

Memo

12 July 2019

To: Phill Reid – Manager, Auckland-wide Planning
Cc: George Wood – Chair, Devonport-Takapuna Local Board
Grant Gillon – Deputy Chair, Devonport-Takapuna Local Board
From: Tristan Coulson – Senior Local Board Advisor, Local Board Services

Subject: Devonport-Takapuna Local Board feedback on PC 26: Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

1. The Devonport-Takapuna Local Board (the local board) appreciates the opportunity to comment and provide feedback on PC 26: Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions (the plan change).
2. The local board objects to the plan change, in particular the submission relates to: D18.6.1, Standards, D18.6.11 Building Heights, D18.6.1.2 Height in relation to boundary and D18.6.1.3 Yards.
3. The local board's reasons for objection are that:

- The plan change will allow greater building heights and densities in the side and rear of character properties.

As such the proposed changes will have detrimental effects on the heritage character of the buildings and it is erroneous to think that the changes will achieve the aims of protection of the character of the area, in fact the opposite

- Height to Boundary: The proposed Special Character Area Overlay rule for height in relation to boundary is more permissive than Single-House zones. It defines the envelope based on a 3m vertical height and then a 45 degree incline.

This proposal therefore creates a more bulky and dramatic effect than in the Single House Zone which is based on a 2.5m vertical height and then a 45 degree incline. The Character area rules should provide additional protection to the zone rather than being more permissive or lenient than a single-house zone.

The outcome of this proposed more lenient rule is that building can be built higher with great bulk and visual impact.

- Rear Yard: In the rear yard the proposal is to reduce the current 3m boundary to just 1m. This will allow building to occur only one metre from a neighbour's boundary and will have a significant visual and privacy impact on neighbours.

Relaxing the 3m setback for the rear yard will have a highly detrimental impact in areas of Devonport where sections near corner junctions have rear yards adjacent to side yards.

4. If the proposals go ahead then the Character overlay will place properties at a more vulnerable position from those in the single house zone without a character overlay. These properties will be adversely impacted by increasing encroachments into side and rear yards affecting sunshine and privacy.
5. The increased encroachment of development to the side and rear of houses increases the size and scale residential homes in a Character Overlay area and as such will add visual bulk detracting from the character features of the area.
6. The plan change will result in the original fronts of heritage houses and as such the neighbourhoods being unduly dominated by large rear and side developments.
7. Such an approach will allow a form of facadism and dramatically reduces the protection of the character of the area.
8. The local board also support the submission provided by Heritage Devonport.

Memorandum

27 June 2019

To: Ciarán Power, Planner Auckland Wide Planning, Plans and Places

CC: Stephen Hunt, Senior Advisor, Howick Local Board

From: David Collings, Chair – Howick Local Board

Subject: Howick Local Board feedback on proposed Plan Change 26

Purpose

1. To provide feedback from the Howick Local Board on proposed Plan Change 26.

Summary

- *Auckland Council notified all Local Board Members on 23 May 2019 that public consultation on Plan Change 26 would open on 30 May 2019.*
- *The Howick Local Board has considered the proposed plan change and wishes to provide feedback.*
- *The Howick Local Board supports proposed Plan Change 26 and notes the advice it received that the proposed Plan Change does not have a connection to the Special Character Statement being worked through for Howick Village*

Context/Background

2. On 23 May 2019 all Local Board members were notified that Auckland Council is proposing to make changes to the Auckland Unitary Plan to clarify how the Special Character Areas Overlay works with underlying zones in some areas of Auckland. Proposed Plan Change 26 relates to Chapter D18, Special Character Areas Overlay – Residential and Chapter E38, Subdivision – Urban of the Auckland Unitary Plan.
3. The Special Character Areas Overlay helps manage the special character of some areas in Auckland. The Auckland Unitary Plan also zones land to manage how it is used, developed or protected, including the residential zones.
4. The proposed plan change seeks changes to the Auckland Unitary Plan to make it clear that certain planning provisions of the Special Character Areas Overlay would prevail over the corresponding provisions of the underlying residential zones. The proposed plan change also refines some of the standards within the Special Character Areas Overlay, including height in relation to boundary, yards, paved areas and fences.

