed within Sub-Precinct H will not compromise the development or environmental outcomes for the wider Flat Bush area. Realigning the precinct boundary to match the approved subdivision design and layout will ensure greater clarity around what zone and precinct provisions apply to the site. This is critical to ensuring the efficient development of land in an area and avoids the risk of inappropriate or under-developing the site land within the area.

## 6 PLANNING ANALYSIS

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### 6.1 Character and Amenity

- 6.1.1 As identified earlier in this report, this plan change seeks to amend two development standards applying within the Flat Bush Sub-Precinct H and realign the zone and precinct boundaries to reflect the underlying lot structure. The stated intention for the Sub-Precinct is that it act as a transition area between the more intensive Sub-Precincts within the western side of the Flat Bush precinct, being those areas closer to transport arterials and business centres, and those low-density, rural-focused Sub-Precincts (I and J) that sit outside the RUB. In providing that transition, Sub-Precinct H anticipates medium-density housing “with a degree of spaciousness”. This plan change request seeks to better enable the delivery of medium density residential development that is considered appropriate within the context of the area.
- 6.1.2 The proposed amendments to the building coverage and side yard standards have the potential to impact upon the anticipated character and amenity throughout the Sub-Precinct. Ian Munro has prepared an independent Urban Design Assessment (refer **Attachment E** to this request) of plan change request, and has considered the effects of the proposed amendments as well as the efficiency and effectiveness of the proposed amendments in achieving the stated objectives and policies of the Unitary Plan.
- 6.1.3 Mr Munro has undertaken a comprehensive assessment of the “status quo” provisions and the built form and urban design outcomes that those provisions are likely to deliver in practice at section 6 of his report, with particular regard to the consented subdivision layout for the BR Land Co landholdings as context. Specifically, that assessment describes the character and amenity features derived from the side yard and building coverage standards individually and collectively, as well as the contribution of those standards to the “degree of spaciousness” envisaged within Sub-Precinct H. I agree with Mr Munro’s assessment of the status quo, note the following observations in particular:
- A development on the basis of the approved subdivision consent on those lots larger than 450m<sup>2</sup> and in line with the operative AUP:OP provisions would have predominant characteristics of the Single House zone and would not readily reflect what I consider the Mixed Housing Suburban zone generally seeks.

- The consented subdivision provides for a variety of different allotment sizes varying from 320m<sup>2</sup> to 914m<sup>2</sup> (excluding those allotments greater than 1,000m<sup>2</sup>).
- It is unlikely that all Lots will be developed on a lot-by-lot basis; rather, developers are likely to purchase ‘bundles’ of sites in order to undertake integrated development. These bundles could be developed as detached houses or could involve land use consent led subdivision into more compact detached houses, duplexes or small rows of terrace houses.
- A total of 48 Lots within the consented subdivision are served by way or rear lanes. This is a development solution that is best delivered comprehensively so as to properly plan legal interests in communal areas, forming and establishing the rear lane, and building any common / party walls between medium density housing.
- A total of 162 allotments are less than 400m<sup>2</sup>, with typical frontage widths of between 13m and 14m and depths between 25m and 30m. Mr Munro notes that these are “*relatively conventional dimensions*”.
- Accounting for a 3m side yard on each side of a site, the available frontage width for a dwelling and garage is between 7m and 8m. Mr Munro considers that “*...this has created a high likelihood of low-quality urban design outcomes because, as a permitted activity on each of these Lots, a double-width garage could be developed in a way that could occupy most if not all of the available width, with little more than a front door (if even that) facing the street.*”
- The relatively narrow usable site width is more likely to result in two-level dwellings when the loss of footprint to the required side yards is considered. Mr Munro notes that “*...on a 14m-wide allotment, the side yard setback amounts to 43% of the site’s width removed. A smaller yard requirement would make 1-storey dwellings more feasible by substantially increasing options for site planning (even within the same building coverage limit)*”. This is likely to result in a homogeneous character
- Solid fences and landscaping are likely to, over the medium-term, establish visual barriers within the 6m separations between buildings and fail to provide the spaciousness that the ‘gap’ is purposed to contribute to. Mr Munro notes that he “*...does not consider a potential view or open space being blocked by solid vegetation to be any less adverse or ‘blank’ in urban design terms that a solid building wall (and I note that general landscaping or a landscaped character is not the same thing as ‘spaciousness’ referred to in the Precinct controls).*”

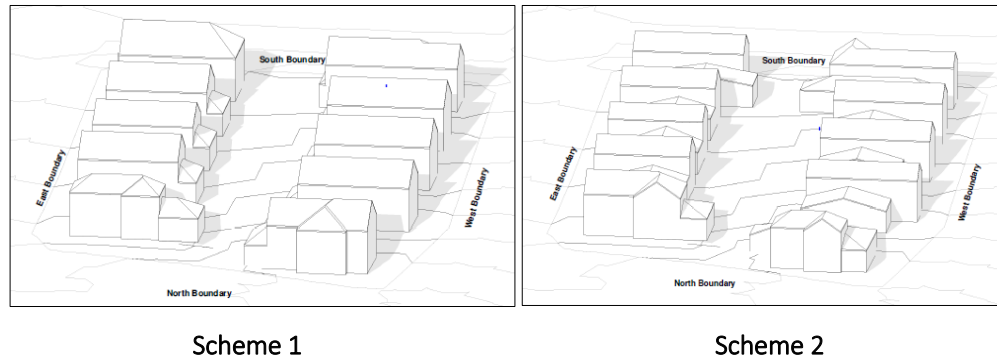
- The RMA boundary provisions at clauses 87AAB and 87BA provide for infringements to a boundary provision (including side yards, rear yards and height in relation to boundary) to be a permitted activity where the affected neighbour's approval is obtained. Mr Munro is satisfied that, *"...there are multiple ways of not providing the 3m side yard setback on each allotment already anyway, and sound urban design justifications for doing so where it can avoid a (permitted) double garage facing a street with the dwelling screened behind that, and allow a more efficient use of rear lanes."*
- The curvilinear character of the approved subdivision and the sloping topography through Sub-Precinct H decreases the likelihood of a viewer 'lining up' several rows of dwellings on blocks and enjoying a continuous 'view shaft' of 6m width.
- Mr Munro considers that it will be in the "medium-range views" that spaciousness will be appreciated, noting that Sub-Precincts K and J will provide the bulk of the openness and spaciousness that contrasts this location with the Flat Bush basin itself. The open space corridors created by the roads and the coherently laid out subdivision patterns contribute to the cumulative open spaces at the rear of the allotments and will provide a secondary contribution towards the spaciousness objectives of the Sub-Precinct. Mr Munro considers that the *"...side yards between houses are not in my opinion likely to prove relevant in this medium-to-long range view scenario"*.

6.1.4 Mr Munro has also provided a thorough analysis of the physical design outcomes likely to result from the proposed amendments to the side yard and building coverage standards. Again, I agree with his assessment, and consider the following matters to be particularly relevant in understanding the fundamental differences in outcomes compared with the status quo. In addition, A Studio have prepared a series of block modelling diagrams (refer **Attachment F**) which compare the status quo provisions (represented by Scheme 1) against the proposed provisions (represented by Scheme 2). These diagrams should be referenced in whole, however have been used to provide visual aids to the commentary below.

- In regard to both the proposed side yard standard, Mr Munro considers that *"...it is more effective in all respects to minimise side yard setbacks but maximise rear yard setbacks. Providing more development opportunity utilising the width of a site makes it more likely that larger rear yard setbacks will be retained. I consider that these will make a more relevant contribution to spaciousness within the Sub-Precinct than the existing side yard setbacks"*

because of the way the block layouts (the approved subdivision) pool these areas together within blocks.”

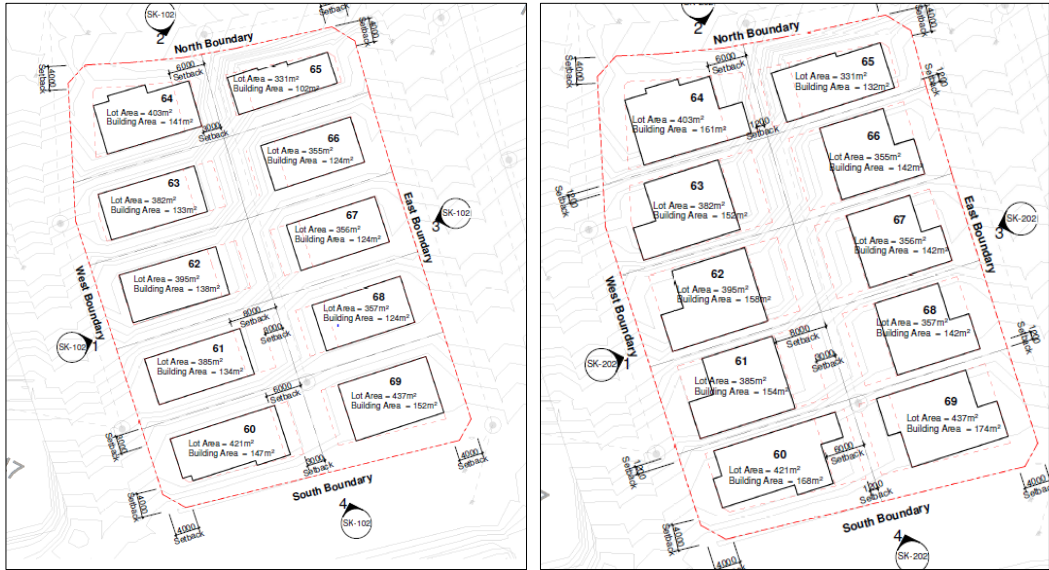
**Figure 6:** Massing study, 3D views



Source: Prepared by A Studio Architects

- Creating smaller side yard setbacks and enabling wider buildings established the opportunity for the creation of a more consistent perimeter block building configuration rather than a series of buildings presented end-on to the street and which are aligned perpendicular to the street. Mr Munro notes that this is “...in general urban design terms a favoured approach to urban structure.” Further, this building orientation (influenced by the current side yard rule) unintentionally has the effect of promoting rather than minimising visual privacy and nuisance issues between neighbours, and inferior outlook space based upon the width of the approved lots and the limited usable building space resulting. Mr Munro describes this conflict as being to “...force most buildings to run parallel to their side boundaries and with outlook space facing the neighbouring allotments rather than enabling design outcomes that can avoid this. Allowing wider buildings will allow buildings to have less depth, and more rooms with their windows and outlook spaces facing the street or the large rear garden. I regard this as superior for both occupants of dwellings and their neighbours.”

**Figure 7:** Massing study, plan views



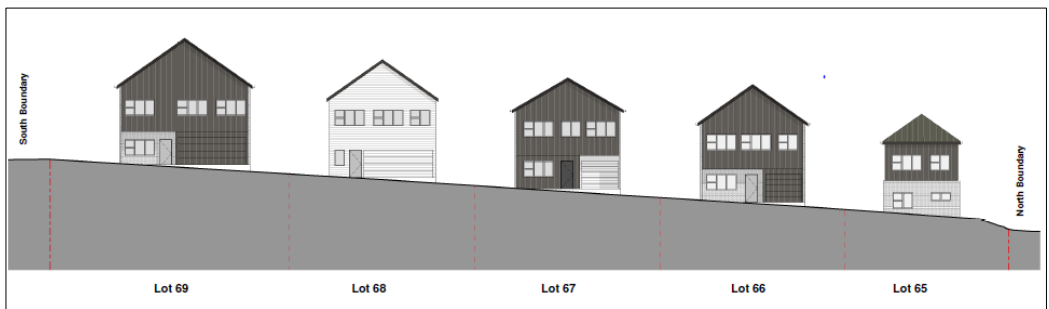
Scheme 1

Scheme 2

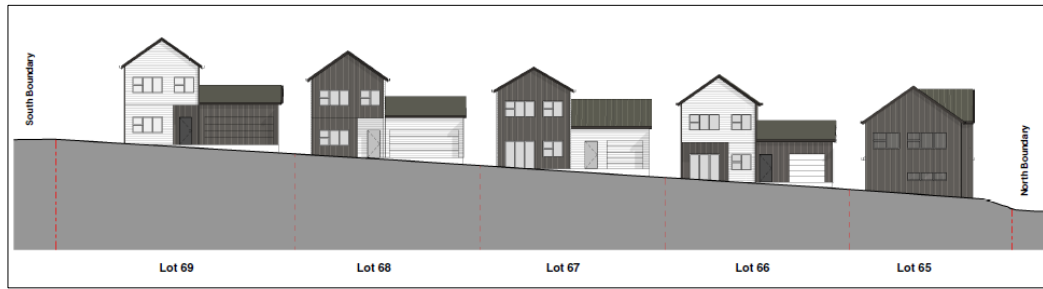
Source: Prepared by A Studio Architects

- Mr Munro has identified that the combination of the approved subdivision and the operative AUP:OP provisions will “...promote substantial repetition in building shapes and volumes” because the side yard requirement is so restrictive and the available building width so narrow. He considers this will deliver a very homogeneous built form outcome with negative streetscape character and residential amenity consequences. Providing for a greater proportion of the width of a site for building design and location will enable greater diversity and variation in building size, shape and placement and will result in more interesting streetscapes and greater housing choice.

Figure 8: Massing study, street elevations



Scheme 1



## Scheme 2

Source: Prepared by A Studio Architects

- In reaching his conclusions, Mr Munro has clearly stated his interpretation of the language “degree of spaciousness” as not being limited to applying to the Sub-Precinct as it is experienced only from public spaces, but that it also applies equally to occupants of sites and neighbouring sites within the Sub-Precinct (i.e. private as well as public amenity). This is a key reason why Mr Munro has considered maximising rear gardens (at the expense of the side yards) *“...as being able to maintain (or even improve) the likely perceived sense of spaciousness enjoyed by occupants on the allotments.”*
- The proposed amendments to the building coverage standard may result in additional building mass on a site, however it is the proposed side yard amendment that will result in additional built form fronting / being visible from streets and open spaces. The ‘additional’ 5% building coverage will sit behind / within the site and will not be visible from the street. Further to this point, I consider it is important to note that the impervious area (and default landscaped area) requirements relevant to the land are not proposed to be changed. The proposed amendment is effectively a straight swap of 5% additional building coverage for 5% impervious surface; an outcome I believe will be imperceptible when combined with the other amendment proposed. I also note that building coverage standards do not individually control the mass of a building, just the two-dimensional plan-view scale of a building. Additional floors may be added within HiRB and height standards and the overall scale of a building increased while complying with a coverage requirement.

6.1.5 In regard to the role of Sub-Precinct H in achieving the required transition, Mr Munro has concluded that *“...the proposal will maintain the planned density taper from Flat Bush valley to its Rural – Countryside Living zone hinterland.”* The BR Land Co development, and in particular the approved subdivision consents, transitions logically from west to east, from suburban-scaled allotments to less intensive, larger allotments from slightly over 1,000m<sup>2</sup> to over 1-hectare. The proposed



amendments to provisions will deliver 'a degree of spaciousness' across the smaller allotments, while the larger allotments will deliver spaciousness in a more obvious manner.

6.1.6 As noted previously, while subdivision within the Sub-Precinct has resulted in a number of residential allotments being consented, titles for only a small number of those sites have been created to date. While we understand that a small number of those sites have been sold (including a number of 'bundles' of sites to developers), none of those sites have been developed to date. This provides the opportunity for any amendments to the development standards that apply within the Sub-Precinct to be applied on a consistent basis across the whole Sub-Precinct area. Realigning the Sub-Precinct and underlying zone boundaries will support the proposed amendments to the development standards by avoiding split zone and precinct provisions which could result in the inappropriate development or under-development of these sites.

6.1.7 Collectively, the proposed amendments to development standards seek to enable a degree of flexibility and clarity in design outcomes while achieving the 'degree of spaciousness' sought within Sub-Precinct H and maintaining the amenity values anticipated within an area identified as part of a transition of densities from the centre to the periphery of Flat Bush. Notably, the proposed amendments are considered to result in enhanced character and amenity effects, particularly regarding the contribution of the side yard amendment to achieving private 'spaciousness' within individual allotments and more generally as part of 'pooled landscaped areas' via a series of back yards within blocks.

## 6.2 Streetscape Effects

6.2.1 Any proposed amendments to development standards have the ability to impact built form outcomes for an area and influence the quality of adjacent streetscapes. In this instance, it is considered that individually and cumulatively the proposed reduction to side yard requirements and increase in building coverage standard for those allotments larger than 400m<sup>2</sup> have the potential to alter the streetscape outcomes within Sub-Precinct H.

6.2.2 Whereas under the operative provisions there would be a minimum 6m gap between adjacent dwellings (3m side yards on each property), the proposal would see that reduce to 2.4m (1.2m side yards on each property). Rather than being seen as an adverse effect, it is my view that this change better reflects the medium density built form character anticipated for the Sub-Precinct, and that the change to the side yard requirement will help to deliver a streetscape character that reflects this higher-level outcome. As noted above, Mr Munro considers the provision for smaller side yards

and the resulting wider dwellings will contribute to the establishment of a perimeter block building configuration, being “...a favoured approach to urban structure”, rather than a series of dwellings presented ‘end-on’ to the street.

- 6.2.3 Mr Munro has identified that the combination of the approved subdivision and the operative AUP:OP provisions will “...promote substantial repetition in building shapes and volumes” because the side yard requirement is so restrictive and the available building width so narrow. He considers this will deliver a very homogeneous built form outcome with negative streetscape character and residential amenity consequences. Providing for a greater proportion of the width of a site for building design and location will enable greater diversity and variation in building size, shape and placement and will result in more interesting streetscapes and greater housing choice.
- 6.2.4 The Sub-Precinct includes a generous 4m front yard requirement which remains unchanged through this Request and, in combination with the street cross-sections set out within the Flat Bush precinct, will ensure a high level of landscape amenity within the streetscape environment. The proposed realignment of Sub-Precinct boundaries will ensure that consented allotments with the same functional use can contribute to the consistent streetscape character and amenity. Zone boundaries are also proposed to be amended to ensure the consistent application of the Mixed Housing Suburban zone and Sub-Precinct H provisions as sought through the Precinct, and to avoid unnecessary complex consenting processes arising from split zonings on individual sites.
- 6.2.5 The proposed amendment to the building coverage figures should be considered in the context of the fact that the impervious area requirement (and default landscape area figure) are not changing. Whereas the side yard amendment will contribute to an enhanced streetscape edge and more usable rear yards as discussed above, the building coverage amendment will not be perceptible and will not impact the streetscape character within the Sub-Precinct.
- 6.2.6 The “degree of spaciousness” sought through the Sub-Precinct will be achieved by the generous front and rear yard requirements (which remain unchanged and in Mr Munro’s view are more likely to be delivered under the proposed amendments) and supported by the street cross-sections set out within the Flat Bush precinct that set the tone for streetscape character and amenity.

### 6.3 Stormwater Effects

- 6.3.1 The proposed amendments to the provisions do not alter the stormwater considerations through the Sub-Precinct as the impervious area standard is to remain unchanged. The proposed change to

the building coverage standard has negligible impacts on built form character as discussed above, however it does not impact the degree of impervious area anticipated within the Sub-Precinct, and accordingly does not result in changes to the stormwater approach or requirements.

- 6.3.2 Stormwater effects were all worked through at the time of the subdivision and has already contemplated the scale and form of development anticipated by the provisions of Sub-Precinct H. There are no effects resulting from realigning the precinct boundary with the approved subdivision application.

#### 6.4 Landscape effects

- 6.4.1 The proposed amendments seek no changes to the landscaping requirements of the Sub-Precinct in terms of the proportion of a site to be dedicated to landscaped area, with the default 30% net site area requirement applying (being the converse of the stated 70% impervious surface stated within the Sub-Precinct H standard). I further note that the plan change request does not seek any amendments to riparian margin requirements as they apply within the Precinct, and that the consented subdivision scheme effectively protects any required riparian margins and landscaped areas within the approved roads.
- 6.4.2 While amendments to the side yard requirements are sought, the overall quantum of landscaping provided within a development site will not be compromised by the proposal as it is considered essential in securing the necessary levels of residential amenity within a medium-density context.
- 6.4.3 Mr Munro has described how he considers the proposed amendments will result in ‘pooled’ rear yards within blocks, and I agree that a more cohesive landscaped outcome is likely to result from the Request compared with the status quo.
- 6.4.4 The plan change request includes that a number Sub-Precinct boundaries be amended to reflect the approved subdivision pattern. The land requested to be brought into Sub-Precinct H exhibits the characteristics associated with Sub-Precinct H, not of Sub-Precinct J and K within which it currently sites. The land subject to rezoning exhibits the characteristics of land which is suitable for residential development, and this is reflected through the consented subdivision design. For this reason, I consider that these small adjustments will not compromise the protection and maintenance of the ecological characteristics and environmental values of land within Sub-Precinct J and K.

## 6.5 Effects Conclusion

6.5.1 This plan change request seeks to amend two development standards (building coverage and side yards) applying within the Flat Bush Sub-Precinct H, and to 'snap' Sub-Precinct and zone boundaries to align with the underlying subdivision layout and avoid split zonings. The effects of the proposed amendments have been considered against the status quo, being those development outcomes reasonably achievable under the operative provisions, and overall it is my view that the plan change request will result in enhanced character, amenity and streetscape effects. The following points are noted in particular:

- In regard to the proposed side yard standard, enabling more development opportunity utilising the width of a site makes it more likely that larger rear yard setbacks will be retained. This will make a more relevant contribution to spaciousness within the Sub-Precinct than the existing side yard setbacks because of the way the approved subdivision pools these areas together within blocks.
- Creating smaller side yard setbacks and enabling wider buildings enables a more consistent creation of a perimeter block building configuration rather than a series of buildings presented end-on to the street and which are aligned perpendicular to the street. This provides greater opportunities for passive surveillance of public space / interaction between occupants and the street, and is generally accepted to be a better urban design outcome.
- This building orientation (influenced by the current side yard rule) unintentionally has the effect of promoting rather than minimising visual privacy and nuisance between neighbours, and inferior outlooks space based upon the width of the approved lots and the limited usable building space resulting. The proposed provision enables more outlook opportunities to the street and rear of the property, avoiding significant outlook towards side boundaries.
- The combination of the approved subdivision and the operative Unitary Plan provisions will promote substantial repetition in building shapes and volumes because the side yard requirement is so restrictive and the available building width so narrow. The net result will be a very homogeneous built form outcome with negative streetscape character and residential amenity consequences. Providing for a greater proportion of the width of a site for building design and location will enable greater diversity and variation in building size (including enabling single-storey development), shape and placement and will result in more interesting streetscapes and greater housing choice.

- The proposed amendments to the building coverage standard may result in additional building mass on a site, however it is the proposed side yard amendment that will result in additional built form fronting / being visible from streets and open spaces. Any 'additional' building coverage within the site will be indiscernible from the street.
- Land within the Sub-Precinct is subject to approved subdivision consents, however none of the approved sites has been developed to date meaning that the amended development standards will be applied consistently across the area, delivering coherent streetscape and residential built form character / amenity throughout that area
- The request will enable a balance between enabling important medium-density residential development and protecting the amenity of this transitional area within the broader Flat Bush precinct
- The proposed amendments will have no effect on infrastructure as the medium-density residential outcome anticipated within the precinct objectives and policies is being supported. Further, it is noted that the residential subdivision has been approved for the whole of Sub-Precinct H and is currently being implemented, with roads and service connections to be provided
- The land requested to be realigned into Sub-Precinct H exhibits the characteristics associated with Sub-Precinct H, not of Sub-Precinct J and K. The land subject to rezoning exhibits the characteristics of land which is suitable for residential development as provided for by provisions of Sub-Precinct H and will not compromise the protection and maintenance of the ecological characteristics and environmental values of land within Sub-Precinct J and K.

## 7 STATUTORY ASSESSMENT

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### 7.1 Part 2 of the Resource Management Act 1991

- 7.1.1 Section 5 of the Resource Management Act 1991 (**RMA**) sets out the purpose of the Act, requiring a broad judgement as to whether a proposal would promote the sustainable management of natural and physical resources. This exercise of judgement is informed by the principles in sections 6 to 8 and considered in light of the particular circumstances of each proposal.
- 7.1.2 Section 6 of the RMA sets out a number of matters of national importance which need to be recognised and provided for and includes, in no order of priority, the protection of outstanding natural features and landscapes, the protection of areas of significance indigenous vegetation and significant habitats of indigenous fauna and the protection of historic heritage.
- 7.1.3 Section 7 identifies a number of “other matters” to be given particular regard to by a territorial authority in the consideration of any assessment for resource consent and includes the efficient use of natural and physical resources and the maintenance and enhancement of amenity values.
- 7.1.4 Section 8 requires Council to take into account the principles of the Treaty of Waitangi.
- 7.1.5 This plan change request relates to the amendment of two development standards applying to Sub-Precinct H of the Flat Bush precinct and the realignment of the Sub-Precinct and underlying zone boundaries. These proposed amendments have been brought about to ensure that medium density housing is able to be provided within the context of the ‘degree of spaciousness’ anticipated within Sub-Precinct H. The proposed realignments are considered appropriate in order to support the efficiencies sought by the proposed amendment of the side yard and building coverage standards. The realignment will help support the streetscape amenity values at the interface between medium intensity and low intensity development within the area.
- 7.1.6 The plan change does not seek to amend any higher-level overlay provisions and deals only with the area-specific provisions applying within Sub-Precinct H of the Flat Bush precinct. No Outstanding Natural Features or Outstanding Natural Landscapes are present within Sub-Precinct H, and the amendments sought do not affect the application of provisions relating to significant ecological areas or historic heritage.

- 7.1.7 The Plan Change Request includes amendments to the Precinct Plan maps; however, this is not considered to create any adverse effects on the overall development strategy for the area which was comprehensively tested through the masterplan process. The proposed amendments to the Sub-Precinct boundaries represent those residential lots within the approved subdivision which are subject to multiple, conflicting Sub-Precincts. These areas also have different underlying zoning (Single House rather than Mixed Housing Suburban) and a number of sites have split zoning with both applying across parts of the allotment. It is proposed to snap the zone boundaries so that the Mixed Housing Suburban zoning applies to the Sub-Precinct H land to ensure consistency, clarity and certainty of provisions and outcomes provided for.
- 7.1.8 The proposed plan change is considered to be consistent with Part 2 of the RMA as it provides for efficient use and development of urban land while ensuring the high-level character and amenity outcomes prescribed for the Sub-Precinct.

## 7.2 National Environmental Standards

- 7.2.1 National Environmental Standards are regulations issued under section 43 of the RMA and apply across New Zealand. These standards are essential for maintaining a clean, healthy environment. The following standards are in force as regulations:
- National Environmental Standards for Air Quality
  - National Environmental Standards for Sources of Drinking Water
  - National Environmental Standards for Telecommunication Facilities
  - National Environmental Standards for Electricity Transmission Activities; and
  - National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health.
  - National Environmental Standards for Plantation Forestry
- 7.2.2 National Environmental Standards on Ecological Flows and Water Levels is currently under development by the Ministry for the Environment.
- 7.2.3 None of the above standards are relevant to the proposed plan change given that no rezoning is proposed, although it is acknowledged that at the time of subdivision or development a number of the abovementioned standards would be a relevant consideration.

### 7.3 New Zealand Coastal Policy Statement

7.3.1 The purpose of the New Zealand Coastal Policy Statement (**NZCPS**) is to set out policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. The subject land is located approximately 5km from the nearest coastal environment in Whitford.

### 7.4 National Policy Statements

7.4.1 National Policy Statements are instruments issued under section 52(2) of the RMA and state objectives and policies for matters of national significance. There are currently four national policy statements developed by the Ministry for the Environment. These are as follows:

- National Policy Statement on Urban Development Capacity (NPS:UDC);
- National Policy Statement for Freshwater Management;
- National Policy Statement for Renewable Electricity Generation; and
- National Policy Statement on Electricity Transmission.

7.4.2 At present, the Ministry for the Environment is in the process of developing a proposed National Policy Statement for Indigenous Biodiversity.

7.4.3 The NPS:UDC is relevant to proposed plan change the subject land is available for residential development in accordance with the provisions of the Flat Bush precinct: Sub-Precinct H, and the underlying Mixed Housing Suburban zone. The NPS:UDC recognises the national significance of well-functioning urban environments, with particular focus on ensuring that local authorities, through their planning, both:

- *enable urban environments to grow and change in response to the changing needs of the communities, and future generations: and*
- *provide enough space for their populations to happily live and work. This can be both through allowing development to go “up” by intensifying existing urban areas, and “out” by realising land in greenfield areas.*

7.4.4 Auckland has well-documented growth pressures, and these have informed the Council’s development of the Unitary Plan, and is specifically reflected in the Council decision to rezone Sub-



Precinct H from Single House zone to Mixed Housing Suburban zone through the development of the Unitary Plan. This signalled the Council's intention for medium density housing in this location, and forms part of the overall planning approach to reinforce urban consolidation within the Rural Urban Boundary.

- 7.4.5 The NPS acknowledges that it is up to local authorities to make decisions about what sort of urban form to pursue. The proposed amendments to the Unitary Plan will not result in a reduction of the development potential of the subject land, being land within the RUB, and will in fact better enable the medium density outcomes indicated for the land. Accordingly it is concluded that the plan change request is consistent with and does not undermine the outcomes of the NPS:UDC.

## 7.5 Hauraki Gulf Marine Park Act 2000

- 7.5.1 The Hauraki Gulf Marine Park Act 2000 (**HGMPA**) has the purpose of seeking the integrated management of the natural, historic and physical resources of the Hauraki Gulf, its islands and catchments. It also established the Hauraki Gulf Forum, the Park itself and the recognition of the relationship of tangata whenua with the Hauraki Gulf and its islands. The HGMPA recognises that the Hauraki Gulf and its islands are matters of national significance.

- 7.5.2 The HGMPA is of relevance to the proposed plan change because the subject land sits within a catchment to the Hauraki Gulf. The plan change is consistent with the HGMPA in that it does not seek to amend any Unitary Plan provisions relating wastewater, stormwater or erosion and sediment control matters, each of which will be addressed as needed as part of subsequent land use and / subdivision consent applications.

## 7.6 Auckland Regional Policy Statement

- 7.6.1 The Flat Bush Precinct seeks to deliver a well-connected, adaptable, safe, attractive and healthy environment for living, working and movement with an emphasis on the importance of the public realm. Sub-Precinct H is part of the group of Sub-Precincts identified to deliver medium to high-density residential development.

- 7.6.2 This is consistent with the Auckland Regional Policy Statement in a range of ways, and particularly with the objectives and policies relating to urban growth and form. These are set out below:

*(1) A quality compact urban form that enables all of the following:*

- (a) a higher-quality urban environment;*
  - (b) greater productivity and economic growth;*
  - (c) better use of existing infrastructure and efficient provision of new infrastructure;*
  - (d) improved and more effective public transport;*
  - (e) greater social and cultural vitality;*
  - (f) better maintenance of rural character and rural productivity; and*
  - (g) reduced adverse environmental effects.*
- (2) Urban growth is primarily accommodated within the urban area 2016.*
- (3) Sufficient development capacity and land supply is provided to accommodate residential, commercial, industrial growth and social facilities to support growth.*
- (4) Urbanisation is contained within the Rural Urban Boundary, towns, and rural and coastal towns and villages.*
- (5) The development of land within the Rural Urban Boundary, towns, and rural and coastal towns and villages is integrated with the provision of appropriate infrastructure.*

7.6.3 The proposed changes to Sub-Precinct H support the above outcomes by enabling the efficient use of land.

7.6.4 The proposed realignment of the Sub-Precinct boundaries and underlying zone boundaries to ensure that approved residential allotments all sit wholly within Sub-Precinct H and the Mixed Housing Suburban zone will avoid unnecessary confusion when determining which standards apply to a site and will ensure that land considered to be appropriate for medium density housing is developed in the most efficient manner.

## 8 SECTION 32 EVALUATION

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### 8.1 Section 32 tests

- 8.1.1 Section 32 of the RMA requires an assessment of the appropriateness, effectiveness, efficiency, costs, benefits and risks of a requested plan change be provided, including alternative options. Section 32 states:

*“32 Requirements for preparing and publishing evaluation reports*

*(1) An evaluation report required under this Act must—*

- (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
- (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
  - (i) identifying other reasonably practicable options for achieving the objectives; and*
  - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
  - (iii) summarising the reasons for deciding on the provisions; and*
- (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.”*

- 8.1.2 The following section evaluates the following four options for the subject land and provides an assessment of each of the options.

- Option one: Status quo (“Do nothing”)
- Option two: Amend the Sub-Precinct H Building coverage and Side yard standards, and realign the boundaries of Sub-Precinct H and the Mixed Housing Suburban zone to reflect the approved subdivision layout (the proposed Plan Change Request)
- Option three: Amend the Building coverage and Side yard provisions in a different way
- Option four: Apply an alternate, existing Flat Bush Sub-Precinct to the Sub-Precinct H land

### 8.2 Option One: Status Quo (“Do Nothing”)

8.2.1 This option relates to retaining the provisions of the Flat Bush precinct: Sub-Precinct H in their current form and requesting no changes to the underlying zoning maps or Precinct maps.

**A. The provision is the most appropriate way to achieve the objectives**

8.2.2 Retaining the Sub-Precinct H provisions in their current form is not the most appropriate way of achieving the objectives of the Flat Bush precinct. The objectives specific to the Sub-Precinct seek medium-density residential development “with a degree of spaciousness”. This is demonstrated by objectives I412.2.2 as set out below:

*“(1) An integrated, medium to high density residential environment which has high levels of amenity, supports a range of travel modes, allows for a range of living opportunities and incorporates opportunities for compatible small-scale employment.*

...

*(3) In Sub-Precincts H and K, the landscape quality, water and soil resources, native forest, wetlands and open space amenity values of this highly visible landscape in the mid to upper reaches of the Flat Bush basin along with a degree of spaciousness in this medium to low density residential Sub-Precinct is maintained and enhanced.”*

8.2.3 The operative provisions have been considered in section 6 (and paragraph 6.1.3 in particular), and within the urban design assessment prepared by Mr Munro. The following issues regarding the ability of the existing provisions to give effect to the Precinct objectives and policies have been identified:

(a) Wide side yard requirements force more building to be located along the central axis of a site, removing the opportunity for larger rear yards and ‘pooled’ open spaces centrally within a block

(b) Wide side yard requirements:

- minimise the amount of a dwelling that can face the street, and forces a greater proportion of rooms within a dwelling to face side boundaries, thus reducing passive surveillance opportunities over public land and increasing outlook over neighbouring sites with associated privacy issues
- promote more garage-dominated frontages than is desirable

- (c) The operative Unitary Plan provisions will promote substantial repetition in building shapes and volumes because the side yard requirement restricts the available building width to a narrow shape presenting 'end on' to the street. The net result will be a very homogeneous built form outcome with negative streetscape character and residential amenity consequences.
  
- (d) Solid side fences and landscape hedges, which in the context of a 6m total open space width between two neighbouring dwellings, could include over the medium-term large bushy trees with wide canopy spread, block views between buildings and fail to provide the spaciousness that the 'gap' is purposed to contribute to. Mr Munro comments that he does not consider a potential view or open space being blocked by solid vegetation to be any less 'blank' in urban design terms that a solid building wall, noting further that general landscaping or a landscaped character is not the same thing as 'spaciousness' referred to in the Sub-Precinct.

8.2.4 The Sub-Precinct descriptions for Sub-Precincts H and K are differentiated by the varying topography and underlying zoning of the land. Sub-Precinct H sits across land zoned Mixed Housing Suburban and anticipates a medium density residential environment, whereas Sub-Precinct K sits across land zoned Single House and anticipates a lower density residential environment given the steeper topography and the greater distance from arterial roads and centres. This relationship is clearly set out in Table I412.1.1 – Zoning of land within this precinct (replicated below for ease of reference):

**Table I412.1.1 - Zoning of land within this precinct**

Zones	Sub-precincts
Residential - Mixed Housing Urban and Residential - Mixed Housing Suburban	Flat Bush Sub-precinct A (General)
Residential - Terrace Housing and Apartment Buildings	Flat Bush Sub-precinct B (Central)
Residential - Terrace Housing and Apartment Buildings and Residential - Mixed Housing Suburban	Flat Bush Sub-precinct D (Arterial)
Residential - Terrace Housing and Apartment Buildings and Residential - Mixed Housing Urban	Flat Bush Sub-precinct E (Barry Curtis Edge)
Residential - Terrace Housing and Apartment Buildings	Flat Bush Sub-precinct F (Local Centre)
Residential Mixed Housing Suburban	Flat Bush Sub-precinct G (Open Space)
Residential Mixed Housing Suburban	Flat Bush Sub-precinct H (Mixed Housing suburban)
Residential - Single House	Flat Bush Sub-precinct K (Single House)
Residential - Large Lot	Flat Bush Sub-precinct I (Countryside Transition)
Rural - Countryside Living	Flat Bush Sub-precinct I (Countryside Transition)
Rural - Countryside Living	Flat Bush Sub-precinct J (Conservation and Stormwater Management)
As noted above areas of the Flat Bush Precinct that lie outside the boundaries of any of the sub-precincts listed above are subject to the provisions of the zone.	

8.2.5 The objectives of the Flat Bush precinct are supported by policies at section I412.3 of the Unitary Plan. The general policies for the precinct that are of particular relevance to the proposal include that the density of residential activity within the precinct is graduated so that the highest densities exist around centres, public open space and along arterial roads, with medium / high densities within the remaining residential areas. Less intensive residential activity is to occupy the periphery of the precinct area. Policies specific to Sub-Precinct H are also included, and state that a medium density design outcome with site coverage to create spacious urban development with reduced visual impact is anticipated.

8.2.6 The precinct-specific subdivision standards seek the provision of medium density housing with a 'degree of spaciousness' by limiting site size, with front, side and rear yard requirements providing for the anticipated streetscape amenity. As discussed in section 6 above, and detailed in the Urban Design Assessment by Ian Munro, the existing suite of standards combine to limit the spaciousness achieved (private and more generally), while also contributing to privacy issues between neighbours. It is my view however that the rules associated with Sub-Precinct H predetermine a low-density residential outcome (when considering the 520m<sup>2</sup> minimum lot sizes stipulated for the

Sub-Precinct), being something previously anticipated by the underlying Single House zoning initially applied to the land under the PAUP. The subsequent change to the Mixed Housing Suburban zone provided rigour to the overall desire for a medium-density built-form through Sub-Precinct H, however I am of the opinion that the standards do not support that vision. Accordingly, I do not consider the status quo to be the most appropriate means of achieving the objectives and policies of the Flat Bush precinct.

- 8.2.7 The existing Sub-Precinct boundaries and underlying zones have been based on the topography of the area. The appropriateness of the Sub-Precinct boundaries was comprehensively tested during the masterplan process (undertaken as part of the subdivision design) where it was concluded the proposed precinct layout was the most appropriate layout in achieving the objectives and policies for the precinct and development outcomes for each Sub-Precinct. It is acknowledged that the precinct design was the most appropriate at the time of the structure plan, however since that time more detail around the development potential has been determined. The subsequent subdivision application has provided more detail around the development potential for the area and was approved on the basis that it would achieve the objectives and policies for the precinct and specific provisions for Sub-Precinct H. As such, I do not consider that retaining the current Sub-Precinct boundary alignment is the most appropriate means of achieving the objectives and policies of the Flat Bush precinct. Sub-Precinct H represents the majority of land at the top of the ridge within the Flat Bush area and is generally more conducive for medium density residential development in comparison with land within Sub-Precinct J and K which due to physical constraints of the topography would require significant land modifications to support medium density residential development.

#### **B. Efficiency and effectiveness**

- 8.2.8 If the existing provisions were retained this would not be the most effective or efficient way to provide for the housing needs of the wider public. For the reasons outlined in (A) above, if the provisions do not achieve the objectives of the Flat Bush Precinct, they cannot be considered to be effective.
- 8.2.9 Further to the above, I am of the view that the existing provisions will also lead to inefficiencies in implementation. Mr Munro has clearly articulated what good design outcomes within Sub-Precinct H would look like, and to achieve those outcomes it would be necessary to infringe the existing side yard standard and potentially the building coverage standard. The side yard requirements are land

hungry without providing any great utility, resulting in an inefficient use of land and likely resulting in proposed infringements as owners look to attain the highest and best use from their land.

8.2.10 The effects of this is further compounded where there is a split zoning and two applicable Sub-Precincts to a site. Retaining the current Sub-Precinct boundary creates inefficiencies in the practical application of development standards to a particular site and creates the risk of inappropriate development of the land. Split zoning of sites or applying multiple area specific controls (in this case precinct controls) are appropriate where there is an identified value or area of significance which is requires protection. In this instance, the split zoning has resulted from greater detail on the topographical conditions of the area being confirmed through approved subdivision consent. The sites in question have been designed to meet the requirements of new residential lots and their ability to accommodate medium density housing. The split zoning and Sub-Precinct boundaries do not relate to any identified waterways, bush areas or landforms.

8.2.11 The Auckland Plan identifies a shortage of developable land within the region, specifically greenfield sites that have been identified as key areas for growth and have the ability to support medium density residential development. The land identified for rezoning is more consistent with the land characteristics of the Residential – Mixed Housing Suburban Zone and Sub-Precinct H. To retain the Single House zone and lower density Sub-Precincts J and K would be an inefficient use of land.

### **C. Benefits and Costs**

8.2.12 The key benefits of this option are that:

- (a) No changes to the provisions or to the Unitary Plan maps or further work is required i.e. the existing provisions and Unitary Plan maps can remain in place.
- (b) The amenity outcomes will be preserved and applied consistently across the Sub-Precinct as residential development takes place

8.2.13 The potential cost of this option is that it does not provide for the efficient use of land in that resource consents may be triggered on a regular basis for infringement of the side yard standard as a means of maximising usable land within a site, and the medium density development outcomes anticipated may be undermined (to a small degree) by the requirement for side yards designed to deliver a low-density residential environment.

### **D. Risks**



As stated above, there is a risk that if the existing provisions are retained that the land will not be efficiently used. In some circumstances this may be tolerable, but not where the land is located in a strategically important urban position and where the land could better promote the overall outcomes sought for the precinct if it was able to be efficiently developed.

8.2.14 There are no significant risks associated with retaining the current alignment of the Sub-Precinct boundary. The development of these sites is not inhibited by the current Sub-Precinct boundary; however, it requires the application of multiple sets of standards which intended to achieve different development outcomes.

8.2.15 The risk is that it incurs a prolonged and complicated process for no environmental benefit. As noted above, the land identified for rezoning displays the characteristics of Sub-Precinct H and does not comprise of the ecological features that are characteristic of Sub-Precinct J and K. The plan change provides an opportunity to refine the precinct provisions and zoning maps in light of the further investigation and assessment of the area undertaken during the subdivision consent process to ensure environmental outcomes intended for the area by the Unitary Plan and the broader development strategy of the masterplan and Auckland Plan.

### 8.3 [Option Two: Amend the Sub-Precinct H Building coverage and Side yard standards, and realign the boundaries of Sub-Precinct H and the Mixed Housing Suburban zone to reflect the approved subdivision layout \(the proposed Plan Change Request\)](#)

8.3.1 This option addresses only those issues that have been noted in the existing provisions as needing amendment. It specifically involves amending the side yard and building coverage standards to provide greater design flexibility on sites and delivering medium density housing with a “degree of spaciousness”. It also includes adjustments to the boundaries of the Mixed Housing Suburban zone and Sub-Precinct H to reflect the approved subdivision pattern and to remove split zoning and dual Sub-Precincts applying to a single site. The specific wording and boundary adjustments considered are as detailed in the Plan Change Request.

#### **A. The provision is the most appropriate way to achieve the objectives**

8.3.2 The objectives for the precinct / Sub-Precinct call for medium density residential development with a “degree of spaciousness”. In my view, rather than delivering the required spaciousness, the operative provisions considered collectively appear to simply predetermine that outcome as being

'gaps between buildings when viewed from the street'. The provisions limit flexibility in terms of design outcomes, as detailed by Mr Munro in his urban design assessment, and as discussed above. I note specifically Mr Munro's comments that he does not consider a potential view or open space being blocked by solid vegetation to be any less 'blank' in urban design terms than a solid building wall, noting further that general landscaping or a landscaped character is not the same thing as 'spaciousness' referred to in the Sub-Precinct.

- 8.3.3 It is also relevant to note Mr Munro's interpretation of the language "degree of spaciousness", being a view that I share. The phrasing has not been limited to apply to the Sub-Precinct as it is experienced only from public spaces. Rather, I understand that it applies equally to occupants of sites and neighbouring sites within the Sub-Precinct (i.e. private amenity as well as public amenity).
- 8.3.4 Option two includes relatively small changes in the side yard and building coverage requirements applying within the Sub-Precinct that would enable the delivery of medium-density residential development across Sub-Precinct H, including the necessary design flexibility to ensure that a range of housing choice is enabled.
- 8.3.5 Mr Munro has undertaken a comprehensive review of the urban design impacts of the proposed amendments, some of the key points of which are summarised below:
- (a) The reduction of the side yard will in particular allow greater design choice on allotments, freeing up almost 50% of the total land area in some cases, allowing more viable single storey housing options and greater design flexibility. A single storey development will have a vertical spaciousness (i.e. more sunlight and daylight above it) than a two-storey development.
  - (b) In Mr Munro's opinion, the current side yard rule unintentionally has the effect of promoting rather than minimising visual privacy and nuisances between neighbours and also provides inferior outlook (3m side yard setback to a boundary fence). I agree with this in concept, noting that higher quality outlook is likely to be achieved with views towards the street or the rear yard.
- 8.3.6 As noted above, there was a change to the underlying zoning of the land through the Unitary Plan hearings process, with the much of the Single House zoned land within Sub-Precinct H being amended to Mixed Housing Suburban. The Sub-Precinct development standards were not subsequently amended, and in my view are more closely aligned with the low-rise, low-density residential outcomes of the Single House zone than they are with the provision of "medium density residential development with a degree of spaciousness".

- 8.3.7 Regarding the proposed amendments to the sub-precinct and underlying zone boundaries, further assessment of the landforms within the area was undertaken as a part of the subdivision application which helped to further define areas suitable for residential development, as well as those areas which had important ecological features and values. The proposed amendments to the zoning map and precinct boundaries ensure that land is developed in accordance with the development potential of the area and in a manner that does not compromise the roles and functions of Sub-Precincts. Sub-Precincts J was established to provide conservation and stormwater management outcomes, while Sub-Precinct K reflected underlying Single House zoned land on steeper terrain. The proposed boundary changes reflect more accurate mapping, and the land modifications and subdivision pattern approved via resource consent. The subsequent zone changes simply
- 8.3.8 I am of the view that the proposed amendments to provisions, the amendments to the underlying zoning maps and precinct boundaries are considered to be the most appropriate method to achieve the objectives and policies of the zone.

#### **B. Efficiency and Effectiveness**

- 8.3.9 Mr Munro's assessment has considered the design impacts of the status quo and the proposed provisions against the context of the approved subdivision layout. I agree with his assessment and consider the proposed provisions to be the most appropriate means of implementing the objectives and policies for the subject land.
- 8.3.10 The proposed reduction of side yard requirements will enable greater design flexibility while also supporting the "degree of spaciousness" outcome through the retention of the 4m front yard and 8m rear yard requirements. As set out in the urban design report, allocating a greater proportion of the width of a site to development enhances the likelihood of large rear yards being provided, increases design flexibility and provides a benefit to streetscape character. Mr Munro states:

*"In terms of the proposed side yard control I consider that it is more effective in all respects to minimise side yard setbacks but maximise rear yard setbacks. Providing more development opportunity utilising the width of sites makes it more likely that larger rear yard setbacks will be retained. I consider that these will make a more relevant contribution to spaciousness within the sub-precinct than the existing side yard setbacks because of the way the block layouts (the approved subdivision) pool these areas together within blocks."*

8.3.11 As noted previously, the slight increase in building coverage proposed will support design flexibility and the delivery of medium density housing without undermining the need to provide a more spacious residential environment than is being delivered throughout a number of the other Sub-Precinct areas in Flat Bush. Combined with the side yard change, will increase the likelihood of some single-storey dwellings (with associated vertical spaciousness benefits) and will contribute to a more varied built form outcome.

8.3.12 Flat Bush Sub-Precinct H has been comprehensively designed and includes a suite of precinct plans to guide future development works. A masterplan has subsequently been worked through with Council and provides a more-detailed, holistic design for the full Sub-Precinct area. The masterplan identifies parks (green-fingers' and valleys), roads and the residential lot layout, all of which have been confirmed are being given effect through a subsequent subdivision consent. In light of the coordinated design response across the Sub-Precinct, and that the subdivision layout is currently being implemented on-site, it is an appropriate planning response to provide customised planning provisions to address the specific and unique circumstances that are present across the full 50-hectare development site. In my view this is demonstrably a more effective and efficient approach than the existing provisions provide for.

### **C. Benefits and Costs**

8.3.13 The key benefits of this option are that:

- The medium-density residential development anticipated within Sub-Precinct H will be realised while also providing for the degree of spaciousness sought for the area
- Greater efficiency in the use of land by enabling a more varied built form that is likely to result in better urban design outcomes, particularly regarding streetscape interface
- Design flexibility will be built into the planning standards applying within the Sub-Precinct
- The amenity outcomes will be preserved and applied consistently across the Sub-Precinct as residential development takes place

8.3.14 The potential costs of this option include the financial and time costs associated with the need to prepare a private plan change request and for Council to process it.

### **D. Risks**

8.3.15 I do not consider there to be any notable risks associated with the proposed amendments to the Sub-Precinct H provisions. The changes will result in an improved balance between the competing objectives of the Sub-Precinct to deliver medium-density housing with a degree of spaciousness and will be implemented consistently across the Sub-Precinct which is yet to be developed.

#### 8.4 Option Three: Amend the building coverage and side yard standards in a different way and realign the underlying zone boundaries and Precinct boundaries

8.4.1 In my view, amendments to the provisions would require realigning the zone and precinct boundaries in order to support any changes to the provisions to ensure that development controls are applied to sites in the most appropriate manner. As such, the discussion regarding realigning the zone and precinct in Option 2 are considered to apply to Option 3 and not repeated here.

8.4.2 This option looks at alternative amendments to side yard standards. As discussed in more detail below, I note that with the exception of the existing 35% figure under option one, and the 40% figure under option two, no alternative building coverage figure has been given serious consideration. The following alternative amendments to the side yard standard have been considered:

- 1m side yards, to accord with the Mixed Housing Suburban standard
- 2m side yards
- A 1.2m and a 3m side yard

##### **A. The provision is the most appropriate way to achieve the objectives**

8.4.3 Consideration has been given to a variety of alternative methods of achieving the objectives and policies, and these are discussed individually below.

##### *Building coverage*

8.4.4 With the exception of the existing 35% figure under option one, and the 40% figure (for sites up to 400m<sup>2</sup>) under option two, no alternative building coverage figure has been given serious consideration. It is my view that to apply a higher figure (a further 5% increase for each scenario for example) on a consistent basis across the Sub-Precinct area would begin to undermine the 'spaciousness' outcome sought through the precinct objectives, and is a figure better suited to the higher-density development areas within the region.

8.4.5 It is important to note that in either case, the impervious area / landscape area requirements would not change.

*Side yard*

8.4.6 In my view, the 3m side yard requirement of the existing provisions contributes to a failure to deliver the 'degree of spaciousness' outcome of Sub-Precinct H. As noted earlier in this report, I consider that the 4m front yard and 8m rear yard requirements provide the degree of spaciousness sought within the Sub-Precinct, and that the 3m side yard is not necessary to achieve that outcome (and in-fact can prohibit that outcome).

8.4.7 Mr Munro has outlined the reasons he considers a 3m side yard would not be provided in many cases, and refers to these opportunities as *'pathways available to developers to bypass these (requirements) sufficient that I do not have confidence that they can be presumed to be a 'given' that will occur in some or potentially many instances.'* I agree with this position and can attest to the likelihood that the side yard requirements will be avoided when the possibility presents itself given the low utility of those spaces and the significant land area needed to deliver them.

8.4.8 In addition to the proposed 1.2m side yard requirement, the alternative side yard standards considered include a 2m requirement, a 1m requirement, and a combined 1.2m / 3m requirement. For the reasons set out in the foregoing assessment, I am of the view that while any reduction to the 3m requirement will improve the balance between the provision of 'spaciousness' within Sub-Precinct H and sound urban design outcomes, the alternative side yards considered present a relative compromise position that delivers neither outcome fully.

8.4.9 The 1m option is the minimum side yard within residential zones under the Unitary Plan, applied within each of the THAB, MHU, MHS and Single House zones. It seeks simply to provide width between a building and the fence line sufficient to provide for notional access and building maintenance. It also delivers a visual break between buildings on adjacent sites. The consistent application of this side yard standard within urban / suburban residential development areas across Auckland suggests a strong correlation between the requirement and the delivery of an appropriate level of residential amenity. It also provides clear direction as to the desire for dwellings to front the street and rear yards, rather than towards side boundaries. In my view this forms a minimum requirement, albeit one that largely delivers the 'degree of spaciousness' sought within Sub-Precinct H given it enables the provision of generous front and rear yards.

8.4.10 A 2m side yard again does not provide a useful dimension, can be avoided in the same manner as the 3m side yard, and will undermine streetscape character and the spaciousness (private and more generally) from larger, 'pooled' rear yards.

8.4.11 A compromise position such as the 1.2m / 3m requirement will result in built form outcomes that are essentially the same as the 2m side yard option, being a 4m gap between dwellings. The 3m side yard is again not a dimension that delivers little in the way of utility to a site and is a very 'land-hungry' option that is likely to result in use of the stated methods to avoid the requirement.

*Overall consideration*

8.4.12 While it is reasonable to assume that a wider side yard will limit the extent of infringements of the height in relation to boundary standard, as noted above, the wider side yard alternatives are considered to undermine the spaciousness outcome to be provided throughout the Sub-Precinct as well as contributing to lower quality streetscape outcomes. Mr Munro has detailed how dwellings with wider frontage to the street provide greater design flexibility, enable more single-storey elements which can provide spaciousness above buildings, and can contribute to spaciousness within rear yards in particular.

8.4.13 Overall, it is my view that the alternative options as set out above do not result, individually or collectively, in built-form outcomes that best achieve the objectives or policies of the Flat Bush precinct.

**B. Efficiency and Effectiveness**

8.4.14 The preceding discussion under (A) above details the efficiency and effectiveness of the various alternative options considered in the development of this plan change request and no additional comment is made in that regard. I consider these alternative options to be less efficient and effective than those considered under option two.

**C. Benefits and Costs**

8.4.15 The key benefits of this option are that:

- Some limited / greater increase in land efficiency depending on the option
- Some design flexibility will be built into the planning standards applying within the Sub-Precinct

- The degree of spaciousness sought through the precinct objectives will be better achieved than would be by the status quo
- The built form outcomes will be applied consistently across the Sub-Precinct as residential development takes place

8.4.16 The potential costs of this option include the financial and time costs associated with the need to prepare a private plan change request and for Council to process it. A general cost associated with each of the alternatives considered is that they each result in compromised outcomes relating to spaciousness and streetscape.

#### D. Risks

8.4.17 The alternative provisions considered are generally a smaller change than those proposed under option two, and accordingly, there is a risk that an alternate combination of amended provisions will not result in the efficient use of land. The land within the Flat Bush precinct is located in a strategically important urban position, and the risk associated with the alternate provisions is that the outcomes sought through the precinct objectives may not be delivered.

### 8.5 Option Four: Apply an alternate Flat Bush Sub-Precinct to the Sub-Precinct H land

8.5.1 This option looks at whether Sub-Precinct H could be included within one of the other existing Sub-Precincts within Flat Bush. The alternative Sub-Precincts are summarised briefly below:

FLAT BUSH PRECINCT: SUB-PRECINCT SUMMARY	
Sub-Precinct	Description
Sub-Precinct A (General)	Generally located on the low-lying lands within 1.5km of Flat Bush town centre and Barry Curtis Park, promotes higher residential densities than have been achieved in the past, and is characterised by a diverse range of housing
Sub-Precinct B (Central)	With a residential emphasis and is generally located within a 5-minute walk of the Flat Bush town centre, promotes higher residential densities
Sub-Precinct D (Arterial)	Generally located within 60m of the main road networks and enables a range of residential densities, it envisages that sites fronting arterial routes will contain apartments and terrace / semi-detached housing up to a maximum height of 4 storeys



Sub-Precinct E (Barry Curtis Edge)	Located around the perimeter of Barry Curtis Park, which is a substantial open space of approx. 90ha, all parts of this Sub-Precinct are located within a 10-15-minute walk from Flat Bush town centre and anticipated the highest residential densities in the Flat Bush area, including apartments overlooking the park of up to 6 storeys.
Sub-Precinct F (Local Centre)	Similar to Sub-Precinct A but is located immediately around the three neighbourhood centres within the vicinity of Flat Bush.
Sub-Precinct G (Open Space)	Surrounds waterways (stormwater management areas) within the Flat Bush catchment and as a result is generally linear in shape. The fundamental purpose is to set land aside as open space for passive informal recreation and leisure activities and to mitigate the adverse environmental effects of urban development
Sub-Precinct K (Single House)	Relates to steeper land in the upper McQuoids Road / Flat Bush School Road area that transitions to the upper catchment area. It therefore anticipates lower density residential development to ensure a degree of spaciousness
Sub-Precinct I (Countryside Transition)	Relates to land within the upper catchment area and alongside the streams and waterways in this location, it functions to protect and enhance the natural environmental qualities found within the Sub-Precinct while providing for appropriate countryside living
Sub-Precinct J (Conservation & Stormwater Management)	Covers steep gully areas and waterways that have been identified as warranting environmental enhancement. The Sub-Precinct functions to improve the overall ecological condition of these gullies and waterways and ensure a level of open space by limiting development in these sensitive areas

8.5.2 For the purpose of this exercise, it is considered that only Sub-Precinct A (General) and Sub-Precinct K (Single House) are realistic alternatives to Sub-Precinct H (Mixed Housing Suburban).

**A. The provision is the most appropriate way to achieve the objectives**

8.5.3 Neither of the Sub-Precincts considered as viable alternatives would directly deliver medium density residential development with a degree of spaciousness anticipated within the Sub-Precinct H area. The General Sub-Precinct anticipates higher density development given the relatively flat, low-lying topography with good connections to transport routes and centres, while the Single House Sub-Precinct is located on the periphery of the parts of the precinct to be developed, providing for low-

density residential development with a degree of spaciousness. Neither approach is considered the most appropriate way to achieve the objectives relevant to Sub-Precinct H or to address the topographical constraints of the subject land.

- 8.5.4 Any proposal to include the subject land within another Sub-Precinct would negate the stated outcomes desired for this area and would be replaced by the objectives applying to that alternative Sub-Precinct. No further comment is made regarding the most appropriate way to achieve those objectives.

#### **B. Efficiency and Effectiveness**

- 8.5.5 The approach to apply the Sub-Precinct A provisions to the subject land would potentially enhance the efficient use of the land in that a greater density of development is provided for. Conversely, Sub-Precinct K provides for low-density development and would be considered a less efficient use of land that is otherwise able to accommodate more intensive development.

- 8.5.6 Given that the full and comprehensive suite of relevant provisions would be brought across from the alternate Sub-Precinct, I anticipate that in either case the planning regime would be reasonably effective in achieving the stated outcomes for that Sub-Precinct. As noted earlier in this report, while some subdivision consents have been approved across the subject land, only a small number of new titles have been issued. This means that the alternate set of provisions would be applied consistently across the majority of the development area, ensuring that density, built form, streetscape and amenity outcomes would be achieved.

- 8.5.7 It is also important to note that neither alternative Sub-Precinct would address the identified issue relating to the application of the height in relation to boundary standard on sloping land.

#### **C. Benefits and Costs**

- 8.5.8 The benefit of this option is that the land will have the same planning provisions as the adjoining land i.e. either the suite of provisions applying to Sub-Precinct A which is located immediately to the east of the subject land, or the suite of provisions applying to Sub-Precinct K located around the western periphery of Sub-Precinct H would apply. This will allow the land to be developed in a comprehensive and consistent manner.

8.5.9 The cost of this approach is that the transition from the higher-density environments around the town centre, Barry Curtis Park and key arterial links through to the rural periphery of the precinct outside the RUB may be lost within Flat Bush. Specifically, the medium-density residential development with a degree of spaciousness would not exist, and instead a blunter contrast in built form between these areas would establish over time.

8.5.10 It is also noted that the costs of this option include the financial and time costs associated with the need to prepare a private plan change request and for Council to process it.

#### **D. Risks**

8.5.11 The risk of this approach is that the land is not suitable for either of the alternative options. The higher-density development anticipated under Sub-Precinct A may be inappropriate given the greater distances to public transport and local amenities, while the lower-density development anticipated under Sub-Precinct K may be an under-development of a valuable land resource.

#### **8.6 Monitoring**

8.6.1 No specific monitoring other than the monitoring required by Section 35 of the RMA is considered necessary or proposed. Consent monitoring will continue to be undertaken on a case by case basis, as required.

#### **8.7 Section 32 Evaluation conclusion**

8.7.1 The preceding evaluation has been undertaken in accordance with the specific requirements of section 32 of the RMA.

8.7.2 Sub-Precinct H is a 50-hectare development site and is largely in the single ownership of BR Land Co. The development approach for the area is guided by the objectives and policies relevant to the land, and which establish through the Sub-Precinct a unique response to the location of the site relative to the better-connected parts of Flat Bush adjacent to centres, and the periphery immediately abutting the RUB.

8.7.3 It is my view that the operative provisions of the Unitary Plan do not adequately deliver on the overarching objective for Sub-Precinct H in that the development standards collectively guide the

development of low-density housing. Within the context of the approved subdivision design, the 3m side yard is particularly restrictive and undermines the provision of the 'degree of spaciousness' sought.

- 8.7.4 The unique matters that exist across this single development area make it the only one of its type in the Auckland region, and I consider that customised planning provisions is an appropriate planning response. This is supported by the fact that Sub-Precinct H exists already and identifies a very specific planning outcome for the area, and that a masterplan exists for the area and is already being implemented through a comprehensive subdivision consent.
- 8.7.5 Option 2 as detailed above, being to amend three development standards to address the identified gaps in the suite of provisions applying to Sub-Precinct H, is considered to be the most appropriate effective and efficient means of achieving the objectives and policies of the Flat Bush precinct / Sub-Precinct H. The proposed amendments will result in built-form outcomes that are consistent with the medium-density residential development while also providing the 'degree of spaciousness' sought through the Sub-Precinct, being an identified transition area between the higher-density areas to the east, and the upper McQuoids Road / Flat Bush School Road areas in the west of the precinct.
- 8.7.6 Overall, I consider the proposed amendments to the side yard and building coverage standards to be the most appropriate means of achieving the stated objectives for Sub-Precinct H, and the proposed Sub-Precinct and Zone boundary adjustments to support the delivery of those outcomes across suitable land.

## 9 CONSULTATION

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### 9.1 Consultation

- 9.1.1 Consultation is not a mandatory requirement as part of the development of a plan change, however, Section 6 of Schedule 4 states that, where consultation has been undertaken, details be provided.
- 9.1.2 BR Land Co has written to all other landowners within Flat Bush Sub-Precinct H to advise them of the amendments they're seeking to the planning provisions applicable within the Sub-Precinct, and to explain how they would impact the future development of their landholdings. **Attachment C** to this report documents the consultation undertaken prior to lodging this plan change request.
- 9.1.3 BR Land Company have had no formal responses from neighbours, however informal discussions with those neighbours that have contacted BR Land Company have confirmed that they are generally comfortable with the approach.
- 9.1.4 All 13 iwi groups have been contacted in relation to the proposed plan change. Ngai Tai ki Tamaki were the only iwi group who requested a hui for further discussions on the proposal. The hui with Ngai Tai ki Tamaki was held on August 15, 2019 where the applicant met the representatives on site to discuss the proposal.
- 9.1.5 Following these discussions Ngai Tai ki Tamaki have confirmed their support for the proposed plan change. BR Land Company will be undertaking on-going discussions through the subsequent resource consent applications. The written approval from Ngai Tai Ki Tamaki is attached to this report at **Attachment D**.

## 10 NOTIFICATION

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10.1.1 Clause 5A of Schedule 1 in the Resource Management Act 1991 enables limited notification of Plan Changes, but only if it is able to identify all the persons directly affected by the proposed change.

10.1.2 It is considered that the only parties directly affected by the plan change are the other landowners within Sub-Precinct H. This is because:

- The proposed amendments are relatively minor in terms of their extent and reach, and provide an area-specific response to discrete planning matters
- A small number of new residential sites have been created within the Sub-Precinct, and no development has been undertaken within the Sub-Precinct to date (other than establishment of the abovementioned residential sites and the commencement of bulk earthworks across parts of the BR Land Co Ltd land holding), meaning that the amended provisions will be able to be applied consistently across the subject land
- The area of land subject to the proposed amendments is small and therefore the future use and development of the land will be barely perceptible from the wider environment;

10.1.3 The land holdings and ownership of all land within Flat Bush precinct: Sub-Precinct H is set out in *Figure 5* above and **Attachment C** below.

The Unitary Plan utilises Precincts and Sub-Precincts as instruments to manage environmental and development outcomes on a more “local” level or area specific basis. As the proposal is requesting changes to the Sub-Precinct, the applicant considers notifying the following parties to be appropriate. These parties are listed as follows:

- 85 McQuoids Road
- 66 McQuoids Road
  - Newly-subdivided sites of 301 Flat Bush School Road are currently being sold for individual development. 303-321 Flat Bush School Road
  - 43-51 Matahae Drive
  - 6-20 Perehia Road
- 323 Flat Bush School Road
- 304 Flat Bush School Road
- Ngai Tai Ki Tamaki

## 11 CONCLUSION

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11.1.1 This plan change request relates to the amendment of two development standards applying to Sub-Precinct H of the Flat Bush precinct and minor amendments to the Unitary Plan maps to realign the zoning maps and Sub-Precinct boundaries. The ultimate outcome of the plan change is to better enable the delivery of medium-density housing within this transitional area between the core of the Flat Bush precinct and its rural periphery, while retaining a degree of spaciousness. The potential effects of the proposed amendments are considered to be less than minor for the following reasons:

- The clear zone and precinct objective for Sub-Precinct H is that medium density housing is provided through the rule framework
- The Sub-Precinct is an appropriate location for a unique, area-specific response to address a foreseeable technical issue arising from the existing provisions
- The amendments will enable an efficient use of land which will enable the development of land identified for medium-density residential activity
- Land within the Sub-Precinct is subject to approved subdivision consents, however none of the approved sites has been developed to date meaning that the amended development standards will be applied consistently across the area, delivering coherent streetscape and residential built form character throughout that area
- The changes will be applied consistently across the Sub-Precinct, with the resulting changes to built-form character and amenity to be representative of medium-density residential development with a degree of spaciousness
- The rezoning will enable a balance between enabling important residential development and protecting the amenity of this transitional area.
- The proposed amendments will have no effect on infrastructure as the medium-density residential outcome anticipated within the Sub-Precinct is being supported

11.1.2 Option 2, being to amend the three development standards and Unitary Plan maps to address the identified gaps in the suite of provisions applying to Sub-Precinct H is the most appropriate approach

as it is an effective and efficient means of enabling medium-density residential development with a degree of spaciousness.

11.1.3 This approach requires only small amendments to the Unitary Plan and will result in the best built form outcomes as the Sub-Precinct will act as a transition zone between the higher-density areas to the east, and the upper McQuoids Road / Flat Bush School Road areas in the west of the precinct.

11.1.4 Overall, the proposed amendments to the side yard and building coverage standards and Zone and Sub-Precinct boundaries is the most appropriate means of achieving the stated objectives for Sub-Precinct H.

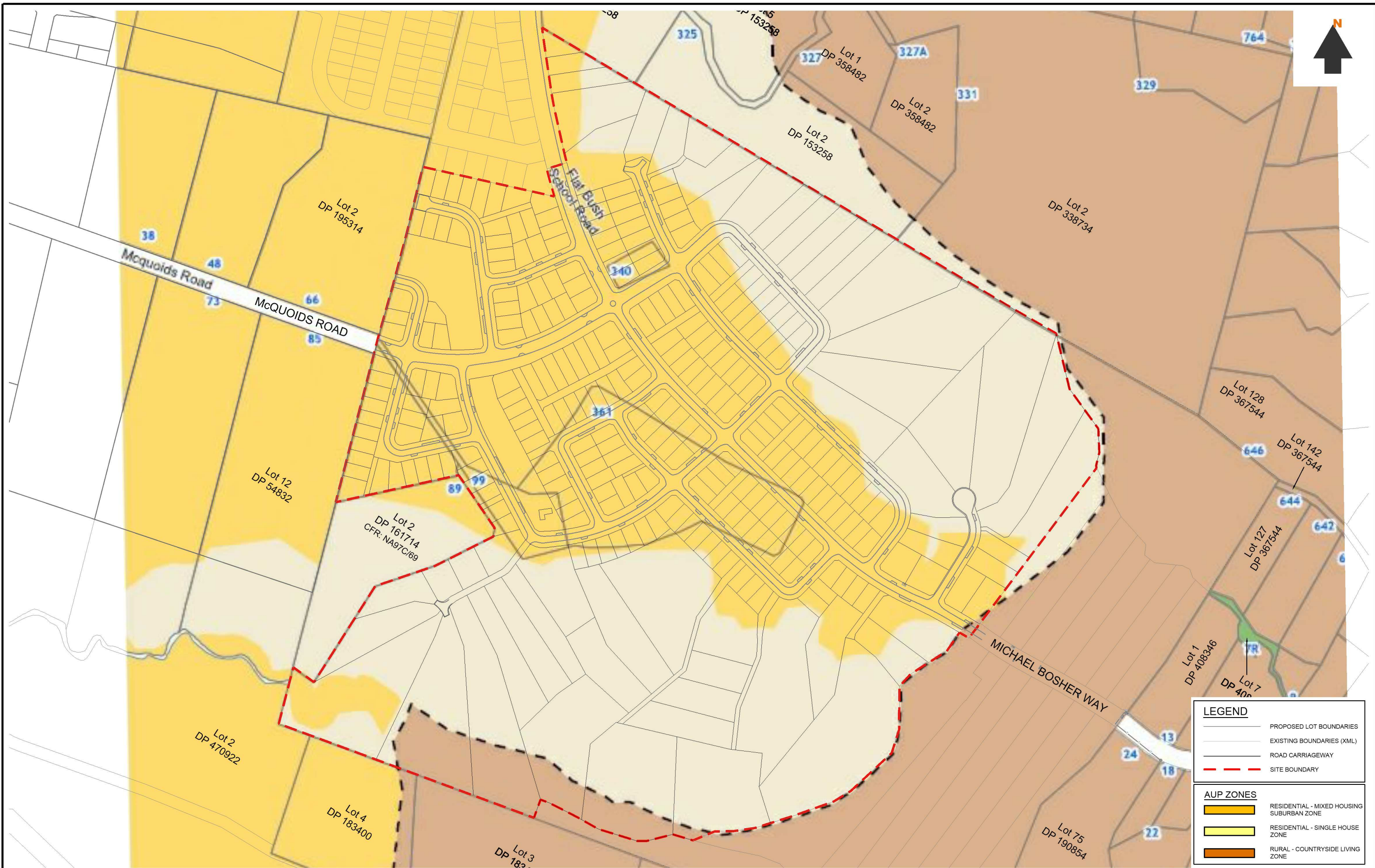


Ross Cooper | Senior Planner  
**Tattico Limited**

15 June 2020







**LEGEND**

- PROPOSED LOT BOUNDARIES
- EXISTING BOUNDARIES (XML)
- ROAD CARRIAGEWAY
- SITE BOUNDARY

**AUP ZONES**

- RESIDENTIAL - MIXED HOUSING SUBURBAN ZONE
- RESIDENTIAL - SINGLE HOUSE ZONE
- RURAL - COUNTRYSIDE LIVING ZONE

REV	DESCRIPTION	BY	APPVD	DATE

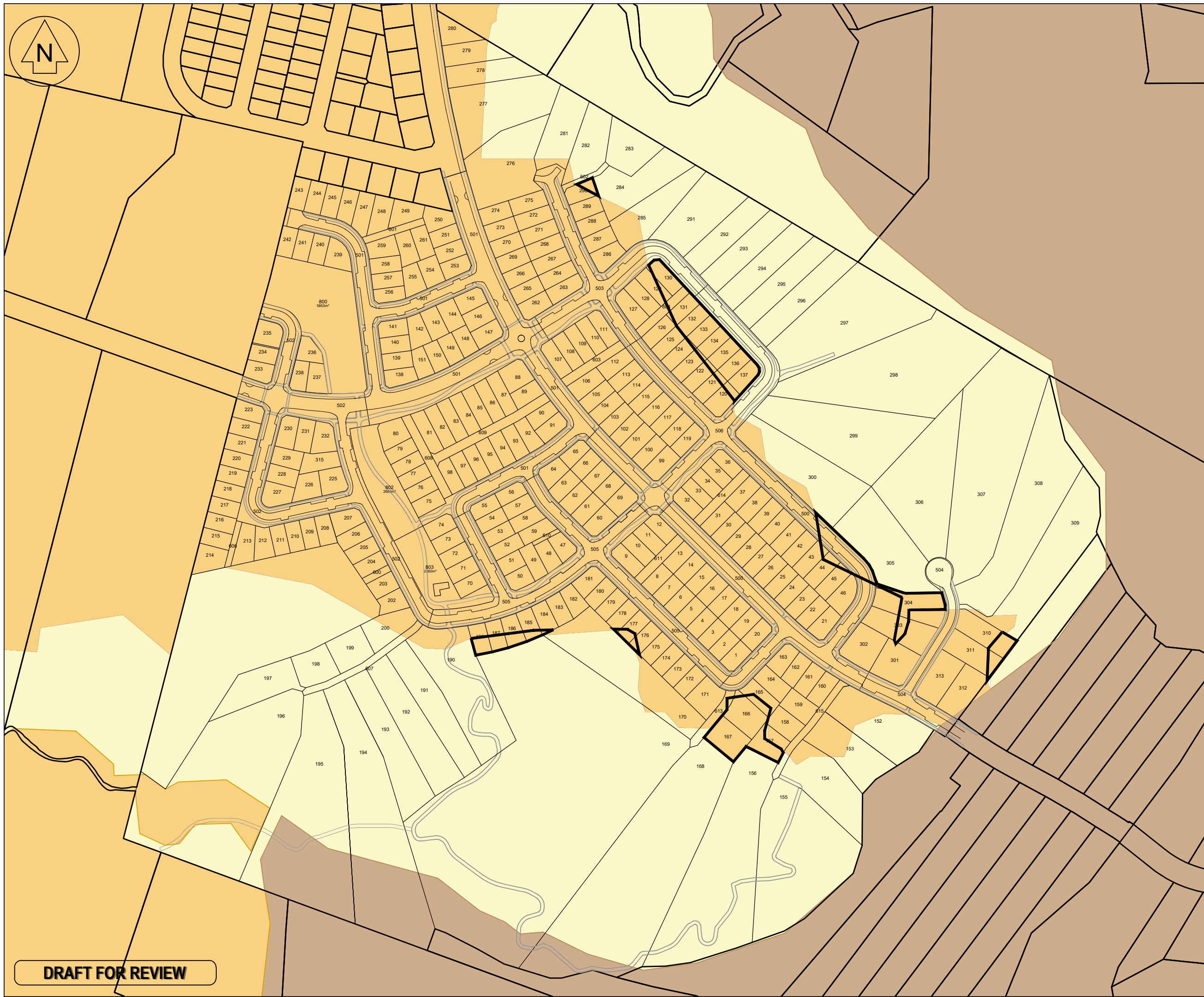


PROJECT  
**BREMNER RIDGE - FLAT BUSH  
 SCHEME PLAN  
 AUCKLAND UNITARY PLAN ZONES**







CLIENT  
**BR LAND CO  
 LIMITED**

PURPOSE <b>FOR DISCUSSION ONLY</b>		
DESIGN NM	APPROVED BY NM	SCALE 1:3500 @ A3
DRAWN TL	DATE AUG 2019	
CHECK TL		
PROJECT NO. 1202A	DRAWING NO. 1-1135	REV. -





Legend

-  EX BDY
-  PROP LOT BDY
-  LAND SUBJECT TO CHANGE
-  MIXED HOUSING SUBURBAN ZONE
-  SINGLE HOUSE ZONE
-  COUNTRY LIVING ZONE

A	ZONING	VZ	06/20
Rev	Description	By	Date



**Maven Associates**  
 09 571 0050  
 info@maven.co.nz  
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 12-14 Walls Road, Penrose

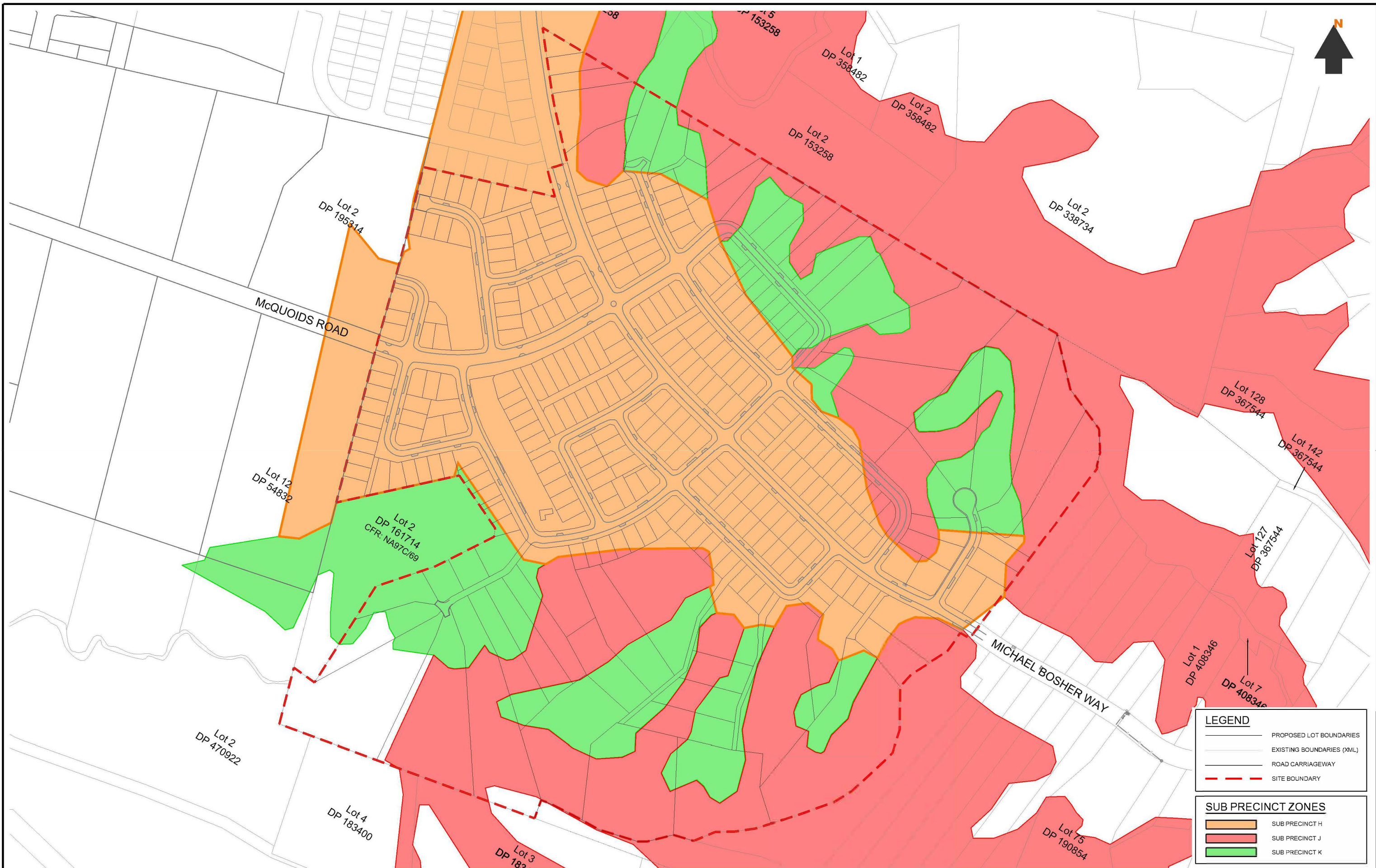
Project  
**BREMNER RIDGE  
 FLAT BUSH  
 DEVELOPMENT  
 FOR  
 BRLAND CO LIMITED**

Title  
**AUCKLAND UNITARY  
 PLAN  
 ZONINGS**

Project no.	102015
Scale	1:3000 @ A3
Cad file	ZONE&PRECINCTS PLAN Z.DWG
Drawing no.	C101 <b>116</b> A

**DRAFT FOR REVIEW**





REV	DESCRIPTION	BY	APPVD	DATE



PROJECT  
**BREMNER RIDGE - FLAT BUSH  
 SCHEME PLAN**  
 AUCKLAND UNITARY PLAN SUB PRECINCTS

CLIENT  
**BR LAND CO  
 LIMITED**

PURPOSE		
<b>FOR DISCUSSION ONLY</b>		
DESIGN NM	APPROVED BY NM	SCALE 1:3500 @ A3
DRAWN TL	DATE AUG 2019	
CHECK TL		
PROJECT NO. 1202A	DRAWING NO. 1-1117	REV. -





## ATTACHMENT C

### CONSULTATION SUMMARY

CONSULTATION		
Property	Legal description	Landowner
304 Flat Bush School Road	Lot 198 DP 402144, Lot 1000 DP 402875	Unknown
323 Flat Bush School Road	Lot 1 DP 153258, 1/5 SH Lot 6 DP 153258	Unknown
303 Flatbush School Road	Lot 86 DP 519556	301 Flat Bush School Road Ltd
305 Flatbush School Road	Lot 87 DP 519556	301 Flat Bush School Road Ltd
307 Flatbush School Road	Lot 88 DP 519556	301 Flat Bush School Road Ltd
309 Flatbush School Road	Lot 89 DP 519556	301 Flat Bush School Road Ltd
311 Flatbush School Road	Lot 90 DP 519556	301 Flat Bush School Road Ltd
313 Flatbush School Road	Lot 91 DP 519556	301 Flat Bush School Road Ltd
315 Flatbush School Road	Lot 92 DP 519556	301 Flat Bush School Road Ltd
317 Flatbush School Road	Lot 93 DP 519556	301 Flat Bush School Road Ltd
319 Flatbush School Road	Lot 94 DP 519556	301 Flat Bush School Road Ltd
321 Flatbush School Road	Lot 95 DP 519556	301 Flat Bush School Road Ltd
46 Matahae Drive	Lot 104 DP 519556	301 Flat Bush School Road Ltd
48 Matahae Drive	Lot 105 DP 519556	301 Flat Bush School Road Ltd
45 Matahae Drive	Lot 107 DP 519556	301 Flat Bush School Road Ltd
47 Matahae Drive	Lot 108 DP 519556	301 Flat Bush School Road Ltd
49 Matahae Drive	Lot 109 DP 519556	301 Flat Bush School Road Ltd
51 Matahae Drive	Lot 110 DP 519556	301 Flat Bush School Road Ltd
53 Matahae Drive	Lot 111 DP 519556	301 Flat Bush School Road Ltd
6 Perehia Road	Lot 96 DP 519556	301 Flat Bush School Road Ltd
8 Perehia Road	Lot 97 DP 519556	301 Flat Bush School Road Ltd
10 Perehia Road	Lot 98 DP 519556	301 Flat Bush School Road Ltd
12 Perehia Road	Lot 99 DP 519556	301 Flat Bush School Road Ltd
14 Perehia Road	Lot 102 DP 519556, ½ SH Lot 300 DP 818750	301 Flat Bush School Road Ltd

16 Perehia Road	Lot 103 DP 519556, ½ SH Lot 300 DP 818750	301 Flat Bush School Road Ltd
18 Perehia Road	Lot 100 DP 519556	301 Flat Bush School Road Ltd
20 Perehia Road	Lot 101 DP 519556	301 Flat Bush School Road Ltd
66 McQuoids Road	Lot 2 DP 195314	Unknown
85 McQuoids Road	Lot 12 DP 54832	Unknown

13 August 2019

Tattico LTd  
John Duthie

**Ref Site Visit and Assessment Summary:** 315 Bremner Ridge / Flat Bush School Road

Tena koe John,

1. Note (1.1) This letter serves to confirm our analysis of your proposal subsequent to our site visit and review of the documentation available to us. We appreciate your time and cooperation both on-site, and with our associated communications; our general hope is that this letter will assist to alleviate or outline any cultural concerns and preferences Ngai Tai may have regarding your project. Jacquie Lindsay of our Te Taioamaurikura office will forward an invoice in the coming week for our site visit and associated response.

Note (1.2) It must be reiterated that this response is mandated to represent the views of Ngai Tai ki Tamaki only. Further to this we do not consider the views of any other Mana Whenua as representative of our own and do not defer responsibility or right to respond to any other iwi unless specified otherwise. With that in mind, we anticipate that, while this response may be considered in conjunction with other responses for a cohesive outcome, this letter will not be held in higher or lesser regard than any other cultural response being considered within the confines of this specific proposal. We are of the view that a long-term relationship with the applicant is more beneficial to both parties than a 'one-off' response. Honest and efficient communication, as well as an affinity for the outcomes we seek, and the pressures put upon us, will lead to an ultimate result that will appease all parties involved.

2. Note (2.1) It is intended by the applicant (BR Land Co) to amend various planning rules that are applicable to their development at the 42ha site at 315 Flat Bush School Road. A Private Plan change is also intended to be lodged to facilitate their development. The site is currently zoned Mixed Housing Suburban.

Note (2.2) This development has been undertaken for multiple years now, both in the planning stage as well as physical works. I noted on my site visit various valleys bordering the site with significant native trees and water courses – these are intended to be retained, protected, and enhanced as part of Bremner Ridge Development.

Note (2.3) The amendments to the planning rules will allow the following:



- To reduce side yards on lots from 3 metres to 1.2 metres.
- To increase building coverage from 35% to 40%
- To average the control on height in relation to boundary.

Note (2.4) BR Land Co is piloting a new method of affordable housing in which large houses that can house two to three groups are constructed and sold with the ownership divided between occupants as opposed to small houses on small sites.

### **Kaitiaki Conclusion**

Having reviewed the documentation available to me I can confirm we have no objection to the granting of these amendments. Provided we are kept in fluid contact with the applicant/agent we tender our support for the project as a whole. Further to the above we request that quarterly site visits with the agent be agreed upon to discuss the progress of this project and any matters of concern arising. I reiterate the importance for Accidental Discovery Protocol in which we require to be contacted by the applicant in the first instance should any previously unknown wahi tapu be unearthed during works, and that work within the vicinity is halted until such time that we have analysed the site and subsequently undertaken the appropriate protocol/procedures. Thank you again for your time on-site, I look forward to further engagement on Bremner Ridge.

Mauri Ora

A handwritten signature in blue ink, appearing to read 'Gabriel Kirkwood', with a long horizontal flourish extending to the right.

Gabriel Kirkwood

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**urban design assessment and neighbourhood  
design statement**  
**87 MCQUOIDS ROAD**  
**BREMNER RIDGE**

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for

**BR LAND COMPANY LTD**

by

**IAN MUNRO**

december 2019  
updated june 2020

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## executive summary

This report documents an independent analysis of an application for a Private Plan Change to modify Sub-Precinct H of the Flat Bush Precinct at 87 McQuoids Road, known as Bremner Ridge. The application has been made to Auckland Council under the Resource Management Act 1991 (“RMA”) in terms of the Auckland Unitary Plan (Operative in Part) “AUP: OP”. The key conclusions of this report are that:

- a. The application raises discrete issues that do not materially seek to change the resource management framework that applies to the land. No changes to any objective or policy that applies to the Site are proposed.
- b. In urban design terms, the proposal to adjust the boundaries of the Sub-Precincts to align with an approved subdivision will raise negligible adverse urban design effects. It is a logical way of aligning the AUP: OP with what has occurred in the ‘real world’.
- c. In terms of the proposed changes to the side yard control, I consider that this will have very limited real-world urban design effects. The 3m yard setback could already be significantly reduced or avoided by way of the RMA boundary activity provisions and the underlying provision for integrated residential developments / more than 3-units per site (also relying on the definition of ‘site’ in the AUP: OP) that exists in the zone whereby, on a super-lot, internal side boundaries would cease to apply in any event. My analysis of the subdivision and existing development controls, and publicly visible places where the subdivision could be seen in the wider environment, is that there are few instances where viewers might have been exposed to 6m-wide de-facto viewshafts now likely to be lost.
- d. In terms of the proposed changes to the building coverage control, I regard this as practical and enabling of an efficient use of the land. The front yard and rear yard controls will be the key shapers of open space and spaciousness around and between buildings, and the rear yard will in particular create the most substantial ‘pools’ of concentrated open space based on the relatively conventional block structure that has been approved, and that it presents the ‘backs’ of lots adjoining one another.
- e. Cumulatively the changes to the controls together will allow land use outcomes that better reflect the applicable objectives and policies of the zone and sub-precinct. Although theoretically allowing more development than is currently the case if only considered in the narrow context of vacant fee-simple subdivision and independent lot development, once the full suite of Plan and RMA provisions that will manage development of the land are taken into consideration, it is only the change to the building coverage control that I consider is likely to definitively change what could have otherwise happened in the ‘status quo’. In that respect, I consider the urban design effects of this change will not be material or problematic.

The private plan change application is considered to be the most practical and appropriate urban design outcome for the Site including the urban form-related provisions of the Flat Bush Precinct, Mixed Housing Suburban zone, Single House zone, and Urban Subdivision chapters of the AUP: OP.

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## contact

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## 1. introduction

- 1.1 This report documents an independent analysis of an application for a Private Plan Change to modify Sub-Precinct H of the Flat Bush Precinct at 87 McQuoids Road, known as Bremner Ridge. The application has been made to Auckland Council under the Resource Management Act 1991 (“RMA”) in terms of the Auckland Unitary Plan (Operative in Part) “**AUP: OP**”.
- 1.2 For full details of the proposal, the documentation prepared by Tattico Ltd is referred to.

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## 2. scope and involvement

- 2.1 I have been engaged by BR Land Company Ltd to provide urban design services related to a Private Plan Change (“**PPC**”) application.
- 2.2 The process followed to undertake this urban design assessment is as follows:
  - a. A site visit was undertaken. This took in the land around the Site including Michael Bosher Way and Redoubt Road, McQuoids and Flat Bush School Roads, and recently subdivided blocks adjacent to those.
  - b. Provisions of the AUP: OP were read and considered.
  - c. Briefing meetings with the client and its planner Tattico Ltd were attended.
  - d. Feedback provided to date by the Council’s staff was considered.
  - e. The proposed plan change was assessed.
  - f. This report was prepared.
  - g. An update was issued in June 2020 to reflect the removal of changes to the Height in Relation to Boundary control from the request.
- 2.3 For completeness, I was engaged after the PPC had been prepared and lodged with the Council. I was not part of authoring the proposal.
- 2.4 I am familiar with Flat Bush, having worked on a number of Sites and Plan Variation 8 (Flat Bush Stage 3) to the Proposed Auckland Unitary Plan.

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### 3. urban design framework

- 3.1 Although historically focused on the way in which private space and development impacted on public space, 'urban design' now encompasses a wide range of potential considerations. This is best evidenced by the breadth of matters included in MfE's 2005 New Zealand Urban Design Protocol. As a result of this breadth urban design analyses, when based only on preferred or 'ideal' urban design prerogatives, do not always match well with the specific matters relevant to Resource Management Act proceedings. Practical challenges faced by urban designers working under the RMA, and which have been factored into this assessment, include that:
- a. urban design outcomes only apply to the extent that they are relevant to the specific resource management issues relevant to each specific application;
  - b. RMA plans need to be interpreted in light of what the specific objectives and policies mean and with reference to the methods used by each Plan to implement those provisions – not against what outcomes an urban designer might consider to be preferred or ideal in pure urban design terms; and
  - c. the RMA provides for positive environmental effects but does not require them (unless a NPS or Plan requires them).
- 3.2 In this instance, the proposal is for a scale and type of land use and development that is in line with the plan-making and land use frameworks set out within the AUP: OP. As such, for this assessment it is not considered necessary to identify urban design outcomes or precedents beyond the provisions of the AUP: OP. Because no objectives or policies are proposed to be changed, it is understood that the correct approach to the application is to consider which package of methods would most appropriately implement the settled and operative objectives of chapter **I412** (Flat Bush Precinct). I also consider the chapter **H4** (Mixed Housing Suburban zone), **H3** (Single House zone) and **E38** (Urban Subdivision) provisions to be of secondary relevance – although no changes to any of the provisions of those zones is actually proposed. I do not consider there to be any relevant basis to consider the AUP: OP RPS provisions or need to consider the Structure Planning guidelines in Appendix 1 of the AUP: OP (I note that I would normally expect to assess a PPC against those matters rather than an existing zone and Precinct framework).
- 3.3 In respect of the above, the PPC is unusual in that it is a very spatially confined application raising only discrete urban design issues. It is understood that the proposal will not result in any material quantity of additional allotments being viable or possible on the land than could occur under the status quo, only the extent to which *one way* the approved allotments could be developed would sit relative to the other existing ways the zone and Precinct provisions already enable (although the zone boundaries are proposed to be slightly realigned).

- 3.4 Having considered the relevant provisions of AUP: OP and related documents identified above, the planning provisions and environmental effects to be assessed can be synthesised (for simplicity) into the following topic headings:
- a. A well-connected, adaptable, safe, attractive and healthy environment for living, working and movement with an emphasis on the importance of the public realm, is achieved in a way that delivers high-quality residential amenity and housing choice<sup>1</sup>.
  - b. The landscape quality, water and soil resources, native forest, wetlands and open space amenity values of this highly visible landscape in the mid to upper reaches of the Flat Bush basin along with a degree of spaciousness in this medium to low density residential sub-precinct is maintained and enhanced<sup>2</sup>.
  - c. The proposal should be consistent with the principle of a tapering of density outwards from the Flat Bush core to the Precinct's periphery<sup>3</sup>.
  - d. The proposal should otherwise support the outcomes sought by Sub-Precinct H (and also J and K) relating to subdivision and development<sup>4</sup>.
  - e. The proposal should contribute to the subdivision and development outcomes sought for general subdivision and development in the underlying zones<sup>5</sup>.
  - f. The proposal should demonstrate how the site's opportunities and constraints have been positively responded to<sup>6</sup>.
  - g. Overall urban design merit.

---

## 4. site and context analysis

### site analysis

- 4.1 The Site has been described by Tattico Ltd. I agree with that description. The following are the Site's key urban design characteristics:
- a. The Site is defined by an elevated ridge that falls into a multi-fingered gully system to the north and south. It has been farmed with mixed vegetation in the gully systems.

<sup>1</sup> This relates to objectives I412.2.1(1), and (6), and I4.1.2.2.2(1).

<sup>2</sup> This relates to objective I412.2.2(3) and policy I412.3.2(5)

<sup>3</sup> This relates to policy 412.3.1(1) and 412.3.2(1).

<sup>4</sup> This relates to all objectives and policies in the Precinct.

<sup>5</sup> This relates to the objectives and policies of chapters E38, H3 and H4.

<sup>6</sup> This relates to the objectives and policies of the Precinct and chapters E38, H3 and H4.

- b. The Site is zoned Mixed Housing Suburban and Single House, and Sub-Precincts H (Mixed Housing Suburban), K (Single House) and J (Storm water and conservation) (**Attachment 1**).
- c. A subdivision consent has been obtained from the Council under the AUP: OP (**Attachment 2**). It provides for 313 allotments. 50 of these are larger than 1,000m<sup>2</sup> and these sit at the outer sides of the layout on steeply sloping land. The remaining 263 lots range in size from 320m<sup>2</sup> (Lot 256) to 914m<sup>2</sup> (Lot 279). But most of these smaller Lots are between 350m<sup>2</sup> – 450m<sup>2</sup>. Of these smaller lots, it is also notable that 48 are proposed to be served from a rear lane.
- d. A key east-west road link has been approved to run through the Site and connects McQuoids and Flatbush School Roads (west) with Michael Boshier Way (east). This follows the ridge feature through the Site and can be described as a 'spine road'.
- e. The PPC is premised on the approved subdivision layout of streets and blocks proceeding. The layout is overall a quite successful balance between the well-connected subdivision pattern preferred by urban designers, and the Site's slope.
- f. Extensive landscaping and revegetation has been approved as part of the subdivision, prepared by Greenwood & Associates Ltd Landscape Architects (**Attachments 3A and 3B**).

## site opportunities

- 4.2 On the basis of the above analysis, the following are the site's key urban design opportunities:
- a. The Site has been optimised by the approved subdivision consent and this will form the frame of the urban structure that is delivered. Development on the approved lots may take a variety of forms and densities.
  - b. The Site provides an interesting variant of the urban Flat Bush lifestyle choices, being elevated and with outlook that is in what I would describe as 'superior' in Flat Bush.
  - c. The Site lends itself to a variety of allotment sizes, and the subdivision achieves this.
  - d. The connection from Flat Bush School and McQuoids Roads through to Michael Boshier Way is a logical and desirable connection, and allows travellers to directly traverse the urban Flat Bush experience through its various transitions out to the Rural Countryside Living zone at Redoubt Road.



## site constraints

- 4.3 On the basis of the above analysis, the following are the site's key urban design constraints:
- a. The Site's topography is challenging and the approved subdivision represents what I consider to be the optimum that can be achieved without significant additional landform modification and associated engineering.
  - b. The subdivision sets out an urban structure that I am advised is to be implemented. This means that the future of the Site is largely fixed.

---

## 5. The proposal

- 5.1 The proposal has been described by Tattico Ltd. In summary:
- a. The proposal is unusual both for its discrete nature and that it relies in large part on an approved subdivision for 313 allotments, new blocks and streets, and open spaces. The subdivision consent (Council ref. SUB60300672) is in the process of being implemented.
  - b. It is not proposed to change any objectives or policies in the AUP: OP that apply to the land.
  - c. The underlying AUP: OP land use zones that apply to the land (a combination of Mixed Housing Suburban zone (predominantly) and Single House zone) are proposed to be slightly realigned to match with the proposed sub-precinct boundaries (see below).
  - d. The proposal is to extend the boundary of Sub-Precinct H into what is currently Sub-Precincts J and K, so as to align the boundary to the outer extent of residential lots that have been granted by the Council. This is a change to Precinct Plan 1 (I412.10.1).
  - e. It is also proposed to vary the side yard requirement in the Sub-Precinct to 1.2m down from 3m (H412.6.1.4), although the same Precinct Height in Relation to Boundary Control would govern the way that buildings could mass adjacent to one another.
  - f. It is lastly proposed to increase the building coverage limits by 5% of the allotment area when compared to the existing rules (H412.6.1.5).
  - g. The remainder of the zone and Precinct rules that are in place would remain in effect.

---

## 6. Assessment of the status quo

- 6.1 Before understanding the merits and effects of the proposal it is necessary to understand the status quo Plan Provisions and the urban design effects that they already give rise to. This exercise should not be confused with a permitted baseline consideration that applies to resource consents, and I can confirm that in this analysis no environmental effects have been discounted because they are the same or less than what might have occurred already. But a key part of my analysis has been in comparing and contrasting the outcomes that might arise from the status quo provisions with those proposed in terms of how they each implement the relevant Precinct objectives and policies (and for completeness the zone outcomes as well).
- 6.2 The Precinct provisions take precedence over the zone provisions, and in this proposal only Precinct provisions are proposed to be changed.
- 6.3 The proposal and existing subdivision overwhelmingly relates to Sub-Precinct H and the Mixed Housing Suburban zone; while the proposal is to realign the Sub-Precinct boundaries to reflect the subdivision, and this will involve very small amounts of Sub-Precincts J and K, I have assumed that the consented subdivision was premised on the development of the allotments authorised by it being developable to the Council's satisfaction. For that reason my analysis will focus on the Sub-Precinct H provisions.
- 6.3 Development within the Precinct can occur in a number of ways, but some form of subdivision would almost always be required in the first instance. In the Sub-Precinct, subdivision will typically be a fully Discretionary activity if the parent site is over 1ha, but may be a Restricted Discretionary activity if the parent site is less than 1ha (I412.4(A14) and (A15)). The underlying subdivision has been granted.
- 6.4 The provisions provide for Integrated Residential Developments and, in general, more than 2 units per Site as a matter of Restricted Discretionary consent (I412(A2) and H4.4(A8)). This means that a development of only one detached 'permitted' dwelling per allotment is only *one way* that the development could occur.
- 6.5 Assuming the Site was developed on the basis of the consented subdivision being completed and each allotment becoming its own site for the purposes of subsequent development, a 2.5m(v) + 45deg height in relation to boundary plane would apply from the side and rear boundaries (I412.6.1.3). 3m side yard setbacks would apply (i.e. 6m in total between dwellings), as well as a 4m front yard and an 3m / 8m back yard (I412.6.1.4). The building coverage controls provide for a 35% coverage.