5. The intention of the proposed plan change is to provide clarity for property owners, developers and design/development professionals about how the Auckland Unitary Plan will be applied when decisions are made about activities that take place on properties within the Special Character Areas Overlay.
6. The board has specifically enquired if the proposed Plan Change 26 has a connection to the Special Character Statement being worked through for Howick Village. Advice has been received that it does not because within Howick Village, the Howick Village Special Character Overlay does not sit over any residential zones.

Feedback

7. Howick Local Board members have considered the proposed Plan Change 26 and have formally resolved the following through the urgent decision process.

That the Howick Local Board:

- a) endorse the intention of Proposed Plan Change 26 to make it clear that the provisions of the Special Character Area Overlays would prevail over the corresponding provisions of the underlying residential zones.
 - b) note the advice it received that proposed Plan Change 26 does not have a connection to the Special Character Statement being worked through for Howick Village. This is because within Howick Village, the Howick Village Special Character Overlay does not sit over any residential zones.
8. The urgent decision by the Howick Local Board to provide feedback will be reported to the next scheduled business meeting on Monday 15 July, 2019.

Next Steps/Implementation

9. As outlined in the above resolution, the Howick Local Board request that staff take this feedback into consideration in progressing Plan Change 26.

Local Board Feedback on Publicly Notified Application process: PC26: Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

(includes: Resource Consents, Plan Changes, Notice of Requirements, Reserves Act public submission process)

Date:	19 July 2019
Form to be sent to:	unitaryplan@aucklandcouncil.govt.nz
Application reference:	PC 26
Location:	n/a
Applicant:	Auckland Council

Brief summary of the proposal:

The proposed plan change seeks changes to the Auckland Unitary Plan to make it clear that certain planning provisions of the Special Character Areas Overlay would prevail over the corresponding provisions of the underlying residential zones.

The proposed plan change also refines some of the standards within the Special Character Areas Overlay, including height in relation to boundary, yards, paved areas and fences.

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

Local Board Feedback:

The Kaipātiki Local Board provides the following feedback in relation to the proposed plan change 26 for Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions:

The Kaipātiki Local Board objects to proposed Plan Change 26. In particular this feedback relates to:

- D18.6.1 Standards for buildings in the Special Character Areas Overlay - Residential and in the Special Character Areas Overlay – General (with a residential zoning)
- D18.6.1.1 Building Height
- D18.6.1.2 Height in relation to boundary
- D18.6.1.3 Yards.

Reasons for Objection are as follows:

1. The plan change will allow greater building heights and densities in the side and rear of character properties than currently allowed for under the Single House zone. As such, the proposed changes will have detrimental effects on the heritage character of the buildings and it is erroneous to think that the changes will achieve the aim of protecting the character of the area, in fact it will be the opposite.

2. Height to Boundary: The proposed Special Character Area Overlay rule for height in relation to boundary is more permissive than the Single House zone. It defines the envelope based on a 3m vertical height and then a 45 degree incline. This proposed plan change therefore creates a more bulky and dramatic effect than the Single House zone, which is based on a 2.5m vertical height and then a 45 degree incline. The Special Character Area Overlay area rules should provide additional protection to the zone rather than being more permissive or lenient than a Single House zone. The outcome of the proposed more lenient rule is that a building can be built higher with greater bulk and visual impact.

3. Rear Yard: In the rear yard, the proposal is to reduce the current 3m boundary to just 1m. This will allow building to occur only 1m from a neighbour's boundary and will have a significant visual and privacy impact on neighbours. Relaxing the 3m setback for the rear yard will have a highly detrimental impact in areas of Northcote Point and Birkenhead Point where sections near corner junctions have rear yards adjacent to side yards.