- 6.6 A development along these lines on those lots larger than 450m<sup>2</sup> would have predominant characteristics of the Single House zone and would not readily reflect what I consider the Mixed Housing Suburban zone generally seeks. However, and to some extent overcoming that, the consented subdivision provides for a variety of different sized allotments varying from 320m<sup>2</sup> to 914m<sup>2</sup> (excluding those Lots greater than 1,000m<sup>2</sup>).
- 6.7 However my assessment of the subdivision is that it is unlikely that at least a large portion of the Site will be developed in the manner of standard lot-by-lot development.
- 6.8 First, I have experienced a number of instances where developers subdivide to individual titles but then seek to sell bundles of connected allotments to a builder. This can generate more revenue than standard super-lots because they can be sold at retail rather than wholesale rates (because they are in a completed state). This means that it would be incorrect to presume the subdivision represents a likelihood that 313 detached dwellings are likely to occur (although I would expect at least half of the subdivision to be delivered thus). To this end I asked the client if it could advise what lots it is selling and whether they are in 'bundles' to builders. It confirmed that this was the case in many instances. Based on that response (**Attachment 4**) I expect that many bundles of lots will be subject to further subdivision and development consents, and in those instances the existing internal boundaries (for HiRB and yards) will cease to apply anyway. These 'bundles' could be developed as detached houses on the Lots as they are, or they could involve land use consent-led re-subdivision into more-compact detached houses (i.e. turning a row of 3 lots into 4 lots), duplexes, or small rows of terraced housing.
- 6.9 Secondly, Lots 8-13, 31-37, 75-87, 89, 90, 92-98, 106-112, and 126-131 (48 in total) are served by way of rear lanes (**Attachment 5**); this is a solution that is almost always (and is most desirably) delivered comprehensively so as to properly plan legal interests in communal areas, forming and establishing the common rear lane, and building any common party walls between medium density housing. My experience is that there is a strong driver to maximise the efficiency of this type of allotment because it is double-loaded and the lots typically carry a higher price because of their share of the increased access costs.
- 6.10 I expect that these rear lane areas will be developed comprehensively on the basis of the lots being tied together and qualifying under the AUP: OP as a single site. This would not affect the front yard, rear yard or building coverage controls, but would remove the existing 'internal' side yard and height in relation to boundary controls as these only apply to the external boundaries of a site. On this basis, I do not consider there is a strong likelihood of the 3m side yard being achieved on many if any of these allotments in any event. It is instead more likely that they will be developed as a form of integrated residential development / more than 2-dwellings on a site. I consider there would be urban design advantages if this occurred by way of land use consent-led re-subdivision into more-compact detached houses (i.e. turning a row of 3 lots into 4 lots), duplexes, or small rows of terraced housing.

- 6.11 Thirdly, 162 allotments are less than 400m<sup>2</sup> (52% of the subdivision or 62% of the 'urban' lots smaller than 1,000m<sup>2</sup>). Typical lot dimensions from this include:
- a. Lot 24 (386m<sup>2</sup>), 30m deep x 12.8m frontage width.
  - b. Lot 68 (357m<sup>2</sup>), 25m deep x 14.3m frontage width.
  - c. Lot 210 (344m<sup>2</sup>), 25m deep x 13.8m frontage width.
  - d. Lot 257 (354m<sup>2</sup>), 26m deep x 13.6m frontage width.
- 6.12 The above indicates that the general frontage width for Lots smaller than 400m<sup>2</sup> in the subdivision is between 13m – 14m; and depths are generally between 25m – 30m. These are, for completeness, relatively conventional dimensions.
- 6.13 Once a 3m side yard has been taken out from this on each side, an available frontage width for a dwelling and garage of 7m – 8m width would typically remain. I consider that this has created a high likelihood of low-quality urban design outcomes because, as a permitted activity on each of these Lots, a double-width garage could be developed in a way that could occupy most if not all of the available width, with little more than a front door (if even that) facing the street.
- 6.14 Fourthly, of those allotments greater than 400m<sup>2</sup>, many are proportionally long and thin, such as Lots 264-275. These typically have a frontage width of around 14m, presenting the same challenge of limited net building frontage width to the street that was discussed above.
- 6.15 The relatively narrow building frontages that will result on those allotments on frontages less than 14m are more likely to also result in more 2-storey dwellings when the loss of footprint is considered; on a 14m-wide allotment, the side yard setback amounts to 43% of the site's width removed. A smaller yard requirement would make 1-storey dwellings more feasible by substantially increasing options for site planning (even within the same building coverage limit).
- 6.16 Lastly, solid side fences and landscaped hedges, which in the context of a 6m total open space width between 2 neighbouring allotments could include over the medium-term large bushy trees and wide canopy spread, block views between buildings and fail to provide the spaciousness that the 'gap' is purposed to contribute to. I do not consider a potential view or open space being blocked by solid vegetation to be any less adverse or 'blank' in urban design terms than a solid building wall (and I note that general landscaping or a landscaped character is not the same thing as 'spaciousness' referred to in the Precinct controls).
- 6.17 In parallel to the AUP: OP are the RMA boundary activity provisions, at sections 87AAB and 87BA. These provide for controls including the side yard to be waived to (up to) nil as a permitted activity, where the affected neighbours give each other an affected party approval. I consider that there is a high likelihood of this existing provision to be taken advantage of on at least the lots below 400m<sup>2</sup>,

to the extent that neighbours will simply agree with each other for a more practical yard requirement. I would expect this to not be less than 1m either side, due to the increased costs required for fire rating buildings within 2m of one another. But because I regard this as both a non-fanciful outcome, and one that is indeed rendered more probable because of the material loss of utility that compliance with the AUP side yard rule (in particular) would result in, I have concluded that it is more likely to be put into play than has to date been the case (including because in the standard residential zones a 1m side yard setback on each side of a boundary also corresponds neatly to Building Act fire rating requirements anyway). This would be less than the 1.2m side yard more typical in Flat Bush and that is proposed to apply in the PPC.

- 6.18 Based on the above, I am satisfied that there are multiple means of not providing the 3m side yard setback on each allotment already anyway, and sound urban design justifications for doing so where it can avoid a (permitted) double garage facing a street with the dwelling screened behind that, and allow a more efficient use of the rear lanes.
- 6.19 In addition to my concerns that the side yard rule will not in the real-world result in 3m side yards on many or even most allotments anyway, I also note the following.
- 6.20 Unlike the lower flat parts of Flat Bush that are characterised by a more obvious and continuous rigid grid (the scale and repetition of which contributes to a denser, larger-scale urban character than if a single lot or block was examined in isolation), the consented subdivision has a more curvilinear character and undulating slopes. There is considerably less likelihood of a viewer 'lining up' several rows of dwellings on blocks and enjoying a continuous 'view shaft' of 6m total width gap extending into the distance before them. My analysis is that given the shape of the allotments consented, which often take the form of long rectangles running perpendicular to the street, the length of dwellings will likely mean that viewers are for the most part looking through the side yard gaps to the side of the neighbouring dwelling rather than at open space between them. I have tested the tolerances of this. Using Lots 24-27 and assuming 7m-wide frontages x 18m long buildings, viewers walking along the street would not be able to see an open space gap between dwellings until they were directly in front of the gap and for its length. The at-times steep contours within blocks and between allotments will also disrupt notional view corridors. This will however contribute to the overall spaciousness of the development.
- 6.21 I instead consider that it will be in the medium-range views that spaciousness will be appreciated. In that respect, Sub-Precincts K and J will provide the bulk of the openness and spaciousness that contrasts this location with the Flat Bush basin itself. The open space corridors created by the roads and, because of the way the blocks are generally quite coherently laid out, the cumulative open spaces at the rear of the allotments will provide the secondary contribution in this regard. The side yards between houses are not in my opinion likely to prove relevant in this medium-to-long range view scenario.

- 6.22 I note that the above analysis is primarily related to the application of side yard control only; the building coverage rule (35%) and Height in Relation to Boundary rule would apply in whatever configuration of “site” or RMA boundary activity provisions might be used. For that reason, the proposed change to the building coverage rule stands out as the one likely to have a demonstrably unique ‘before and after’ effect on the environment when compared with the status quo / subdivision consent.
- 6.23 Overall however, I have concluded that the status quo’s principal sense of spaciousness will come from:
- a. The irregular Sub-Precinct boundary edges and that from within Sub-Precinct H viewers will often be able to look out across the open space in Sub-Precincts J and K in a way that will create a character akin to the spatial design principle of ‘clustering’ that is common in rural and sensitive landscape settings. But in summary I do not consider the spaciousness felt in Sub-Precinct H can be materially separated out from or perceived separately to the spaciousness within Sub-Precincts J and K on the Site due to their complex and irregular way of knitting together across the landscape’s folds.
  - b. The range of allotment sizes proposed will provide periodic gaps and breaks, and precludes creation of the scale of continuous or uniform urban character typical in the Flat Bush valley.
  - c. The curvilinear form of the subdivision is itself characteristically different from the quote rigid pattern of rectilinear grid in the valley, and this will also be legible and obviously a response to the landform.
  - d. The sloping topography, notably dropping away on each side of the spine road, will create a more open and spacious character to viewers as land (and other rows of houses) fall away and down.
  - e. The roads and front yard setbacks provide wide and spacious corridors.
  - f. Within the allotments, the rear yards are likely to be the key source of spaciousness because these will feel private and connected within the middle of blocks, forming aggregated large open space areas.

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## 7. Assessment of the proposal

**a well-connected, adaptable, safe, attractive and healthy environment for living, working and movement with an emphasis on the importance of the public realm, is achieved in a way that delivers high quality residential amenity and housing choice**

- 7.1 This topic is primarily derived from objectives I412.2.1(1), and (6), and I4.1.2.2.2(1) in the AUP: OP.
- 7.2 In my opinion the proposal will be likely to achieve this at least as well as if not better than development in line with the approved subdivision and existing rules would. My key reasons for this are:
- a. The PPC will not in my view create a situation where the subdivision consent would be surrendered or set aside; and the subdivision consent reflects a successful subdivision outcome for the Site. I cannot otherwise foresee a scenario where the PPC could enable a re-subdivision of the Site in a manner that did not achieve a quality outcome.
  - b. The subdivision provides relatively substantial housing choice via the range of lot-sizes that have been created. This will not change as a result of the PPC as it is the landform's characteristics that have resulted in the variation of lot sizes and shapes proposed.
  - c. The change in the side yard control would allow for wider building frontages, and on the balance of probabilities this would have streetscape benefits in terms of the number of habitable rooms facing streets activating and overlooking them.
  - d. The change in the side yard control would make it much less likely that as permitted activities dwellings could occur in ways that were visually dominated by garages (or comprised almost entirely by garages). I consider that this will on the balance of probabilities provide amenity enhancements to the streets.
  - e. The change in side yard will in particular allow greater design choice on allotments (freeing up almost ½ of the total lot area in some cases), allowing more viable 1-storey housing options and otherwise providing greater design choice in my opinion. This will be more so in conjunction with the building coverage rule change proposed. A 1-storey outcome will have a vertical spaciousness (more sun and daylight above it) than a 2-storey building.
  - f. In terms of the proposed side yard control I consider that it is more effective in all respects to minimise side yard setbacks but maximise rear yard setbacks. Providing more development opportunity utilising the width of sites makes it more likely that larger rear yard setbacks will be retained. I consider that these will make a more relevant contribution to spaciousness within the sub-precinct than the existing side yard setbacks because of the way the block layouts (the approved subdivision) pool these areas together within blocks. Although there is an 8m rear-yard setback for buildings above 5m height, the 1<sup>st</sup>-storey of height (up to 5m) can be up to 3m from the rear yard. Because of the cost implications of adding recessed steps into building design, I consider it more likely than not that with more side-width to design to, more ground floor buildings will

be recessed back to (or beyond) the 8m minimum rear setback line. In my opinion the reasons for this are beyond theoretical interest; they take on enhanced probability because it would be in the rational self interest of the allotment developer to do this; maximising a building dimension running parallel to the street and minimising depth back from it maximises outlook to the front and back, where there is space and openness, rather than the sides where space is more cramped and there is more risk of visual privacy / conflict between neighbours. By way of example, and using typical lot dimensions of 14m x 25m (approximating Lot 210):

1. Status quo rules:
  - › Max. building coverage 35% = 122.5m<sup>2</sup>
  - › Max. building frontage width = 8m
  - › Min. front yard = 4m
  - › Max. building depth (122.5m / 8m) = 15.3m
  - › Possible rear yard setback (25m – 4m – 15.3m) = **5.7m**
  
2. Proposed rules:
  - › Max. building coverage 40% = 140m<sup>2</sup>
  - › Max. building frontage width = 11.6m
  - › Min. front yard = 4m
  - › Max. building depth (140m<sup>2</sup> / 11.6m) = 12.1m
  - › Possible rear yard setback (25m – 4m – 12.1m) = **8.9m**

- g. Following on from this, I consider the current side yard rule unintentionally has the effect of promoting rather than minimising visual privacy and nuisances between neighbours, and inferior outlook space (the 3m side yard setback to a boundary fence) based on the width of the approved lots in the subdivision consent and the limited building space width available on most lots (8m or less net of the side yard setbacks). This will force most buildings to run parallel to their side boundaries and with outlook space facing the neighbouring allotments rather than enabling design outcomes that can avoid this. Allowing wider buildings will allow buildings to have less depth, and more rooms with their windows and outlook spaces facing the street or the large rear garden. I regard this as superior for both occupants of dwellings and their neighbours.
  
- h. Following further, creating less side yard setbacks and enabling wider buildings assists a more consistent creation of a perimeter-block type of building configuration rather than a series of buildings presented end-on to the street and which are aligned away from the street. This is in general urban design terms a favoured approach to urban structure.
  
- i. Lastly on this matter, I have substantial experience working at the edges of workable lot size and development efficiency in Auckland's green field areas. I consider that the approved subdivision in conjunction with the existing rules, is likely to promote substantial repetition in building shapes and volumes because the side yard rule is so restrictive and the net building width available is so low. In other words I consider that there is a



likelihood of houses being in almost all cases between 6m – 8m wide at the frontage and 2-storeys tall, creating a very homogeneous built form outcome with negative streetscape character and residential amenity consequences. Having a wider usable built form envelope in building design and placement would be beneficial inasmuch as greater diversity and variation in building size, shape and placement will likely lead to more interesting streetscapes and greater housing choice.

- j. For completeness, I do not consider the proposed building coverage rule as likely to have any noticeable effect relevant to this topic; any additional building mass seen from streets and open spaces would be attributable to the side yard change alone, with building coverage behind the building invisible from the street. Although greater building coverage promotes more housing choice, I do not regard it as particularly game-changing compared to the status-quo.
- k. Overall, better activated and more visually interesting streets are associated with environments that have greater built form character and amenity values, are safer, and which are likely to induce more pedestrian and cycle travel. I consider that this would qualify as a potential public health benefit compared to the status quo, which I am concerned is likely to promote more garage-dominated frontages than is desirable.
- l. In reaching the above conclusions, it has been very relevant to note that my interpretation of the language “degree of spaciousness” in the AUP: OP has not been limited to apply to the Sub-Precinct as it is experienced only from public spaces; I understand that it applies equally to occupants of sites and neighbouring sites within the Sub-Precinct (i.e. private as well as public amenity). This is a key reason why I have considered maximising rear gardens, likely to directly result as a consequence of having less side yard setbacks, as being able to maintain (or even actually improve) the likely perceived sense of spaciousness enjoyed by occupants on the allotments.
- m. For completeness, the reduced side yard control proposed will have an adverse effect on spaciousness at the fine-grain level between dwellings. I have considered this in the next section of the report as I do not regard that adverse effect as one that relates to this topic.

### 7.3 On the basis of the above, I consider that:

- a. In terms of any adverse urban design effects, I consider the proposal would not result in anything problematic or unusual in urban design terms. The Sub-Precinct rules describe the importance of a “degree of spaciousness” as part of responding to the landform / landscape, and also expressing a transition of density near the outer edge of Flat Bush as it approaches the Rural Countryside Living zone. This will still be achieved with the proposed rules in place, and tangible urban design benefits are likely to result from them - in particular from the reduced side yard control, which I regard as the most beneficial. Even taking the

greater building coverage control proposed into account, my analysis is that larger rear gardens are likely to result under the PPC than the existing rules when applied to the approved subdivision, and overall maintain at least an equivalent overall degree of spaciousness than the existing rules (given that in my opinion larger rear gardens adjoining one another within blocks will make a visually more obvious and meaningful overall contribution to spaciousness).

- b. In terms of the relevant AUP: OP provisions, I consider the proposal is consistent with the built-form outcomes sought including the provision of a degree of spaciousness as part of an outcome that also promotes visual interest, safety, high-quality streets and housing choice.
- c. In overall consideration of the above, I consider that the proposal represents the most appropriate urban design outcome for the PPC land and it is supported.

**the landscape quality, water and soil resources, native forest, wetlands and open space amenity values of this highly visible landscape in the mid to upper reaches of the Flat Bush basin along with a degree of spaciousness in this medium to low density residential sub-precinct is maintained and enhanced**

7.4 This topic is primarily derived from objective I412.2.2(3) and policy I412.3.2(5) in the AUP: OP.

7.5 In my opinion the proposal will achieve this outcome. My key reasons for this conclusion are:

- a. The delineation of the different sub-precincts and the approved subdivision consent (and its landscape plans) adequately provide for water and soil resources, wetlands / storm water, and open space amenity values of the Site as a whole. The PPC will not materially change this.
- b. There are no particular viewshafts or landscape resources identified in the AUP: OP that are to be safeguarded or protected, and no particular loss of views to assess the proposal against. Outside of the subdivision, the changes proposed to the development standard will have in my opinion immaterially different effects due to the curvilinear road patterns proposed and that most viewers will be looking along streets rather than across blocks. While the upper reaches of Flat Bush are widely visible, this is predominantly from low looking up-high, not from on-high looking down whereby viewers would appreciate more of a plan form or elevated perspective view of the allotments. Viewers would from most points also appreciate the substantial open space areas around Sub-Precinct H, including Sub-Precincts K and J, which I consider the more important in

helping contextualise Sub-Precinct H and give it a more landscape-based and spacious character.

- c. The landform of the Site and the sensitive way the land use zone and Sub-Precinct boundaries have been established means that the Site's characteristics as a whole will be experienced, not just the Sub-Precinct H area in isolation. In that context I consider that a notably greater spaciousness will exist than is the norm in the MHS zone, formed from:
- i. The open space areas on the Site, which are often associated with steep sloped gully fingers and notable changes in elevation.
  - ii. That the subdivision is itself quite sloped, meaning dwellings will variously rise up behind one another but also drop down behind one another. It will avoid a consistent intensity that is typified by the flatter areas of Flat Bush valley.
  - iii. The relatively large lot sizes compared to what I regularly see in the standard MHS zone (including in Flat Bush, where fee-simple lots of 260m<sup>2</sup> are common in recent subdivisions I have worked on).
  - iv. The blocks are relatively small by urban standards, where block lengths of several hundred meters are not uncommon. This creates more gaps and view corridors along streets, and breaks up the overall scale of the housing development likely. The road pattern itself (including roads and accessways) provides frequent view corridors longer than 150m that add spaciousness and permeability to the built form (**Attachment 6**).
  - v. The front yard setback is larger than is required in the standard MHS zone.
  - vi. The proposed changes are likely to result in the same or larger rear yard areas and these will visually seem to be large contiguous open spaces areas within blocks.
  - vii. The proposed rule changes will, on the smaller lots (certainly those smaller than 375m<sup>2</sup>) make 1-storey dwellings more plausible than under the status quo. A varied 1-to-2 storey streetscape would also offer more visual interest and spaciousness in the form of light spilling over the top of the building onto neighbouring allotments or the street.
  - viii. The subdivision inherently has a different character than prevails in the Flat Bush valley due to its curvilinear streets and the lack of sheer continuous scale of rectilinear and similar-density development.

- d. I consider that from within the subdivision viewers will frequently see open space areas including those in Sub-Precincts K and J. In my opinion in the real-world setting, viewers will attribute this to a sensitivity in subdivision planning and the clustering of buildings on the ridge so as to keep the slopes and gullies clear of buildings and available for restoration. I do not consider that they will perceive the open space areas as being inherently separate from or un-associated with the housing area. Rather I consider they will interpret development on the Site as being akin to a clustered-style development where buildings have been intentionally clustered so as to preserve open space and landform features around them. This is a relatively common subdivision typology in sensitive landscape settings.
- e. The additional 5% building coverage sought will in my opinion have a negligible additional adverse effect compared to the existing subdivision being developed under the existing rule.
- f. The pedestrian trail / open space network in the southern part of the Site will have a very spacious character, with most of it over 100m from the nearest likely dwelling.
- g. Referring back to my earlier analysis of the status quo, there are provisions within the RMA and AUP: OP (integrated residential development and more than 2-dwellings per site where multiple allotments are configured as 1 site), I do not consider that the PPC's proposed side yard rule changes will have a definitive 'before and after' impact in many cases. But overall, I do consider it likely that the PPC will likely result in smaller side yard gaps across the entire subdivision than would have been the case under the current rules, and this will result in a loss of spaciousness for people walking along streets. I do consider it appropriate to describe this loss as an adverse effect relevant to this topic. In evaluating the appropriateness of this adverse effect, I have considered all of:
  - i. the likely loss of spaciousness from the street;
  - ii. existing opportunities to reduce or not provide the 3m side yard anyway or that they could be 'walled off' by vegetation anyway;
  - iii. the likely urban design and street activation benefits likely to result from the PPC (assessed previously);
  - iv. the extent of spaciousness that the approved subdivision, landform qualities, and pattern of Sub-Precincts will and still provide as a result of the PPC proceeding;
  - v. the obviousness with which the shape, form and character of the approved subdivision will relate to the landform and landscape setting of the Site and differ from the more orthogonal and continuous pattern that prevails in the Flat Bush valley;

- v. that the PPC will provide, on the balance of probabilities, larger rear garden areas on allotments as a direct substitute for side yard space and overall maintain spaciousness if not enhance it as experienced by lot occupants and their neighbours focusing their outdoor living in the rear garden areas; and
  - vi. that the AUP: OP describes an intended “degree of spaciousness” without expressing a preference for what specific rules or combinations or rules are expected to provide this, for whom, or for what purpose.
- h. Taking all of the above into consideration, I consider that what is likely to be a net loss of side yard gaps between buildings will be adverse but not to the extent that the intended “degree of spaciousness” will no longer be achieved. Particularly in light of what I regard as tangible and important urban design benefits along street frontages, whereby on the basis that a degree of spaciousness will still be provided, the PPC is supported. I note that if the side yard control was the only means by which a “degree of spaciousness” was being achieved, then this would have been a more finely-balanced conclusion.
- i. For completeness I do not consider the changes in the building coverage control to have any relevant urban design effects of note to this topic.
- j. Retention of the existing Precinct Height in Relation to Boundary control will in my opinion maintain an equivalent sense of spaciousness between building forms taller than 1-storey in height when viewed from streets or between allotments.
- k. Overall, I consider that the proposal will maintain an appropriate “degree of spaciousness”, noting that the explicit use of this phrase in the AUP: OP means that a more general sense of “spaciousness”, which I consider the existing side yard rule promotes, is not sought. “Degree of spaciousness” means, in my opinion, “some” spaciousness and the proposal, even with the changes to existing rules taken into account, will in my opinion still provide “much” spaciousness when compared to the outcomes that are possible and increasingly commonly seen in the MHS zone. The subdivision will also have a more open and spacious character than commonly prevails in the Flat Bush valley.

7.6 On the basis of the above, I consider that:

- a. In terms of any adverse urban design effects, I consider the proposal would result in subdivision and development outcomes that are in line with the outcomes sought by the AUP: OP and otherwise acceptable. I do not consider any problematic adverse urban design effect likely, although it is acknowledged that a net reduction in side yard gaps between buildings will have an adverse effect on the spaciousness between dwellings as experienced by people travelling along the streets.

- b. In overall consideration of the above, I consider that the proposal represents the most appropriate urban design outcome for the PPC land and it is supported. Critically:
  - i. The reduced side yard setback is likely to have an adverse effect on the degree of 'public' spaciousness likely to result.
  - ii. The loss of 'public' spaciousness is likely to be offset by direct 'public' urban design benefits likely to result along streets because of less garage-dominated building frontages, and greater building activation and overlooking of streets.
  - iii. The loss of 'public' spaciousness will be mitigated or substituted by a probable increase in 'private' spaciousness resulting from larger and more consistently provided rear garden areas on allotments that adjoin one another in cumulatively large open space areas within blocks.
  - iv. Overall the PPC will maintain a "degree of spaciousness" with different characteristics but equivalent overall merit than is likely under the existing rules, but bring specific additional urban design benefits to the approved subdivision.

**the proposal should be consistent with the principle of a tapering of density outwards from the Flat Bush core to the Precinct's periphery**

- 7.10 This topic is primarily derived from policy 412.3.1(1) and 412.3.2(1) in the AUP: OP.
- 7.11 In my opinion the proposal will maintain the planned density taper from Flat Bush valley to its Rural – Countryside Living zone hinterland. My key reasons for this conclusion are:
  - a. The AUP: OP does not express, in the RPS provisions or elsewhere, a preferred model of transect or tapering-based built form outcomes from centre 'cores' to outer 'edges'. But it is expressly identified for Flat Bush and it is on that basis that I have considered it as important (i.e. it is not regarded as an inherently superior or otherwise mandated way to manage urban settlements in a general sense– more obvious built form edges and juxtapositions are equally legitimate and can be seen around the world successfully applied).
  - b. In the case of Flat Bush, the density transition does not only go from high (Flat Bush core to the west) to periphery (east); it does downhill from the outside to the core, like a bowl. Notionally the 'lip' of the bowl is visible from within the Site but in real world terms this is often not going to be the

case, with what is a more-gentle rise from west to east insufficient to elevate the Site above successive rows of houses and blocks on the flat such that it could become visually exposed as a 'green backdrop' against the horizon – such as is very characteristic of the Wainuiomata Valley in Wellington or frequently in steeply-incised and large-scale glacial valleys across Queenstown Lakes District. I have identified this based on site visits including Michael Boshier Way, McQuoids Road, Flat Bush School Road, Carrygawley Road, Hermes Way, and Murphys Road. From these locations I could not agree that viewers will materially see into the Site or appreciate the approved subdivision's spaciousness with that the PPC provisions would result in any perceptible change or impact. Because of this, I regard the issue as more one of achieving a particular built form character outcome in planning policy terms.

- c. The development as a whole, from west to east, will transition logically from suburban-scaled allotments to larger-scaled lots from slightly over 1,000m<sup>2</sup> up to over 1ha. From there the Rural Countryside Living zone will progress its pattern of large homes on the road ridges, with open spaces behind those and down the ridge slopes. In particular:
  - i. In McQuoids Road, development at Carrygawley Road (and roads adjacent to that) includes allotment sizes commonly between 300m<sup>2</sup> – 400m<sup>2</sup>, and has a character of a reasonably intensive / continuous grid. Stream corridors and streets (on the flat, and visible largely when the viewer is in front of them) provide the only spaciousness of note. Periodic 'pockets' of higher density are also common, such as Artemis Way, parts of Kilcadden Drive, and (further west) parts of Murphys Road. These include lots in the 200m<sup>2</sup>-300m<sup>2</sup> range. The sheer scale and continuity of the rectilinear grid is also a dominant built form characteristic.
  - ii. In the western part of the Site, allotments range between 320m<sup>2</sup> to 914m<sup>2</sup>, with most in the 350m<sup>2</sup> – 450m<sup>2</sup> range. The character of the neighbourhood is much more defined by landscape and landform patterns than is the case in the valley, and its combination with the sloping (falling) landform either side of the main ridge spine road, viewers will have a sense of openness and outlook that is different to that experienced on the flat. This will be accentuated by the way that Sub-Precinct H interlinks and undulates with Sub-Precincts J and K. This is not a linear boundary and it means that in many instances viewers from within Sub-Precinct H will be looking at a combination of Sub-Precincts and it will, collectively, give the viewer a greater sense of spaciousness. With the proposed rule changes in place, it will have a more spacious character than the development further west in the valley (but in my view this is in terms of a degree of spaciousness, rather than a substantially different shape or size of allotments).

- iii. At the eastern end of the Site, development tapers downwards again into allotments of approximately 1,000m<sup>2</sup>, and some larger and over 1ha. I consider that this is an obvious tapering down from the suburban allotments in the Site's western area, and acts as a transition towards the edge of the Precinct.
- iv. Immediately east of the Site, along Michael Boshier Way, sites are of varied sizes but are typically around 5,000m<sup>2</sup>. An unusual configuration of narrow, 'finger' shaped allotments will be likely to give this area of the Countryside Living zone a higher density built form character than at the eastern end of the Site. While some allotments are smaller and some houses close together at the street, I regard these as having a countryside living characteristic, and the road as a whole represents another tapering down of density than what is in the Site.
- v. At the eastern end of Michael Boshier Way, allotments along Redoubt Road are typically 5,000m<sup>2</sup> – 1ha. I consider that these have a more spacious character than the dwellings in Michael Boshier Way, and represent the lowest-density of the journey.
- d. In the context of this overall density transition, I consider the PPC will have a negligible overall adverse effect or perceptible change.

7.12 On the basis of the above, I consider that:

- a. In terms of any adverse urban design effects, I consider the proposal would result in a compatible tapering of density in line with what is sought by the Flat Bush Precinct as a whole and Sub-Precinct H specifically. Any adverse effects in urban design terms would be less than minor and not problematic. I consider they have been avoided, remedied or mitigated by the design of the subdivision, and form of the approved subdivision. I consider that these effects are acceptable.
- b. In overall consideration of the above, I consider that the proposal represents the most appropriate urban design outcome for the PPC land and it is supported.

**the proposal should otherwise support the outcomes sought by Sub-Precinct H (and also J and K) relating to subdivision and development**

7.13 This topic is primarily derived from all of the objectives and policies in the Flat Bush Precinct.

7.14 In my opinion the PPC will not materially change the status quo. My key reasons for this conclusion are:



- a. The Sub-Precinct realignment proposed will have negligible perceptible effects and will align the boundaries with the Council-approved subdivision that is being implemented.
- b. The PPC will not materially affect or render irrelevant the approved subdivision, nor is it likely to promote a re-subdivision of lower quality or suitability.
- c. For the reasons outlined above the PPC will retain an appropriate 'degree of spaciousness' in Sub-Precinct H, including by way of road corridors, views out over lower ground in Sub-Precincts J and K, accumulated rear garden space within allotments, and open spaces or trails.
- d. For the reasons outlined above the PPC will retain an appropriate transition or tapering of density out from the Flat Bush Basin to the Rural Countryside Living zone at Redoubt Road.
- e. The PPC will in my opinion result in materially relevant positive urban design effects when the status quo and PPC rules are tested on the approved subdivision allotments. Without the PPC it is likely that built form outcomes will:
  - h. Take on a very repetitive scale and massing of 6-8m wide, 2-storey buildings.
  - ii. Be predominantly garage-scapes, where frontages are predominantly or entirely garages.
  - iii. Rely on windows above the garage (likely to be bedrooms) for passive surveillance in the absence of more genuine activation.

7.15 On the basis of the above, I consider that:

- a. In terms of any adverse urban design effects, I consider the proposal will not result in any material adverse effect different from the existing Precinct rules when considered in the context of the overall outcomes sought for the Sub-Precincts. However it will result in superior urban design outcomes along the streets when considered in terms of the approved subdivision and allotments.
- c. In overall consideration of the above, I consider that the proposal represents the most appropriate urban design outcome for the PPC land and it is supported.

**the proposal should contribute to the subdivision and development outcomes sought for general subdivision and development in the underlying zones**

- 7.16 This topic is primarily derived from the objectives and policies in chapters E38, H3 and H4.
- 7.17 In my opinion, the proposal will successfully contribute to the outcomes sought by the underlying zones and general subdivision provisions. My key reasons for this conclusion are:
- a. The PPC only seeks to change rules within the Precinct overlay, and particularly in terms of the side yard control proposed, are close to the underlying zone rules (1.2m proposed vs. 1m in the MHS zone). The building coverage control proposed is also consistent with the MHS zone standard (40% each).
  - b. The changes proposed to the building coverage rule will have minimal perceptible adverse effects when compared to the standard zone rule, and in light of the extent of open space on the Site (i.e. not just in Sub-Precinct H), I consider that any neighbour-to-neighbour, or neighbourhood-wide amenity effects will be negligible.
  - c. The change in the side yard control will in my opinion be likely to better-serve the underlying zone and subdivision provisions because it is likely to result in more interesting, less garage-dominated street frontages, and greater overlooking / passive surveillance of streets. I consider that this is likely to enhance pedestrian amenity in urban design terms.
  - d. The realignment of Sub-Precinct boundaries to match the subdivision will not have any material effect on the outcomes sought in the underlying zones or subdivision provisions, and in my opinion reflect a landform and landscape-based solution that retains much of the landform's natural, incised gully-system character.
  - e. The proposal will overall have a negligible effect on the approved subdivision or any aspect of subsequent development relevant to the underlying zone and subdivision provisions; it will not result in any developmental or operational issues with the subdivision or allotment pattern, and will not compromise or undermine the amenity or utility of any allotment. I do not regard the PPC as a gateway to allow more density than the existing planning provisions already enable, including up to 2 dwellings per site or integrated residential development.
  - f. The development will remain in the low-to-medium range of density outcomes enabled by the MHS zone (and Single House zone in terms of Sub-Precinct K).
- 7.18 On the basis of the above, I consider that:
- a. In terms of any adverse urban design effects, I consider the proposal would result in successfully planned low-to-medium density residential living that will not give rise to any adverse effects of concern when considered in terms of the underlying zone provisions. The PPC will

however be more likely to better achieve the underlying zone provisions relating to pedestrian amenity and safety on streets, and the quality of development facing streets than the existing Precinct rules in the context of the approved subdivision.

- b. In overall consideration of the above, I consider that the proposal represents the most appropriate urban design outcome for the PPC land and it is supported.

### **the proposal should demonstrate how the site's opportunities and constraints have been positively responded to**

7.19 At the fundamental design and layout level, the way in which a proposal responds to its site characteristics, opportunities and constraints is regarded by urban designers as one of the key ways that potential adverse effects can be avoided, remedied or mitigated (and that potential positive effects can be maximised). In this respect, this topic relates to all of the AUP: OP RPS provisions relevant to the PPC.

7.20 In my opinion, the proposal represents a logical and successful response to its context. My key reasons for this conclusion are:

- a. The PPC proposes what I would describe as 'surgical' changes to the Precinct rules only, and no changes to the relevant objectives or policies. The zone and sub-precinct boundaries are proposed to be slightly realigned but in way that does not materially change the existing status quo. In that respect it is an inherently discrete matter for assessment.
- b. The key contextual issues relevant to the PPC are considered to be:
  - i. The complex interplay and intertwining between the Sub-Precincts H, J and K;
  - ii. The landform and landscape setting of the Site; and
  - iii. The approved subdivision that is in the process of being implemented.
- c. The PPC will not change the approved subdivision or the built form pattern that will result.
- d. The PPC will not affect or detract from the way that the built form interacts with the landscape or landform, noting that the proposed Sub-Precinct realignment will have negligible effects given that it is based on the approved subdivision itself.

- e. The PPC will result in a better land use interface along the streets than would otherwise be very likely to occur, and I regard it as a relevant matter of positively responding to that context.
- f. The proposal will diminish some aspects of public spaciousness that would result from the current Precinct rules, but not the extent that an appropriate degree of spaciousness would no longer be provided, noting that in my view the PPC will likely result in larger and more spacious rear gardens on allotments. I can support the loss of 'public' spaciousness on the basis that in urban design terms this will be offset by other urban design benefits very likely to arise from wider buildings along the approved allotment frontages.
- g. The characteristics, scale and character of buildings likely to result from the PPC rules will be similar to the existing rules (to the extent that minimal obvious adverse effects would be apparent in the wider environment), although the underlying zoning being MHS and the Precinct being relatively modest in its expectation of a "degree of spaciousness" has been a key part in my support of the PPC. Had the underlying zone been Single House zone, and / or if the Precinct had sought "spaciousness" more generally or "spaciousness between houses" specifically, I would have had more difficulty supporting the proposal.

7.21 On the basis of the above, I consider that:

- a. In terms of any adverse urban design effects, I consider the proposal responds logically and appropriately to the site's opportunities and constraints. The proposal will be successful at avoiding, remedying or mitigating potential urban design effects, and will likely deliver urban design benefits to the street frontages.
- b. In overall consideration of the above, I consider that the proposal represents the most appropriate urban design outcome for the PPC land and it is supported.

### **overall urban design merit**

7.22 In light of the above analyses, I have turned my mind to a cumulative and overall assessment of urban design merit. The proposal is unusual in that it is both site-specific and applicable only to a small number of development control rules. Adding further complexity is that a subdivision consent has been granted and will be implemented to form streets, blocks and open spaces (although I expect further changes to occur as the allotments are purchased and developed, as is the norm).

7.23 I consider that the existing 3m side yard setbacks are unnecessary to provide the intended degree of spaciousness sought for the Sub-Precinct, and that there are already development pathways available to developers to bypass these

sufficient that I do not have confidence that they can be presumed to be a 'given' that will occur in some or potentially many instances. The RMA boundary activity provisions in particular offer a very simple means for purchasers and their neighbours to considerably increase their site utility at the time of building.

- 7.24 In that context I have assessed the proposal and I support it. The changes to the side yard control, specifically in terms of the approved subdivision that is in the process of being implemented, are likely to result in urban design benefits and improved streetscape outcomes. Retention of the Precinct Height in Relation to Boundary Control will maintain the degree of spaciousness between the sides of buildings above 1-storey in height.
- 7.25 It is also very relevant to me that the urban structure proposed by the subdivision provides certainty as to most of the spaciousness that will eventuate, including open spaces, road corridors, smaller-than-normal blocks, and larger lots (over 1,000m<sup>2</sup>) that will provide a clear spatial buffer to the eastern Rural – Countryside Living zone and Redoubt Road ridge. For this reason I have no reason to oppose the building coverage change proposed or the realignment of Sub-Precinct boundaries to match the allotments in the approved subdivision.
- 7.26 Overall and on balance, I consider the change to be logical and practical. It is likely to promote greater urban design benefits but bring few if any real-world adverse effects of note. The key planning outcomes sought by the AUP: OP will still be achieved.

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## 8. conclusions

- 8.1 This report documents an independent analysis of an application for a Private Plan Change to modify Sub-Precinct H of the Flat Bush Precinct at 87 McQuoids Road, known as Bremner Ridge. The application has been made to Auckland Council under the Resource Management Act 1991 ("RMA") in terms of the Auckland Unitary Plan (Operative in Part) "**AUP: OP**". The key conclusions of this report are that:
- a. The application raises discrete issues that do not materially seek to change the resource management framework that applies to the land. No changes to any objective or policy that applies to the Site are proposed.
  - b. In urban design terms, the proposal to adjust the boundaries of the Sub-Precincts to align with an approved subdivision will raise negligible adverse urban design effects. It is a logical way of aligning the AUP: OP with what has occurred in the 'real world'.
  - c. In terms of the proposed changes to the side yard control, I consider that this will have very limited real-world urban design effects. The 3m yard

setback could already be significantly reduced or avoided by way of the RMA boundary activity provisions and the underlying provision for integrated residential developments / more than 3-units per site (also relying on the definition of 'site' in the AUP: OP) that exists in the zone whereby, on a super-lot, internal side boundaries would cease to apply in any event. My analysis of the subdivision and existing development controls, and publicly visible places where the subdivision could be seen in the wider environment, is that there are few instances where viewers might have been exposed to 6m-wide de-facto viewshafts now likely to be lost.

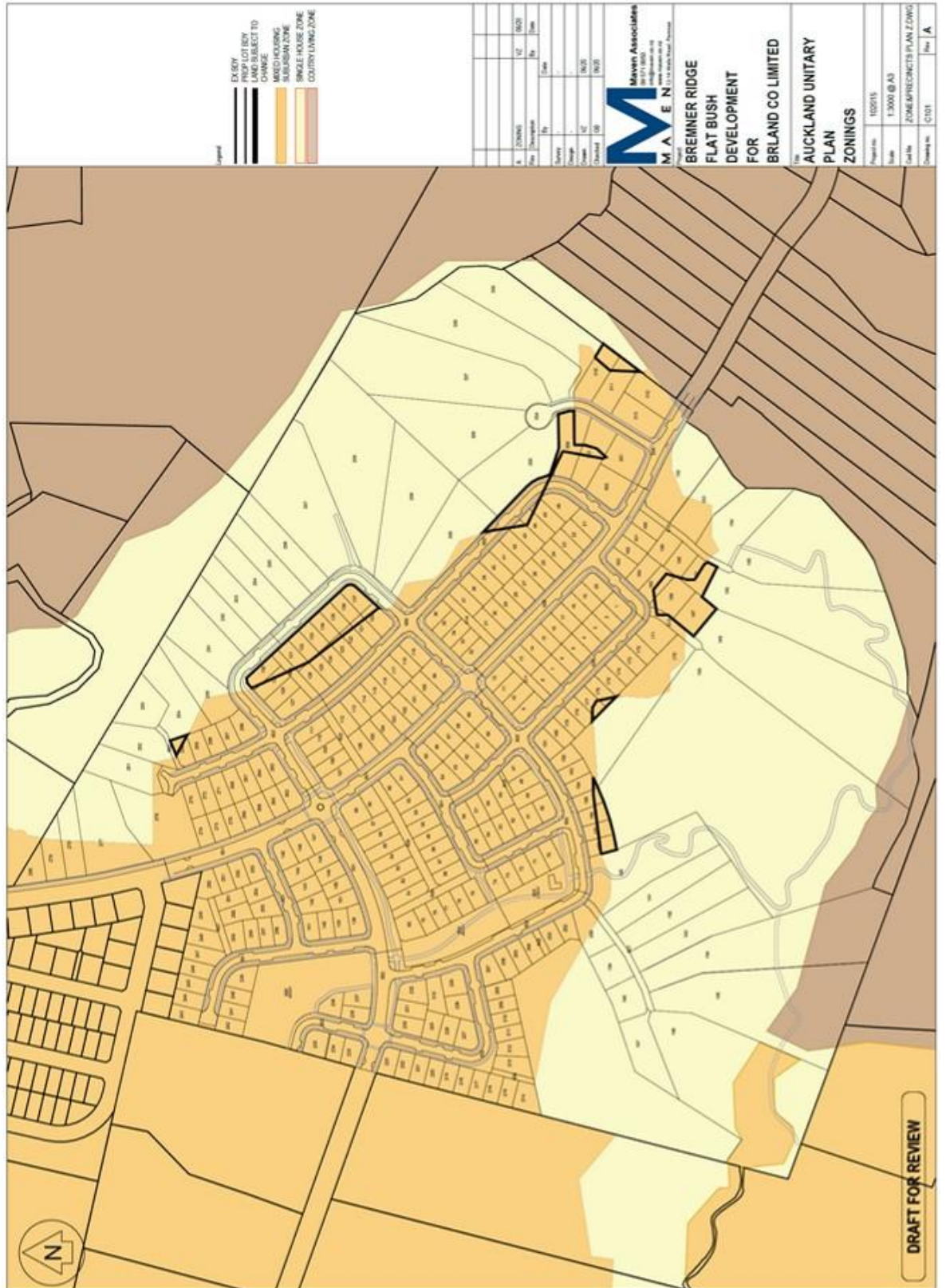
- d. In terms of the proposed changes to the building coverage control, I regard this as practical and enabling of an efficient use of the land. The front yard and rear yard controls will be the key shapers of open space and spaciousness around and between buildings, and the rear yard will in particular create the most substantial 'pools' of concentrated open space based on the relatively conventional block structure that has been approved, and that it presents the 'backs' of lots adjoining one another.
- e. Cumulatively the changes to the controls together will allow land use outcomes that better reflect the applicable objectives and policies of the zone and sub-precinct. Although theoretically allowing more development than is currently the case if only considered in the narrow context of vacant fee-simple subdivision and independent lot development, once the full suite of Plan and RMA provisions that will manage development of the land are taken into consideration, it is only the change to the building coverage control that I consider is likely to definitively change what could have otherwise happened in the 'status quo'. In that respect, I consider the urban design effects of this change will not be material or problematic.

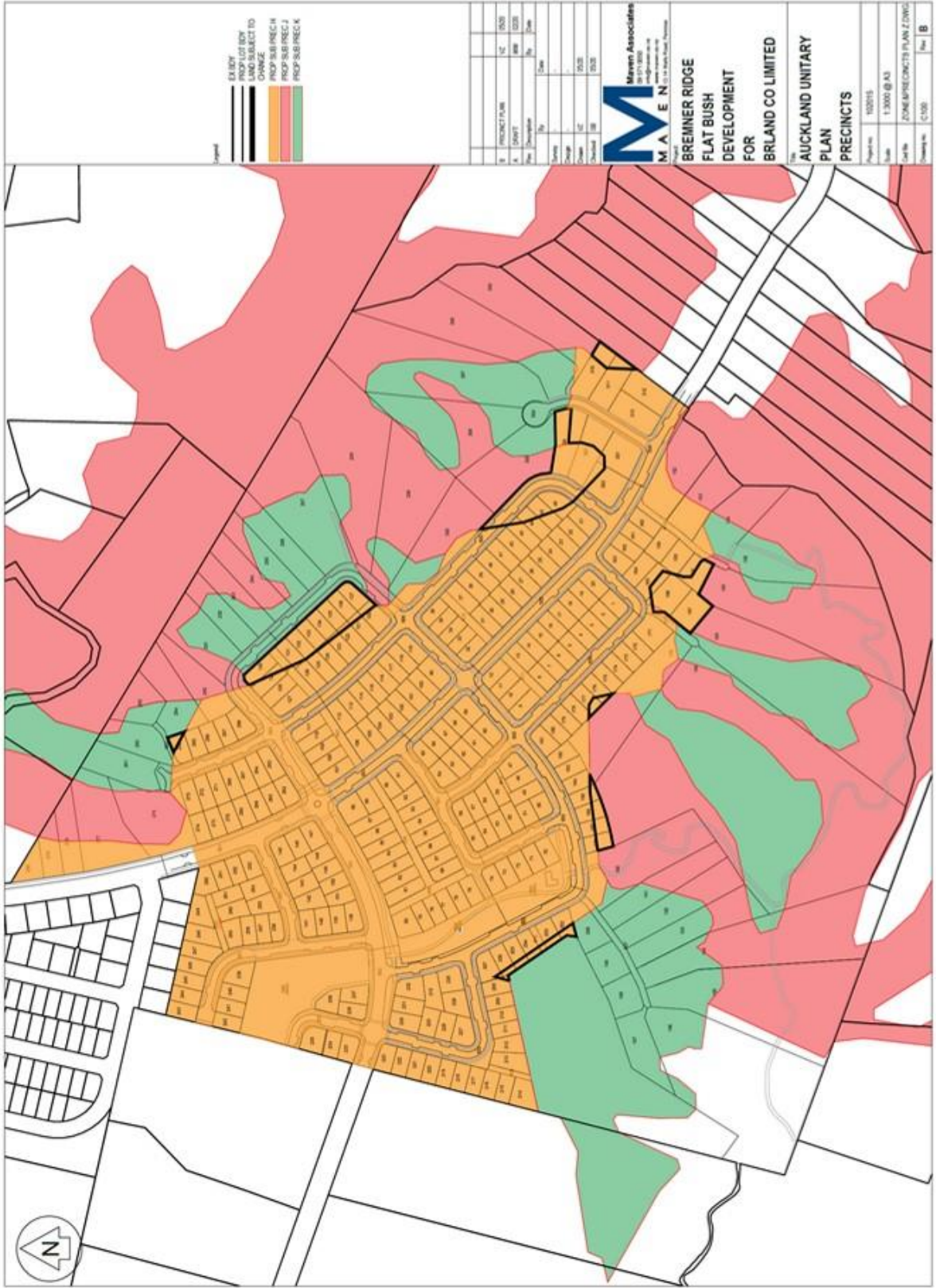
- 8.2 The private plan change application is considered to be the most practical and appropriate urban design outcome for the Site including the urban form-related provisions of the Flat Bush Precinct, Mixed Housing Suburban zone, Single House zone, and Urban Subdivision chapters of the AUP: OP.



# ATTACHMENT 1 – ZONES AND SUB-PRECINCTS

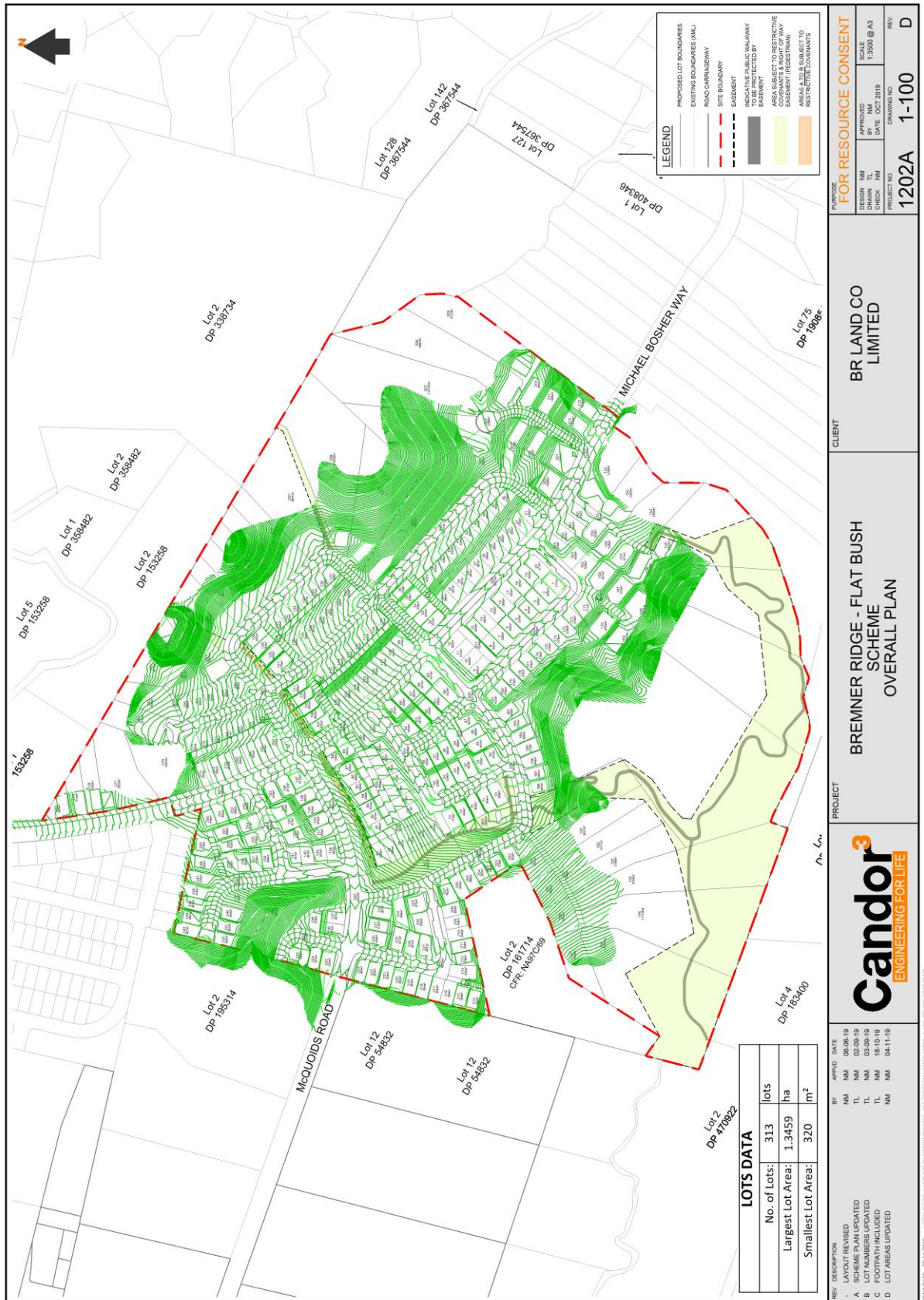
No scale, source: BR Land Co Ltd.







**ATTACHMENT 2 – APPROVED SUBDIVISION IN PROCESS OF BEING IMPLEMENTED (SUB60300672)**  
 No scale, source: BR Land Co Ltd.



**ATTACHMENT 3A – APPROVED LANDSCAPE PLAN FOR SUBDIVISION**  
No scale, source: BR Land Co Ltd, from Greenwood & Associates Ltd.





**ATTACHMENT 3B – APPROVED REVEGETATION PLAN FOR SUBDIVISION**  
No scale, source: BR Land Co Ltd, from Greenwood & Associates Ltd.



**ATTACHMENT 4 – ALLOTMENTS PURCHASED TO DATE IN 'BUNDLES'**  
No scale, source: BR Land Co Ltd.





**ATTACHMENT 5 – ALLOTMENTS BASED ON REAR LANE ACCESS**  
No scale, source: BR Land Co Ltd.



**ATTACHMENT 6 – VIEW CORRIDORS CREATED BY ROAD / ACCESSWAY LAYOUT IN APPROVED SUBDIVISION**  
No scale, source: BR Land Co Ltd.







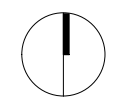


**Note:** Drawings are indicative only and are subject to survey confirmation, design development and separate consultant input.

**Reference**

Example block used for massing study

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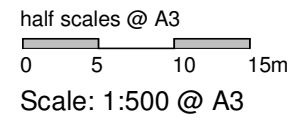




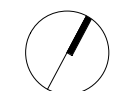


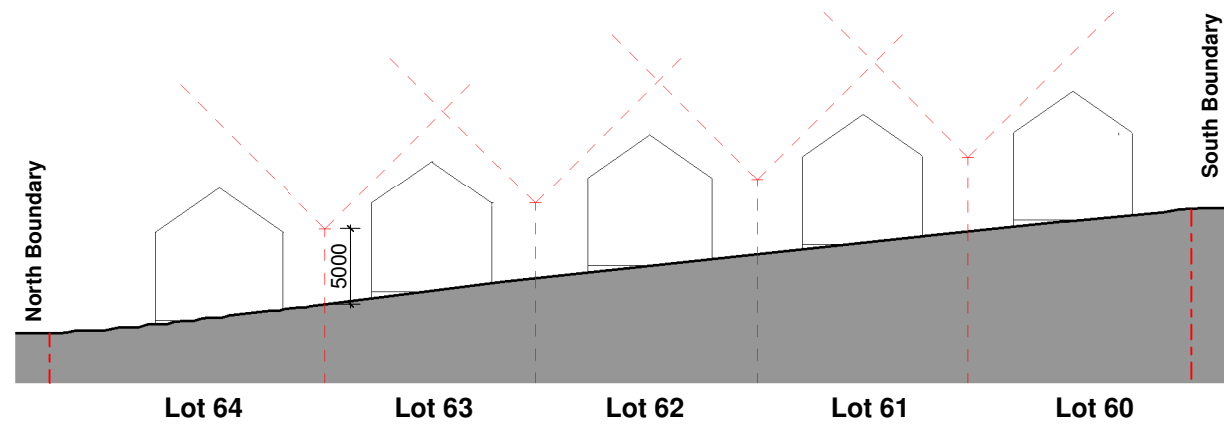
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**Note:** Drawings are indicative only and are subject to survey confirmation, design development and separate consultant input.

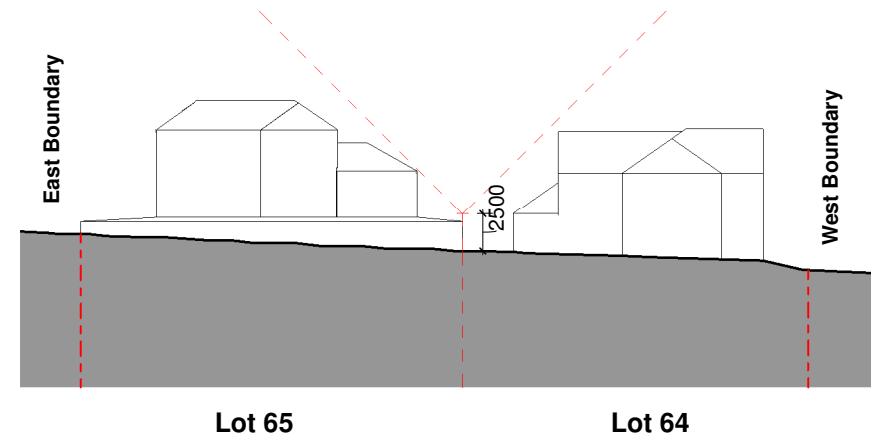


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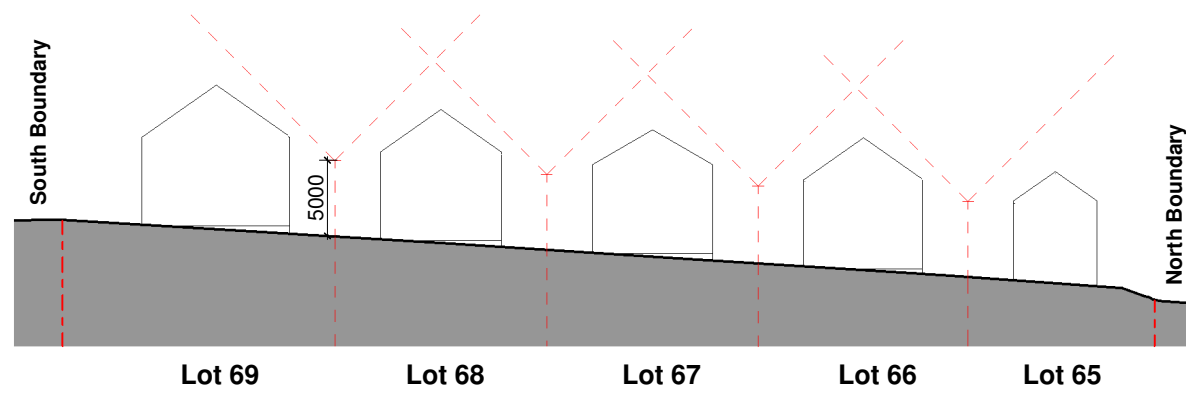




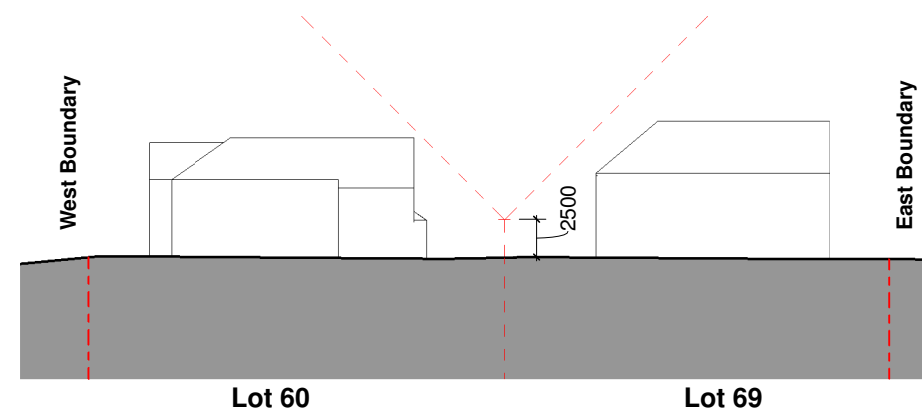
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SK-101 Elevation - West Boundary



2 1 : 250 Elevation  
SK-101 Elevation - North Boundary



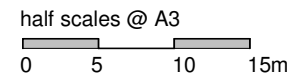
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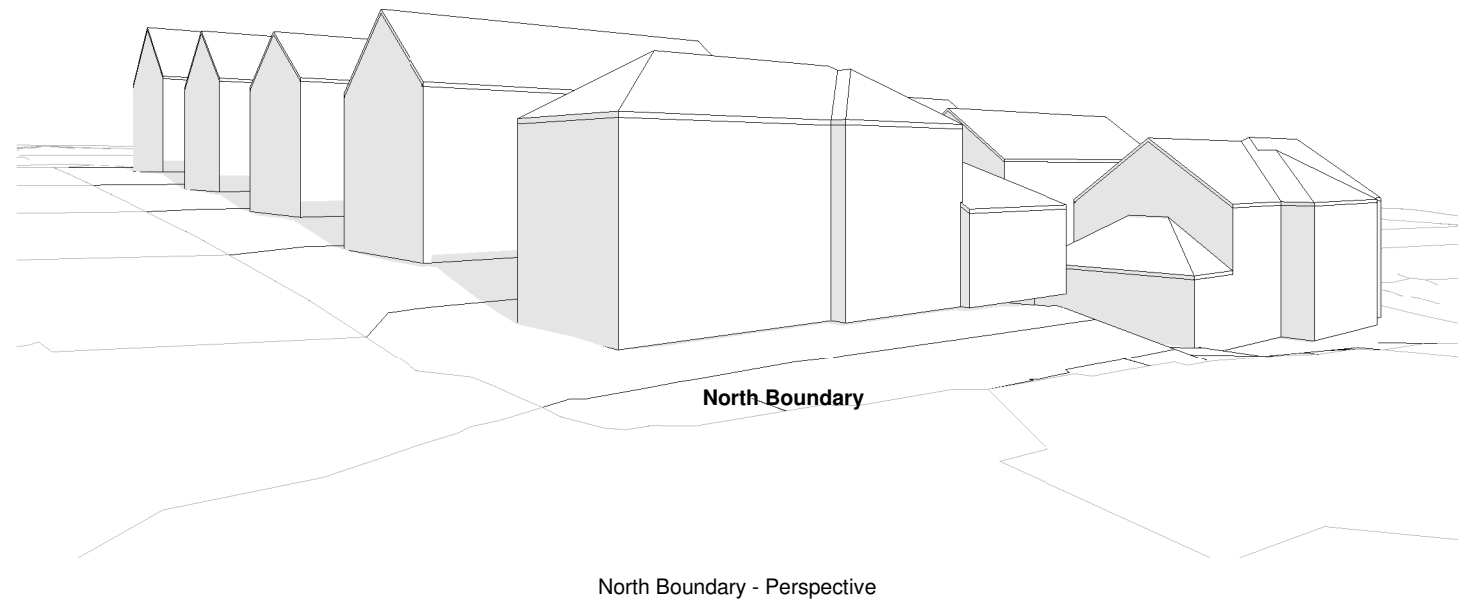
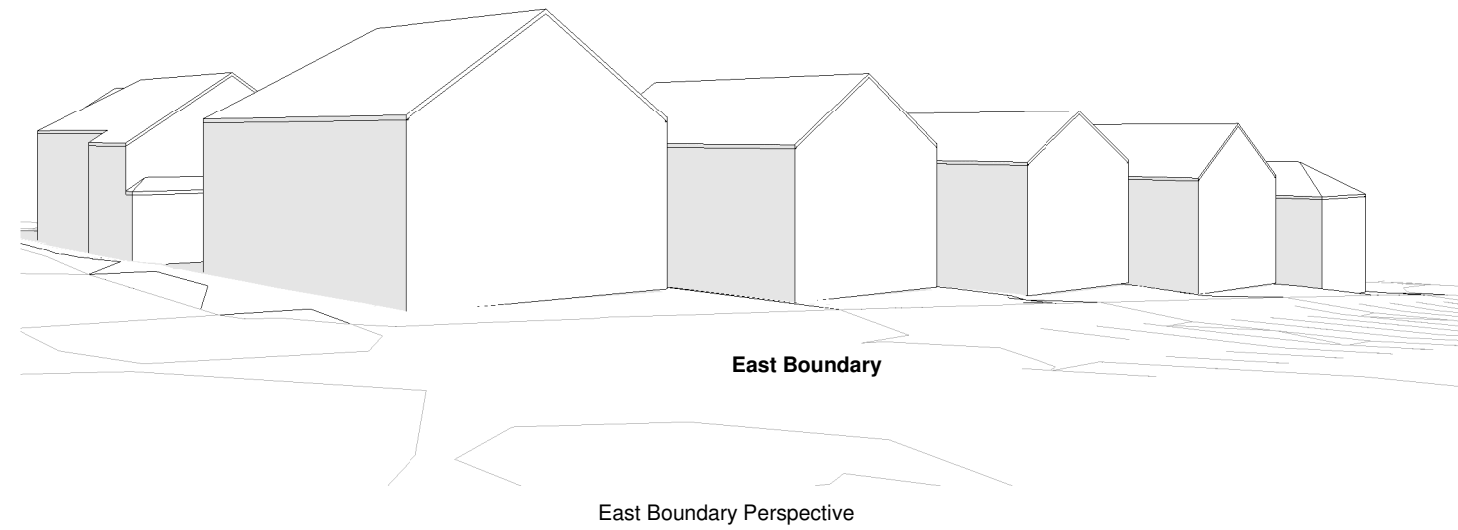
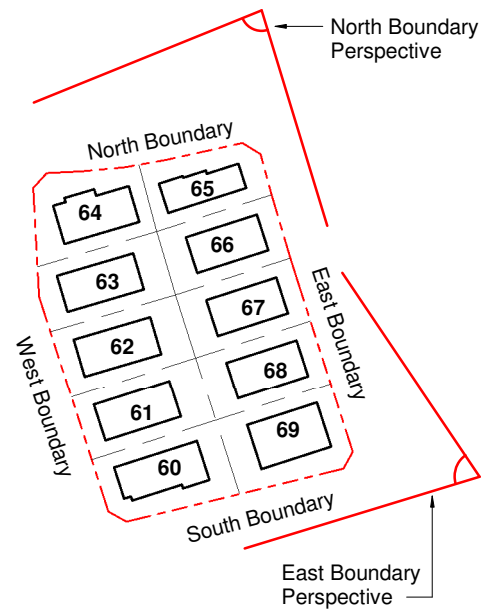
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SK-101 Elevation - South Boundary

**HIRB Reference**  
**5m and 45°** height in relation to boundary control applied on side yards  
**2.5m and 45°** height in relation to boundary control applied on rear yards

**Note:** Drawings are indicative only and are subject to survey confirmation, design development and separate consultant input.

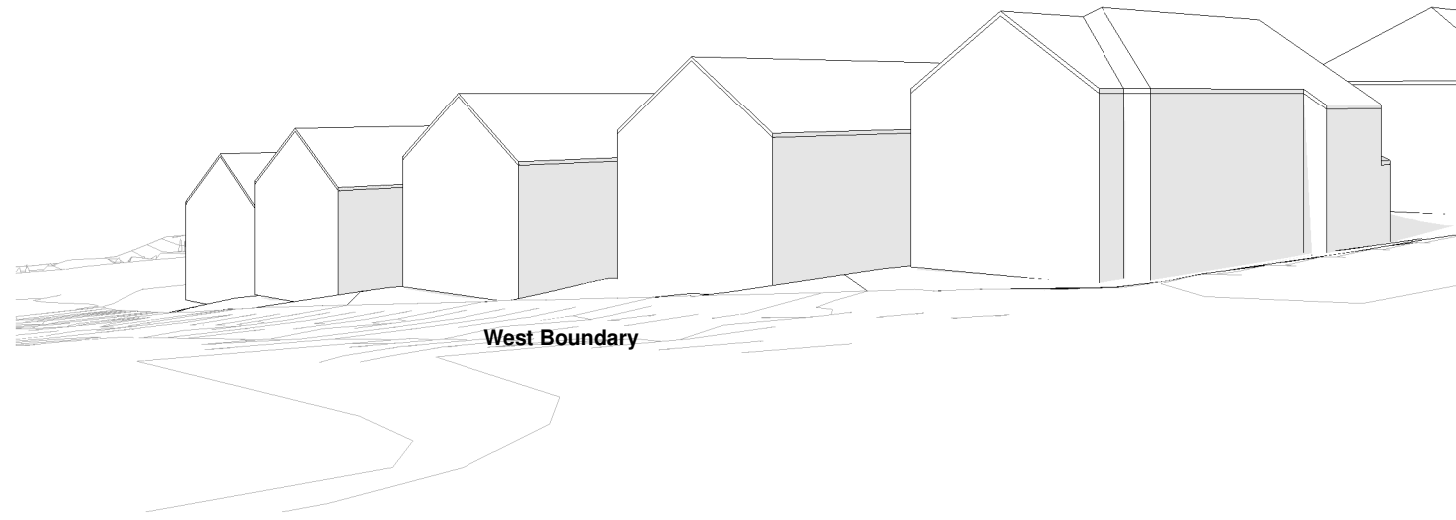
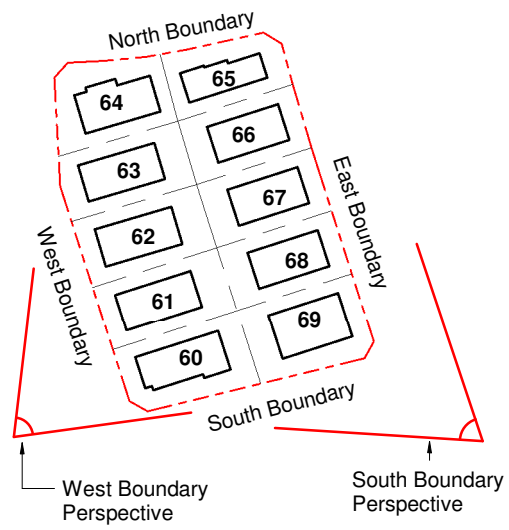


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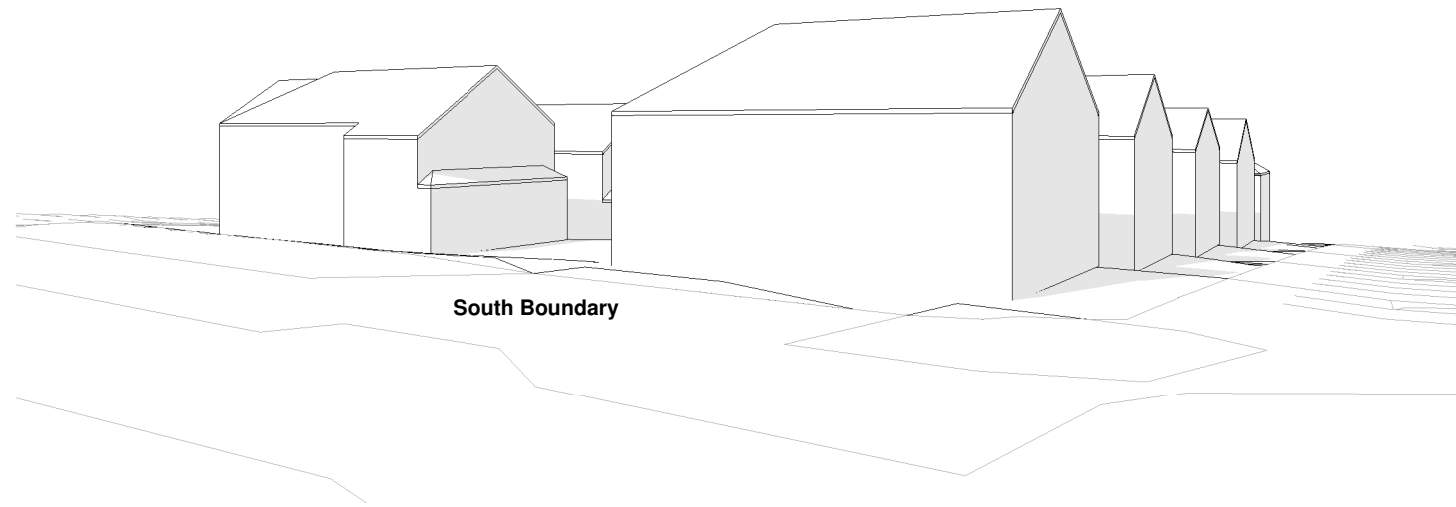


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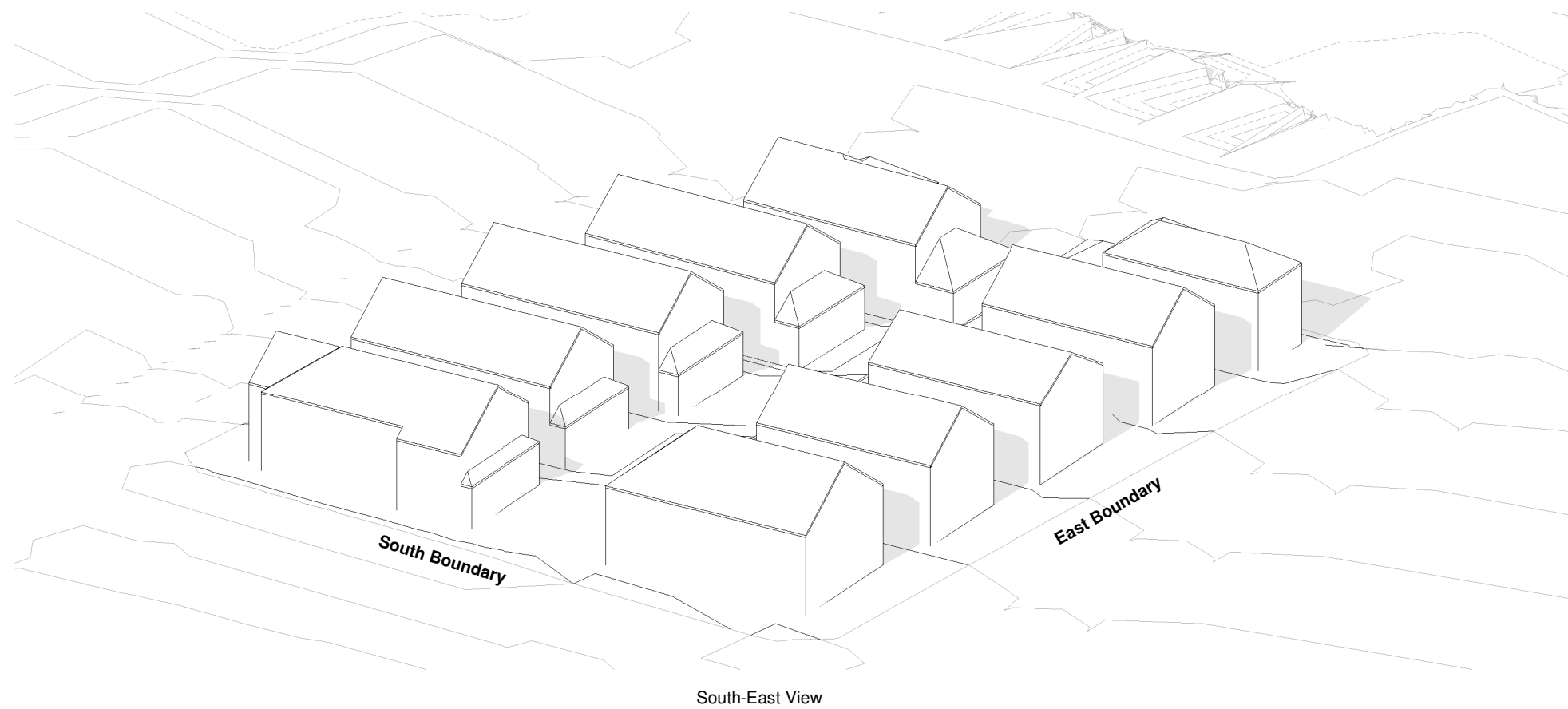
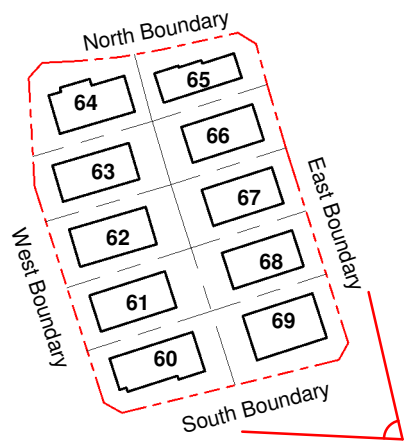
West Boundary - Perspective



South Boundary Perspective

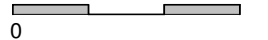
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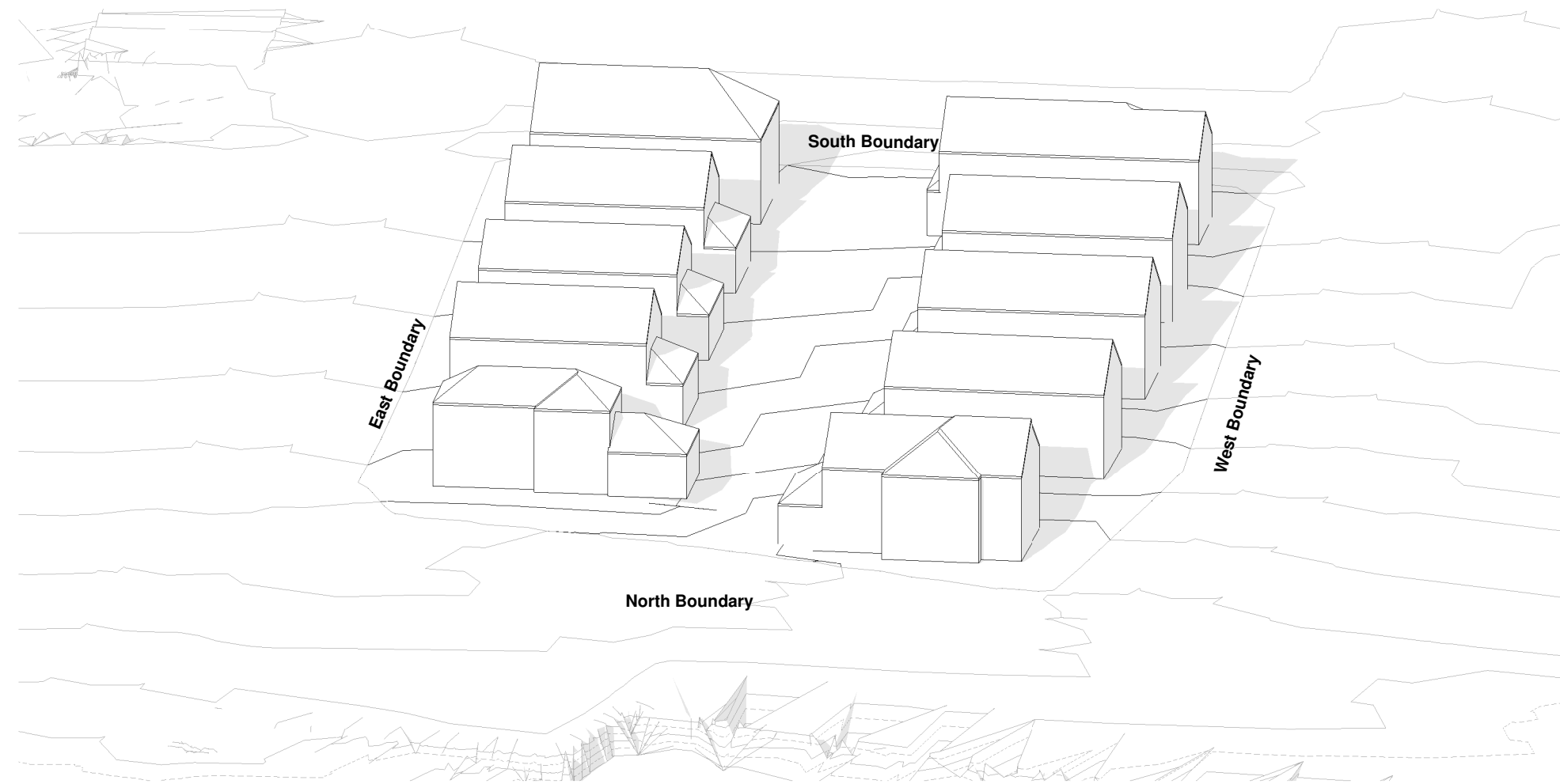
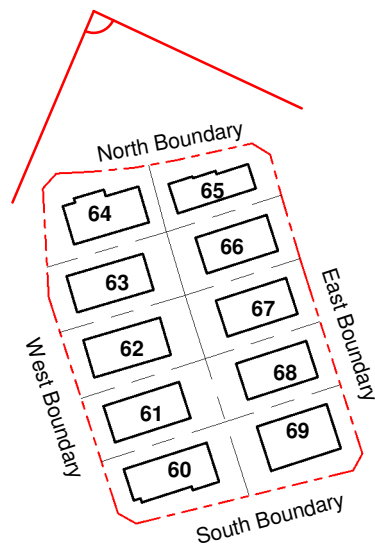
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South-East View


**Note:** Drawings are indicative only and are subject to survey confirmation, design development and separate consultant input.

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North-View

**Note:** Drawings are indicative only and are subject to survey confirmation, design development and separate consultant input.

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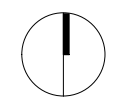




**Note:** Drawings are indicative only and are subject to survey confirmation, design development and separate consultant input.

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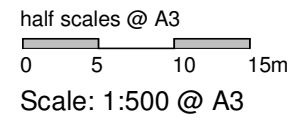




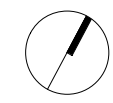


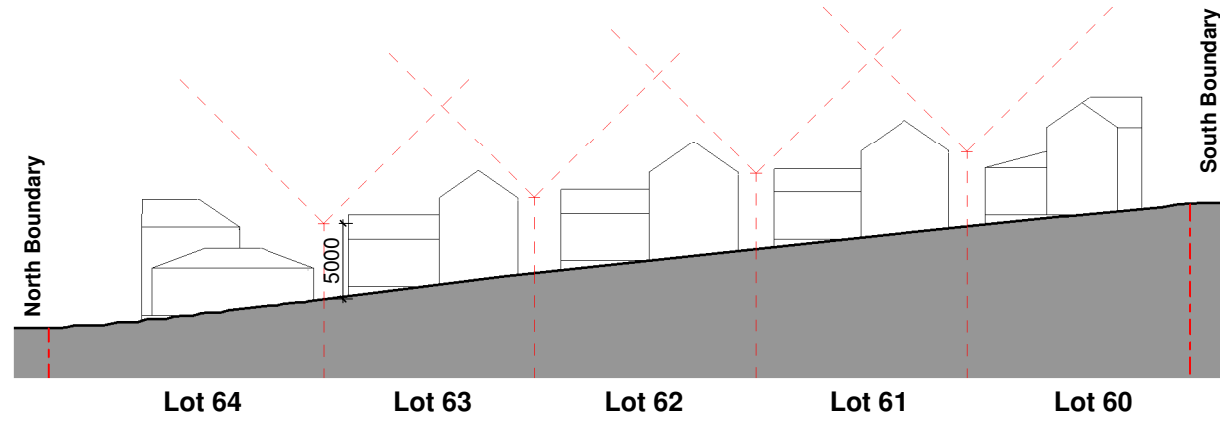
**Note:** Building areas all calculate up to 40% building coverage.

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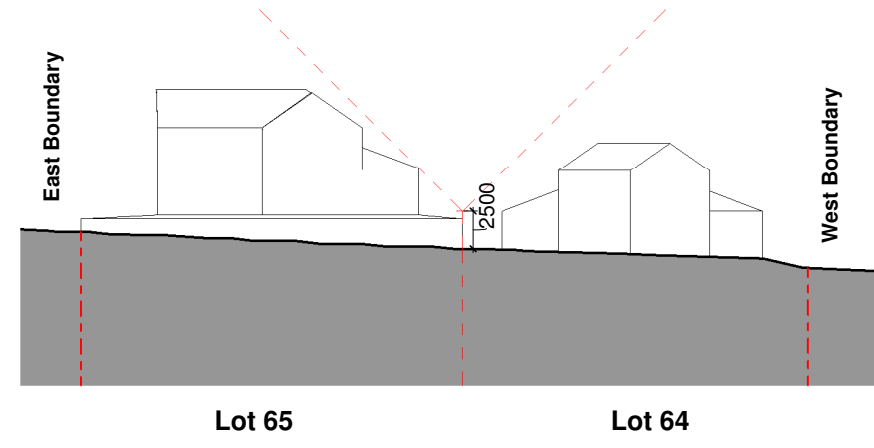


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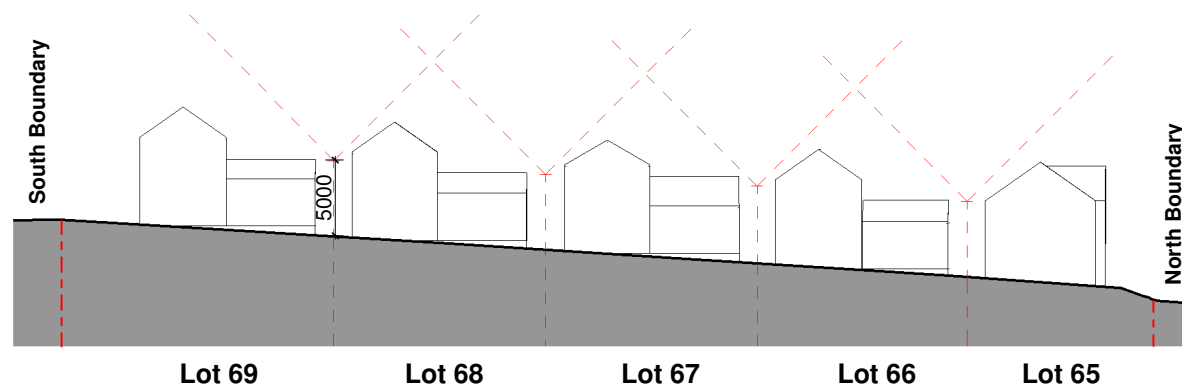




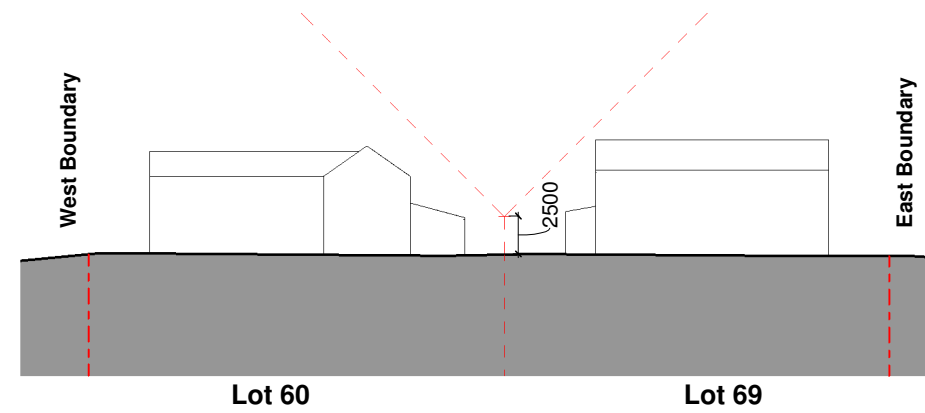
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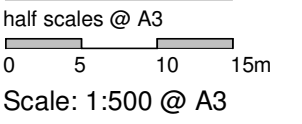
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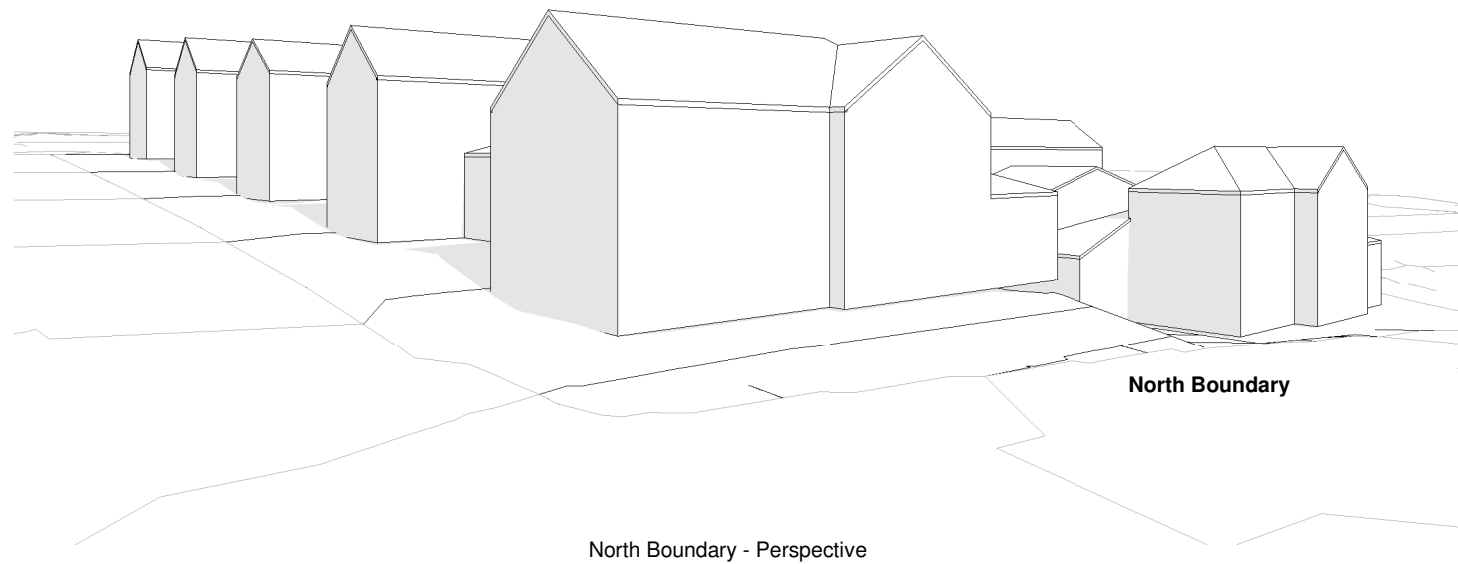
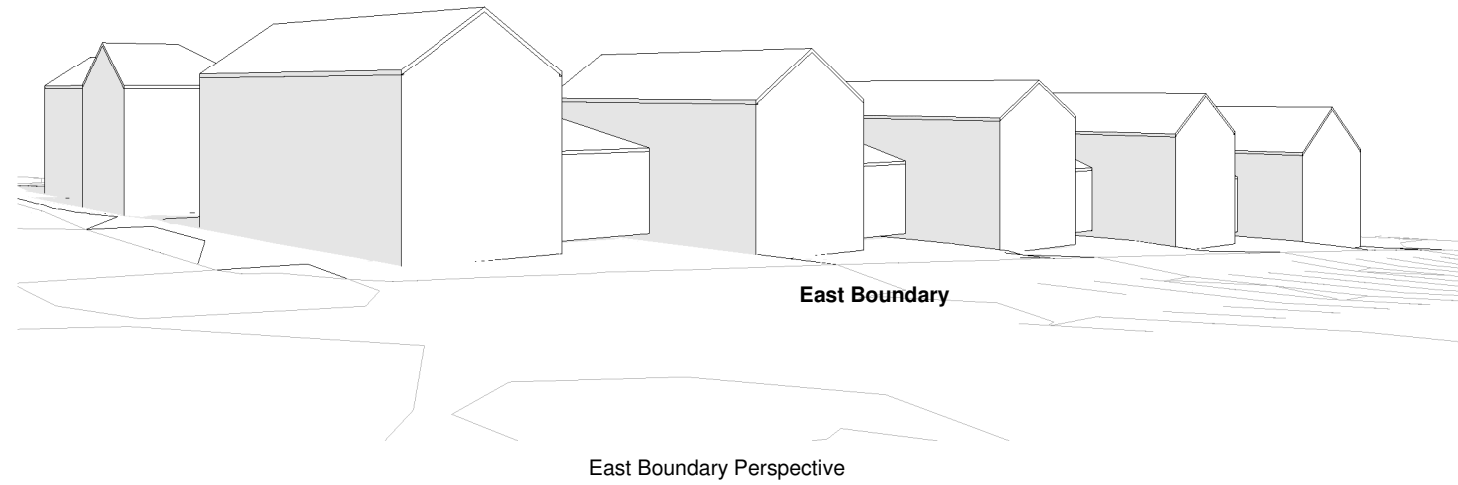
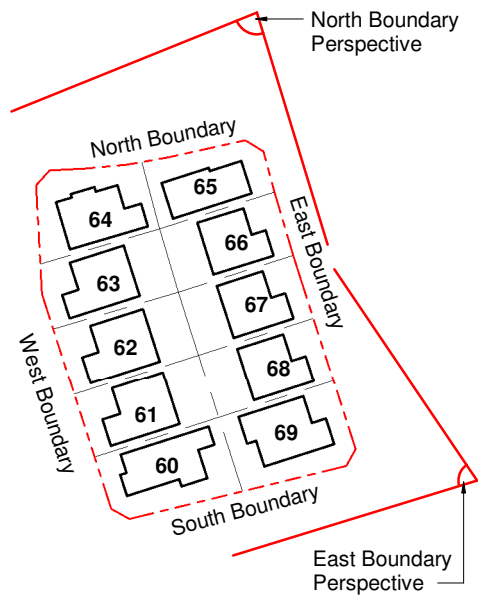


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Elevation - South Boundary

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**5m and 45°** height in relation to boundary control applied on side yards  
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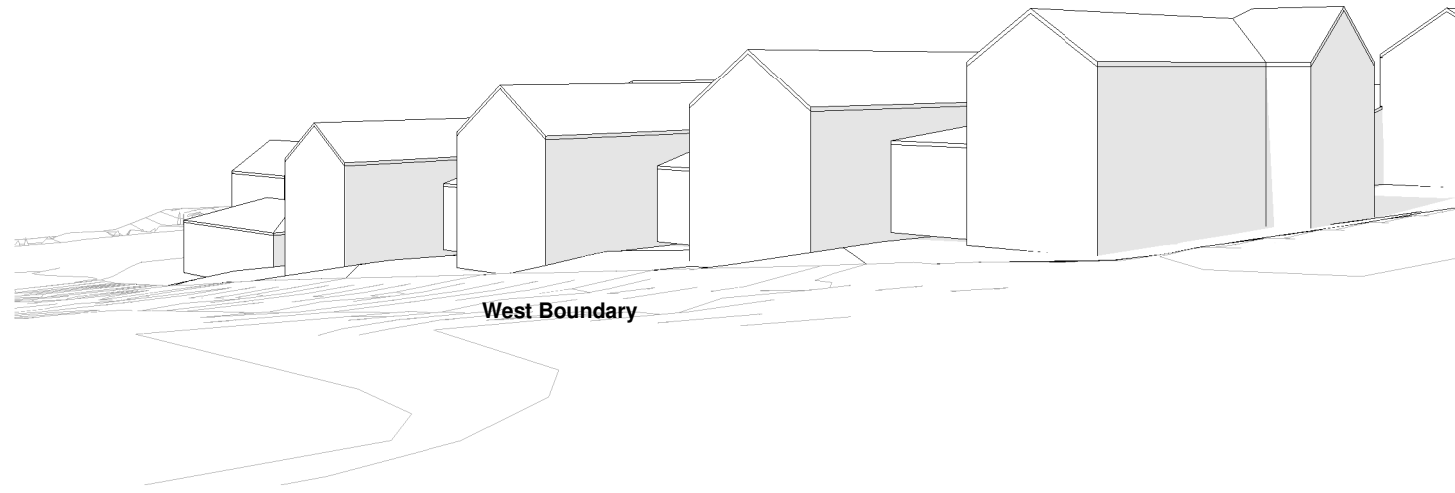
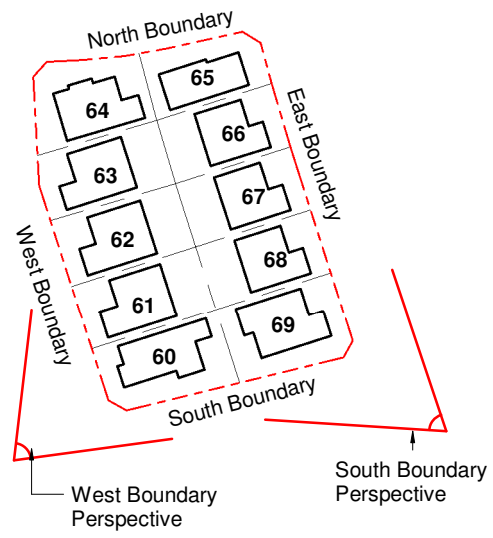
**Note:** Drawings are indicative only and are subject to survey confirmation, design development and separate consultant input.



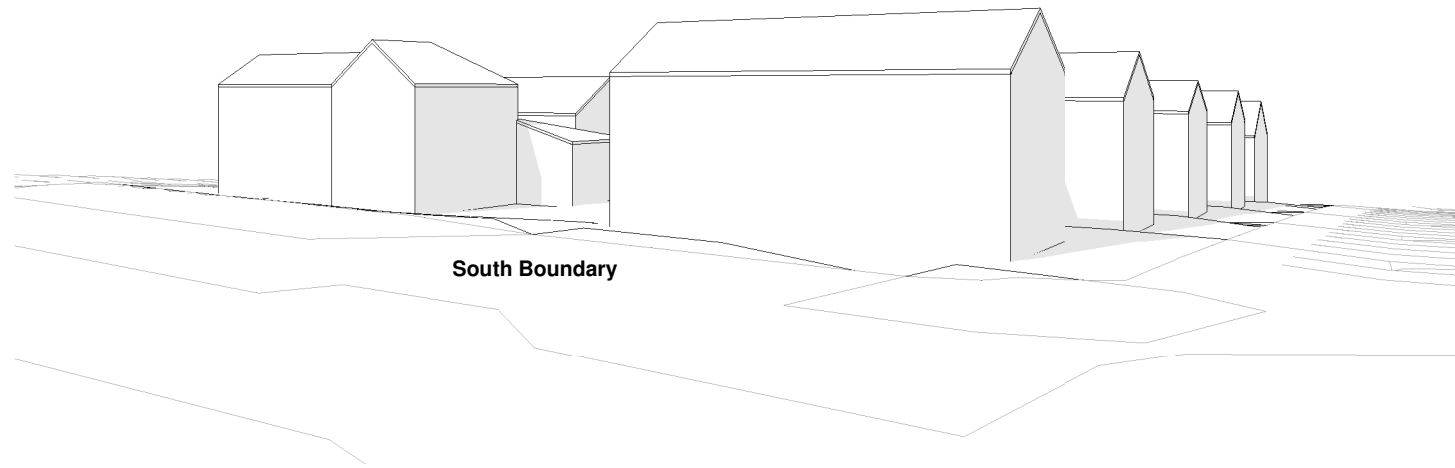


**Note:** Drawings are indicative only and are subject to survey confirmation, design development and separate consultant input.

half scales @ A3  
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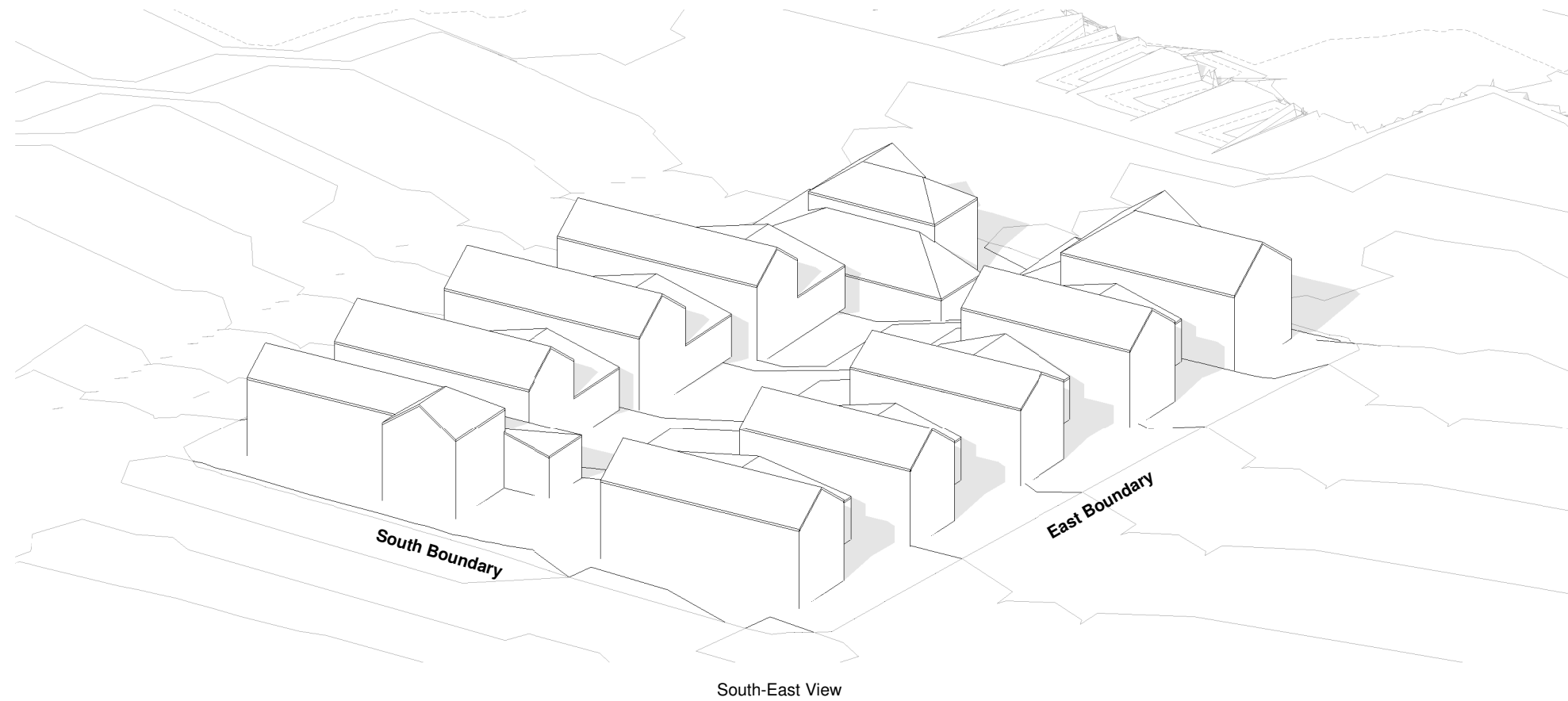
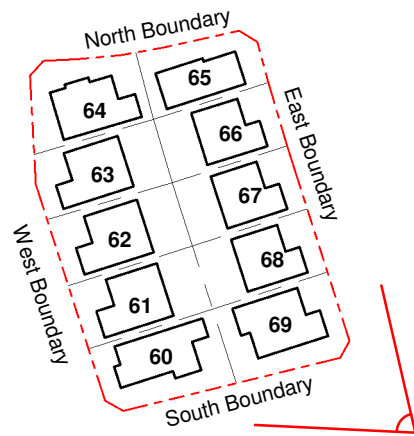
West Boundary - Perspective



South Boundary Perspective

**Note:** Drawings are indicative only and are subject to survey confirmation, design development and separate consultant input.