If the proposals go ahead then the Special Character Area Overlay will place properties at a more vulnerable position from those in the Single House zone without the overlay. These properties will be adversely impacted by increasing encroachments into side and rear yards, affecting sunshine and privacy.

The increased encroachment of development to the side and rear of houses increases the size and scale of residential homes in a Special Character Area Overlay area and as such will add visual bulk detracting from the character features of the area.

The proposed plan change will result in the original fronts of heritage houses, and therefore neighbourhoods, being unduly dominated by large rear and side developments. Such an approach will allow a form of facadism, and dramatically reduce the protection of the character of the area.

Outcome sought by local board

That there is an expectation that any rules in the Special Character Area Overlay are more restrictive than the underlying Single House zone rules that the public were primarily consulted on when the Unitary Plan was drafted. This is to ensure that heritage characteristics are preserved

Instead Plan Change 26 may legitimize what had been existing practice, but is contrary to what the public expected the rules to reflect.

Plan Change 26 should either be (i) withdrawn and replaced with a new plan change that better reflects preservation of heritage aspects above and beyond the Single House Zone rules, or (ii) modified to reflect this.

Attendance at any Hearing:

The Kaipātiki Local Board seeks an opportunity to speak to this feedback at any hearing on this matter.

This feedback is authorised by:

A handwritten signature in blue ink, appearing to read 'John Gillon', is written over a horizontal line.

John Gillon, Chairperson, Kaipātiki Local Board

Email: john.gillon@aucklandcouncil.govt.nz

Date: 19 July 2019

**Local Board Feedback on Publicly Notified Plan Change process:
PC 26: Clarifying the relationship between the Special Character
Areas Overlay and the underlying zone provisions**

Date:	4 July 2019
Form to be sent to:	unitaryplan@aucklandcouncil.govt.nz
Application reference:	Plan Change 26
Location:	n/a
Applicant:	n/a

Brief summary of the proposal:

The proposed changes to the Auckland Unitary Plan seek to clarify that where there are corresponding provisions (including activities and standards) in the Special Character Areas Overlay and in the underlying zone, the provision in the Special Character Areas Overlay will prevail over the corresponding provision in the underlying zone. The Council is also seeking to refine some of the standards within the Special Character Areas Overlay, including height in relation to boundary, yards, paved areas and fences.

Local Board Feedback:

The Manurewa Local Board provides the following feedback in relation to proposed Plan Change 26.

Manurewa has only one area that is included in the Special Character Areas Overlay, which is the Special Character Areas Overlay – General: Hill Park. This area has been recognised as having significance due to its historical importance as being representative of mid-20th century suburban residential development, and its specific physical and visual attributes.

The board believes that Hill Park’s status as a Special Character Area adds to the richness and diversity of Manurewa’s urban area. We support preserving the special character values of this area through the planning rules in the Auckland Unitary Plan.

The board believes that the original intention of the Auckland Unitary Plan was that the Special Character Areas Overlay should prevail over the rules of the underlying zone. We believe that it is necessary for this to be the case in order to preserve special character values.

For these reasons, the board supports this plan change in clarifying the relationship between those provisions and the process for evaluating resource consent applications for sites within the Special Character Areas Overlay.

The board is aware of the submission of the Hillpark Residents' Association and supports the following aspects of that submission.

In the proposed Auckland Unitary Plan, Hill Park was at one point included in the Special Character Areas Overlay sub-areas that have a minimum lot size requirement for subdivision that is different from that of the underlying zone. Specifically, Hill Park was proposed to have a 750m² minimum lot size, while the Residential – Single House Zone has a minimum lot size of 600m². The board supports the Residents' Association's submission that this appears to have been an error or omission from the Auckland Unitary Plan and should be corrected.

Should this correction be deemed to be out of scope for the current proposed plan change, the board would support its inclusion in a future plan change.

Outcome sought by local board

That the plan change be approved and the above feedback regarding the minimum subdivision lot size be considered.

Attendance at any Hearing:

The Manurewa Local Board seeks an opportunity to speak to this feedback at any hearing on this matter.