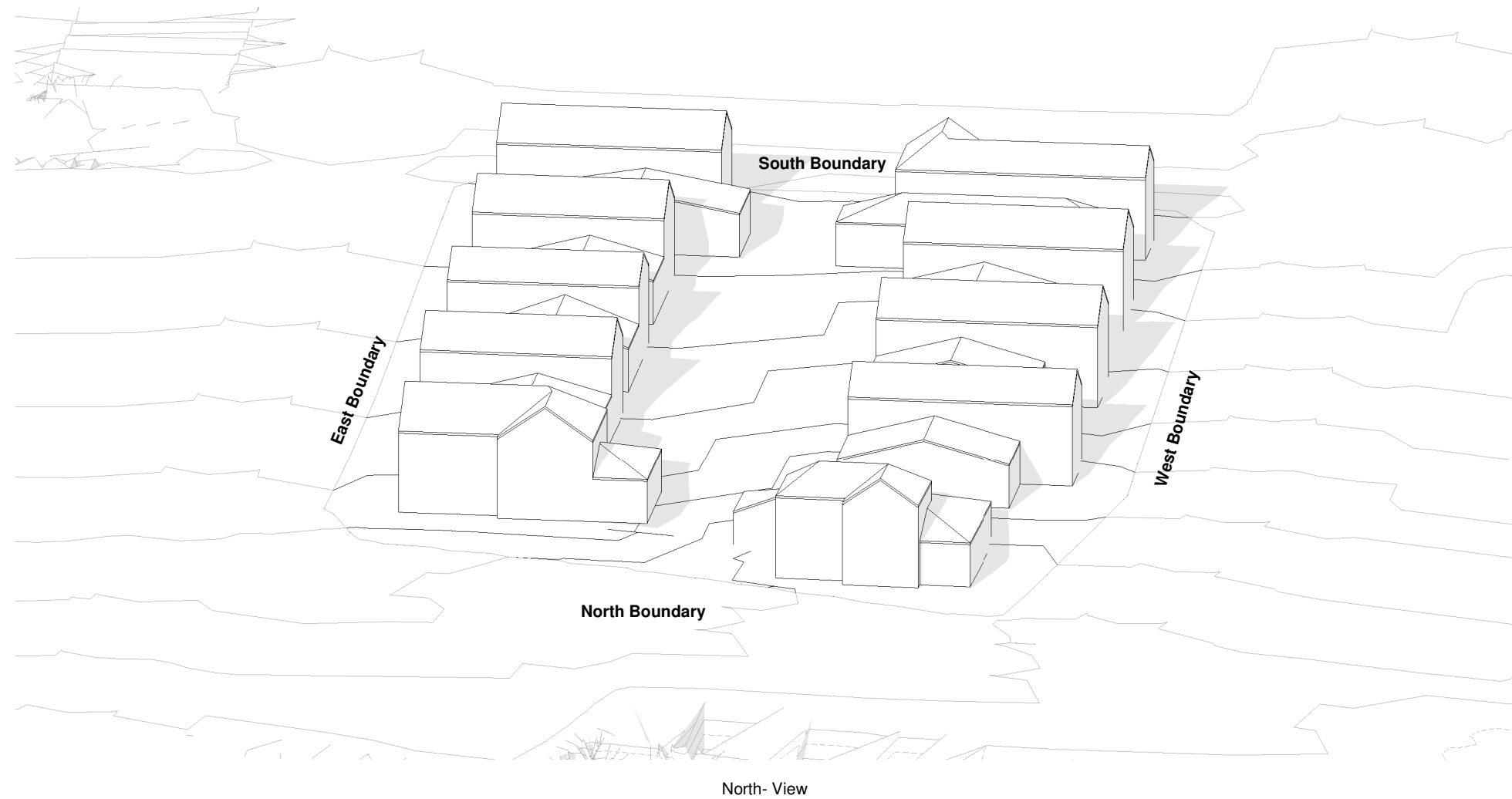
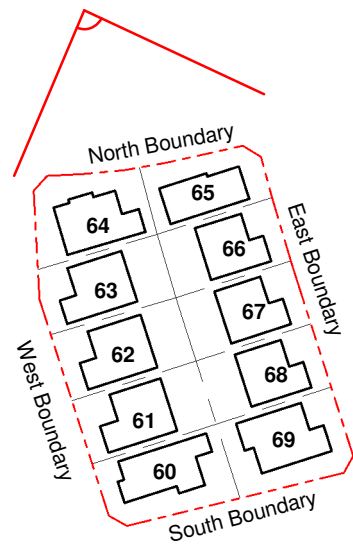
half scales @ A3



**Note:** Drawings are indicative only and are subject to survey confirmation, design development and separate consultant input.

half scales @ A3  

 0



North- View

**Note:** Drawings are indicative only and are subject to survey confirmation, design development and separate consultant input.

half scales @ A3  
0



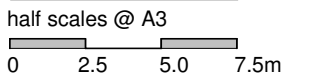


1  
SK-101 1 : 125 Elevation  
Elevation - West Boundary



2  
SK-101 1 : 125 Elevation  
Elevation - East Boundary

**Note:** Drawings are indicative only and are subject to survey confirmation, design development and separate consultant input.



Scale: 1:250 @ A3

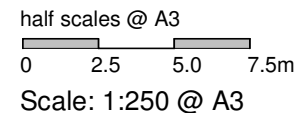


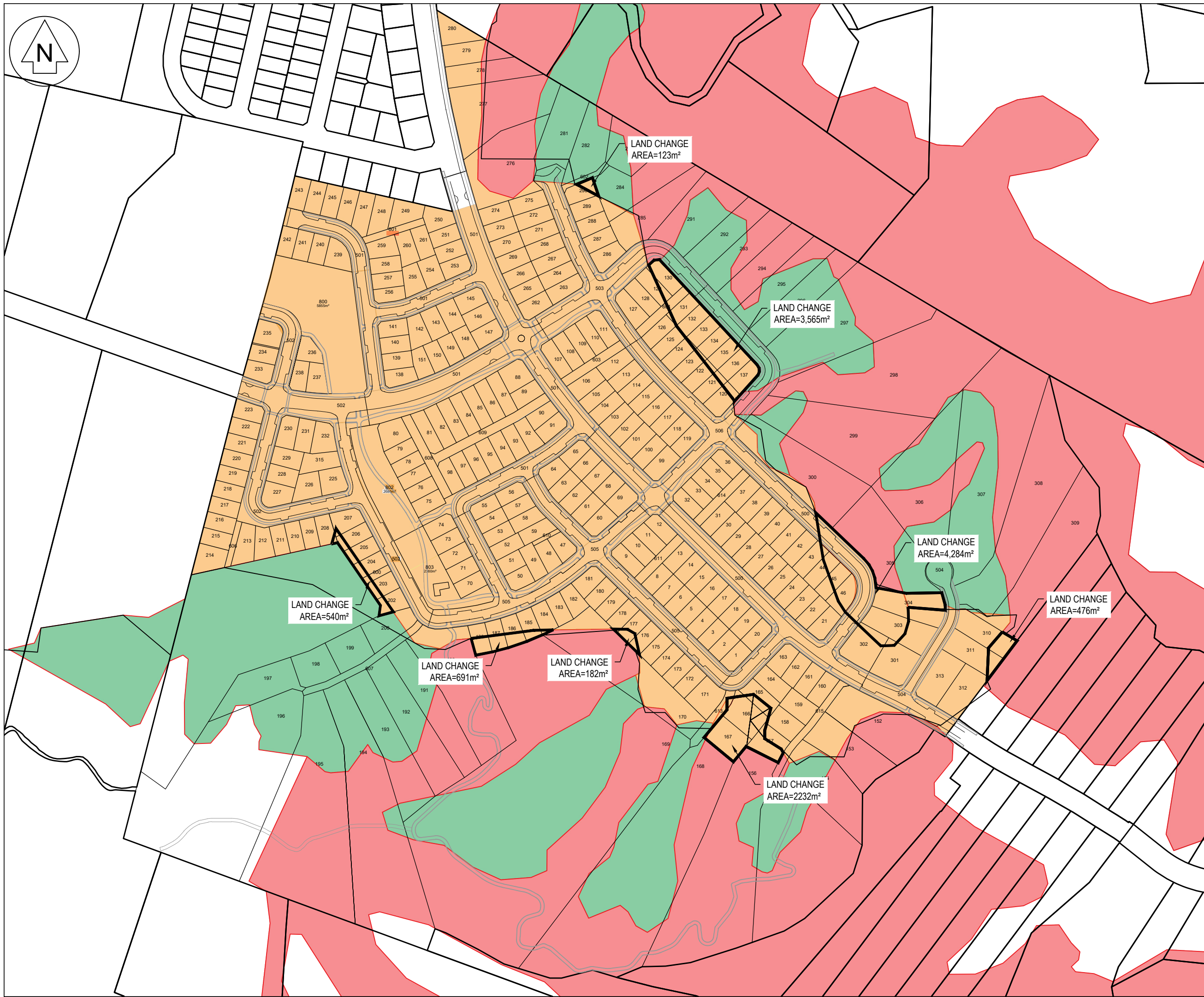
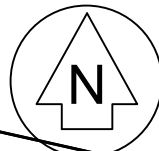
1  
SK-201 1 : 125 Elevation  
Elevation - West Boundary



2  
SK-201 1 : 125 Elevation  
Elevation - East Boundary

**Note:** Drawings are indicative only and are subject to survey confirmation, design development and separate consultant input.





LAND CHANGE  
AREA=123m<sup>2</sup>

LAND CHANGE  
AREA=3,565m<sup>2</sup>

LAND CHANGE  
AREA=4,284m<sup>2</sup>

LAND CHANGE  
AREA=540m<sup>2</sup>

LAND CHANGE  
AREA=476m<sup>2</sup>

LAND CHANGE  
AREA=691m<sup>2</sup>

LAND CHANGE  
AREA=182m<sup>2</sup>

LAND CHANGE  
AREA=2232m<sup>2</sup>

Legend

- EX BDY
- PROP LOT BDY
- LAND SUBJECT TO CHANGE
- PROP SUB PREC H
- PROP SUB PREC J
- PROP SUB PREC K

C	PRINCINCT PLAN	VZ	07/20
B	PRINCINCT PLAN	VZ	05/20
A	DRAFT	WW	02/20
Rev	Description	By	Date
		By	Date
Survey	-	-	-
Design	-	-	-
Drawn	VZ	05/20	
Checked	GB	05/20	

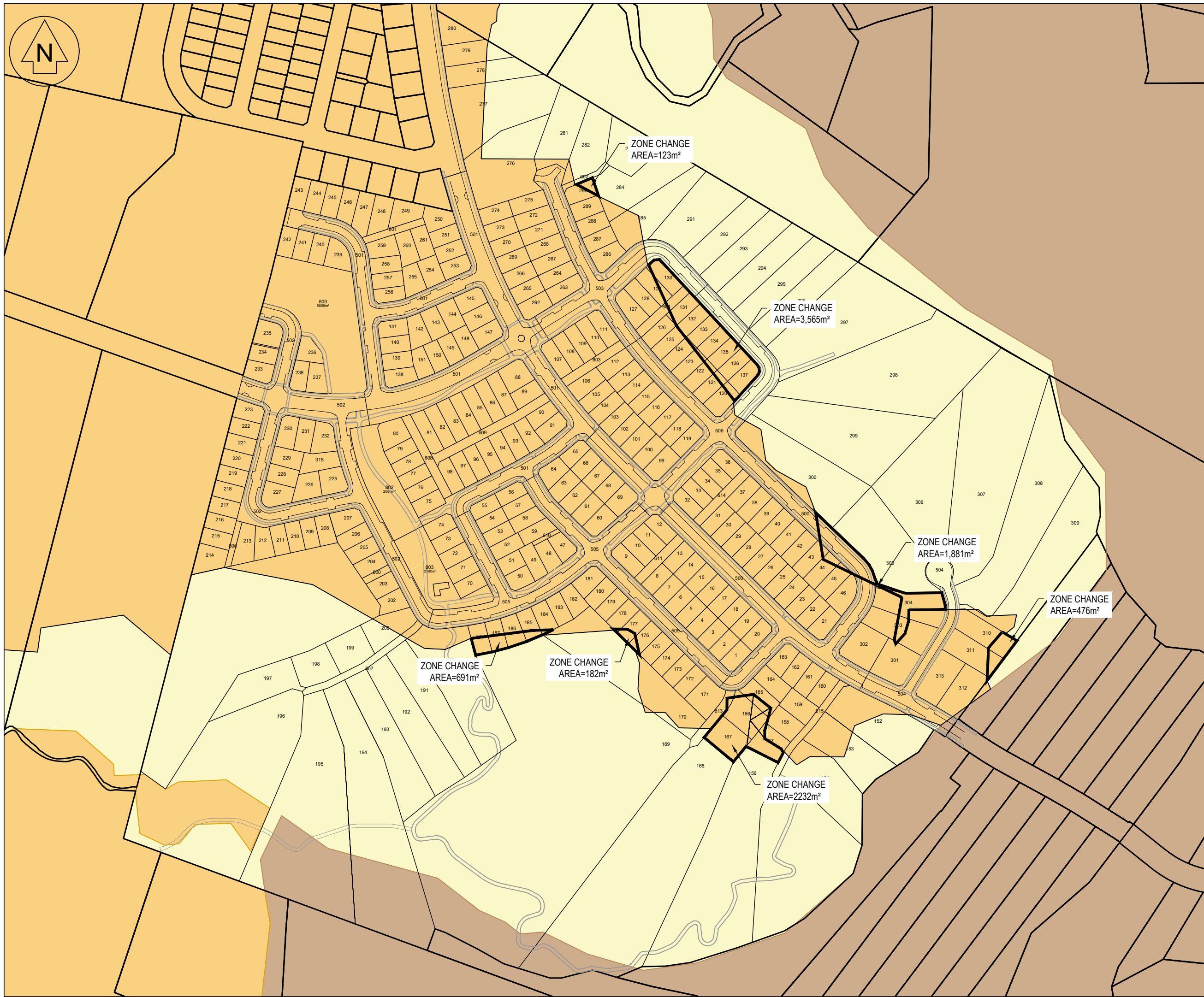
**Maven Associates**  
09 571 0050  
info@maven.co.nz  
www.maven.co.nz  
12-14 Walls Road, Penrose

Project  
**BREMNER RIDGE  
FLAT BUSH  
DEVELOPMENT  
FOR  
BRLAND CO LIMITED**





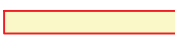

Title  
**AUCKLAND UNITARY  
PLAN  
PRECINCTS**

Project no.	102015
Scale	1:3000 @ A3
Cad file	ZONE&PRECINCTS PLAN Z.DWG
Drawing no.	C100 <b>177</b> Rev <b>C</b>





Legend

-  EX BDY
-  PROP LOT BDY
-  LAND SUBJECT TO CHANGE
-  MIXED HOUSING SUBURBAN ZONE
-  SINGLE HOUSE ZONE
-  COUNTRY LIVING ZONE

B	ZONING	VZ	07/20
A	ZONING	VZ	06/20
Rev	Description	By	Date
	By	Date	
Survey	-	-	
Design	-	-	
Drawn	VZ	06/20	
Checked	GB	06/20	



**Maven Associates**  
 09 571 0050  
 info@maven.co.nz  
 www.maven.co.nz  
 12-14 Walls Road, Penrose

Project  
**BREMNER RIDGE  
 FLAT BUSH  
 DEVELOPMENT  
 FOR  
 BRLAND CO LIMITED**

Title  
**AUCKLAND UNITARY  
 PLAN  
 ZONINGS**

Project no.	102015
Scale	1:3000 @ A3
Cad file	ZONE&PRECINCTS PLAN Z.DWG
Drawing no.	C101 <b>178</b> B

## **APPENDIX TWO**

### **CLAUSE 23 REQUEST FOR FURTHER INFORMATION AND RESPONSES**





21 January 2020

Auckland Council  
Private Bag 92300  
Victoria Street West  
Auckland 1142

Attention: Vanessa Leddra ([vanessa.leddra@aucklandcouncil.govt.nz](mailto:vanessa.leddra@aucklandcouncil.govt.nz))

Dear Vanessa

**Private Plan Change Request for amendments to development standards apply to the Flat Bush Precinct – Sub-Precinct H**

**Response to request under Clause 23 of Schedule 1 of the Resource Management Act 1991**

Thank you for your letter dated 17 October 2019 requesting further information in regard to the abovementioned Private Plan Change Request (PPC). This letter has been prepared in response to your request. As part of this response, I have updated the PPC and the Planning Assessment to reflect an amendment to the proposed HiRB standard, and to include reference to the matters raised in the urban design assessment prepared by Ian Munro in support of the proposal.

**Request 1:**

*In order to understand the cumulative effects of the changes to development standards on the environment as requested in the plan change, please provide an urban design statement that expands on the proposed changes and the likely effects, given the intent of the precinct...*

*Please provide further information as to:-*

- i. How will the amended standards allow a reasonable sized dwelling [on a permitted basis] to be built and still achieve quality design outcomes given the substandard lots already approved*

- ii. *What the effects on 520m2 complying lots which are outside the subject area of the PPC (as set out in 1.7) but are within sub-precinct H, as this plan change is not applicable to all sites under sub-precinct H.*

*Please provide a landscape statement that confirms what if any, effects the changes will have on riparian planting and landscape values more generally, as no evidence of the effects [cumulatively or individually] on these values has been provided.*

Response:

Importantly, the proposed amendments to the provisions of Sub-Precinct H are intended to apply to the full extent of the sub-precinct, not just the land within BR Land Co ownership. No mechanism to separate the BR Land Co property from any other parts of sub-precinct H is proposed, as this would in my view amount to a new sub-precinct. The PPC applies to the full extent of Sub-Precinct H, and also includes small additional areas to be brought into Sub-Precinct H from Sub-Precincts I and J in order to better align with the approved subdivision design for the land.

In response to the request for an urban design statement, BR Land Company Ltd (**BR Land Co**) has engaged Ian Munro to provide professional urban design advice on the PPC. His report is entitled “Urban Design Assessment and Neighbourhood Design Statement” and is included as **Attachment E** to the updated PPC.

Mr Munro’s report provides a comprehensive analysis of the urban design outcomes offered by the existing and proposed provisions, including specific consideration of those provisions against the established Unitary Plan objectives and policies relevant to the land. Mr Munro concludes:

*“This report documents an independent analysis of an application for a Private Plan Change to modify Sub-Precinct H of the Flat Bush Precinct at 87 McQuoids Road, known as Bremner Ridge. The application has been made to Auckland Council under the Resource Management Act 1991 (“RMA”) in terms of the Auckland Unitary Plan (Operative in Part) “AUP:OP”. The key conclusions of this report are that:*

- a. *The application raises discrete issues that do not materially seek to change the resource management framework that applies to the land. No changes to any objective or policy that applies to the Site are proposed.*

- b. *In urban design terms, the proposal to adjust the boundaries of the Sub-Precinct to align with an approved subdivision will raise negligible adverse urban design effects. It is a logical way of aligning the AUP:OP with what has occurred in the 'real world'.*
- c. *In terms of the proposed change to the height in relation to boundary control sought, I consider that this is unlikely to result in any adverse effect of any perceptible magnitude beyond the immediate neighbour of any allotment where the allowance was used. I regard it as a relatively efficient 'overs-and-unders' type of method that will maintain the amenity values between allotments. I do however recommend that the change not apply to buildings within the 8m rear yard setback area, so as to maximise the openness of these areas.*
- d. *In terms of the proposed changes to the side yard control, I consider that this will have very limited real-world urban design effects. The 3m yard setback could already be significantly reduced or avoided by way of the RMA boundary activity provisions and the underlying provision for integrated residential developments / more than 3-units per site (also relying on the definition of 'site' in the AUP:OP) that exists in the zone whereby, on a super-lot, internal side boundaries would cease to apply in any event. My analysis of the subdivision and existing development controls, and publicly visible places where the subdivision could be seen in the wider environment, is that there are few instances where viewers might have been exposed to 6m-wide de-facto viewshafts now likely to be lost.*
- e. *In terms of the proposed changes to the building coverage control, I regard this as practical and enabling of an efficient use of the land. The front yard and rear yard controls will be the key shapers of open space and spaciousness around and between buildings, and the rear yard will in particular create the most substantial 'pools' of concentrated open space based on the relatively conventional block structure that has been approved, and that is presents the 'backs' of lots adjoining one another.*
- f. *Cumulatively the changes to the controls together will allow land use outcomes that better reflect the applicable objectives and policies of the zone and sub-precinct. Although theoretically allowing more development than is currently the case if only considered in the narrow context of vacant fee-simple subdivision and independent lot development, once the full suite of Plan and RMA provisions that will manage development of the land are taken into consideration, it is only the change to the building coverage control that I consider is likely to definitively change would could otherwise happened in the 'status quo'. In that respect, I consider the urban design effects of this change will not be material or problematic.*

*The private plan change application is considered to be the most practical and appropriate urban design outcome for the Site including the urban form-related provisions of the Flat Bush Precinct, Mixed Housing Suburban zone, Single House zone, and Urban Subdivision chapters of the AUP:OP."*

Mr Munro has recommended a change to the proposed HiRB standard (refer paragraph 7.2(g) of his assessment), specifically, that it not apply within the required 8m rear yard including the 5m height component that may locate up to 3m from the rear boundary. I agree with the rationale he has provided and consider that the amendment will better support the precinct aims around spaciousness while also encouraging greater design flexibility. I have amended the proposed wording of the HiRB standard as set out below and have also included this wording within an updated PPC request and the Planning Assessment.

Amend Standard I412.6.1.3 – Height in Relation to Boundary, to include the following additional exception:

*“(f) exceptions for Height in Relation to Boundary identified in I412.6.1.3(1)(a)-(e) above:*

*(i) ...*

*(v) Within Sub-Precinct H, up to 50% of the length of a building, when viewed in elevation along a side boundary, may exceed the applicable Height in Relation to Boundary plan along a side boundary by up to 2m in height, provided that an equivalent or greater offset area is provided below the applicable Height in Relation to Boundary plane when viewed in elevation along the same boundary. Building relying on this exception must not have a roof pitch exceeding 45°. This exception does not apply to any building within a required rear yard, including the 5m height component that may locate up to 3m from the rear boundary under rule I412.6.1.4(2).*

Regarding the request for a landscape statement, I do not consider this to be relevant to the PPC. The approved subdivision design identifies and protects the existing riparian margins that are within BR Land Co ownership, and the PPC does not seek any amendments to the impervious area, landscape area or riparian margin requirements of the Unitary Plan as they relate to the subject land. The PPC will not result in a reduction in the quantum of landscaping required within sub-precinct H, and as discussed in Mr Munro’s assessment, will likely result in a greater level of private and general ‘spaciousness’ through the agglomeration of larger landscaped rear yards within blocks.

#### **Request 2:**

*“In sections 1.12 and 6.5.1 of the planning report, it suggests that the amendments will enable the efficient use of the land which is identified for medium density housing.*

*Apart from not utilising resource consent process to do this which is noted, the assessment needs to provide an analysis of the efficiency, effectiveness and costs and benefits of the proposed plan change, in particular*

*in regard to the reduction in side yards. This should include information as to what factors have changed since the precinct provisions were adopted as part of the Unitary Plan process and why the approved provisions do not provide for the degree of spaciousness envisaged at the time and why these standards are no longer the most appropriate in order to deliver the key objective set out for the sub-precinct.*

*In terms of managing the future development of the land, an explanation of why these amendments to the side yards and site coverage in particular, are more desirable for the site than the existing standards is requested...”*

Response:

Please refer to the amended Planning Assessment, and specifically to the ‘planning analysis’ and ‘s32 Evaluation’ at sections 6 and 7 respectively.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Ross Cooper".

Ross Cooper

**TATTICO LIMITED**

BR LAND CO. – FLAT BUSH PRIVATE PLAN CHANGE – REQUEST FOR FURTHER INFORMATION

Request	Response
<p>1. Please provide indicative street elevations from the central spine road that show both the status quo provisions, and the proposed provisions.</p> <p><u>Reason:</u></p> <p>This is to better understand the effect the provisions will have on the degree of spaciousness when viewed from the street, and also how the proposal will effect urban design outcomes to the street interface, including variation in built form, location and size of garages, and front doors and living spaces along the street frontage</p>	<p>Refer to the A Studio ‘massing study’ provided as Attachment F to the revised Plan Change Request.</p> <p>Provides block model indication of building massing as viewed from the street in plan, elevation and perspective.</p>
<p>2. Please provide lot testing diagrams that compare the status quo provisions with the proposed provisions.</p> <p>Please provide diagrams in groups of at least 4 adjoining lots to illustrate the overall spaciousness resulting from the proposal, the variation in house typology that is possible within the provisions, and to demonstrate the effect the changes will have on adjoining properties within the precinct. Garaging for both the status quo and proposed provisions should be included.</p>	<p>As above.</p>
<p><u>Reason:</u></p> <p>Lot testing diagrams were provided in Variation A of the underlying subdivision. Similar lot testing would be useful to get a better understanding of how the proposed changes will work within the sub-precinct in terms of the spatial arrangement, relationship to the street and rear lanes, and outdoor living space.</p>	
<p>3. Using the same format as above, please also provide drawings / diagrams showing the different options that have been considered in s32 analysis [section 8 of the updated report]. In particular, please illustrate the different side yard, building coverage and rear yard options that were considered. These should include</p>	<p>The massing studies provided detail the two extremes in terms of side yards and coverage. Any other options contemplated fall in between the two and detailing those in a massing study is not</p>



the option of (a) a 1m side yard and (b) a 2m side yard and (c) a 1.2m side yard on one side and a 3m side yard on the other side.

necessary for notification purposes. We can look to provide these subsequently if needed.

Reason:

This is to better understand the range of options that have been previously considered, or whether there is opportunity for an alternative option that better meets the objectives and policies of the sub-precinct. You have undertaken some consideration of options as part of your s32 assessment. However analysis is required to determine if the proposed changes are the best option.

4. Please illustrate how the proposed 8m rear yard will be applied to the rear-loaded units.

No change is proposed.

Reason:

This is to better understand the effect of the rule on the approved subdivision

Rear yards are subject to a standard 3m yard requirement on all boundaries. Because these sites are not subject to the same front and rear yard requirements as street-fronting sites, have not sought to amend the side yard provisions. Not also that many of the rear lots and larger than the street-fronting allotments.

5. The urban design report refers to the effect of double garages on the amenity of the streetscape, particularly for the narrow lots with 3m side yards. Other options could be considered to avoid garages dominating the building frontages, such as the controls that have been implemented in Hobsonville Point (refer to 1605.6.4.11 in the AUP). Please comment on whether such a control would be of benefit here, particularly for the narrow units.

I ask the same question back to the Council. How does your existing Precinct manage the effects of garaging on streetscape?

Reason:

Garages dominating streets and laneways are a recurring issue, and there are various ways to manage the amenity impact of these on streetscape and pedestrian safety. This request is to consider whether there are alternatives to the narrower side yard that will provide more positive street interface. This issue was considered

The proposed amendments apply equally to garages as they do to any other part of a dwelling and therefore generate an enhanced streetscape character (without limiting garaging when the Precinct currently does not).

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briefly in the Home Design Guidelines (page 8) that was submitted with the Variation A documents where it stated *'Habitable rooms should look out to the street, garages should be set back...'* The lot testing that formed part of the Design Statement showed only a single garage. Both of these fail to address how a double garage would be managed on the narrow lots.

Important to note that this is a medium density housing area. Hobsonville Point is a higher-density housing area with a combination of MHU and THAB zoning. The terraced housing typologies prevalent through Hobsonville Point are less than 10m in width (5-7.5m generally), whereas the approved allotments in Sub-precinct H are approximately 14m-wide and about 350m<sup>2</sup>. These sites should easily be able to accommodate a double garage whilst implementing the Hobsonville Point principle of a garage not taking up more than 50% of the width of a Lot.

---

6. Has the proposed HiRB control been used elsewhere in Auckland, and what are the implications?

Reasons:

Amendments to the HiRB standard have been removed from the Plan Change Request.

This is needed in order to better understand whether the proposed change will have an impact on the integrity of the AUP

7. Please provide a more detailed analysis / comment on how the proposed HiRB could potentially affect shading to neighbouring sites. For example, to any adjoining outdoor living space. Has any consideration been given to whether this is appropriate on southern elevations? The location of the infringement could be relevant.

Reason:

Amendments to the HiRB standard have been removed from the Plan Change Request.

This is to help better understand the implications of the proposed HiRB control in relation to effects on / to neighbouring properties.

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<p>8. Please clarify whether changes to the HiRB control would still be necessary if there was no change to the side yard control.</p> <p><u>Reason:</u> This is to understand how this control interacts with the side yards.</p>	<p>Amendments to the HiRB standard have been removed from the Plan Change Request.</p>
<p>9. With regard to the previous request for a landscape statement, which you do not consider to be relevant to the PPC, a greater level of building coverage could impact on space between buildings and reduce the amount of space available for landscaping, including space for specimen trees that can contribute to the integration of building form with landscape. This is of particular relevance when viewed from further afield. I would suggest the provision of an addendum to the Landscape Visual Assessment [prepared by Greenwood Associates submitted and approved as part of the resource consents], that assesses the impact of a 5% increase in building mass across the precinct.</p> <p><u>Reason:</u> This is to better understand the cumulative effects across the precinct on the visual amenity impact of the increase in building coverage on the surrounding landscape setting.</p>	<p>The proposed increase in building coverage (for Lots 400m<sup>2</sup> or over) is not aligned with a proposed increase in impervious area, meaning that the amount of land for soft landscaping is unchanged by the Plan Change Request.</p> <p>The likelihood of large planting between dwellings is reduced by the proposal, however the opportunity for planting within front yards is unchanged. More significant planting opportunities will be afforded within the rear yards, which are 'pooled together' within many of the block arrangements.</p> <p>Can provide the landscape addendum post-notification if needed.</p>

21 February 2020

Tattico Limited  
PO Box 91562  
Victoria Street  
Auckland 1142

Attn: Ross Cooper

Dear Ross

**Request for further [additional] information in accordance with Clause 23 of Schedule 1 of the Resource Management Act 1991**

**Private Plan Change Request for amendments to development standards applying to the Flat Bush Precinct – Sub-Precinct H**

Thank you for the information received on 22 January in relation to the above Private Plan Change request. As indicated to you in my initial email dated 17 October 2019, and as you are aware, Council has employed a urban design/landcape consultant, Motu Design in order to do further work on this request.

I note that Ian Munro has addressed the potential for the impact on the “spaciousness” of the sub precinct in his Urban Design Assessment and Neighbourhood Design Statement and the planner’s report has been updated

After completing an assessment of the documents submitted as part of the above private plan change request undertaking investigations into the history of development within the precinct, and liaising with MOTU Design, further information is requested to enable an adequate assessment of the proposal and its effects .

Accordingly, under Clause 23 (4) of the Resource Management Act 1991, the following further information is requested in relation to visual impact and urban design matters.

(i) Please provide indicative street elevations from the central spine road that show both the status quo provisions, and the proposed provisions

Reason:- This is to better understand the effect the provisions will have on the degree of spaciousness when viewed from the street, and also how the proposal will effect urban design outcomes to the street interface, including variation in built form, location and size of garages, and front doors and living spaces along the street frontage.

(ii) Please provide lot testing diagrams that compare the status quo provisions with the proposed provisions. Please provide the diagrams in groups of at least four adjoining lots to illustrate the overall spaciousness resulting from the proposal, the variation in house typology that is possible within the provisions, and to demonstrate to the effect changes will have on adjoining properties

within the precinct. Garaging for both the status quo and proposed provisions should also be included.

Reason:- Lot testing diagrams were provided in Variation A of the underlying subdivision. Similar lot testing would be useful to get a better understanding of how the proposed changes will work within the sub-precinct in terms of the spatial arrangement, relationship to the street and rear lanes, and outdoor living space.

(iii) Using the same format as above, please also provide drawings/ diagrams showing the different options that have been considered in section 32 analysis [section 8 of the updated report]. In particular, please illustrate the different side yard, building coverage and rear yard options that were considered. These should include the option of (a) a 1m side yard and (b) a 2m side yard. (c) a 1.2m side yard on one side and a 3m side yard on the other side.

Reason:- This is to better understand the range of options that have been previously considered, or whether there is opportunity for an alternative option that better meets the objectives and policies of the sub-precinct. You have undertaken some consideration of options as part of your section 32 assessment. However analysis is required to determine if the proposed changes are the best option.

(iv) Please illustrate how the proposed 8m rear yard will be applied to the rear-loaded units.

Reason:- This is better understand the effect of the rule on the approved subdivision.

(v) The urban design report refers to the effect of double garages on the amenity of the streetscape, particularly for the narrow lots with 3m side yards. Other options could be considered to avoid garages dominating the building frontages, such as the controls that have been implemented in Hobsonville Point (refer to I605.6.4.11 in the AUP) Please comment on whether such a control would be of benefit here, particularly for the narrow units.

Reason:- Garages dominating streets and laneways are a recurring issue, and there are various ways to manage the amenity impact of these on streetscape and pedestrian safety. This request is to consider whether there are alternatives to the narrower side yard that will provide more positive street interface. This issue was considered briefly in the Home Design Guidelines (page 8) that was submitted with the Variation A documents where it stated *'Habitable rooms should look out to the street, garages should be set back...'* The lot testing that formed part of the Design Statement showed only a single garage. Both of these fail to address how a double garage would be managed on the narrow lots.

(vi) Has the proposed HIRB control been used elsewhere in Auckland, and what are the implications?

Reason:- This is needed in order to better understand whether the proposed change will have an impact on the integrity on the AUP

(vii) Please provide a more detailed analysis/comment on how the proposed HIRB could potentially effect shading to neighbouring sites. For example, to any adjoining outdoor living space Has any consideration been given to whether this is appropriate on southern elevations?

The location of the infringement along the elevation could be relevant.

Reason:- This is to help better understand the implications of the proposed HIRB control in relation to effects on/to neighbouring properties.

(viii) Please clarify whether changes to the HIRB control would still be necessary if there was no change to the side yard control?

Reason:- This is to understand how this control interacts with the side yards

(ix) With regard to the previous request for a landscape statement, which you do not consider to be relevant to the PPC, a greater level of building coverage could impact on space between buildings and reduce the amount of space available for landscaping, including the space for specimen trees that can contribute to the integration of building form with landscape. This is of particular relevance when viewed from further afield. Instead I would suggest the provision of an addendum to the Landscape Visual Assessment [prepared by Greenwood Associates submitted and approved as part of the resource consents], that assesses the impact of a 5% increase in building mass across the precinct.

Reason:- This is to better understand the cumulative effects across the precinct on the visual amenity impact of the increase in building coverage on the surrounding landscape setting.

I appreciate that this is a further request under Clause 23 (4). However this request is considered necessary given the reasons set out above and as a result of the provision of the updated and technical information .

However if it would be considered beneficial to meet with the Council's urban design expert, and myself, please do not hesitate to let me know.

If you have any queries regarding the above, please contact me on telephone 021 823 685 or email me directly at [vanessa.leddra@aucklandcouncil.govt.nz](mailto:vanessa.leddra@aucklandcouncil.govt.nz)

Yours sincerely,

Vanessa Leddra  
Planner  
**Plans and Places**



17 October 2019

Tattico Limited  
PO Box 91562  
Victoria Street  
Auckland 1142

Attn: **Jacinta Naicker**

Dear Jacinta

**Request for further information in accordance with Clause 23 of Schedule 1 of the Resource Management Act 1991**

**Private Plan Change Request for amendments to development standards applying to the Flat Bush Precinct – Sub-Precinct H**

After completing a preliminary assessment of the documents provided for the above private plan change request, it is considered that further information is required to enable an adequate assessment of the proposal and its effects.

Accordingly, under Clause 23 of the Resource Management Act 1991, the following further information is requested:

**1. Effects (Clause 23(a))**

**Visual Impact/ Urban design**

Part of the request seeks to reduce the side yard, create an average the height in relation to boundary standard and increase the minimum building coverage. The request states that this is more in line with the “degree of spaciousness” appropriate to medium density housing and this is referred to in the planning statement [in 5.1.6]. The request documents conclude in section 6 that the plan change will not affect the spaciousness sought for the sub - precinct and will be broadly consistent with the medium built - form outcomes provided for in the Mixed Housing Suburban [MHS] zone.

The land subject to the plan change is zoned MHS and lies in sub-precinct H. The precinct description states “...relates to land in the upper McQuoids Road / Flat Bush School Road area that transitions to the upper catchment area. It therefore anticipates a medium density residential environment with development controls which do ensure a degree of spaciousness”<sup>1</sup>

One of the objectives for sub precincts A, B, D, E, F, G, H and K is 1412.2.2(1) states “an integrated, medium to high density residential environment which has high levels of

<sup>1</sup> From 1412.1 Precinct description in AUP [OiP]

amenity,.....” However Objective 1412.2.(3) then identifies sub-precinct H as an “... a highly visible landscape in the mid to upper reaches of the Flat Bush basin .... along with a degree of spaciousness in this medium to low density residential sub-precinct.

There has been a number of consents and variations to consents granted relating to these sites over time. This has provided a greater variety of lot sizes. which has in turn enabled an increase in the number of lots to 315. In some of the lots, dimensions were reduced to only 12-14m wide albeit in the least visually sensitive part of the site. It was considered that these changes still maintained the general urban form of the consented development [the street layout and urban form] and facilitated better walkways and cycleway networks via linear parks and riparian margins and reduced the extent of earthworks.

In order to understand the cumulative effects of the changes to development standards on the environment as requested in the plan change, please provide an urban design statement that expands on the proposed changes and the likely effects, given the intent of the precinct. This should include:-

- (i) suitable visuals and graphics that explain the effect of the reduced yards, increased site coverage and height in relation to boundary
- (ii) how the degree of spaciousness will not be lost with reduced side yards and increased site coverage
- (iii) why a reduction in side yards and increased site coverage would still be in line with policies which allow medium and higher density within the residential areas and not reduce the visual impact....[policy 1412.3.2]

This is important to understand these impacts as some parts of sub-precinct H are still subject to substantial changes in topography and would require retaining to create level platforms for building purposes.

Please also provide further information as to:-

- (i) how will the amended standards allow a reasonable sized dwelling [on a permitted basis] to be built and still achieve quality design outcomes given the substandard lots already approved;
- (ii) what the effects on 520m<sup>2</sup> complying lots which are outside the subject area of the PPC (as set out in 1.7) but are within sub-precinct H, as this plan change is not applicable to all sites under sub-precinct H

Please provide a landscape statement that confirms what if any, effects the changes will have on riparian planting and landscape values more generally, as no evidence of the effects [cumulatively or individually] on these values has been provided.

## **2. Costs and Benefits and Efficiency and Effectiveness of provisions**

In sections 1.12 and 6.5.1 of the planning report, it suggests that the amendments will enable the efficient use of the land which is identified for medium density housing.

Apart from not utilising resource consent process to do this which is noted, the assessment needs to provide an analysis of the efficiency, effectiveness and costs and benefits of the proposed plan change, in particular in regard to the reduction in side yards. This should include information as to what factors have changed since the precinct provisions were adopted as part of the Unitary Plan process and why the approved provisions do not provide for the degree of spaciousness envisaged at that time and why these standards are no longer the most appropriate in order to deliver the key objective set out for the sub-precinct.

In terms of managing the future development of the land, an explanation of why these amendments to the side yards and site coverage in particular, are more desirable for the site than the existing standards is requested. The focus of the analysis provided appears to be on achieving additional yield rather than the outcomes sought by the precinct objectives in the AUP[OIP].

In conclusion, in my opinion, the examination provided by the lodged documentation does not provide such information appropriate to the scale and significance of the environmental effects to meet Clause 23 of the Act and does not provide sufficient supporting justification for the request. No specialist/technical reports have been provided to support this request particularly with regard to urban design and landscape effects. These need to be provided in order to examine the cumulative effects of amending these provisions in sub-precinct H.

Notwithstanding the initial requests set out in 1 above, an external urban design consultant is being sought by Council in order to do further work on this application. This work would relate to the plan change process including subsequent urban design/landscape assessment as a result of the above as well as reporting. When appointed, this consultant may require necessary additional information in order to better understand the proposal. If this is the case, a further Clause 23 request may be necessary. In this regard it may be beneficial to meet with the Council's urban expert once appointed. Meanwhile I would appreciate it if you could begin responding to the above matters.

If you have any queries regarding the above, please contact me on telephone 021 823 685 or email me directly at [vanessa.leddra@aucklandcouncil.govt.nz](mailto:vanessa.leddra@aucklandcouncil.govt.nz)

Yours sincerely,

Vanessa Leddra  
Planner  
**Plans and Places**



## **APPENDIX THREE**

### **COUNCIL DECISION TO ACCEPT PLAN CHANGE 47 UNDER CLAUSE 25 TO FIRST SCHEDULE RMA**



## Notification determination under Clause 5A(2) of Part 1 of the First Schedule of the Resource Management Act 1991– private plan change request from BR Land Company Limited for amendments to two development standards to the Flat Bush precinct – sub-precinct H, minor amendments to adjacent sub-precinct boundaries and underlying zone boundaries

### Delegation

In accordance with Auckland Council Combined Chief Executives Delegation Register (updated June 2019), all powers, functions and duties under Schedule 1 of the Resource Management Act 1991, except for the power to approve a proposed policy statement or plan under clause 17 of Schedule 1 (this power cannot be exercised by any Council officer or Hearings Commissioner), are delegated to the relevant T4 Manager.

### Kupu whakamohiotanga

#### Notification Recommendation

1. That in accordance with Clause 5A of Part 1 of the First Schedule to the RMA, the private plan change request by BR Land Company Limited be processed on a **limited notified** basis for the following reasons:
  1. The applicant has requested limited public notification.
  2. Council is able to identify all the persons directly affected by the proposed change.

Prepared by	Vanessa Leddra – Planner, Central South - Plans and Places  <i>Vanessa Leddra</i>  Date: 10 August 2020
Reviewed by	Craig Cairncross – Team Leader, Central South - Plans and Places  Date: x August 2020
Approved for release	Celia Davison – Planning Manager, Central South – Plans and Places  <i>C. Davison</i>  Date: 10 August 2020



## Te take mō te pūrongo

### Purpose of this report

2. To consider whether the private plan change should be limited notified under clause 5(A)(2) of Part 1 of Schedule 1 of the Resource Management Act.

## Whakarāpopototanga matua

### Executive Summary

3. This report considers the notification process for a private plan change request by BR Land Company Limited to amend two development standards in the Flat Bush Precinct – sub precinct H, more particularly to reduce the side yards from 3m to 1.2m, increase the building coverage from 35% to 40% for sites over 400 sqm and includes minor realignment of boundaries of sub precincts H, J and K and underlying zone boundaries.
4. The requestor considers that limited notification is appropriate given the split zoning is as a result of subdivision consent which has already been granted, very limited development has been undertaken in the vicinity to date, the layout and design changes proposed are on an area specific basis within sub-precinct H in Flat Bush.
5. An assessment of effects has been undertaken by the Council in order to determine directly affected parties. The detail of this assessment is provided later in this report.
6. Clause 5A(2) states that 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. In my opinion, the council can identify all the persons directly affected by the proposed plan change. Therefore the test in clause 5A(2) is able to be met and the council can limited notify the plan change.
7. Directly affected persons will be sent a copy of the public notice in accordance with clause 5A(3).

## Horopaki

### Context

#### Proposal

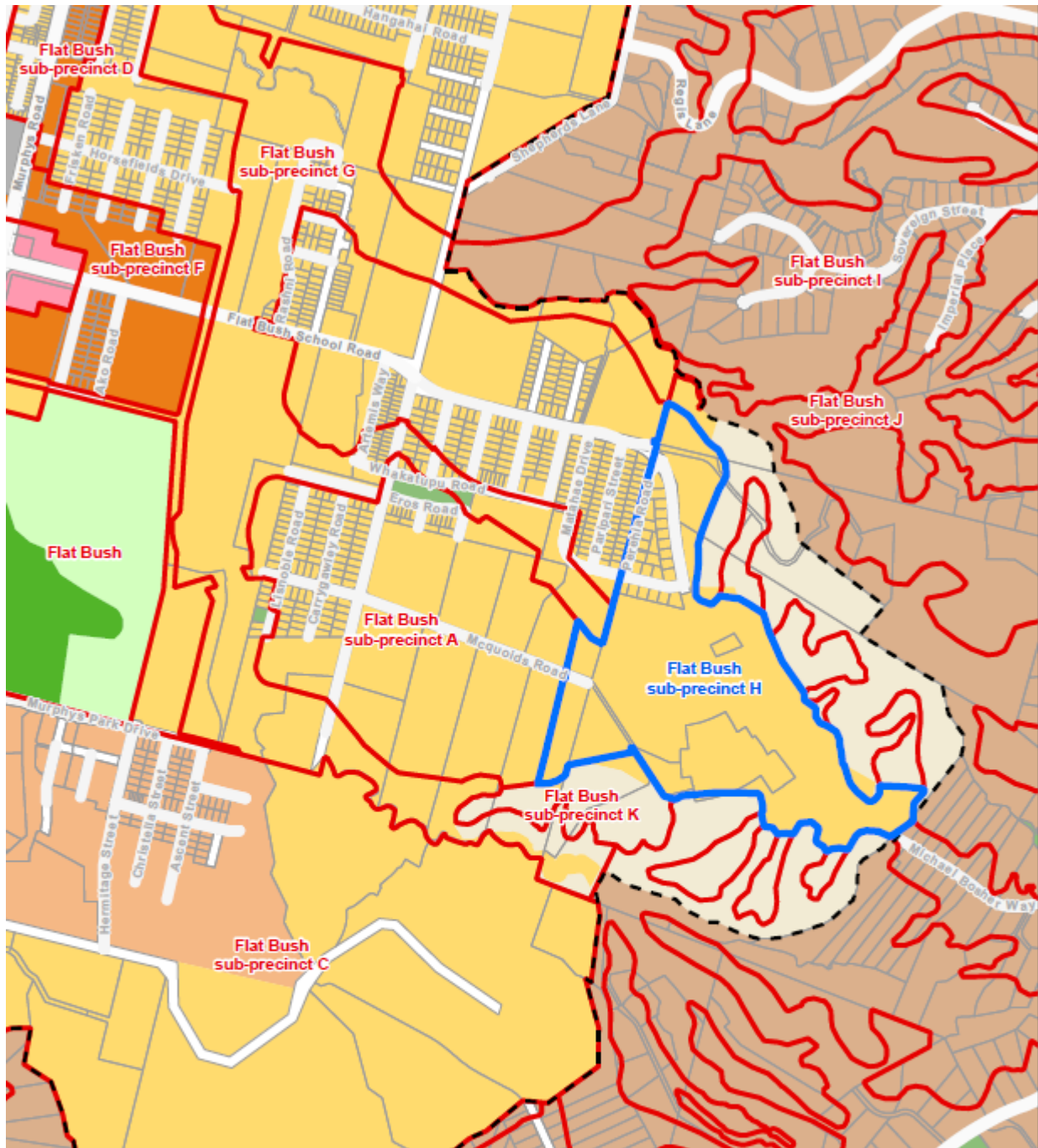
8. The request seeks to amend two development standards in the Flat Bush Precinct – sub precinct H, more particularly to reduce the side yards from 3m to 1.2m and increase the building coverage from 35% to 40% for sites over 400 sqm and includes minor realignment of boundaries of sub precincts H, J and K and underlying zone boundaries.
9. The private plan change request by BR Land Company Ltd seeks to:
  - (a) amend two of the Flat Bush sub-precinct H provision to:-
    - (i) reduce the side yard requirement from 3m to 1.2m
    - (ii) increase the maximum building coverage for sites over 400 sqm from 35% to 40%
  - (b) Modify the boundaries of sub-precincts H, J and K and underlying zone boundaries to align with the approved subdivision consent for the land, areas ranging from 123 sqm to 4284 sqm,
    - (i) The areas to be re zoned from Single House zone [sub precinct K] to Mixed Housing Suburban [sub precinct H] are shown below in Figure 2
    - (ii) The areas to be included in sub precinct H from sub-precinct J and K are shown below in Figure 3.

## Site Context and subject site

10. Flat Bush is a rapidly growing and expanding suburb in the south east part of Auckland. The light industrial and commercial areas of East Tamaki are located to the north-west, including Ormiston Town Centre with residential areas to the north and east and rural [rural urban boundary] areas to the east
11. The Flat Bush area is subject to the specific planning provisions of the Flat Bush precinct, which covers approximately 1730ha. The Flat Bush precinct is divided into 10 sub precincts, each with a specific set of standards and with different underlying zonings. Eight sub-precincts apply to land within the urban residential zones including A, B, D, E, F, G, H and K. Two sub-precincts I and J apply outside the urban areas. Sub-precinct C is not subject to the provisions of the Flat Bush Precinct. The sub-precincts vary in density depending on their proximity to the town centre and location within the context of the surrounding landscape, which is varied and includes ridgelines, gullies, vegetation and green networks.

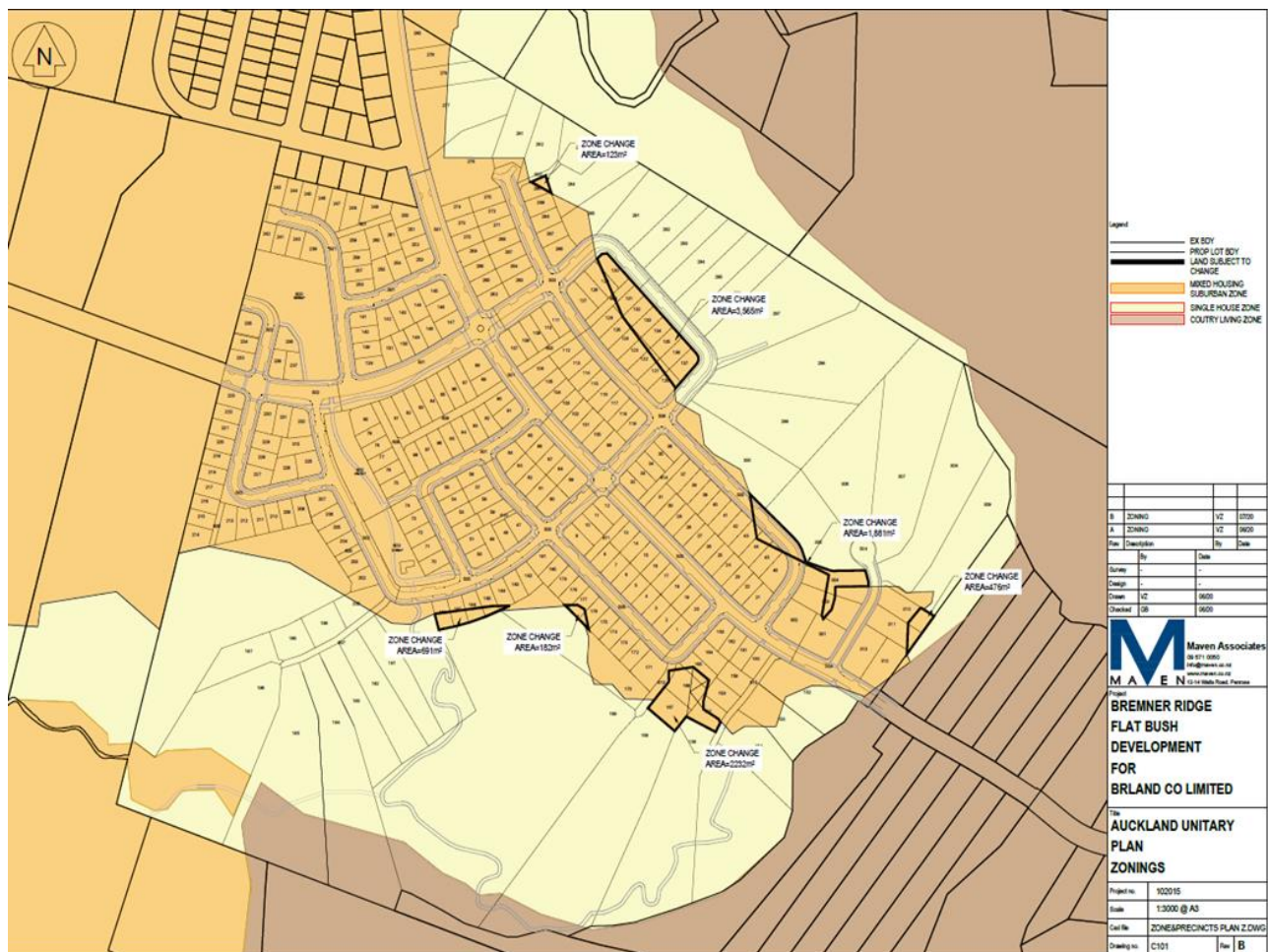
12. See Figure 1 below which shows the Flatbush precinct and the subject site marked in blue

**Figure 1 – Operative zoning, Precinct and sub-precincts in Auckland Unitary Plan (Operative in Part) 2016**



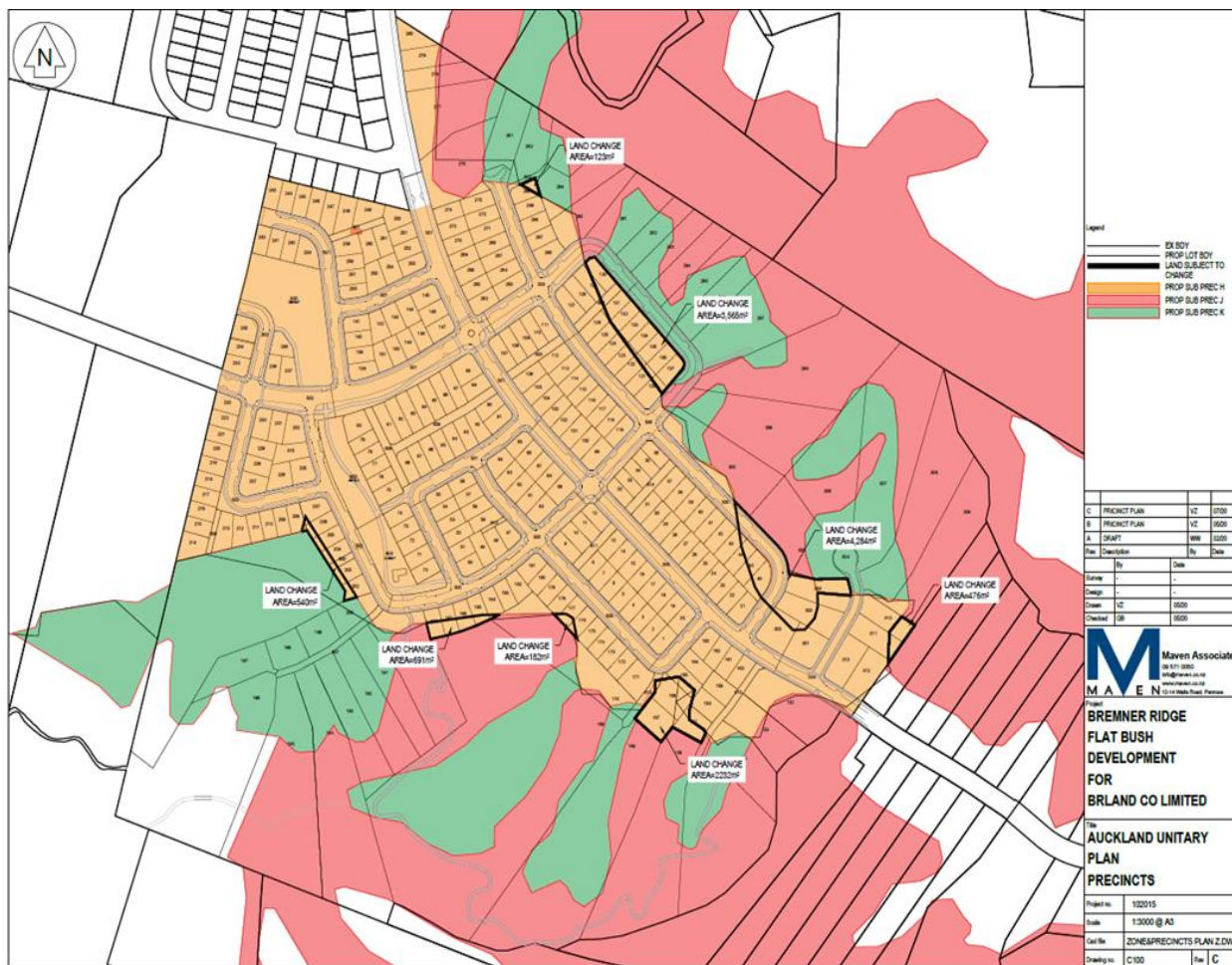
13. As shown in Figure 1 above, the subject site comprises land within Sub precinct H [Mixed Housing Suburban], Sub precinct J [Conservation and Stormwater Management] and Sub precinct K [single house].
14. The site is also subject to the following additional overlays and controls: -
  - The site falls within the Macroinvertebrate Community Index Control – Native, Exotic and Rural; Historic Heritage [relates to Major Bremner's cottage]
  - The site falls within a number of overlays including significant ecological area, natural heritage ridgeline protection; aircraft noise notification area.
15. BR Land Company Limited own approx. 90% of the land within sub precinct H, including 42ha at 315 Flat Bush School Road. This area of ownership includes land at 87 and 99 McQuoids Road and 361 Flat Bush School Road.
16. There are a number of sites in the vicinity of sub precinct H owned by other parties. This includes land at 85 McQuoids Rd, 66 McQuoids Rd, a block of recently subdivided lots to the north in common ownership including 303-321 Flat Bush School Road, 43-51 Matahae Drive and 6-20 Perehia Road, 323 and 333 Flat Bush School Road.
17. The area has been subject to several subdivision consents over the years since 2017 resulting in approx. 315 lots, some with less than the minimum lot sizes, width or depth requirements as required in sub-precinct H.
18. None of the approved lots have been developed to date and no new housing has been built. However bulk earthworks relating to the approved subdivision consent are underway on site.
19. The approved subdivision consents have resulted in some split zoning of residential lots. This plan change includes minor changes to some of the boundaries of sub-precincts H, J and K and the underlying zone boundaries, with a total of approximately 1.2ha of land.
20. See Figures 2 and 3 on the following pages.

**Figure 2 - Zoning – land subject to change – Single House and Mixed Housing Suburban**





**Figure 3 - changes to boundaries of sub-precincts J, K and H**



**The Resource Management Act**

21. The proposed plan change has recently been accepted by the Council (28 July 2020) in accordance with clause 25(2)(b) of Part 2 of Schedule 1 to the RMA for the following reasons:
  - i) that the request does not meet the limited grounds for rejection under clause 25(4);
  - ii) it is more appropriate to accept the request than 'adopt' it or treat it as a resource consent application
  
22. Subject to Clause 26(2)(b) of Part 2 of Schedule 1 to the RMA where the local authority accepts the request or part of the request under clause 25(2)(b), they shall notify the change or proposed policy statement or plan within 4 months of agreeing to accept the request.
  
23. Following the clause 25 decision, the council must then turn its mind to a notification determination in accordance with clauses 5(1A) and Clause 5A(2) of Part 1 of Schedule 1 to the RMA.
  
24. Clause 5(1A) provides that councils should publicly notify plan changes. The amendments to the RMA in 2017 introduced new clause 5A which now provides for limited notification, as follows:
  - (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.*

25. Advice from the Ministry for the Environment states “the requirement to identify everyone who is directly affected by the plan change means that limited notification is likely to be used for minor, small scale, or discrete plan changes, for example aligning zones to new property boundaries, or a spot-zoning.”
26. If the council determines that the proposed change should be publicly notified, it still needs to determine whether there are any other persons who, in the territorial authority’s opinion, are directly affected by the proposed change and send those persons a copy of the public notice specifically.
27. The RMA specifies certain persons that must be served a copy of the private plan change request no matter whether the proposed change is limited or publicly notified. These are set out in clauses 5(4) and 5A(8) of Schedule 1 and include iwi authorities and Ministers.
28. The notification determination is a procedural decision which cannot be appealed to the Environment Court but can be judicially reviewed to the High Court.
29. Once a decision on notification has been made, the council shall prepare the plan change notification material in consultation with the requestor (clause 26(1)(a)) and follow the notification steps set out in the Act, including notification of statutory bodies and iwi.

## **Te aromatawai whakamōhiotanga Notification Assessment**

30. After review of the request and specialist reports, the potential adverse effects of the private plan change on the environment which affect notification are identified as follows:
  - Urban landscape character
  - Visual landscape
31. The request is accompanied by an urban design report and massing study, which were provided as a response to Council’s concerns about the impact of the proposals on the urban and visual landscape character in this area.

### **Urban Design and Visual Landscape**

32. Nicole Bitossi from Motu Design reviewed the private plan change request and the accompanying documents.
33. I note that the underlying subdivision plans have already been approved and therefore the lot layout and dimensions have already been determined. As a result, the majority of lots fall below the net site area of 520 sqm outlined in the Flat Bush precinct density requirements [I1412.6.1.1] and many of the lots have widths below the 20m required in the sub-precinct. Within sub-precinct H, approx. 162 lots are less than 400 sqm, with widths of 12-14m.
34. In practical terms this can have an impact on the urban design outcomes. It could result in dominance of garage doors along the street frontage, limited opportunities for activation of the street frontage due to the narrow site widths and the need for garaging and a limited variation in built form given the long narrow sites
35. The proposed reduction in side yards and an increase in building coverage are similar to those in other sub-precincts within Flat Bush – sub- precincts A [General], B [Central], D [Arterial] E [Barry Curtis Edge] and F[Local Centre] all have 1.2m side yards. Likewise, Sub-precincts A, B, and F all have a maximum building coverage of 40% for sites over 400 sqm
36. I consider that the proposed changes to the side yards will impact the “spaciousness” of the sub-precinct as seen from various locations, particularly from the street. However, the 4m depth in the front yards, the likelihood of larger rear yards and the approved landscape plans will also contribute and minimize impact on the wider area. The depth of the front and rear yards will allow for larger



scale planting and vegetation which will contribute to the landscape character and amenity for the area.

37. I note that sites over 400 sqm make up almost half of the overall development area and these are scattered throughout the development area rather than in groups or forming clusters. I also consider that the increase in site coverage is unlikely to have a major impact on streetscape character as this is likely to be at the rear of the dwellings and not visible from the street

#### Additional parties considered directly affected by the applicant

38. Mana Whenua were consulted in accordance with clause 4A in the first quarters of 2019. The only group to respond were Ngāi Tai ki Tāmaki. A hui was held to discuss the private plan change in August 2019.
39. The council is required to send a copy of the proposed change to all iwi authorities in accordance with clause 5(4). I consider that this will provide adequate opportunity to allow mana whenua to put forward their views.

#### Summary of Directly Affected Persons

40. To support the discussion above, the **Table 1** identifies the directly affected persons and summarizes the effects (also refer to **Figure 4** for directly affected owners and occupiers). There are a limited number of landowners in the area given BR Land Company Ltd own 90% of the land within sub-precinct H [see Figure 5].

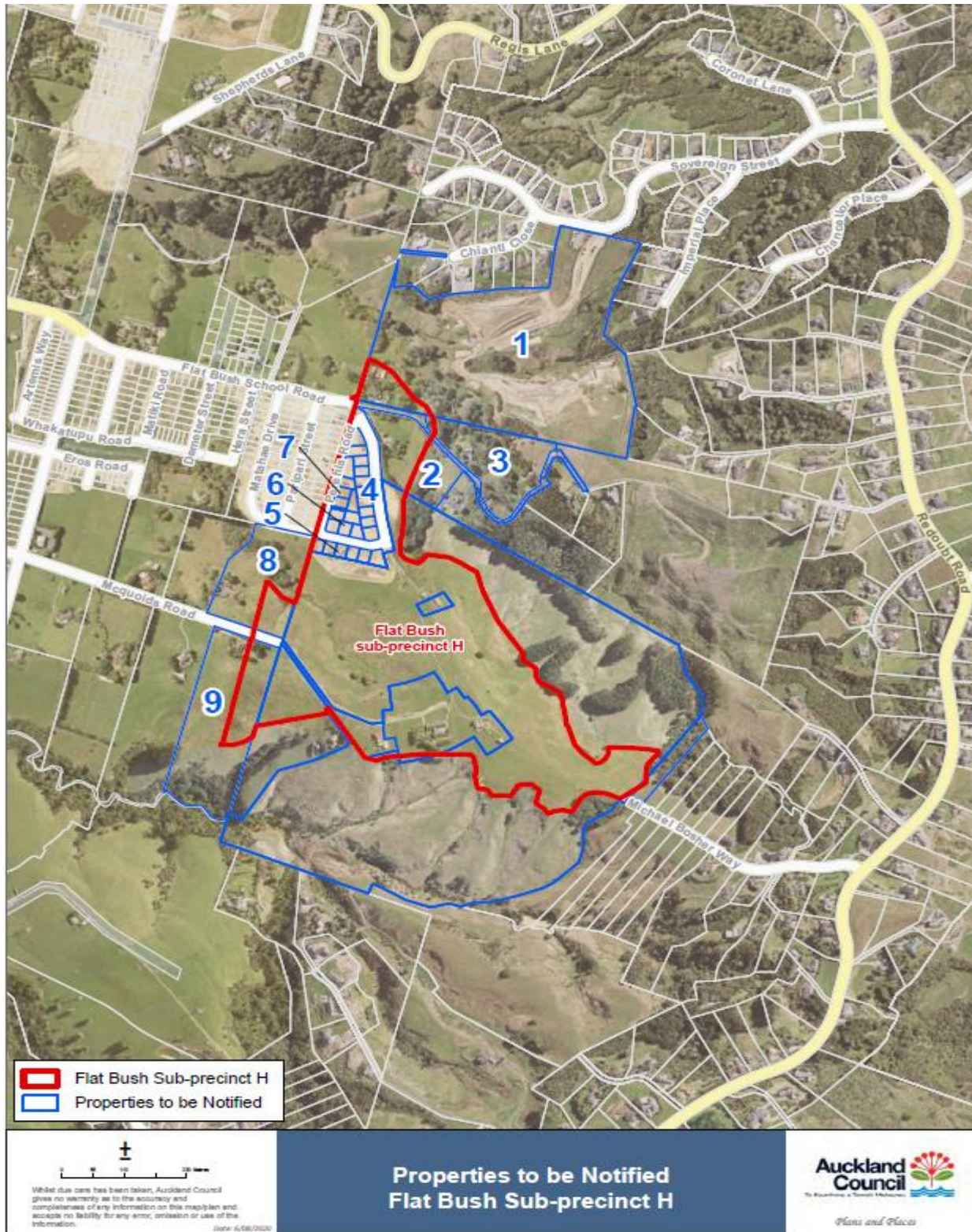
**Table 1**

Affected party number	Address of directly affected owners and occupiers	Reasons
1	304 Flat Bush School Road	These sites are to the north-west and immediately adjacent to sub-precinct H boundary and could potentially be affected in terms of landscape and visual effects
2	323 Flat Bush School Road	These sites are to the east immediately adjacent to sub-precinct H boundary and could potentially be affected in terms of landscape and visual effects
3	333 Flat Bush School Road	These sites are to the east immediately adjacent to sub-precinct H boundary and could potentially be affected in terms of landscape and visual effects
4	303 -321 (incl.) Flat Bush School Road	These sites are within the sub-precinct H boundary and could potentially be affected in terms of landscape and visual effects
5	43-53 (incl.) Matahae Drive	These sites are within the sub-precinct H boundary and could potentially be affected in terms of landscape and visual effects
6	46-48 (incl.) Matahae Drive	These sites are within the sub-precinct H boundary and could potentially be

		affected in terms of landscape and visual effects
7	6 -20 (incl.) Perehia Road	These sites are within the sub-precinct H boundary and could potentially be affected in terms of landscape and visual effects
8	66 McQuoids Road	These sites are either within or adjacent to the sub-precinct H boundary and could potentially be affected in terms of landscape and visual effects
9	85 McQuoids Road	These sites are either within or adjacent to the sub-precinct H boundary and could potentially be affected in terms of landscape and visual effects

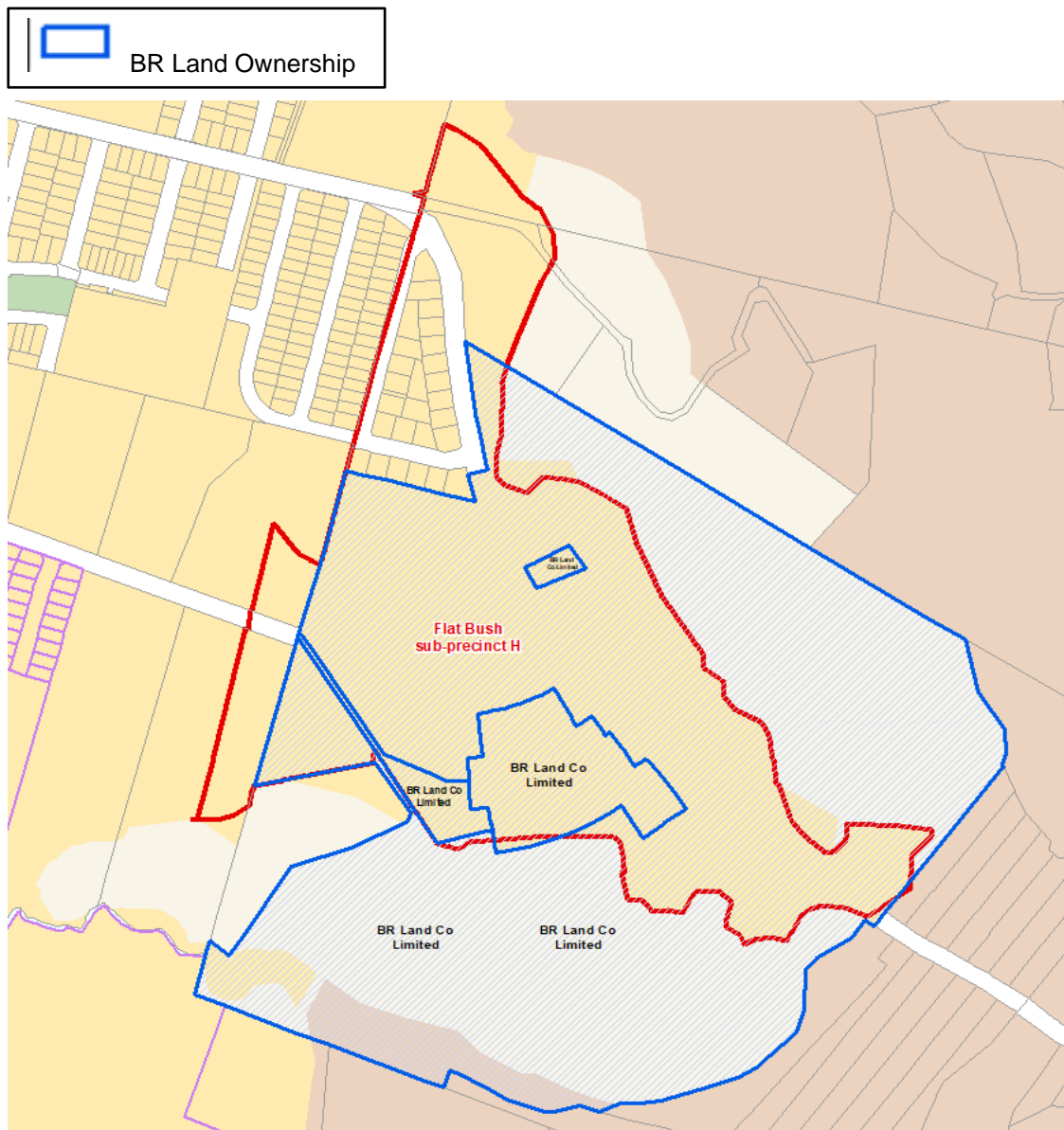
41. The map below in **Figure 4** identifies those parties who are considered to be directly affected because they own land within sub-precinct H or land to be rezoned or adjacent to land that will be rezoned. Council will identify the persons to be directed contacted by letter to inform them of the private plan change request, along with iwi and statutory bodies who are also required to be notified under the Resource Management Act.
42. The map in Figure 5 identifies land ownership as BR Land Company own 90% of the land identified by the blue line in sub-precinct H] including land known as 315 Flat Bush School Road [87, 99 McQuoids road and 361 Flat bush School Road].

Figure 4: Directly affected land holdings and associated persons





**Figure 5: Land ownership within sub-precinct H and in the immediate vicinity**



40. Agreement has been reached with the applicant's consultant regarding the parties that should be notified.

## **Tirohanga a te poari**

### **Local Board view**

41. The Local Board views have not yet been sought by the applicant or the reporting officer.
42. However, the views of the Howick Local Board will be sought on the content of the private plan change request after the submission period closes. A summary of the submissions will be provided to the local board and formal feedback will be sought through a report from a local board business meeting.
43. If the local board passes a resolution and provides its view, the planner will include their views in the s42a hearing report and. This report gives recommendations to the independent decision makers who are appointed by the Regulatory Committee. The local board can present its views to hearing commissioners, if the local board chooses to do so.

## Aromatawai iti te whakamaarama

### Notification Conclusion

44. Based on the assessment above in accordance with clauses 29 and 26 of Part 2 and clause 5A of Part 1 of the First Schedule of the RMA I conclude that the proposed plan change should be limited notified, for the following reasons:
- directly affected adjoining or nearby properties have been identified for limited, direct notification (as detailed in the map above)
  - the areas of land relating to the changes to zoning and precincts are minor and will not compromise the development or environmental outcomes of Flat Bush and its precincts



## **APPENDIX FOUR**

**EXTRACT FROM CHAPTER 17.10 FLAT BUSH  
FROM PLAN CHANGE 20 (MANUKAU  
OPERATIVE DISTRICT PLAN 2002)**





## EXTRACTS FROM Chapter 17.10 Flat Bush - Manukau Operative District Plan 2002

From Page 38

### 17.10.9.6 Flat Bush Residential 4 Zone

#### 17.10.9.6.1 Objective

**To ensure that development respects the sensitive nature of this highly visible landscape in the mid to upper reaches of the Flat Bush Basin and that a degree of spaciousness is achieved in this medium to low density residential zone.**

#### 17.10.9.6.2 Policies

(a) Subdivision, use and development of land shall maintain and enhance the natural character and ecological values of the wider Flat Bush area and access to such features so that they contribute to the unique character of the area by: **(i) Requiring, through the Stormwater Management Areas, Public Open Space 6 zoning and subdivision standards, the maintenance and enhancement of identified watercourses. (ii) Requiring street patterns to maximise long views to the POS6 corridors where practical having regard to topography.**

(b) Medium to low densities and site coverage should be achieved in this zone in a manner that responds to the topography, so as to contribute to a reduced visual impact and create an urban zone with a high degree of spaciousness where topography creates particular constraints;

(c) Buildings and structures should be designed and located in such a manner that they positively address the street and public places so as to contribute to neighbourhood amenity values including pedestrian accessibility and safety, and streetscape values such as diversity and attractiveness;

(d) Connectivity/permeability of the street system shall be maximised wherever possible; and

(e) Activities should not adversely affect the health and well being of the residential community.

#### 17.10.9.6.3 Description and Explanation

The Flat Bush Residential 4 zone is located in the upper McQuoids Road / Flat Bush School Road area, an area of transition from the Flat Bush basin to the upper catchment. This area is characterised by a ridgeline with a wide plateau, moderate slopes and steep gullies. The zone therefore anticipates a mixed medium to low density residential environment that has lots generally in the order of 520m<sup>2</sup> - 1000m<sup>2</sup> combined with development controls to ensure a degree of spaciousness is achieved and maintained. In addition development is encouraged to stay out of the steep gully areas which are expected to undergo a significant

restoration revegetation programme as part of the development process. Like the other Flat Bush Residential zones two new precincts overlay this residential zone. These precincts have been developed to reflect their location, and geotechnical constraints. The zone provides for medium density housing along the plateau and low density housing in the steeper parts of the zone.

#### **Area A**

The location of this precinct is identified in Figure 17.10.1. This precinct is generally located on the plateau adjacent to the indicative road alignment and is characterised by a gentle grade that is suitable to be developed at a medium density. The precinct is adjacent to Flat Bush Residential 3 zone. The precinct provides the opportunity to create a medium density residential environment with a minimum lot size of 520m<sup>2</sup>. The precinct is intended to cater for stand-alone houses with an emphasis on ensuring a suitable residential character and a degree of spaciousness.

#### **Area B**

The location of this precinct is identified in Figure 17.10.1. This precinct covers the rest of the Flat Bush Residential 4 zone with undulating topography and some areas of steep slopes. The location of the Conservation/Stormwater Management Policy Area has resulted in long 'tongues' of developable land on the flanks and spurs of the deep gullies. The steepness of some areas of land and the constrained areas available for development are subject to further geotechnical analysis. The precinct provides the opportunity for low density stand alone housing with a minimum lot size of 1000m<sup>2</sup> clear of the Conservation/Stormwater Management Policy Area.

### **Extracts from Chapter 17.10.11 Rules - Subdivision**

17.10.11.6.3

#### **Minimum Lot Dimensions Flat Bush Residential 4 Zone**

(a) All front lots in the Flat Bush Residential 4 Zone shall have a minimum width of 20m.

(b) All front lots shall have a minimum depth of 26m.

(c) The minimum net site area for rear lots within Area A shall be 520m<sup>2</sup> and within Area B shall be 1000m<sup>2</sup>.

### **17.10.12.2 Site Coverage**

(a) Maximum site coverage shall comply with Table 6: Site Coverage Limitations.

#### **Table 6: SITE COVERAGE LIMITATIONS**

**FLAT BUSH RESIDENTIAL 4 AREA B** Sites over 400m<sup>2</sup> net site area 30,

Sites 200m<sup>2</sup> to 399m<sup>2</sup> net site area NA

Sites under 200m<sup>2</sup> net site area NA

#### **17.10.12.4.2 Side and Rear Yards (Flat Bush Residential 3 and 4 Zones)**

More generally ...

##### Development Controls for Area A

- Area A to have a minimum section size of 520sqm to meet Rule 17.10.11.6.3 (Minimum Lot Dimensions Flat Bush Residential 4 Zone) that sets out the minimum lot dimensions in the Decision version of PC20.
- Construction of more than one household unit on lots between 520sqm-1000sqm to a non-complying activity to ensure that the medium density development achieves the wider objective of spaciousness within the area.
- Area A to allow 35% site coverage along with a minimum front yard of 4m, side yards of 3m each and a 9m rear yard. The 9m rear yard to allow construction of a single storey building (or part of a building) up to a maximum height of 5m with a maximum width of 4m. This provision is consistent with the provisions of Flat Bush Residential 3 zone that allows for smaller sites with deeper back yards.

##### Development Controls for Area B

- Area B to have a minimum section size of 1000sqm.
- Area B to allow 30% site coverage along with a minimum front yard of 4m, side yards of 3m each and a 9 m rear yard. These provisions are consistent with the decision on PC20 for residential developments within the gullies.

Overall, it was recommended that the provisions of the Flat Bush Residential 4 zone be amended to allow for medium to low density residential developments and that the new provisions will ensure the wider objective of spaciousness will still be achieved while delivering on additional housing within the area.

These densities and other provisions became generally part of the Operative PC20 version and were then rolled into the AUP Flat Bush Precinct.

#### **Extract from Chapter 16 .15 Structure Plan Page 5**

Flat Bush Residential 4 Zone (a) The Flat Bush Residential 4 zone is located in the upper McQuoids Road / Flat Bush School Road area, an area of transition from the Flat Bush basin to the upper catchment. This area is characterised by a ridgeline with a wide plateau, moderate slopes and steep gullies. The zone therefore anticipates a medium to low density residential environment that has lots generally in the order of 520m<sup>2</sup> - 1000m<sup>2</sup> combined with development controls to ensure a degree of spaciousness is achieved and maintained. In addition, development is encouraged to stay out of the steep gully areas which are expected to undergo a significant restoration re-vegetation programme as part of the development process. Like the other Flat Bush Residential zones two new precincts overlay this residential zone. These precincts have been developed to reflect their location and

geotechnical constraints. The zone provides for medium density housing along the plateau and low density housing in the steeper parts of the zone.

## **APPENDIX FIVE**

### **EXTRACT FROM FLAT BUSH SCHOOL ROAD DESIGN STATEMENT FOR DEVELOPMENT ADVISORY SERVICES (JASMAX)**





## LOT TESTING

The minimum proposed lot size for the 315 Flat Bush School Road masterplan is 320m<sup>2</sup>.

The majority of sites well exceed this minimum, however, in order to prove suitability of this lot size for development within the planning controls, the following lot testing exercise has been undertaken.

Two standard lot types have been used which measure 320m<sup>2</sup>:

- + 12m x 27m
- + 14m x 23m

Front loaded and rear loaded scenarios have been tested for each dimension set, and demonstrate a compliant outcome is achievable for either.

## HOUSE TYPOLOGIES

To achieve high quality neighbourhood outcomes with amenity features such as 'green-ways' and 'green-streets', certain house typologies need to be employed that respond appropriately to neighbours and context.

Houses on key lot types need to perform certain functions, for example:

- + to ensure a high quality appearance is achieved
- + so that Crime Prevention Through Environmental Design (CPTED) is achieved.

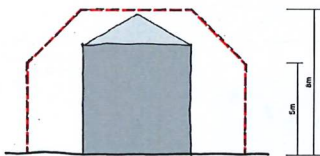
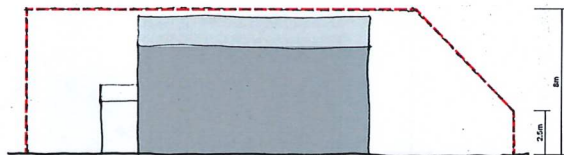
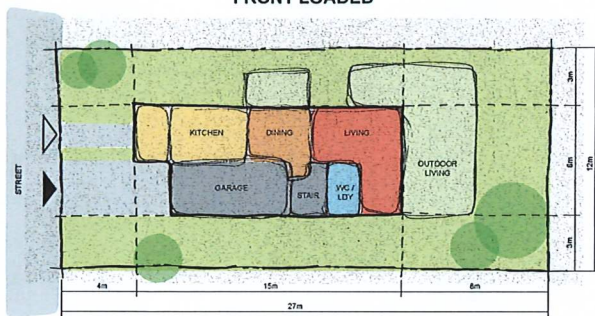
The key house lot types beyond the conventional lot, employed at 315 Flat Bush School Road are:

- + Corner Lot
- + Rear Loaded Lot
- + Dual Facing Lot

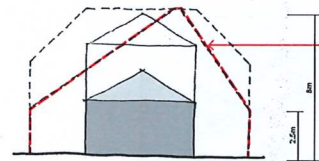
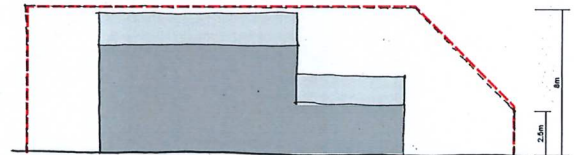
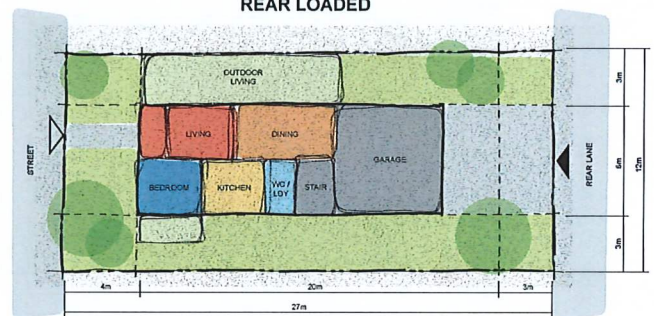
Refer to the following guidance notes on the roles these lots play in the neighbourhood context and how the associated design objectives can be achieved.

LOT TESTING \_ 12 X 27M

FRONT LOADED



REAR LOADED



HEIGHT IN RELATION TO BOUNDARY FOR THE FIRST 8m FROM THE REAR OF THE SITE

LOT TESTING \_ 14 X 23M



## HOUSE TYPOLOGIES PLAN

### CORNER LOTS

Houses on lots located at the corner of intersecting streets or lanes need to present a formal frontage to two sides. That means that architectural features such as the front door, windows, balconies and roof profiles should articulate both the front elevation and the side elevation which faces the opposing street.

Blank walls, with little articulation, no windows for outlook or passive surveillance must be avoided.

The adjacent plan highlights which lots are considered corner lots. In order that a cohesive, high quality neighbourhood outcome can be achieved, particular design consideration must be given to the houses on these lots.



Houses with doors, windows, balconies or terraces on front and side elevations, articulating both faces and eliminating blank walls.



## HOUSE TYPOLOGIES PLAN

### REAR LOADED LOTS

Houses that front onto reserves or green-ways must have vehicle access from the back via rear lanes.

Houses on rear loaded lots need to present a formal frontage to the reserves they overlook. This means the formal entrance (front door) should open onto the open space, and windows (ideally from active use spaces such as kitchens or living rooms) should be provided to allow for passive surveillance over the open space.

The rear elevation of rear loaded houses can be more informal than the front elevation, but should also provide windows that overlook the lane for improved passive surveillance.

The adjacent plan highlights rear loaded lots. In order that a cohesive, high quality neighbourhood outcome can be achieved, particular design consideration must be given to the houses on these lots.



Street elevations with front doors and window treatments fronting onto the street.



Rear lane with appropriate landscaping treatments, well articulated garages and upper storey windows overlooking the lane.

## HOUSE TYPOLOGIES PLAN

### DUAL FACING LOTS

Houses that front onto reserves or green-ways, but which have vehicle access from a standard road (not a rear lane) are considered dual facing lots. Essentially, houses on dual facing lots must present a formal frontage to both end elevations, one to the reserve, and one to the street.

Houses on dual facing lots need to present a formal frontage to the reserves they overlook. This means windows (ideally from active use spaces such as kitchens or living rooms) should be provided to allow for passive surveillance over the open space. Private open space should be designed to overlook public open space reserve, with low planting or fences delineating the boundary between the spaces. Private space should not be concealed behind high close boarded fencing. This can create a safety and security risk as well as have a negative visual impact.

The street fronting elevation should incorporate garage doors architecturally so as not to dominate the appearance of the house. Front doors should be clearly visible and 'read' as the formal entrance.

The adjacent plan highlights dual facing lots. In order that a cohesive, high quality neighbourhood outcome can be achieved, particular design consideration must be given to the houses on these lots.



Street elevation incorporating garage doors discretely and presenting a strong formal aspect to the street.



Reserve facing elevations overlooking public space, with low planting /fences defining boundary between public and private.

## **APPENDIX SIX**

### **I412 FLAT BUSH PRECINCT (FROM AUP:OP)**





## **I412. Flat Bush Precinct**

### **I412.1. Precinct description**

The Flat Bush precinct covers approximately 1730ha of land adjacent to the Rural Urban Boundary.

The Flat Bush Precinct incorporates the provisions of the Flat Bush Precinct plan and includes ten sub-precincts. The sub-precincts vary the subdivision controls of the respective underlying zones in relation to block design, road design and road construction standards.

The precinct is divided into the following sub-precincts and areas and contains the objectives, policies and standards relevant to subdivision, development and earthworks in the precinct plan area.

### **Flat Bush Residential Sub-precincts**

These eight Sub-precincts apply to land within the urban residential zones:

#### *Flat Bush Sub-precinct A (General)*

This Sub-precinct is generally located on the low-lying lands within 1.5 km of the Flat Bush Town Centre and Barry Curtis Park. It promotes higher residential densities than have been achieved in the past, and is characterised by a diverse range of housing types.

#### *Flat Bush Sub-precinct B (Central)*

This Sub-precinct has a residential emphasis and is generally located within a 5 minute walk of the Flat Bush Town Centre. It is a sub-precinct where higher residential densities are to be promoted.

#### *Flat Bush Sub-precinct D (Arterial)*

This Sub-precinct is generally located within 60m of the main road networks and enables a range of residential activities. It is envisaged that sites fronting arterial routes will contain apartments and terrace/semi-detached housing up to a maximum height of 4 storeys.

#### *Flat Bush Sub-precinct E (Barry Curtis Edge)*

This Sub-precinct is located around the perimeter of Barry Curtis Park, which is a substantial public open space of approximately 90ha. All parts of this Sub-precinct are located within a 10 to 15 minute walk from the Flat Bush Town Centre. It is anticipated that the highest residential densities in the Flat Bush area will be developed in this Sub-precinct, including apartment buildings overlooking the Park of generally up to 6 storeys.

#### *Flat Bush Sub-precinct F (Local Centre)*

This Sub-precinct is similar to the Flat Bush Sub-precinct A (General) but is located immediately around three Neighbourhood Centres in, or immediately adjacent to, the Flat Bush Precinct. It has a residential emphasis and is generally located within 400m or a five minute walk of the Neighbourhood Centres.

#### *Flat Bush Sub-precinct G (Open Space)*

The land contained within this Sub-precinct surrounds the main waterways (Stormwater Management Areas) within the Flat Bush catchment and as a result is generally linear in shape. It runs along key identified corridors from the lower end of the catchment in the vicinity of Barry Curtis Park, through to the upper catchment. It is noted that land within this Sub-precinct does not include land within the 100-year flood plain, as this land is specifically required for drainage purposes. The fundamental purpose of this Sub-precinct is to include land to be set aside as open space for passive informal recreation and leisure activities and to mitigate the adverse environmental effects created by urban development.

*Flat Bush Sub-precinct H (Mixed Housing Suburban)*

This Sub-precinct relates to land in the upper McQuoids Road / Flat Bush School Road area that transitions to the upper catchment area. It therefore anticipates a medium density residential environment with development controls to ensure a degree of spaciousness.

*Flat Bush Sub-precinct K (Single House)*

This area relates to steeper land in the upper McQuoids Road / Flat Bush School Road area that transitions to the upper catchment area. It therefore anticipates lower density residential environment with development controls to ensure a degree of spaciousness.

These two Sub-precincts apply outside the urban areas:

*Flat Bush Sub-precinct I (Countryside Transition)*

This Sub-precinct relates to land within the upper catchment area and alongside the many streams and waterways in the Sub-precinct. The Sub-precinct further functions to protect and enhance the natural environmental qualities found within the Sub-precinct, while providing for appropriate countryside living.

*Flat Bush Sub-precinct J (Conservation and Stormwater Management)*

This Sub-precinct covers the steep gully areas and waterways that have been identified as warranting environmental enhancement. The function of the Sub-precinct is to improve the overall ecological condition of these gullies and waterways and ensure a level of open space by limiting development in these sensitive areas and undertaking riparian planting and allowing areas of existing native vegetation to regenerate. The riparian planting will enhance the ecological condition of streams, maintain stream bank stability and reduce the level of erosion and flooding created within the catchment where existing exotic planting exists. Land covered by this Sub-precinct is to remain in private ownership and is to be kept free from buildings and structures.

**Flat Bush Sub-precinct C**

Sub-precinct C is the subject of operative Plan Variation 8, pursuant to the Housing Accords and Special Housing Areas Act 2013. Accordingly, Sub-precinct C is not subject to the provisions of the Flat Bush Precinct.

**Flat Bush Precinct outside sub-precincts**

Areas which fall within the boundaries of the Flat Bush Precinct and which are not within the boundaries of any sub-precinct are not subject to any of the standards or other

provisions which apply to those sub-precincts. The provisions of the zoning, Auckland-wide and overlays apply to the areas of Flat Bush Precinct which lie outside any sub-precincts.

**Flat Bush conservation and stormwater management area**

The Flat Bush conservation and stormwater management area lies over part of the land within Flat Bush Sub-precinct J (Conservation and Stormwater Management). The purpose of this sub-precinct is to improve the overall ecological condition of these gullies and waterways by requiring riparian planting and allowing areas of existing native vegetation to regenerate. The riparian planting will enhance the ecological condition of streams, maintain stream bank stability and reduce the level of erosion and flooding created within the catchment where existing exotic planting exists.

Areas covered by this overlay are to remain in private ownership and are to be kept free from buildings and structures.

The zoning of land within the Flat Bush Sub-precincts A,B and D to K is set out in the following table:

**Table I412.1.1 - Zoning of land within this precinct**

Zones	Sub-precincts
Residential - Mixed Housing Urban and Residential - Mixed Housing Suburban	Flat Bush Sub-precinct A (General)
Residential - Terrace Housing and Apartment Buildings	Flat Bush Sub-precinct B (Central)
Residential - Terrace Housing and Apartment Buildings and Residential - Mixed Housing Suburban	Flat Bush Sub-precinct D (Arterial)
Residential - Terrace Housing and Apartment Buildings and Residential - Mixed Housing Urban	Flat Bush Sub-precinct E (Barry Curtis Edge)
Residential - Terrace Housing and Apartment Buildings	Flat Bush Sub-precinct F (Local Centre)
Residential Mixed Housing Suburban	Flat Bush Sub-precinct G (Open Space)
Residential Mixed Housing Suburban	Flat Bush Sub-precinct H (Mixed Housing suburban)
Residential - Single House	Flat Bush Sub-precinct K (Single House)
Residential - Large Lot	Flat Bush Sub-precinct I (Countryside Transition)
Rural - Countryside Living	Flat Bush Sub-precinct I (Countryside Transition)
Rural - Countryside Living	Flat Bush Sub-precinct J (Conservation and Stormwater Management)
As noted above areas of the Flat Bush Precinct that lie outside the boundaries of any of the sub-precincts listed above are subject to the provisions of the zone.	

## **I412.2. Objective**

### **I412.2.1. Objectives for Flat Bush Precinct**

- (1) A well-connected, adaptable, safe, attractive and healthy environment for living, working and movement with an emphasis on the importance of the public realm, is achieved.
- (2) An appropriate range of physical and social infrastructure and facilities enhance the resulting urban environment and address any adverse effects of urbanisation.
- (3) Ecology of remnant native vegetation and waterways are protected, sustained, restored and enhanced.
- (4) A pattern of commercial activities based on an identifiable community focus is established which is supported by office or institutional activities and small scale business and mixed use activities along nominated main roads and in close proximity to the town and neighbourhood centres.
- (5) A safe, efficient, well-connected and integrated transport system is established within and beyond the Flat Bush area that provides a choice of travel modes.
- (6) High quality residential amenity is promoted for all types of housing that reflects and responds to community needs and the physical environment both now and in the future.
- (7) Stormwater runoff is managed to enable the maintenance and enhancement of natural waterways, native forest and wetlands and to provide passive recreational opportunities as well as pedestrian and cycle access.
- (8) The adverse effects on Auckland International Airport of activities sensitive to aircraft noise within the medium aircraft noise area (MANA) in the Flat Bush Precinct are minimised.

### **I412.2.2. Objectives for Flat Bush Sub-precincts A, B, D, E, F, G, H and K**

- (1) An integrated, medium to high density residential environment which has high levels of amenity, supports a range of travel modes, allows for a range of living opportunities and incorporates opportunities for compatible small scale employment.
- (2) A street grid that, combined with the park edge road network, provides a legible urban pattern that reveals the Flat Bush landscape.
- (3) In Sub-precincts H and K, the landscape quality, water and soil resources, native forest, wetlands and open space amenity values of this highly visible landscape in the mid to upper reaches of the Flat Bush basin along with a degree of spaciousness in this medium to low density residential sub-precinct is maintained and enhanced.

### **I412.2.3. Objectives for Flat Bush Sub-precincts I and J**

- (1) The landscape quality, water and soil resources, native forest, wetlands and open space amenity values of this highly visible landscape in the mid to upper

reaches of the Flat Bush basin along with the spaciousness in these low density residential sub-precincts is maintained and enhanced.

The zone, Auckland-wide and overlay objectives apply in this precinct in addition to those specified above.

### **I412.3. Policies**

#### **I412.3.1. Policies for Flat Bush Precinct**

- (1) Enable land uses within Sub-precincts that orient primarily towards business, residential and open space activities and provide a gradation of residential activity density by:
  - (a) focusing the highest allowable densities around the Flat Bush Town Centre, Flat Bush Neighbourhood Centres, the perimeter of Barry Curtis Park and along arterial roads;
  - (b) allowing medium/higher densities within the remaining residential areas; and
  - (c) locating less intensive residential areas at the extremities of the Flat Bush Precinct Plan area.
- (2) Enable an integrated road and transport system by guiding the design and layout of subdivision to provide connectivity and the opportunity for a variety of travel modes.
- (3) Encourage riparian planting along waterways to:
  - (a) maintain and enhance water quality and aquatic habitats;
  - (b) enhance existing native forest and wetland areas within the catchment; and
  - (c) reduce stream bank erosion.
- (4) Require subdivision and development to be of a type, density and design that does not detract from, and is supportive of, the specific environmental outcomes identified for each Sub-precinct.
- (5) Require subdivision and development to incorporate sustainable management principles as part of the land modification process to comply with safe practices in the identification, assessment, treatment and/or remediation of asbestos-containing materials.
- (6) Require subdivision, land use and development to maintain and enhance the natural character and ecological values of the wider Flat Bush precinct and provide access to such features so they contribute to the unique character of the area by:
  - (a) using the conservation and stormwater management area and subdivision standards to maintain and enhance identified watercourses and environmental corridors; and

- (b) requiring street patterns to maximise long views to the environmental corridors where practical and having regard to topography.
- (7) Require open space corridors to be edged by streets and maintain physical integration between the open space and street environment e.g. significant grade changes are avoided.
- (8) Avoid residential development beyond the average site size control within the MANA to minimise the effects of aircraft noise on residents.

**I412.3.2. Policies for Flat Bush Sub-precincts A, B, D, E, F, G, H and K**

- (1) Encourage higher density residential development in close proximity to the Town Centre/Neighbourhood Centres, main arterials and public open space including Barry Curtis Park.
- (2) Maximise vehicular and pedestrian connectivity/permeability of the street network wherever possible.
- (3) Promote development where streets are to form blocks that enable:
  - (a) future development to conform to a perimeter block pattern of development where buildings front roads; and
  - (b) there is sufficient space between the rear of opposing dwellings to provide privacy.
- (4) Promote and maintain interconnectivity between sub-catchments.
- (5) In Sub-precinct H and K, require medium to lower densities and site coverage to create spacious urban development with reduced visual impact.

**I412.3.3. Policies Flat Bush Sub-precincts I and J**

- (1) Require lower densities and site coverage to create spacious rural and transitional urban development with reduced visual impact.
- (2) Require riparian planting of native species within the conservation and stormwater management area to:
  - (a) maintain and enhance water quality and aquatic habitats, existing native forest and wetland areas within the catchment; and
  - (b) improve general landscape qualities and to prevent stream bank erosion.
- (3) Require that activities, buildings and structures are designed and located to:
  - (a) retain significant native vegetation, including riparian vegetation; and
  - (b) protect the ecological and landscape values associated with the area.

The zone, Auckland-wide and overlay policies apply in this precinct in addition to those specified above.

**I412.4. Activity table**

The activity status of activities in the underlying zone, and Auckland-wide provisions apply in this precinct unless otherwise specified below.



Table I412.4.1 specifies the activity status of land use, development and subdivision activities in the Flat Bush Precinct pursuant to section 9(3) and 11 of the Resource Management Act 1991 or any combination of these sections where relevant.