This feedback is authorised by:



Angela Dalton, Chairperson

Email: ManurewaLocalBoard@aucklandcouncil.govt.nz

Date: 4 July 2019

Local Board Feedback on Publicly Notified Plan Change: PC 26: Clarifying the relationship between the Special Character Overlay and the underlying zone provisions.

Date:	11 July 2019
Form to be sent to:	unitaryplan@aucklandcouncil.govt.nz
Application reference:	Plan Change 26
Location:	Auckland-wide
Applicant:	Auckland Council

Brief summary of the proposal:

The proposal seeks to clarify the relationship of the Special Character Overlay provisions to the provisions of the underlying zone. It also proposes to add to the activity table, Fences and walls, and to clarify assessment criteria for subdivision.

Local Board Feedback:

The Orakei Local Board provides the following feedback in relation to the proposed plan change process for the Special Character Overlay.

While overall the plan change proposes amendments to clarify how the special character overlay is interpreted in conjunction with the underlying zone provisions to bring consistency for planning assessments across all special character overlay areas, there are also amendments proposed which we believe will not protect the special character areas in the Orakei Local Board area.

We have discussed the proposed character overlay amendments with planning staff, and while we acknowledge the changes might enable a simpler assessment by processing planners, we do not support the changes if the actual effect of them is that special character overlay areas of our Local Board area will be prejudiced by the changes. We believe the effect of the changes will be that special character areas will not actually be protected by the proposed plan change.

We have also liaised with Remuera Heritage and had the benefit of reviewing the views of Heritage agencies in Grey Lynn and Devonport (web links below). We strongly believe the Board was not adequately briefed. There is actually a contrary understanding that the proposed plan change will actually NOT assist retention of character in single house zones. For example - in Single House Zone areas that have a Special Character Areas Overlay in place, the rules for the Special Character Areas Overlay will REPLACE the rules in the underlying Single House Zone. In other words, the heritage protection (i.e. Special

Character Areas Overlay) will not place additional restrictions on the underlying zone, it will REPLACE the rules for the underlying zone.

We believe the overlay rules are actually MORE PERMISSIVE in some cases, and the proposed plan change means heritage rules are more developer-friendly than the underlying Single House Zone rules. We do not support that result.

For example, the Special Character Areas overlay rules allow for a “larger building envelope” (e.g. a bigger extension in your neighbour’s backyard). Also, the council would not have to consider the effects on neighbours, which it does under the Single House Zone rules. The council has to consider the effects on the streetscape and character of the area, but not the neighbours. We do not support that result.

For example - in relation to height to boundary: The Single House Zone limit is 2.5m +45 degrees. The limit in the Single House Zone with Special Character Areas Overlay is 3m +45 degrees (for houses with <15m front boundary, which is most villas). The proposed change wants the more generous limit of 3m +45 degrees to apply in heritage areas. This means that in a heritage zone a developer can build 3m high adjacent to your boundary. In a non-heritage zone they can only go to 2.5m. We do not support that result.

Regarding proposals to delete rear yard requirements, we believe rear yard minimums should be preserved and not deleted. The intent of the overlay is greater than streetscape character protection. For some established character areas in our ward, retaining a rear yard minimum ensures ongoing residential amenity, spatial integrity between built forms, a stronger sense of sight line and visual permeability - all of which are common features of character development in many established residential areas of our Local Board area. Regarding fencing height, we reiterate the above saying the maximum heights for fencing from a house to the rear yard should be retained at a 1.8m maximum not 2m

Outcome sought by local board:

To ensure that the Special Character Overlay provisions are not more permissive than the existing underlying zone provisions and that the Special Character Overlay provisions take precedent over the underlying provisions.

Attendance at any Hearing:

The Orakei Local Board seeks an opportunity to speak to this feedback at any hearing on this matter.

This feedback is authorised by:



Kit Parkinson, Chair, Ōrākei Local Board

Email: kit.parkinson@aucklandcouncil.govt.nz

Date: 11 July 2019