**Table I412.4.1 Activity status of land use, development and subdivision activities in the Flat Bush Precinct**

Activity		Activity status by Sub-precinct									
		A	B	D	E	F	G	H	I	J	K
<b>Residential</b>											
(A1)	One dwelling per site	P	P	P	P	P	NA	P	P	NA	P
(A2)	Two or more dwellings (including integrated landuse and subdivision resource consent)	RD	RD	RD	RD	RD	NA	RD	RD	NA	RD
<b>Development</b>											
(A3)	Alterations and additions to existing dwellings involving habitable room(s) within the Moderate Aircraft Noise Area	RD	RD	RD	RD	RD	P	RD	RD	NC	RD
(A4)	Cluster Housing on sites greater than 20ha	NA	NA	NA	NA	NA	NA	NA	D	D	NA
<b>Community Facilities</b>											
(A5)	Educational facilities	RD	RD	RD	RD	RD	NA	RD	RD	NC	RD
(A6)	Entertainment facilities	NC	NC	D	D	NC	NA	RD	RD	NC	RD
(A7)	Formed Bridle Trails and Mountain Bike Trails	NA	NA	NA	NA	NA	C	NA	NA	C	NA
<b>Rural</b>											
(A8)	Farming	P	P	P	P	P	P	P	P	P	P
<b>Commerce</b>											
(A9)	Food and beverage	D	D	D	D	D	NA	D	D	NA	D
(A10)	Offices not	D	D	D	D	D	NA	NC	NC	NA	NC

I412 Flat Bush Precinct

	exceeding 150sqm Gross Floor Area										
(A11)	Offices exceeding 150sqm Gross Floor Area.	NC	NC	D	D	D	NA	NC	NC	NA	NC
(A12)	Retail no greater than 150sqm Gross Floor Area	NC	D	D	D	D	NA	NA	NA	NA	NA
(A13)	Show homes	P	P	P	P	P	NC	P	NC	NC	P
<b>Subdivision</b>											
<p>Note: The Auckland-wide standards for Subdivision apply. Under <a href="#">E38 Subdivision – Urban, Activity Table E38.4.2</a>, (A18) “Vacant sites subdivision involving a parent site of 1ha or greater complying with standard <a href="#">E38.8.3.1</a>” require a discretionary activity consent. The following subdivision activities that are listed as RD and involve a parent site of 1 Ha or more therefore become discretionary activities if the parent site is 1 ha or more.</p>											
(A14)	Any subdivision activity that is integrated with a land use consent that does not comply with the site size identified in I412.6.2.1 and the minimum site dimensions identified in I412.6.2.2.	RD	RD	RD	RD	RD	NA	NA	NA	NA	NA
(A15)	Any subdivision activity on sites that include more than one sub-precinct, and which varies from the maximum or minimum average site size requirements specified in I412.6.2.1	RD	RD	RD	RD	RD	NA	NA	NA	NA	NA
(A16)	Any subdivision that contains land within the Sub-precinct J	NA	NA	NA	NA	NA	NA	NA	RD	RD	NA
(A17)	Any subdivision that does not comply with I412.6.2.3	D	D	D	D	D	D	D	D	D	D

(A18)	Any activity (including subdivision) which includes wastewater disposal in the Sub-precinct I	NA	NA	NA	NA	NA	NA	NA	RD	NA	NA
(A19)	Any subdivision, building or structure within the Sub-precinct J	NA	NA	NA	NA	NA	NA	RD	RD	RD	RD
(A20)	Any subdivision, building or structure within the Sub-precinct G	RD	RD	RD	RD	RD	RD	NA	NA	NA	NA

**I412.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table I412.4.1 above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under s95A(4) of the Resource Management Act 1991.
- (2) A resource consent application under I412.6.2.4(2)(e) – Alternative Road Layouts may be considered on a limited notified basis within the sub-catchment areas as shown on Precinct Plan 3. Sub-catchments.
- (3) Any other application for resource consent for an activity with a different activity status listed in Table I412.4.1 above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (4) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

**I412.6. Standards**

**I412.6.1. Permitted activity standards**

The overlay, zone and Auckland-wide standards apply in this precinct except the following;

- (1) The following standards within Residential - Mixed Housing Suburban Zone and Residential - Mixed Housing Urban Zone do not apply.
  - (a) Outlook;
  - (b) Separation between Buildings within a site; and
  - (c) Maximum building length.

All activities listed as permitted and restricted discretionary in table I414.4.1 Activity table must comply with the following permitted activity standards:

**I412.6.1.1. Density**

(1) The following density requirements shall apply within the Flat Bush Sub-precincts:

**Table I412.6.1.1.1 Density requirements**

	Sub-Precinct									
	A	B	D	E	F	G	H	I	J	K
Minimum density (sqm net site area per dwelling)	425	300	425	250	425	NA	520	NA	NA	1000
Maximum allowable density within the MANA area (sqm per dwelling)	400	NA	150	180	300	NA	NA	NA	NA	NA
Maximum density (sqm per dwelling)	NA	NA	NA	NA	NA	NA	NA	5000	NA	NA

(2) Site size in Sub-precincts H, I and K may include land within Sub-precinct J and land in Sub-precinct G which is not required for open space purposes.

(3) Any application not meeting the density requirements of I412.6.1.1(1) shall be a non-complying activity.

**I412.6.1.2. Building height**

(1) Buildings must not exceed the maximum height in the table below:

**Table I412.6.1.2.1 Building height**

	Sub-Precinct									
	A	B	D	E	F	G	H	I	J	K
Maximum height in meters	9	9	12	16	9	8	8	8	8	8

**I412.6.1.3. Height in Relation to Boundary**

(1) The following height in relation to boundary controls apply:

- (a) for all lots, the height in relation to boundary control does not apply to the street boundary;
- (b) in the case of front lots (not being a corner lot or adjacent to a corner lot) a building height in relation to boundary of 5m and 45° must apply on side boundaries adjoining other front lots, up to a maximum distance of 8m from the rear boundary;
- (c) a height in relation to boundary of 2.5m and either 45° (for east or west boundaries), 55° (for north boundaries), 35° (for southern boundaries) must apply to the remaining part of any side boundary that is within 8m from the rear boundary;
- (d) in the case of front lots which adjoin a corner lot the following apply:
  - (i) on side boundaries that adjoin the shortest side boundary of the corner lot, a height in relation to boundary of 2.5m and either 45° (for east or west boundaries), 55° (for north boundaries), 35° (for southern boundaries) must apply to the whole length of the boundary including where that side boundary extends beyond the corner lot;
  - (ii) on side boundaries that adjoin the longest side boundary of the corner lot, a building height in relation to boundary of 5m and 45° must apply up to a maximum distance of 8m from the rear boundary. Standard I412.6.1.3(1)(c) must apply to the remaining part of the side boundary that is within 8m from the rear boundary; and
  - (iii) in relation to the shortest side boundary of a corner lot (including where that side boundary extends beyond the corner lot) all windows above the ground floor level facing the corner lot (or facing a lot adjoining the corner lot) must have a window sill level at least 1.6m above the floor level or be fitted with opaque glass;
- (e) in the case of corner lots the following apply:
  - (i) on the shortest side boundary of the corner lot, a height in relation to boundary of 2.5m and either 45° (for east or west boundaries), 55° (for north boundaries), 35° (for southern boundaries) must apply;
  - (ii) on the longest side boundary of the corner lot, a building height in relation to boundary of 5m and 45° must apply up to a maximum distance of 8m from the side boundary. A height in relation to boundary of 2.5m and either 45° (for east or west boundaries), 55° (for north boundaries), 35° (for southern boundaries) must apply to the remaining part of the side boundary that is within 8 m from the rear boundary; and
  - (iii) all buildings within 6m of the shortest side boundary must be limited to a single storey and a 5m maximum height;

(f) exceptions for Height in Relation to Boundary identified in I412.6.1.3(1)(a)-(e) above:

- (i) a gable end including fascia up to a maximum of 7m<sup>2</sup> may intrude into the height in relation to boundary recession plane. For the purposes of this standard a gable end is defined as the triangular sides of a building with a gable roof where the wall reaches all the way to the ridge;
- (ii) no account shall be taken of minor projections such as radio and television aerials, antennas, solar heating devices and chimneys (not exceeding 2.0m in any horizontal direction and projecting no more than 2.0m above the maximum permitted height of the main structure);
- (iii) where a site abuts an entrance strip, private way, access lot, access way or public walkway the furthest boundary of these may be deemed to be the site boundary for the purpose of this standard; and
- (iv) there is no height in relation to boundary applicable to the length of the common wall between abutting buildings.

**I412.6.1.4. Yards**

(1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table I412.6.1.4.1 below.

**Table I412.6.1.4.1 Yards**

	Sub-Precinct									
	A	B	D	E	F	G	H	I	J	K
Front Yard in meters	3	NA	0	0	3	0	4	6	6	4
Side Yard in meters	1.2	1.2	1.2	1.2	1.2	0	3	6	0	3
Rear yard <sup>1</sup> in meters	8	8	8	8	8	0	8	6	0	8

(2) Provided that:

- (a) rear yards on all sites must be a minimum of 8m (except 6m in Sub-precinct I), except that a single storey building (or part of a building) up to a maximum height of 5m is permitted within the rear yard provided that it is no closer than 3m from the rear boundary;
- (b) the rear yard required above does not apply where the site adjoins a rear lane or access lot; and

(c) for rear sites (except in Sub-precinct I), all yards must be a minimum of 3m.

**I412.6.1.5. Building coverage**

(1) The maximum building coverage must not exceed the relevant percentage set out in table I412.6.1.5.1 below.

**Table I412.6.1.5.1 Maximum building coverage (as a percent of the site)**

	Maximum Building Coverage (as a percent of the site)									
	Sub-Precinct									
	A	B	D	E	F	G	H	I	J	K
Sites over 400sqm net site area	40	40	50	50	40	NA	35	15	NA	30
Sites between 200sqm-399sqm net site area	40	45	50	50	45	NA	NA	NA	NA	NA
Sites under 200sqm net site area	50	50	50	50	50	NA	NA	NA	NA	NA

**I412.6.1.6. Impervious Area**

(1) The maximum impervious area must not exceed 70 per cent of the gross site area.

**I412.6.1.7. Fences**

(1) Where land within Flat Bush Precinct adjoins Flat Bush Sub-precincts G or J, the boundary fencing or walls along the common boundaries shall be limited to a maximum height of 1.8m.

**I412.6.2. Subdivision**

**I412.6.2.1. Minimum and average lot sizes**

(1) Minimum and average site sizes shall comply with the table below and the controls which follow:



**Table I412.6.2.1.1 Minimum and average lot sizes**

	Sub-Precinct							
	A	B	D	E	F	H	I	K
Average Site size in sqm	325 to 425	NA	325 to 425	325 to 425	325 to 425	NA	5000	NA
Average Site size in sqm within MANA	425 to 450	NA	NA	NA	NA	NA	NA	NA
Minimum site size in sqm	325	NA	325	325	325	520	2000	1000

- (a) average or minimum site size in Sub-precincts H, I and K may include land within Sub-precinct J;
- (b) no minimum lot sizes apply to an integrated land use and subdivision application;
- (c) additional Development Standards to be met in the Flat Bush Sub-precinct I:
  - (i) subdivision creating sites will only be permitted on land held in a separate Certificate of Title on 27 October 2010 (the existing site); and
  - (ii) subdivisions are permitted to be made in stages by reference back to the existing site. Multiple subdivision consent applications may not be used to negate the provision for an average site size or the maximum number of sites that would be permitted by the subdivision of the existing site;
- (d) Any application not meeting any of the above requirements shall be a non-complying activity.

**I412.6.2.2. Minimum site dimensions**

(1) Minimum sites dimensions shall comply with the table below:

**Table I412.6.2.2.1 Minimum site dimensions**

	Sub-Precincts		
	A, B, D, E & F	H & K	J
Front Site Minimum Width in metres	12.5	20	25
Front Site Minimum Depth in metres	26	26	NA
Front Site Legal Width of Back Lanes in metres	7	NA	NA
Rear sites	NC	NA	NA

- (2) There shall be no minimum site size within Sub-precincts A, B, D, E, & F where subdivision is proposed as part of an integrated land use consent, provided that within the MANA the maximum allowable densities set out in Standard I412.6.1.1 are complied with.
- (3) Any application not meeting the above requirements shall be a discretionary activity.

**I412.6.2.3. Subdivision standards applying to land within Sub-precincts G and J**

- (1) The following subdivision standards apply to land within Sub-precincts G and J:
  - (a) standards for Sub-precinct G:
    - (i) upon development or subdivision of sites containing land within Sub-precinct G, such areas shall be vested in the Council for public open space purposes;
    - (ii) all Stormwater Management Areas are indicative only and the exact boundaries are subject to final stormwater modelling;
    - (iii) all land contained within the Sub-precinct G that is vested in Council upon subdivision, development or by direct purchase, shall be administered in accordance with the Standards set out below for Sub-precinct J;
    - (iv) where all or part of the land identified within the Sub-precinct G is not required to be vested in Council as public open space, the area status shall no longer apply and the provisions of the underlying Zone will apply; and
    - (v) where land is no longer required as a Stormwater Management Area within the Flat Bush area the land shall be administered in accordance with the provisions for Sub-precinct G;
  - (b) standards for Sub-precinct J:
    - (i) access to all sites and all building platforms within the subdivision shall be wholly outside Sub-precinct J;
    - (ii) where an application for subdivision consent includes two or more adjoining sites, the combined areas may be treated as one site for the sole purpose of subdivision design and configuration, provided that the average site size and minimum site size are in accordance with Table I412.6.2.1.1.
    - (iii) land within Sub-precinct J to be set aside for planting and to be secured by consent notice shall be planted and a programme of weed and pest control shall be provided for in the consent notice;
    - (iv) a Riparian Planting Plan shall be provided as part of any application for land modification, development and subdivision; and

- (v) the developer shall be responsible for the routine maintenance and replacement of any planting they provide for a period of two years from the time of planting.

**I412.6.2.4. Movement Network**

(1) All subdivision shall comply with the following controls:

- (a) roads shall be provided in accordance with the indicative alignments in Figure 1 Collector Road Park Edge with development on one side and the Precinct Plan 2. Road Network shall be constructed to the standards contained within Table I412.6.2.4.2: Construction Standards for Additional Road Types within the Flat Bush Precinct Plan Area or, where not contained in Table I412.6.2.4.2, the relevant Auckland Wide standards shall apply;
- (b) all new subdivisions, roads and sites shall comply with the standards and terms in Table I412.6.2.4.1 Connected Movement Network and shall be built in accordance with the cross sections in Figures 1 through to Figure 5.

**Table I412.6.2.4.1 Connected Movement Network**

	Sub-Precinct									
	A	B	D	E	F	G	H	I	J	K
Maximum Block Length in metres	250	250	250	250	250	NA	NA	NA	NA	NA
Maximum Block Perimeter Distance in metres	700	700	700	700	700	NA	NA	NA	NA	NA
Maximum cul-de-sac lengths (excluding turning circle) in metres	0	0	0	0	0	NA	200	NA	NA	200

**Table I412.6.2.4.2 Construction Standards For Additional Road Types Within The Flat Bush Precinct Plan Area**

Types of road	Road	Carriage -way	Max. grade	Figure
Collector Road Park Edge with development on one side in metres	19.6	9.2	8.33%	Refer Figure 1
Collector Road Park Edge – Bridge in metres	15	7	8.33%	Refer Figure 2

I412 Flat Bush Precinct

Collector Road Park Edge - with public open space on both sides in metres	17.4	7	8.33%	Refer Figure 3
Flat Bush Local Road in metres	18.2	7.8	12.5%	Refer Figure 4
Flat Bush Local Road Park Edge in metres	14	7.8	12.5%	Refer Figure 5
Flat Bush Special Local Road Park Edge	14	8.1	2.5%	Refer Figure 6

(2) Alternative road layouts:

- (a) alternative road layouts may be proposed which demonstrate the implications for the whole sub-catchment within which the changes are proposed as identified in Precinct Plan 3. Sub-catchments shall be constructed to the standards contained within Table I412.6.2.4.2 Construction Standards for Additional Road Types within the Flat Bush Precinct Plan Area, or where not contained in Table I412.6.2.4.1 Connected Movement Network;
- (b) all alternative road layouts shall meet the requirements of Standard I412.6.2.4(1)(b) and shall not alter the position of arterial roads as identified in Precinct Plan 2. Road Network;
- (c) all alternative road layouts must maintain the position of key specified local road connections between sub catchment areas, as indicated in Precinct Plan 4. Key Road Connections;
- (d) in the Sub-precincts A, B, D, E, & F the block depth shall accommodate the minimum site dimension as specified in Standard I412.6.2.2 Minimum site dimensions; and
- (e) any application not meeting the above requirements shall be a restricted discretionary activity.

Figure 1. Collector Road Park Edge with development on one side

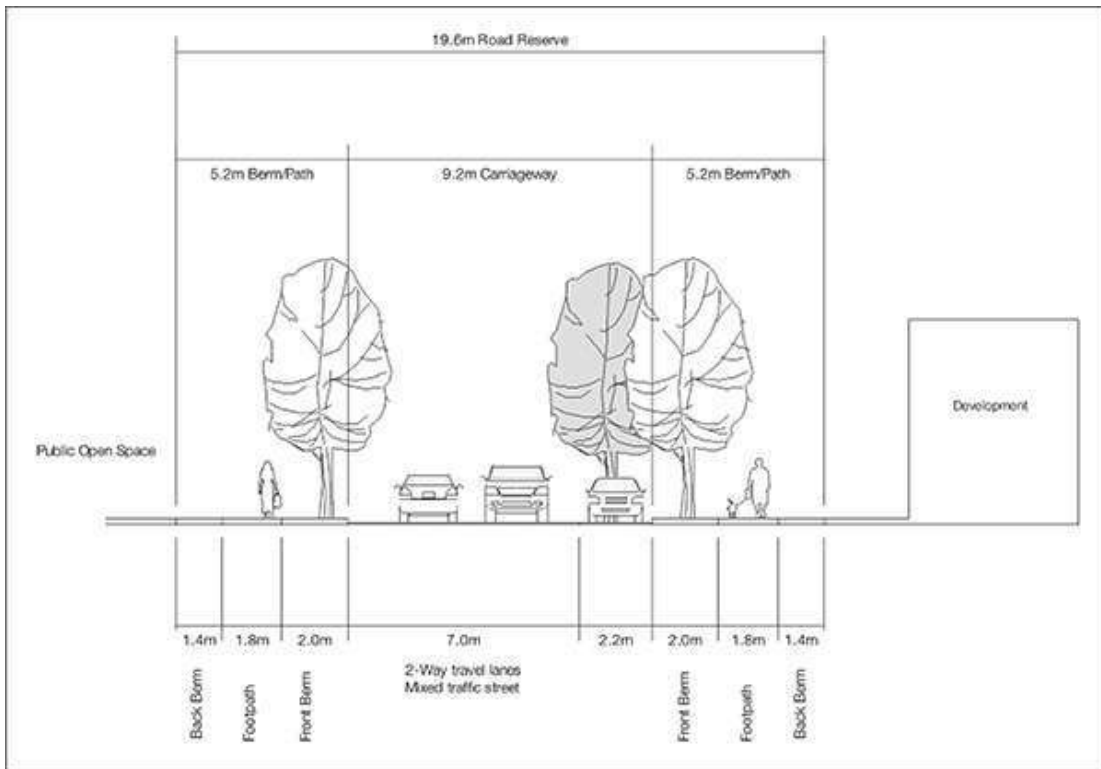


Figure 2. Collector Road Park Edge - Bridge

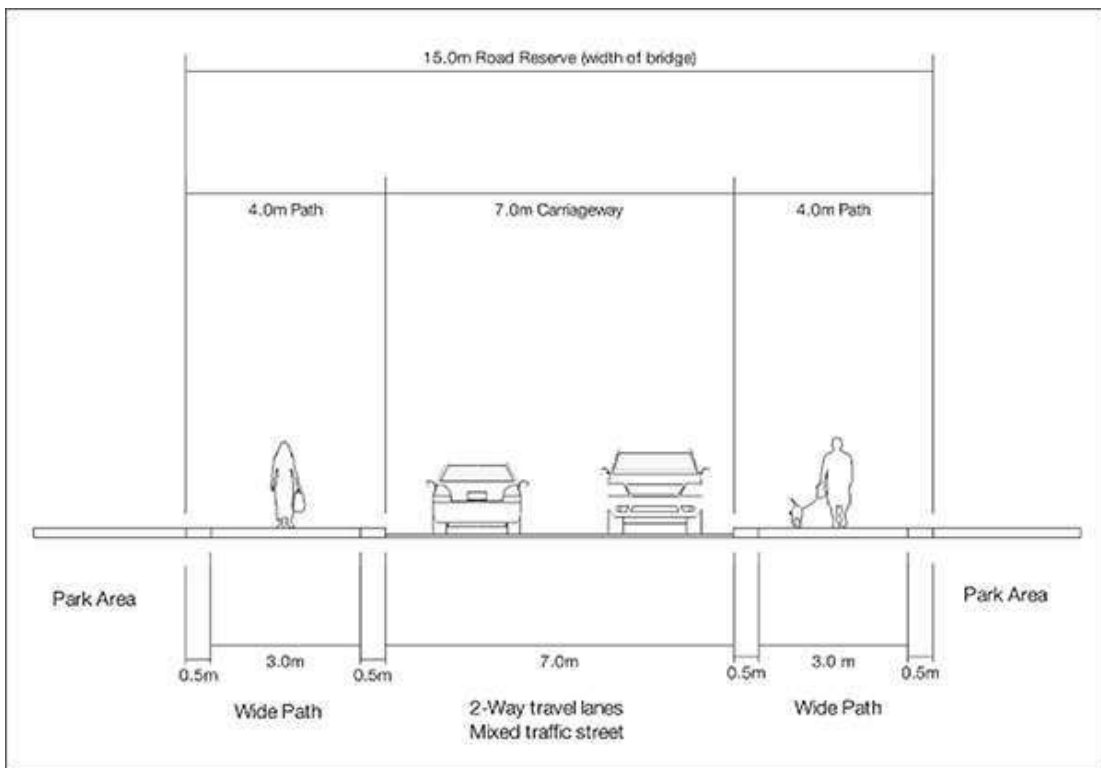


Figure 3. Collector Road Park Edge with public open space on both sides

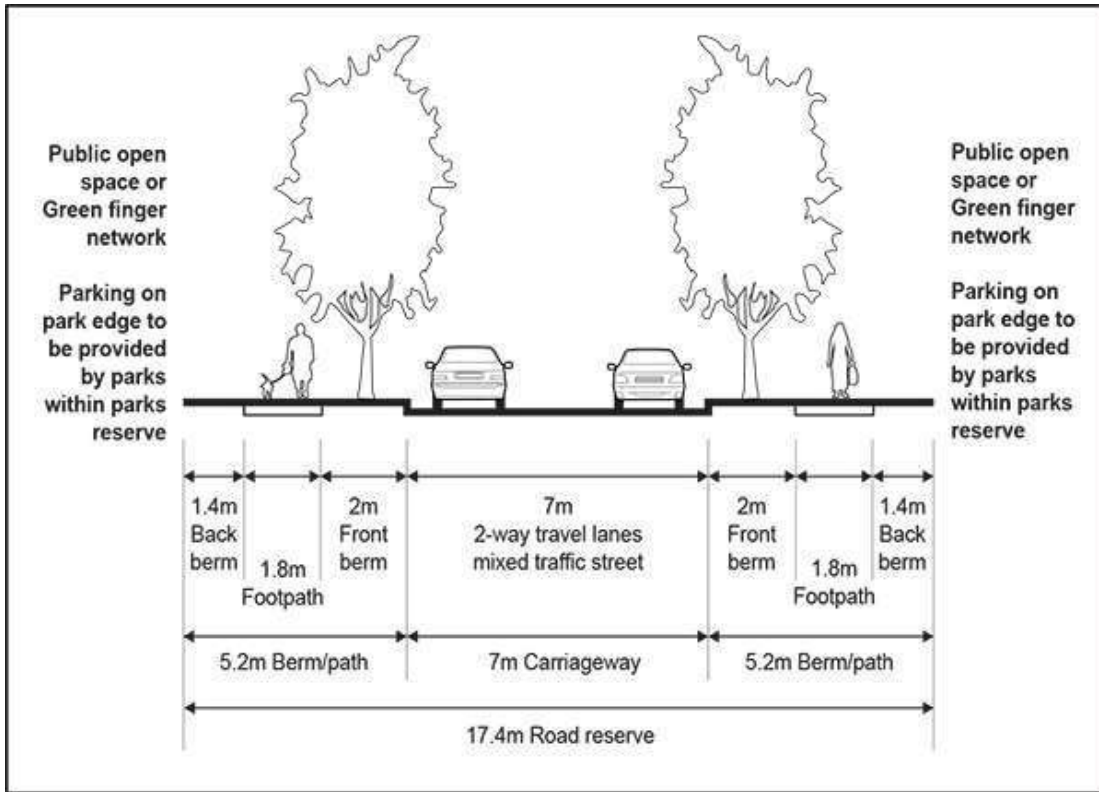


Figure 4. Flat Bush Local Road

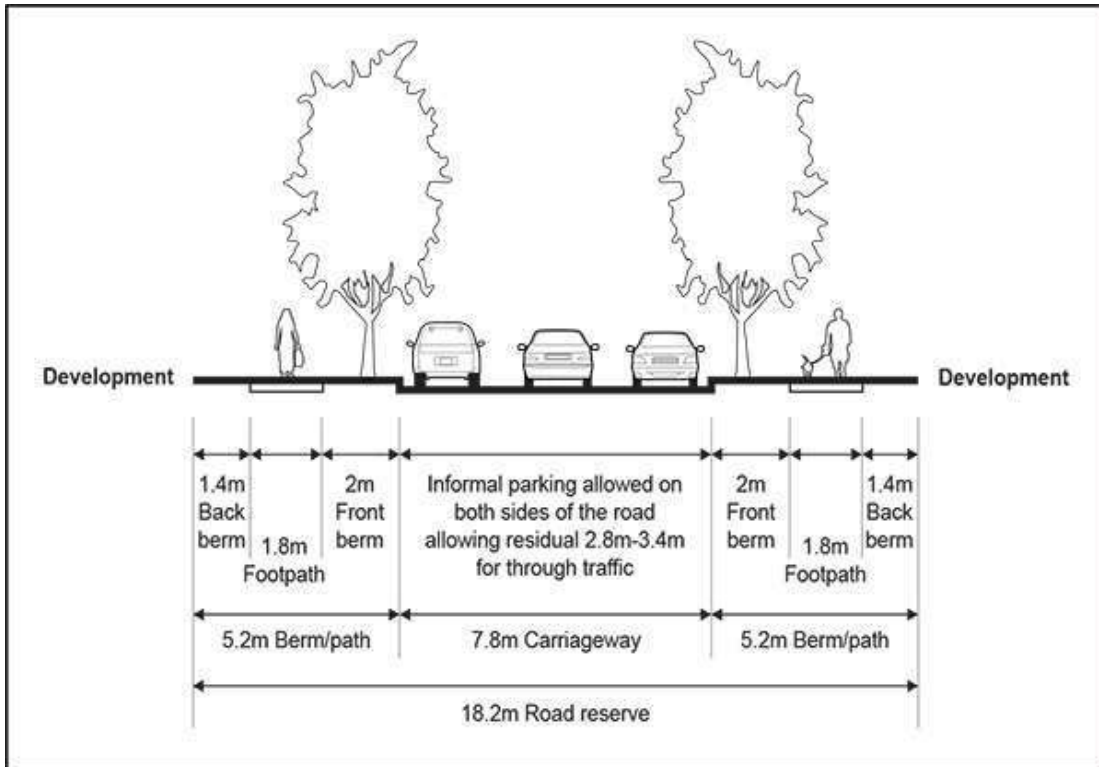
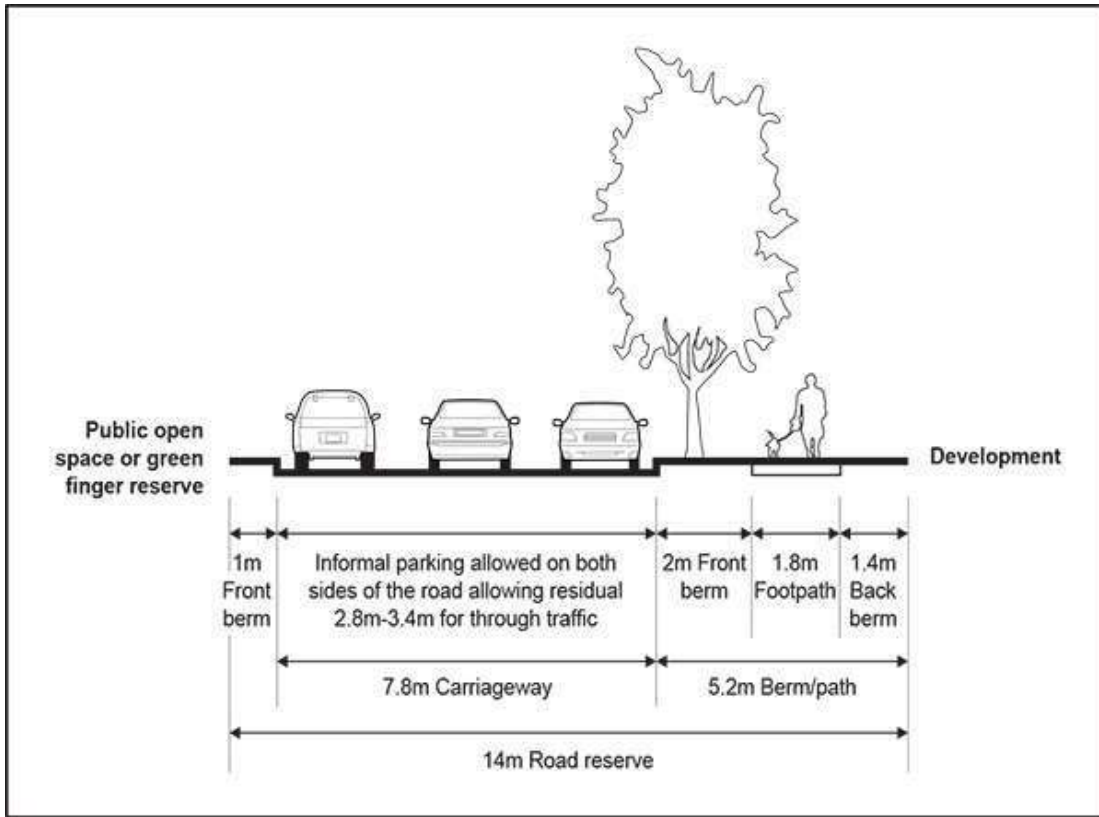
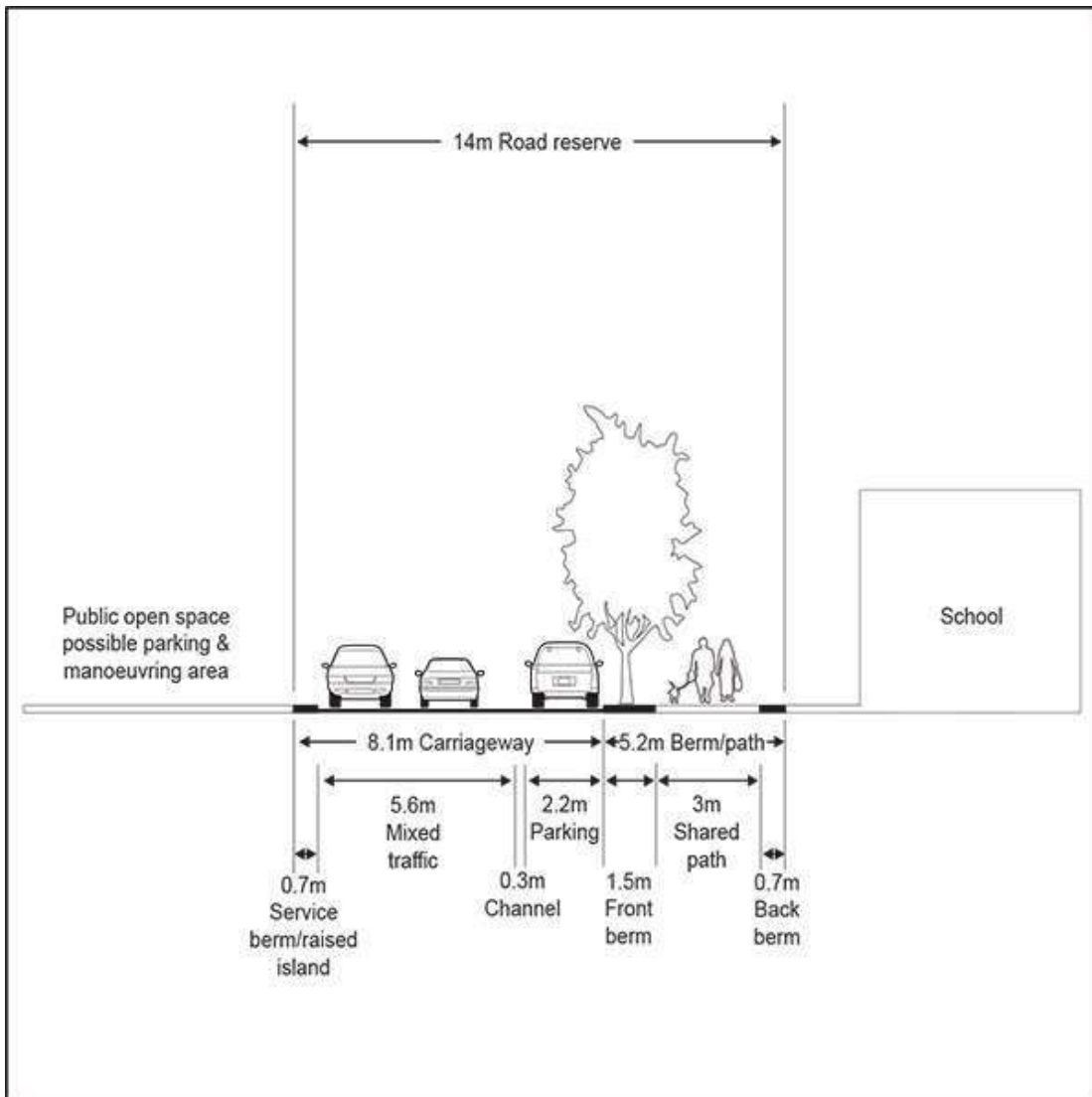


Figure 5. Flat Bush Local Road Park Edge





**Figure 6.Flat Bush Special Local Road Park Edge**



**I412.7. Assessment – controlled activities**

**I412.7.1. Matters of control**

(1) The Council will reserve its control to the matters below for the activities listed as controlled in the precinct activity tables:

(a) formed Bridle Trails and Mountain Bike Trails in Sub-precincts F and I:

- (i) location and design; and
- (ii) personal safety and damage to and effects on neighbouring properties.

**I412.7.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for controlled activities, in addition to the assessment criteria specified for the relevant controlled activities in the zone or Auckland-wide provisions:

(1) Formed Bridle Trails and Mountain Bike Trails in Sub-precincts G and J:

(a) location and design:

- (i) whether the bridle trail provides for safe and convenient access and addresses effects on the safe and efficient operation of the adjoining road network; and
- (ii) whether the access has a minimal adverse effect on pedestrian access and safety and/or the recreational or environmental functions of the areas;

(b) personal safety and damage to and effects on neighbouring properties

- (i) whether the activity results in a dangerous situation to other public open space users or otherwise detracts from other users enjoyment of the public open space.
- (ii) the activity should not cause damage to neighbouring residential properties.

**I412.8. Assessment – restricted discretionary activities**

**I412.8.1. Matters of discretion**

- (1) The Council will restrict its discretion to the matters listed below when assessing a restricted discretionary activity resource consent application listed in Table I412.4.1 Activity table, in addition to the matters specified for the relevant restricted discretionary activities in the zone or Auckland-wide provisions:

(a) restricted discretionary activity within Sub-precinct J:

- (i) existing native vegetation, riparian planting, ecosystem and natural landscape quality;
- (ii) placement of buildings infrastructure and other structures; and
- (iii) site stability;

(b) restricted discretionary activity within all other sub-precincts:

- (i) existing native vegetation, riparian planting, ecosystem and natural landscape quality;
- (ii) placement of buildings infrastructure and other structures;
- (iii) design and external appearance;
- (iv) servicing - Wastewater disposal and discharge of contaminants; and
- (v) site stability.

- (2) For construction of more than two or more dwellings within Flat Bush Sub-precincts A or B (including integrated land use and subdivision):

(a) subdivision as part of an Integrated Land Use.

- (3) The Council will restrict its discretion to the matters listed below when assessing a restricted discretionary activity resource consent for infringements of I412.6.1

Permitted Activity Standards and I412.6.2 Standards for Subdivision, in addition to the matters specified in the zone, or Auckland-wide provisions:

- (a) infringements of I412.6.2 Standards for Subdivision:
  - (i) road Standards;
  - (ii) provision of Back Lanes;
  - (iii) legibility of Network, Safety, Block Pattern and Neighbourhood Identity;
  - (iv) movement Network: Maximum Block Length and Maximum Block Perimeter Distance;
  - (v) variations in the maximum or minimum allowable average site sizes after adjustment of the boundaries between adjoining sub-precincts and areas;
  - (vi) design and Layout of Subdivision, Staging, Design and External Appearance;
  - (vii) impact of Previous Subdivision within Sub-precinct I; and
  - (viii) movement network;
- (b) Infringements of I412.6.2.4(2) Alternative Road Layouts
  - (i) legibility of Network, Safety, Block Pattern and Neighbourhood Identity; and
  - (ii) movement network.

#### **I412.8.2. Assessment criteria**

##### **I412.8.2.1. Assessment criteria for Listed Restricted Discretionary Activities**

The Council will consider the relevant assessment criteria below for activities listed as restricted discretionary activities in Table I412.4.1, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the zone, or Auckland-wide provisions:

- (1) Existing native vegetation, riparian planting, ecosystem and natural landscape quality:
  - (a) the development should not alter the existing topography of the site or affect existing natural features or existing native vegetation;
  - (b) the development should not adversely affect the ability in the future to protect land within Sub-precinct J from development and undertake native riparian planting;
  - (c) the development should propose a Riparian Planting Plan for Sub-precinct J that should add ecological and amenity values as public open space;
  - (d) the proposal should avoid adverse effects on the freshwater and terrestrial ecosystems including the quality of the water and riparian vegetation, areas of native forest and wetlands or on the natural

habitats of birds, aquatic species and wildlife found within Sub-precincts G or J;

- (e) the proposal should not impact on the natural landscape quality of Sub-precincts F or I;
- (f) the proposed planting should be sufficiently robust to survive in the proposed location;
- (g) the pest and weed management programme for the area should protect the planting from damage and ensure plant survival; and
- (h) a refundable bond may be required to ensure that the riparian planting undertaken in accordance with the approved riparian planting plan survives for a two-year period from the time of planting.

(2) Placement of buildings infrastructure and other structures:

- (a) the design and external appearance of a building or structure in terms of scale, form, materials and colour should respect the natural character and aesthetic qualities of the sub-precinct;
- (b) the proposed building or structure should make a positive contribution to the built form of the surrounding streetscape and to any existing buildings on the public open space; and
- (c) the placement of buildings and structures should avoid Sub-precinct J.

(3) Design and external appearance:

- (a) the proposed building or structure should be sympathetic to the surrounding natural landscape qualities and characteristics;
- (b) the car parking and access for the proposed building or structure should be safe and convenient while still maintaining an acceptable aesthetic quality;
- (c) the proposed activity should not generate noise levels that adversely affect the amenity of adjoining properties and whether any mitigation measures are proposed to reduce noise effects on these properties;
- (d) the development must satisfactory provide for attenuation of aircraft noise;
- (e) the design and external appearance of buildings including the scale, articulation, orientation and spacing should complement the existing buildings in the vicinity;
- (f) the bulk or repetitive form of buildings should not detract from the visual amenities of the neighbourhood; and
- (g) the car parking should be safe and convenient while still maintaining an acceptable aesthetic quality as viewed from the street, in particular the hard paved areas associated with parking and garaging should not dominate the streetscape.

- (4) Servicing - Wastewater disposal and discharge of contaminants:
- (a) the site should have sufficient area available to accommodate an adequate wastewater disposal system which should not create an erosion, land instability or water pollution problem and that should not adversely affect the stormwater treatment and discharge systems on the site, or adversely affect public health and safety;
  - (b) adequate provision should be made on site for rubbish storage and servicing and the areas should be adequately screened from view from public places and neighbouring sites; and
  - (c) the proposal should not generate any dust, smoke, fumes or other discharges to air which would potentially detract amenity values of the area.
- (5) Site stability:
- (a) the building, structure or activity should not adversely affect the stability of the site or adjacent sites.
- (6) For construction of two or more dwellings within Flat Bush Precincts (including integrated land use and subdivision):
- (a) subdivision as part of an Integrated Land Use;
  - (b) the proposed subdivision should follow rational boundaries with regard to access, privacy, amenity etc;
  - (c) acceptable levels of private outdoor living should be achieved for each dwelling; and
  - (d) restrictions should be included in the proposal such as, limitations on placements of windows, no build yard areas and maximum heights to ensure that privacy and avoiding domination of buildings is achieved.

#### **I412.8.2.2. Assessment criteria for Restricted Discretionary Activities**

The Council will restrict its discretion to the matters listed below when assessing a restricted discretionary activity resource consent for infringements of I412.6.1 Permitted Activity Standards and I412.6.2 Standards for Subdivision, in addition to the matters specified in the underlying zone or Auckland-wide provisions:

- (1) Infringements of I412.6.2 Standards for Subdivision:
- (a) road Standards:
    - (i) cycleways should provide continuous routes between subdivisions; and
    - (ii) subdivisional road and site layout and dimensions should optimise the orientation of the sites to the sun in terms of their likely future development;
  - (b) provision of back lanes that connect roads and/or provide alternative access to the rear of residential sites:

- (i) back lanes should be limited in length to ensure that long repetitive lanes are avoided;
  - (ii) building line restrictions should be introduced in relation to rear lanes to ensure that adequate opportunities are provided for landscaping and to limit repetitive building forms;
- (c) legibility of Network, Safety, Block Pattern and Neighbourhood Identity:
- (i) whether changes to the park edge local roads have adverse impacts on the design, amenity and usability of the adjacent open space and result in substantially greater earthworks and retaining structures adjacent to the open space than would otherwise be required;
  - (ii) whether the proposal avoids adverse effects on the clarity, legibility and connectivity of the roading network with particular regard to any cumulative effect which might arise with regard to the wider neighbourhood in each sub-catchment as shown on Precinct Plan 3. Sub-catchments;
  - (iii) whether the proposal achieves straight roads that maximise legibility to reveal the topography and strengthen visual connection to the wider landscape;
  - (iv) whether the proposed layout promotes good connectivity by all modes of travel including short walking routes to potential bus routes and other community infrastructure such as schools, neighbourhood centres and public open space;
  - (v) whether the proposal achieves a neighbourhood identity by maximising connections to landscape features and to other features such as schools, neighbourhood centres, public open space and community facilities;
  - (vi) whether the proposed layout contributes to a clear and legible understanding of the neighbourhood within the wider context;
  - (vii) whether the proposed road layout creates flexibility for a range of potential activities and residential densities to occur in appropriate places now and in the future;
  - (viii) whether vehicle access should be restricted (including on arterial routes) to achieve spatial outcomes that reinforce a sense of place and achieve a high quality public realm;
  - (ix) whether the proposed block pattern results in the opportunity to create regular shaped sections with the inherent flexibility to be developed for a range of potential activities and residential densities now and into the future;

- (x) whether the proposed street design and layout provides for consistency of treatment down lengths of street and appropriate integration to adjoining areas; and
  - (xi) whether the proposal impacts the clarity and legibility of the roading network with particular regard to the sub-catchment within which the proposed subdivision is located, as shown in Precinct Plan 3. Sub-catchments;
- (d) Movement Network: Maximum Block Length and Maximum Block Perimeter Distance:
- (i) whether the proposed road layout provides for convenient and safe access for pedestrian, cycle and vehicle users;
  - (ii) whether the proposed road layout provides for a clear and easily understood network that is easy to navigate through for all users; and
  - (iii) whether the proposed road layout is constrained by topography, trees or bush to be retained and/or fragmented land ownership and/or existing buildings;
- (e) variations in the maximum or minimum allowable average site sizes after adjustment of the boundaries between adjoining Sub-precincts:
- Note: This assessment is intended to apply where the Sub-precinct boundaries, as defined on the relevant planning maps, have been modified. In such instances the Council will assess whether the proposed subdivision yields the same number of sites as it would have in the case of a subdivision which complied with the maximum or minimum subdivision standards had the Sub-precinct boundary(s) remained unaltered.
- (i) whether the target densities of each of the adjoining sub-precincts are being generally achieved; and
  - (ii) the extent to which the average site size in each of the adjoining sub-precincts differs from the requirements of I412.6.2.1.
- (f) design and layout of subdivision, staging and design:
- (i) in the case of a staged subdivision, whether each stage of subdivision complies with the development and performance standards (including density) of the Sub-precinct. Council may, by way of either a consent notice or a condition of consent, require that any such density shortfall or surplus be made good in, or be carried forward to, subsequent stages of the subdivision;
  - (ii) whether the subdivision design provides an adequate buffer between the proposed sites and the conservation and stormwater management area;



- (iii) whether the design and layout of the subdivision protects land in the conservation and stormwater management area from inappropriate development; and
  - (iv) whether the subdivision provides an appropriate structure for the future ownership and management of land within the conservation and stormwater management area having regard to the native riparian planting requirement and on-going maintenance responsibilities. Whether the proposal achieves neighbourhood identity by maximising connections to landscape features and to other features such as schools, neighbourhood centres, public open space and community facilities;
- (g) impact of previous subdivision within Sub-precinct I where the site previously subdivided has reduced the average site size of the original subdivision below the average density of one per 5000sqm:
- (i) whether the proposed subdivision detracts from the character of the area;
  - (ii) whether the proposed subdivision has sufficient open space within the conservation and stormwater management area to offset the effects of further subdivision on the site;
  - (iii) whether the proposed subdivision allows sufficient space for wastewater disposal outside of the conservation and stormwater management area; and
  - (iv) whether the proposed subdivision makes use of existing infrastructure including private ways, roads, reticulated water, wastewater disposal and power;
- (h) movement network:
- (i) whether there are topographical, geotechnical or other environmental factors or constraints which indicate that changes to collector, park edge and local roads would improve the road layout from that set out in Precinct Plan 4;
  - (ii) whether the proposed road layout respects and relates to the existing contour and avoid permanent features such as steep cut faces and retaining structures which are highly visible;
  - (iii) whether the layout promotes good vehicular and pedestrian connectivity within the area including to community infrastructure such as bus stops, schools, neighbourhood centres, public open space and community facilities;
  - (iv) whether the proposal achieves an acceptable low impact stormwater management solution having regard to integrating good urban design and stormwater management solutions;

- (v) whether the road serves only a small number of dwellings or is for a short length;
- (vi) whether an alternative design of the road addresses traffic and pedestrian volumes, safety and amenity and access for emergency vehicles;
- (vii) whether on-street car parking is catered for;
- (viii) whether a footpath is required or is desirable on both sides of the road; and
- (ix) whether visual and physical differentiation is required and, if so, the modified section of road links appropriately with adjoining sections of road.

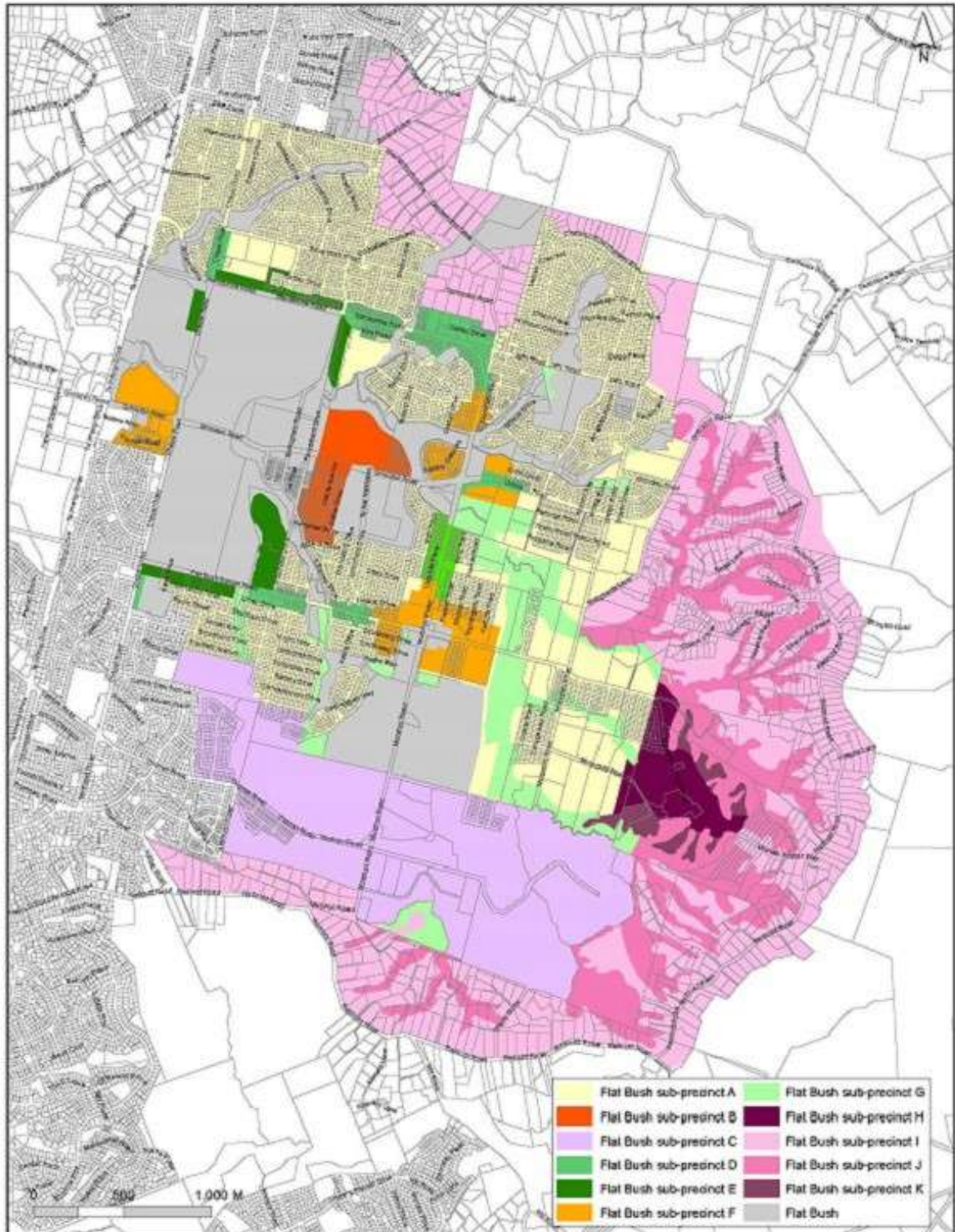
**I412.9. Special information requirements**

An application for land modification, development and subdivision must be accompanied by:

- (1) A riparian planting plan.

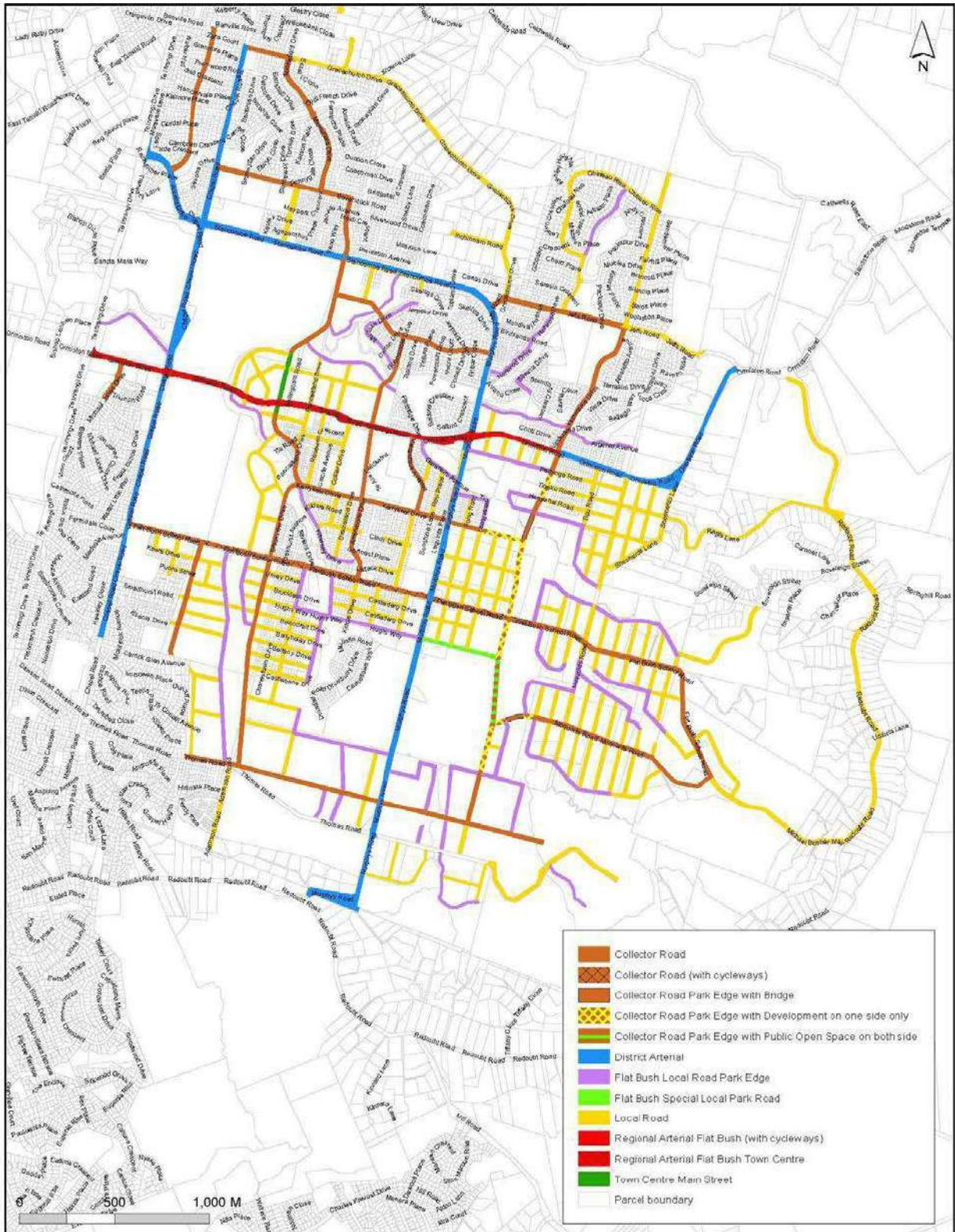
**I412.10. Flat Bush Precinct Plans**

**I412.10.1. Flat Bush: Precinct plan 1 - Sub-precincts Boundary**



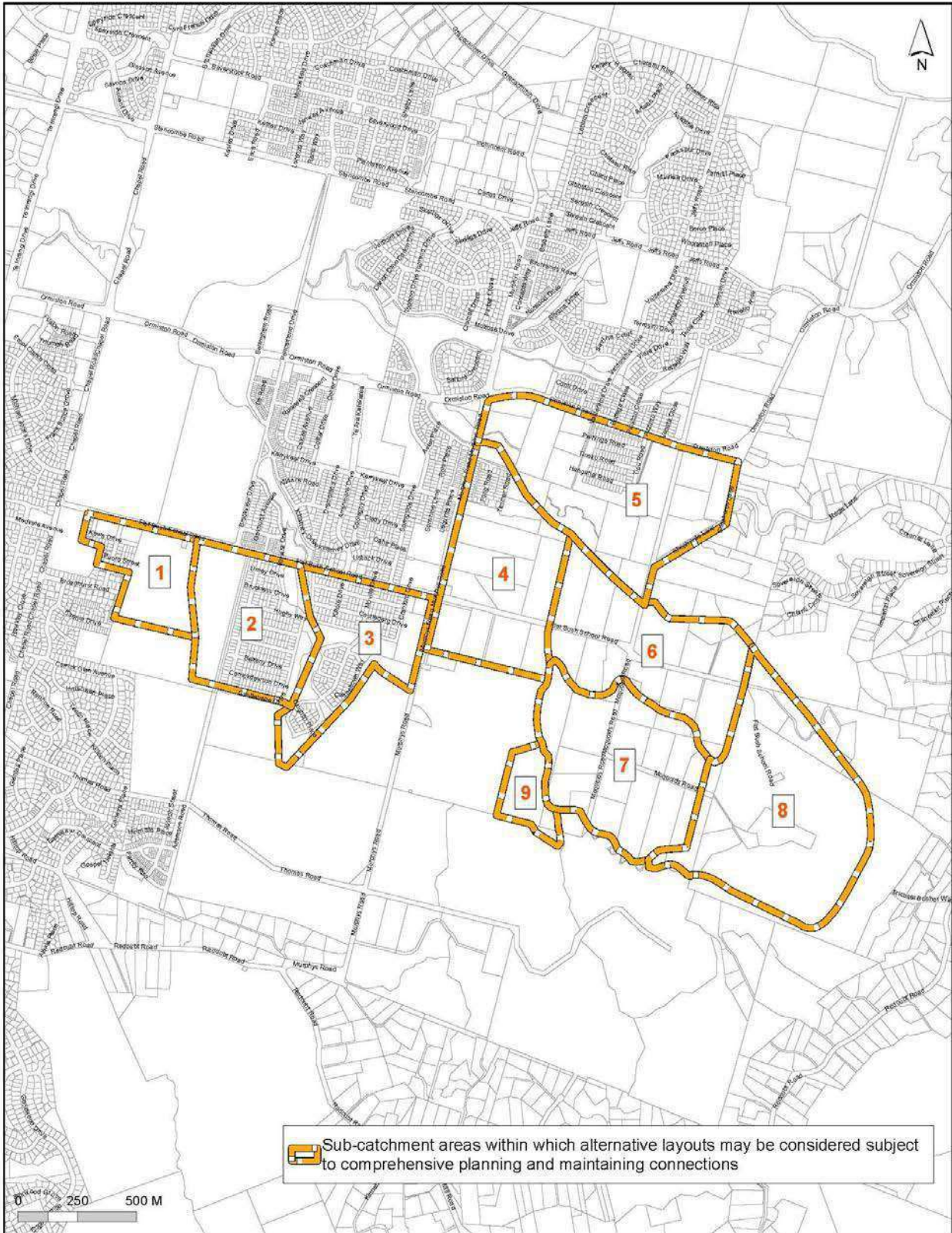


**I412.10.2. Flat Bush: Precinct plan 2 – Road Network**



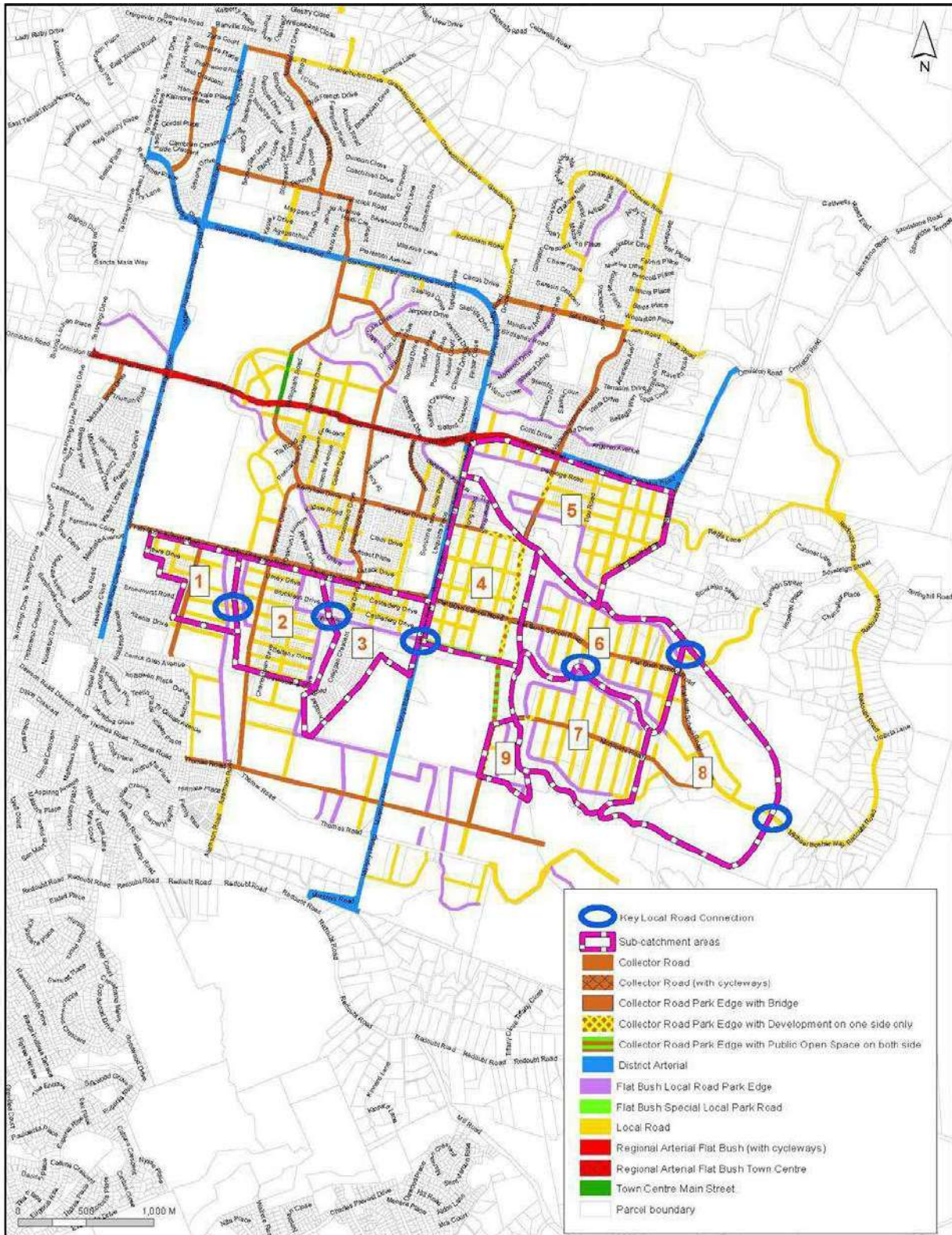


**I412.10.3. Flat Bush: Precinct plan 3 – Sub-catchments**





**I412.10.4. Flat Bush: Precinct plan 4 – Key Connections**







**APPENDIX SEVEN**  
**COUNCIL SPECIALIST ASSESSMENTS**



## Memo (technical specialist report to contribute towards Council's section 42A hearing report)

21 December 2020

**To:** Vanessa Leddra, Auckland Council

**From:** Nicole Bitossi, Senior Urban Designer,  
Motu Design Ltd, on behalf of Auckland Council.

**Subject:** Plan Change 47 (Private) Flat Bush  
Urban Design Assessment of Effects  
Specialist Technical Review

## 1.0 Introduction

I have undertaken a review of the Private Plan Change 47 on behalf of Auckland Council in relation to urban design effects. Plan Change 47 is a private plan change request to the Auckland Unitary Plan (Operative in Part) (**'Unitary Plan'**) from BR Land Co LTD (**'BRL'**) under Schedule 1 to the Resource Management Act 1991 (**'RMA'**).

BRL are seeking to amend the provisions of Flat Bush Sub-Precinct H and make some minor changes to the Sub-Precinct H boundaries. The focus of the plan change request is to amend the side yard, building coverage standards within the sub-precinct to enable the efficient use of land identified for medium-density residential activity.

### 1.1 Experience and Qualifications

I hold a Bachelor of Landscape Architecture from Unitec, and a Master of Urban Design (Hons) from the University of Auckland.

I am a senior urban designer at Motu Design, where I have been employed since 2015. Prior to that I worked as a landscape architect both here in New Zealand and in the UK. I have a total of 12 years experience of urban design and landscape architecture. Over the last 5 years I have worked with Auckland Council as a Specialist Urban Designer carrying out design review for Resource Consent applications, as well as providing urban design services for private development.

My previous work experience relevant to this proposed plan change includes:

- Plan Change 21 - Auckland Unitary Plan - Brightside Road - Urban Design Services and assistance with compiling the application for Southern Cross - A Private Plan change to rezone land from Mixed Housing Suburban and Single House Zone to Special Purpose – Healthcare Facility and Hospital zone. (for Southern Cross Hospitals 2019 – 2020).
- Plan Change 30 - Auckland Unitary Plan - Master planning and Urban Design Assessment for a private plan change to rezone land surplus to club requirements from Special Purpose – Major Recreation Facility Zone to Business – Light Industry Zone. (Counties Racing Club, Pukekohe 2019)
- Proposed Auckland Unitary Plan - Urban Design Expert Evidence on behalf of Auckland Council, 2015-16, in response to submissions and including recommended changes to provisions for Kingseat Precinct Provisions.

## 1.2 Documents Reviewed

In undertaking my urban design assessment and writing this memo, I have reviewed the following documents:

Private Plan Change Request: Flat Bush Sub-Precinct H by Tattico Ltd, January 2020, and:

Attachment B: Proposed Unitary Plan Maps and Precinct Plans

Attachment C: Consultation Summary

Attachment D: Ngai Tai Ki Tamaki – Site Visit and Assessment Summary

Attachment E: Urban Design Assessment

Clause 23 Request for information:

Letter to Council

Private Plan Change Request (amended precinct provisions and sub-precinct boundaries)

Clause 23 response table

Attachment A: Planning Report and s32 Analysis

Attachment B: Proposed Unitary Plan Maps and Precinct Plans

Attachment C: Consultation Summary

Attachment D: Ngai Tai Ki Tamaki – Site Visit and Assessment Summary

Attachment E: Urban Design Assessment

Attachment F Massing Study

I have also reviewed Resource Consent documents from 2017 and 2018, and for the application for the 160 unit development as part of 'Stage 2' currently being processed by Auckland Council.

## 1.3 Site Visit

I have visited the area on several occasions. I was unable to go on-site due to earthworks, but have viewed the site from various locations around the boundary including Redoubt Road, the upper part of Michael Boshier Way, Flat Bush School Road, McQuoids Road, and from further afield within Flat Bush town centre.

## 2.0 Precinct Context

Flat Bush is a greenfield area zoned for development with a mix of residential zones and town centre and neighbourhood centre zones under the Auckland Unitary Plan. The centre of Flat Bush is rapidly intensifying with a mix of medium and higher density typologies.

Flat Bush town centre is located on the low-lying flats and tributaries of the upper reaches of the Tamaki River. Redoubt Road, to the East of Flat Bush is located along the ridgeline and forms the upper boundary of the catchment. The Rural Urban Boundary around northern, eastern and southern boundaries of Flat Bush, part of which is located on the eastern extremity of SP-H.

The Flat Bush Precinct is divided into 10 sub-precincts, each with a distinctive set of standards and different underlying zoning. The sub-precincts range from higher residential densities within close proximity to Flat Bush Town Centre and Barry Curtis Park, around neighbourhood centres and arterial roads (ie SP-A, B, D, E and F) to medium densities of SP H, and lower densities of SPJ and K toward the outer edges of the Precinct to form a transition from the urban centre to the Countryside Living area on the other side of the RUB. SPs I and J relate the environmental protection and/or enhancement of the surrounding the streams, gullies and waterways. SP-J and K border parts of SP-H and is subject areas the applicant has proposed for realignment to the precinct boundaries.

SP-H is largely located in the mid to upper catchment on an area referred to as Bremner Ridge, where the topography is flatter and is considered suitable for medium density housing. Sub-precinct H has an underlying zoning of Mixed Housing Suburban. I412.2.2(3) outlines the objectives for Sub-Precinct H, relating to its surrounding landscape setting and amenity values, and the degree of visibility due to its location in the upper reaches of the catchment. A 'degree of spaciousness' is anticipated to be maintained and enhanced.

Sub-precinct H:

*'anticipates a medium density residential environment with development controls to ensure a degree of spaciousness.'* (I412.1. Precinct description)

Bremner Ridge, and the SP-H area is currently undergoing earthworks. A small group of houses within SP-H have already been constructed.

The applicant owns the majority of land within SP-H, aside from a few small areas along the western edge (as set shown in Tattico Plan Change Request document, Figure 1 page 4).

## 2.1 Previous and Current Resource Consents for SP-H

Bremner Ridge has been subject to a number of previous resource consents. Consent was granted in 2018 to create 315 vacant lots across Bremner Ridge. Due to the approved subdivision, the lot

layout and dimensions for SP-H have already been determined, whereby the majority of lots are mostly in the range of 350-450m<sup>2</sup>, with some as low as 324m<sup>2</sup>, much smaller than the 520m<sup>2</sup> minimum lot size set out in Table I412.6.2.1.1. Many with of the lots also have narrow front site widths many within the range of 12-14m, much narrower than the 20m set out in the precinct provisions.

Lot testing was undertaken at the time of the resource consent application, to illustrate how potential building footprints, typologies, access and associated outdoor space could be achieved using the current 3m side boundary control and front and rear yard controls, and it was accepted through this process that there was sufficient space for development with the narrow lots and current provisions for side yards and building coverage.

There is also Resource Consent application currently being reviewed by Auckland Council to increase the number of units on the part of the ridge known as Stage 2 from 113 to 160 lots. The additional lots are located across sub-precincts H, J and K. The proposal also seeks to expand the road network to include an additional road in SP-H running parallel to Road 5, and extending Road 9, parallel to the north of Michael Boshier Way.

The lot and unit layout within the RC application proposes many 12-14m narrow lots within sub-precinct H, with side yards ranging from 1.2m-3m. Building coverage is 35% or less for all lots.

### 3.0 The Proposed Plan Change

The proposed plan change seeks to change:

- Building coverage  
*'BR Land Co request that the maximum building coverage for sites over 400m<sup>2</sup> be increased from 35% to 40%. For the avoidance of doubt, it is not proposed to amend the maximum impervious area limit of 70%.'*
- Side yard  
*'The yard control in SP-H is a 4m front yard, 3m side yard and 8m rear yard. In all other high and medium density housing within the Flat Bush Precinct, the side yard is 1.2m, and this plan change request seeks that a 1.2m side yard requirement replace the existing 3m requirement.'*
- Zoning maps and precinct maps  
*'The plan change seeks minor amendments to the zoning maps and precinct maps. These are a consequence of the approved subdivision design and layout for Bremner Ridge. The*



*effect of these changes is to ensure that all areas approved for medium density development is fully consistent with the approved subdivision plan and identified within the Residential – Mixed Housing Suburban Zone and within Sub-Precinct H.’<sup>1</sup>*

The plan change originally sought to also amend the height in relation to boundary control, however this was subsequently withdrawn following the request for further information.

#### **4.0 Summary of Urban Design Issues**

The proposed plan change raises a range of urban design issues that primarily revolve around whether the character of urban development will be consistent with that anticipated in the AUP FB Precinct provisions, and how to ensure good urban design outcomes appropriate to changes to precinct provisions and the wider Flat Bush context.

Key issues include:

- Intensity of development in relation to outcomes sought in the SP-H provisions
- Urban/built form and streetscape character
- Impact of re-alignment of sub-precinct boundaries on adjoining sub-precincts (ie SPJ/K environmental outcomes)

#### *4.1 Pre-lodgement*

I was not involved with any pre-lodgement meetings or correspondence.

#### *4.2 Adequacy of Information*

In assessing the potential effects of the proposed plan change, the following gaps in the information provided and/or assessed were identified:

Analysis drawings showing different options considered were requested, including options of a 2m side yard and a 1.2m side yard on one side and a 3m side yard on the other side, however the applicant considered as the massing models showed the two extremes, anything in between was not necessary.

<sup>1</sup> Tattico Plan Change Request Including Section 32 Report pg6-7

## 5.0 Applicant's assessment

The applicant has provided a specialist urban design assessment of the proposed plan change that has been undertaken by Ian Munro.

### 5.1 Methodology

I consider that the applicant's team of specialists have used a reasonably robust methodology for the assessment of urban design effects, and the proposed amendments to precinct provisions, including the Urban Design Assessment and Neighbourhood Design Statement by Ian Munro.

This includes the preparation the Urban Design Assessment and Neighbourhood Design Statement by Ian Munro, a written site and context analysis by both Tattico, and a 'Massing Study' prepared by A Studio Architects (as part of cl. 23 Response dated June 2020) that illustrates indicative street elevations and bulk and massing testing that compares the status quo to the proposed changes to side yard and building coverage.

This PPC is unique as an underlying subdivision consent has already been approved for the site that includes road and block layouts, and 313 individual sites. A comprehensive Design Statement was provided at Resource Consent stage.

### 5.2 Key points of difference / Overall Assessment

In general I concur with the Urban Design Assessment provided by the applicant's urban design specialist for the reasons set out Section 6 below, particularly regarding the analysis that spaciousness is provided not only by side yards, but also the importance of front and rear yard controls.

I consider that the originally recommended change to the rear yard control to prevent any building within the 8m rear yard is important, however, this statement was removed from the revised Urban Design Assessment. I have discussed this further under section 6.1 below and recommend that it is retained.

## 6.0 Urban Design Assessment

Due to the approved subdivision, the lot layout and dimensions have already been determined, and will result in a greater level of density of development than anticipated by the precinct provisions. The

reduction in site size and width and increase in density that has already been approved will have a much greater impact on the levels of spaciousness than changes to the side yard and building coverage controls. While reduction of spaces between buildings as proposed will be noticeable from the street, it is unlikely to be particularly noticeable from outside the development area.

Having assessed all of the information provided, I have concluded that while not to the extent anticipated by the precinct provisions, a sense of spaciousness and transition from the urban centre to the countryside living zone is still able to be achieved subject to a change to the rear yard standard as discussed below. As well as side yards, there are other factors that can contribute to the sense of spaciousness and provide a difference in intensity of development from other sub-precincts.

The combination of the approved narrow lots and wide side yards set out in the sub-precinct provisions restricts options for development, and is most likely to result in long narrow buildings down the centre of the lots. As such, I consider that overall, the proposal will support a greater variation in housing typology and choice, as well as a more efficient use of space within individual lots.

I generally agree with the Urban Design Assessment undertaken by Ian Munro but note the following matters of particular relevance to my urban design assessment of effects.

#### *6.1 Intensity of development in relation to outcomes sought in the SP-H Provisions*

There is concern that the proposed smaller side yards and larger building coverage similar to those in other sub-precincts will result in the loss of the distinctive character of Sub-Precinct H, making it more similar to other Flat Bush sub-precincts. For example, the minimum site width in metres is 12.5 for Sub-Precincts A-F, and is a minimum of 20m for Sub-Precinct H. As narrower lot sizes similar to those of other sub-precincts has already been approved, the 3m side yards provide a point of difference, to enable a greater degree of spaciousness between houses than possible than in other sub-precincts.

However, it should be noted that there are other factors that also contribute to the sense of spaciousness, not just lot and side yard widths. These include:

- Large front and rear yards in SP-H, with a depth of 4m and 8m respectively
- Road corridors with sufficient width for large scale street tree planting and linear open spaces along Roads 2 and 4

The 4m front yard is a point of difference to other sub-precincts of Flat Bush closer to the town centre. All sub-precincts (except SP-I) have a rear yard of 8m;

*'except that a single storey building (or part of a building) up to a maximum height of 5m is permitted within the rear yard provided that it is no closer than 3m from the rear boundary.'*<sup>2</sup>

The urban design report dated December 2019 recommended the following change to the rear yard provision, however this was removed from the amended report dated June 2020.

*'I have been interested on the 3m / 8m rear yard setback and the extent to which the proposed rule could unintentionally undermine the achievement of spaciousness in the rear of allotments between neighbours. Theoretically it would be possible for the proposed rule to be used to allow a 5m tall building only 1.2m from the side boundary but still 3m from the rear yard. This is not in my opinion an appropriate use of the rule, and that its intent is to do the reverse – provide for additional building mass nearer the site frontage. To that end I recommend that the change be revised so as to not apply to any building within the 8m rear yard setback, including the 5m height component that may locate up to 3m from the rear yard.'*<sup>3</sup>

I would support the change in wording of the rear yard (as per above) for SP-H to ensure an 8m rear yard that would contribute the spaciousness in a way that is unlikely to occur in other sub-precincts. However, this would only be practical for units with vehicular access from the street, not for units with rear lane access.

Objective 1412.2.2(3) refers to landscape quality of SP-H. The 4m front yards and 8m rear yards are large enough to allow for larger scale vegetation that can contribute to the landscape quality and amenity, and allow development to sit cohesively within its surroundings. This would be more successful if no buildings were allowed within the 8m rear yard.

With the above amendment, I am satisfied that although the level of spaciousness is less than that outlined in the SP provisions, transition, landscape quality and amenity, and a difference to other SP's is able to be achieved. Neighbouring SP's J and K are a lower density of development and with the large areas of revegetation proposed in the consented subdivision, will assist in providing the transition to the countryside living zone.

## 6.2 Urban/built form and streetscape character

<sup>2</sup> Auckland Unitary Plan Standard I412.6.1.4(2)

<sup>3</sup> Urban Design Assessment and Neighbourhood Design Statement, Ian Munro, December 2019, pg14

Changes to the side yard control and building coverage control have the potential to change the built form and streetscape character anticipated within the sub-precinct, however as mentioned previously, the character has already been altered due to the greater density of the approved subdivision consent.

Approved lot widths for SP-H are typically 12-14m wide through the majority of the sub-precinct, with some wider sites on the periphery. The urban design report prepared by IM notes for a 13-14m wide site;

*'Once a 3m side yard has been taken out from this on each side, an available frontage width for a dwelling and garage of 7m – 8m width would typically remain. I consider that this has created a high likelihood of low-quality urban design outcomes because, as a permitted activity on each of these Lots, a double-width garage could be developed in a way that could occupy most if not all of the available width, with little more than a front door (if even that) facing the street.'*<sup>4</sup> (IM report para 6.13 p11)

I agree with this analysis and note that SP-H is not currently serviced by public transport and is not within walking distance of the town centre for services, education or employment. This will mean a reliance on cars and a likely demand for double garaging, which as expressed above, will have the potential to dominate building frontages resulting in a poor urban design outcome.

As well as this, the constraints imposed by narrow lots and wide side yards would potentially result in limited overlooking of the street, and while primary outlook could be achieved to the front or rear, the long narrow building form would encourage side windows orientated toward the neighbours causing potential privacy issues between dwellings.

While the combination of reduced side yards and greater intensity of development across the ridge will impact the spaciousness of the sub-precinct, particularly as experienced from the street, the narrower side yards will enable a better urban design outcome in terms of habitable rooms overlooking the street and a more variety and choice in dwelling size and typology.

The increase in building coverage, from 35% to 40% enables a 5% increase in overall building form, and a corresponding 5% reduction in outdoor area. No change to the 70% impervious area allowed for in the Precinct Provisions has been proposed.

As the proposed change in building coverage is only for sites larger than 400m<sup>2</sup>, this applies to less than half of the lots within SP-H, and the applicable lots are dispersed across the development area.

<sup>4</sup> Urban Design Assessment and Neighbourhood Design Statement, Ian Munro, December 2019, pg11

Combined with the yard controls (whether it be the existing 3m side yard or proposed 1.2m side yard), additional building coverage on narrow lots would most likely be located to the rear of the dwelling and not visible from the street. For some of the wider lots around the periphery, the additional building coverage may be visible from the street, however the additional 5% is unlikely to be noticeable, and the side yard control would have more influence on the mass of building visible from the street than the building coverage control.

### *6.3 Impact of re-alignment of sub-precinct boundaries on adjoining sub-precincts*

The proposed SP-H boundary encroaches on SP-J in a few discrete areas. As these parts of SP-J are already subject to the approved subdivision, and the location at the upper edges of SP-J, substantial areas of riparian planting around the gullies will still be possible as set out in the SP-J policies. Note these comments are based on the spatial layout, I am unable to comment on the quality of the ecological outcomes, particularly given the extent of earthworks and modifications to the ridgeline and gully systems.

Development controls are similar for SP-H and SP-K in terms of 4m front yards, 8m rear yards, 3m side yards. Building coverage in SP-H is 35%, Building coverage in SP-K is 30%. Site width is the same at 20m, although narrower lots have already been approved across both sub-precincts. The sub-precinct controls do have a difference in overall lot size, however these are not applicable in this situation as the lot sizes have already been approved. I support the minor changes to the SP boundaries as type of development possible for SP-H versus SP-K is likely to be similar.

I support the minor changes to the SP boundaries as they are a logical alignment with the boundaries of the subdivision consent.

## **7.0 Submissions**

The plan change was limited notified and only one submission was received. That submission was in support of the proposal.

## **8.0 CONCLUSIONS AND RECOMMENDATIONS**

Having reviewed the information provided, and the submissions made, I have reached the following overall conclusions.

### *8.1 Applicant's Assessment of Effects*

I consider that the applicant has undertaken a robust urban design assessment of the proposed plan change, that includes precinct specific provisions to support good urban design outcomes. There is no substantial disagreement in our assessment of effects, but I do consider that some modifications as discussed above, will assist in further strengthening the urban design outcomes anticipated from the plan change.

### *8.2 Consistency with the Auckland Unitary Plan (Operative in part)*

I consider that the proposal is consistent with the Auckland Unitary Plan and the objectives and policies.

### *8.3 Overall Recommendation*

Having assessed all of the information provided, I am able to support the proposed plan change subject to the modification recommended below. While not to the extent anticipated by the existing precinct provisions, a sense of spaciousness and transition from the urban centre to the countryside living zone is still able to be achieved. The 4m front yards and 8m rear yards are large enough to allow for larger scale vegetation that can contribute to the landscape quality and amenity, allow development to sit cohesively within its surroundings, and complement tree planting within the road corridors and revegetation around the gullies.

As noted in Section 6.1, I recommend a change in wording to the rear yard control in SP-H, so that no buildings are permitted within the 8m rear yard, except for lots serviced by a rear lane.



21.12.2020

Dear Vanessa,

Thank you for the opportunity to review the private plan change proposal to amend the side yard control from 3m to 1.2m and building coverage standards from 35 per cent to 40 per cent of Flat Bush sub precinct H (SP H) and make some minor changes to the sub precinct boundaries.

This memo is to assist you with your S42a report from a landscape character and visual effects perspective. I confirm I have reviewed the relevant application material and undertaken a site visit to the surrounding area to understand the visibility of the site and the character of neighbouring sites both inside and outside of the Rural Urban Boundary (RUB).

Overall, I am unable to support the proposed amendments for the following reasons:

#### Landscape Character

Sub precinct H relates to land that transitions to the upper catchment area towards the RUB / rural - countryside living zone. Its underlying zoning is Mixed Housing Suburban (MHS) and as it transitions up the landscape it is flanked on either side by lower density sub-precincts that aim to assist in that transition towards rural zoned land. The landscape quality of this area of Flat Bush is to be maintained and enhanced<sup>1</sup>. This has been achieved by locating the Single House zone and lower density sub precincts over the steeper slopes and gullies and providing a sense of spaciousness within SP H not otherwise found within the MHS or other Flat Bush sub precincts.

In my view the following standards contribute most significantly to creating a sense of spaciousness and differentiation between the other residential sub precincts:

- Wider site frontages
- Deeper front yards
- Wider side yards
- Reduced building coverage

It is understood that the approved subdivision consent (Bremner Ridge) was granted with a reduction in the width of site frontages (on average 12m-14m as opposed to 20m). This alone has an impact on a sense of spaciousness and anticipated character of the precinct. However, it is my understanding that this was approved based on the applicant demonstrating and testing that typical dwellings could be accommodated on site and still comply with the generous yard provisions. In my opinion that ensured future development would achieve a sense of spaciousness.

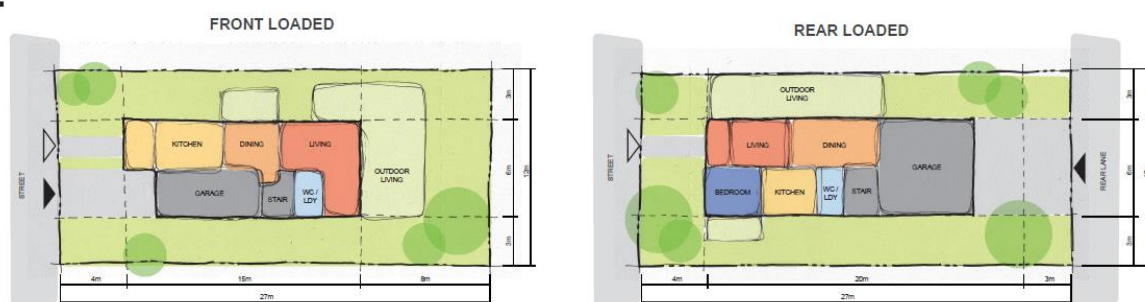
This testing of 12m and 14m site widths demonstrated that primary outlook would be to the front and rear of the dwellings ensuring any concerns with privacy<sup>2</sup> between dwellings is unlikely. This is

<sup>1</sup> AUP (OP) I412.2.2(3)

<sup>2</sup> AUP (OP) I412.3.2 (3)( b)

demonstrated in the images below by Jasmax which were provided with the subdivision consent application.

### LOT TESTING \_ 12 X 27M



### LOT TESTING \_ 14 X 23M

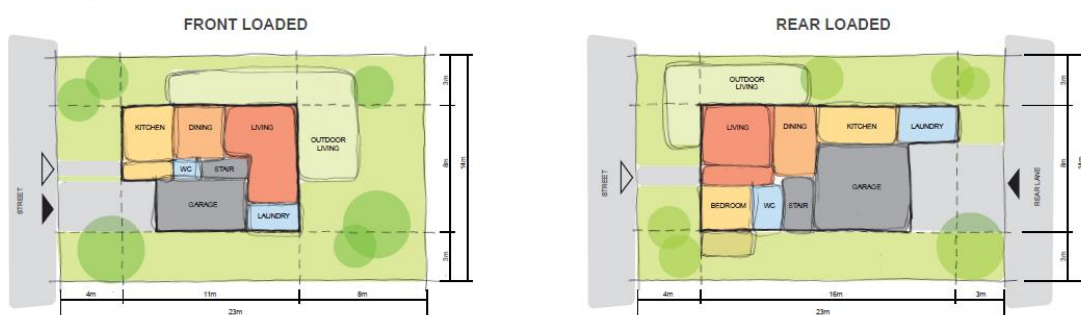


Fig. 1 – Jasmax lot testing

The side yard requirements of SP H is substantially wider than in SP A-F (3m compared to 1.2m) which recognises the more sensitive landscape approach required for development in this part of Flat Bush. It is my opinion that to reduce side yards to 1.2m, in line with SP A-F, would significantly reduce the ability of SP H to provide the intended spaciousness and therefore the transition towards the RUB.

In my opinion the reduction of side yards as well as the already reduced widths of site frontages results in cumulative effects on landscape character. I do not consider the front yards or rear yards on their own will achieve a spacious character, nor do I accept that SP J and K provide the sense of spaciousness on their own. Sub Precinct H is also intended to create a spacious urban development<sup>3</sup> together with the sub precincts that surround it. The difference between SP A and H, if this amendment to the sub precinct be approved, would only be an additional 1m within the front yard. This difference will not be discernible and in my opinion, it would remove the point of difference of SP H to other sub precincts and would in some ways become irrelevant.

A sense of transition to the RUB is a consistent theme throughout the AUP (OP) with Flat Bush applying a precinct in order to achieve a sensitive transition to the rural edge while also accommodating medium density housing where topography allows. I am of the opinion that reducing the side yards will have a moderate – high adverse effect on the ability of the sub precinct

<sup>3</sup> AUP (OP) I412.3.2 (5)

to achieve its objective of maintaining and enhancing the landscape quality of this highly visible landscape with a degree of spaciousness<sup>4</sup>.

This conclusion is reached with consideration of the approved subdivision consent within the SP H and the cumulative impacts on landscape character resulting from the proposed changes to development controls that seek to achieve a degree of spaciousness. The side yard control is more important in achieving the anticipated landscape character (medium density housing with a degree of spaciousness) than building coverage control and therefore I do not consider the proposal to increase the building coverage by five per cent as a significant concern from a landscape character perspective.

### Visual effects

The visual effects resulting from the change in reduced side yards and building coverage will not be greatly appreciated from outside of the area that is subject to this plan change. The visual effects will be experienced mainly from travelling within the Flat Bush area and streets within the Flat Bush Precinct.

The anticipated outcomes for Flat Bush is that there would be a noticeable change in character when travelling between SP A and SP H. This can be seen along Perehia Road where each side of the road is within a different sub precinct. This strategy would ensure that when travelling from outside of the RUB through Flat Bush, users would experience a transition in density from the elevated and more open areas of Redoubt Road to the urban centre of Flat Bush.

The consented subdivision with smaller lot widths has the potential to also create a noticeable change in character than was originally anticipated for SP H, however the deeper front and wider side yards assists in ensuring the level of spaciousness anticipated is achieved. As I mentioned above the cumulative impact of reducing side yards on top of already reduced site frontages will have a significant impact on the ability to achieve a degree of spaciousness and change in character between SP A and SP H.

The change in landscape character will be most appreciated when travelling into SP H along Flat Bush School Road or Perehia Street which already have dwellings built within the lots. There is already a noticeable change in character between the existing development within SP A and SP H and there will also be a noticeable change between existing areas of SP H and those areas yet to be developed due to the reduced site widths of the consented subdivision.

The map below demonstrates that instead of having a consistent 20m wide site front, the lots reduce in width as you travel south along Flat Bush School Road towards the RUB. These site widths are close in width to SP A at 12m. This is at odds with the anticipated graduation of spaciousness sought through the precinct, so to then reduce side yards here will have a significant impact on landscape character and the ability to achieve the transition out to the RUB.

<sup>4</sup> AUP (OP) I412.2.2 (3)

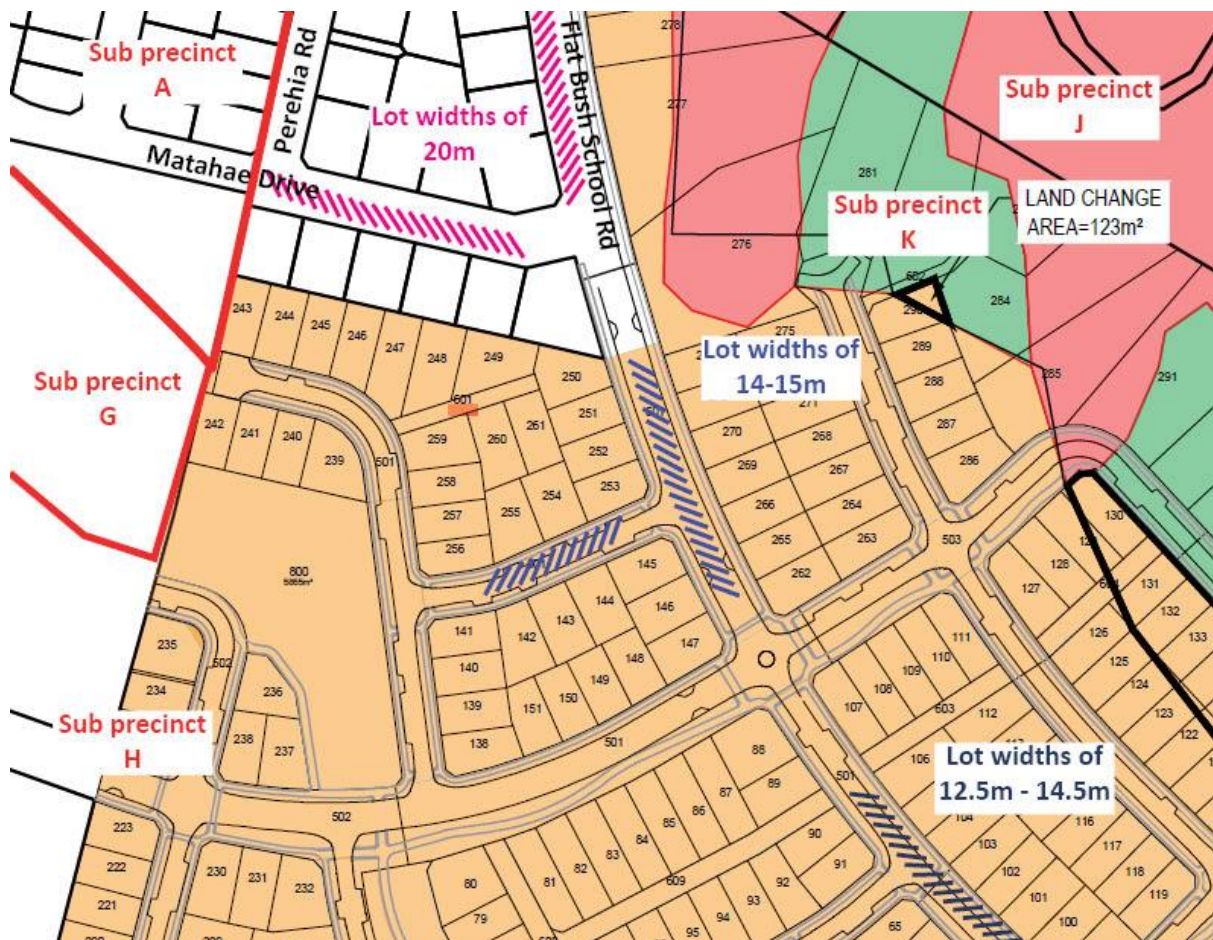


Fig 1. Plan showing comparison of lot widths of existing development and subdivision.

It is my view that ‘spaciousness’ will be experienced at a streetscape scale and this is also the intention of the sub precinct with Policy 5<sup>5</sup> referring to *medium density and lower site coverage to create spacious urban development with reduced visual impact*. I do not consider the rear yards to be a key contributor to appreciation of spaciousness. If the side yards were to be reduced to 1.2m it is unlikely there will be views from the streetscape into rear yards. Additionally, appreciation of any spaciousness created by rear yards is further reduced by the existing lot layout that minimises views of rear yards by having lots fronting onto each street edge and backs of lots adjoining one another. This does not typically allow views of rear yards from within the streetscape.

While an 8m rear yard does contribute a degree of spaciousness for future residents, the rear yards do little to contribute to spaciousness from the public realm and in reality, will only be 2m deeper than a typical development within the MHS zone.

While it is likely that the gaps between side yards would include fences and trees and potentially block views towards rear yards, in my view this does contribute to a sense of spaciousness in that it relates to space between buildings. I acknowledge that 6m gaps or “view corridors”, as seen in elevation, will not be perceived while moving along a street, however the sense of spaciousness or area not built upon will be appreciated and does have an impact on landscape character or the ‘feel’ of a street.

<sup>5</sup> AUP (OP) I412.3.2(5)

Although a non-statutory document, the Bremner Ridge website refers to a design review panel and house design guidelines that assist in creating a high quality development with examples of how to design homes with a 12-14m wide lot and requiring visual variety within blocks. From my perspective this will reduce the likelihood for homogeneous built form and a negative streetscape character.

Conclusion:

Overall, I consider there to be two fundamental concerns from a landscape and visual effects perspective with the proposal to reduce side yards to 1.2m within SP H, these are:

1. The odd transition created between the existing developed area of SP H to the north, the adjoining SP A and the area subject to this proposed plan change;
2. The inability of the sub precinct to achieve the degree of spaciousness that enables a transition towards the RUB. This is due to the already reduced site widths not being able to accommodate 1.2m side yards while also trying to achieve a degree of spaciousness.

The proposal to make minor adjustments to the sub precinct boundaries will have no discernible impact on landscape character. As I consider a degree of spaciousness to be most greatly appreciated at a streetscape level, the increase in building coverage will not have a significant impact on landscape character as this is likely to be pushed further into the rear yard.

Should you wish to discuss anything further regarding this memo, please do not hesitate to contact me.

Yours sincerely,

Ainsley Verstraeten  
Principal Landscape Architect NZILA Registered  
021 807 410



**APPENDIX EIGHT**  
**LOCAL BOARD VIEWS**





Extract from Howick Local Board minutes from their Business Meeting dated 16 November 2020 with regard to PC47

[https://infocouncil.aucklandcouncil.govt.nz/Open/2020/11/HW\\_20201116\\_MIN\\_9719.HTM#PDF2\\_ReportName\\_77601](https://infocouncil.aucklandcouncil.govt.nz/Open/2020/11/HW_20201116_MIN_9719.HTM#PDF2_ReportName_77601)

15 Local board views on private plan change 47 to amend two development standards in the Flat Bush Precinct and provide for minor realignment of boundaries of sub precincts H, J and K and underlying zone boundaries

Craig Cairncross, Team Leader - Planning was in attendance to speak to this report.

Note: changes to the original motion, adding a new clause d), were made with the agreement of the meeting.

The motion was taken in parts.

Resolution number HW/2020/164

MOVED by Member M Turinsky, seconded by Deputy Chairperson J Spiller:

That the Howick Local Board:

a) do not support private plan change 47 by BR Land Company Ltd to amend two development standards in the Flat Bush Precinct – sub precinct H, more particularly to reduce the side yards from 3m to 1.2m, increase the building coverage from 35 per cent to 40 per cent for sites over 400 sqm and provide for minor realignment of boundaries of sub precincts H, J and K and underlying zone boundaries.

CARRIED

Resolution number HW/2020/165

MOVED by Member B Wichman, seconded by Member M Turinsky:

That the Howick Local Board:

b) appoint Member D Collings to speak to the local board views at a hearing on private plan change 47.

c) delegate authority to the chairperson of Howick Local Board to make a replacement appointment in the event the local board member appointed in resolution b) is unable to attend the private plan change hearing.

d) note Member D Collings abstain from voting on this item to eliminate any perceived bias or conflict of interest when carrying out any duties on behalf of the board under clause b).

CARRIED

Note: pursuant to Standing Order 1.9.3, member D Collings requested that his abstention be recorded.



**APPENDIX NINE**  
**SUBMISSIONS AND SUMMARY OF**  
**SUBMISSIONS**



# SUBMISSION ON PROPOSED PLAN CHANGE 47 AUCKLAND UNITARY PLAN

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**To:** Auckland Council  
Private Bag 92300  
Auckland 1142

**Name of Submitter:** Neil Construction Limited

**Neil Construction Limited** provides this submission on Proposed Plan Change 47 (“**PC47**”) to the Auckland Unitary Plan Operative in Part (“**AUP**”). PC47 is an application for a private plan change that seeks to amend AUP provisions relating to Flat Bush Sub-Precinct H. The Submitter is the owner of 304 Flat Bush School Road, which includes an area of land that is subject to Sub-Precinct H.

The Submitter could not gain an advantage in trade competition through this submission and the submission does not raise matters that relate to trade competition or the effects of trade competition.

This submission relates to the proposed amendments to the text and provisions of the AUP set out in PC47. The Submitter **supports** the amended provisions, and in particular supports the following proposed amendments to the standards set out in Sub-precinct H:

- I412.6.1.4 Yards – reduction of the required side yard from 3m to 1.2m; and
- I412.6.1.5 Building Coverage – increasing the maximum building coverage from 35% of net site area to 40% of net site area

## **Reasons for submission**

- The proposed amendments will align development outcomes more closely with the expectations for medium density housing that arise under the Mixed Housing Suburban Zone;
- The proposed amendments will avoid the inefficiencies and unnecessary compliance costs that would continue to be generated if the Sub-Precinct H development standards remain unaltered; and
- The proposed amendments will facilitate the more efficient use of serviced residential land.

## Relief sought

The Submitter seeks the following decision from Auckland Council in respect of PC47:

- That PC47 be confirmed; and
- Such other consequential amendments to the provisions of the AUP as may be necessary to give effect to the relief sought above.

The Submitter wishes to be heard in support of this submission. If other parties make a similar submission, the Submitter would consider presenting a joint case with them at any hearing.



Philip Brown  
Campbell Brown Planning Limited  
For and on behalf of Neil Construction Limited as its duly authorised agent

10 September 2020

### Address for service of Submitter:

C/- Campbell Brown Planning Limited  
PO Box 147001  
Ponsonby  
**AUCKLAND 1144**

**Attention:** Philip Brown  
**Telephone:** (09) 394 1694  
**Mobile:** 021845327  
**Email:** philip@campbellbrown.co.nz



Plan Change 47 - Flatbush sub precinct H					
Summary of Decisions Requested					
Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
1	1.1	Neil Construction Limited c/- Campbell Brown Planning Limited Philip Brown	philip@campbellbrown.co.nz	Accept the Plan Change	That PC47 be confirmed; Such other consequential amendments to the provisions of the AUP as may be necessary to give effect to the relief sought above.
2	1.2	Neil Construction Limited c/- Campbell Brown Planning Limited Philip Brown	philip@campbellbrown.co.nz	Accept the Plan Change	



## **APPENDIX TEN**

### **AMENDMENTS TO I412 FLAT BUSH PRECINCT**



Proposed amendments to Table I412.6.1.5.1 – Maximum Building Coverage (as a percent of the site)

	Maximum Building Coverage (as a percent of the site)									
	Sub-Precinct									
	A	B	D	E	F	G	H	I	J	K
Sites over 400sqm net site area	40	40	50	50	40	NA	<del>35</del> <u>40</u>	15	NA	30
Sites between 200sqm-399sqm net site area	40	45	50	50	45	NA	NA	NA	NA	NA

Proposed amendments to I412 Flat Bush precinct plan

