

Attachment 6 - Proposed Plan Change 26: Amendments to Chapter D18 & Chapter E38

Auckland Unitary Plan Operative in part

PROPOSED PLAN CHANGE 26

Clarifying the relationship between the Special Character Areas Overlay (Residential and General) and the underlying zones

Public notification: 30 May 2019

Close of submissions: 28 June 2019

This is a council initiated plan change

Explanatory note – not part of proposed plan change

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.

Plan change provisions

Note:

Amendments proposed by this plan change to the Auckland Unitary Plan are underlined for new text and ~~struck through~~ where existing text is proposed to be deleted. The use of indicates that there is more text, but it is not being changed. These are used when the whole provisions if too long to be included.

D18. Special Character Areas Overlay – Residential and Business

D18.1. Background

The Special Character Areas Overlay – Residential and Business seeks to retain and manage the special character values of specific residential and business areas identified as having collective and cohesive values, importance, relevance and interest to the communities within the locality and wider Auckland region.

Each special character area, other than Howick, is supported by a Special character area statement identifying the key special character values of the area. Assessment of proposals for development and modifications to buildings within special character areas will be considered against the relevant policies and the special character area statements and the special character values that are identified in those statements. These values set out and identify the overall notable or distinctive aesthetic, physical and visual qualities of the area and community associations.

Standards have been placed on the use, development and demolition of buildings to manage change in these areas.

Special character areas are provided for as follows:

- (1) Special Character Areas - Business; and
- (2) Special Character Areas – Residential; and
- (3) Special Character Areas - General (both residential and business).

Areas in the Special Character Areas Overlay - General may contain a mix of sites zoned residential or business. In such cases, for any site/s in a residential zone, the Special Character Areas Overlay - Residential provisions will apply and for any site/s in a business zone, the Special Character Areas Overlay - Business provisions will apply.

The following areas...

D18.2. Objectives

- (1) The special character values of the area, as identified in the special character area statement are maintained and enhanced.
- (2)

D18.3. Policies

Special Character Areas Overlay - Residential

(1) Require all development and redevelopment to have regard and respond positively to the identified special character values and context of the area as identified in the special character area statement.

(2)

D18.4. Activity table

Table D18.4.1 Activity table Special Character Areas Overlay – Residential specifies the activity status of ~~land use and~~ development for activities in the Special Character Area Overlay – Residential pursuant to section 9(3) of the Resource Management Act 1991.

Where the activity status of an activity specified in Table D18.4.1 is different to the corresponding activity status in the underlying zone, then the activity status in Table D18.4.1 takes precedence over the activity status in the underlying zone (whether or not that activity status is more restrictive).

Where an activity is not provided for in Table D18.4.1, the activity will have the activity status provided in the underlying zone. All other relevant overlay, precinct, Auckland-wide and general rules apply.

Areas in the Special Character Areas Overlay - General may contain a mix of sites zoned residential or business. In such cases, for any site/s in a residential zone, the Special Character Areas Overlay - Residential rules in Table D18.4.1 Activity table will apply and for any site/s in a business zone, the Special Character Areas Overlay - Business rules in Table D18.4.2 Activity table will apply.

Rules for network utilities and electricity generation in the Special Character Areas Overlay – Residential and Business are located in E26 Infrastructure.

Table D18.4.1 Activity table – Special Character Areas Overlay - Residential

Activity		Activity status
Development		
(A1)	Restoration and repair to a building on all sites in the Special Character Areas Overlay–Residential or the Special Character Areas Overlay - General (with a residential zoning)	P
(A2)	Minor alterations to the rear of a building on all sites in the Special Character Area Overlay – Residential or Special Character Areas Overlay - General (with a residential zoning) where works to the building use the same design and materials to the existing building	P
(A3)	Total demolition or substantial demolition (exceeding 30 per cent or more, by area, of wall elevations and roof areas) of a building, or the removal of a building (excluding accessory buildings), or the relocation of a building within the site on: (a) all sites in all the following Special Character Areas	RD

	Overlay - Residential: (i) Special Character Area Overlay – Residential: Isthmus A; (ii) Special Character Areas Overlay – Residential: Pukehana Avenue; (iii) Special Character Area Overlay – General: Hill Park (those sites with a residential zone); and (iv) Special Character Area Overlay – General: Puhoi (those sites with a residential zone); and (b) all other sites identified as subject to demolition, removal or relocation rules as shown in the maps in the Special Character Areas Overlay Statements.	
(A4)	External alterations or additions to a building on all sites in the Special Character Areas Overlay–Residential or Special Character Areas Overlay - General (with a residential zoning)	RD
(A5)	Construction of a new building or relocation of a building onto a site on all sites in the Special Character Area Overlay–Residential or Special Character Areas Overlay - General (those sites with a residential zone)	RD
(A5A)	<u>New fences and walls, and alterations to existing fences and walls that comply with Standard D18.6.1.7(1)</u>	P
(A5B)	<u>New fences and walls and alterations to existing fences and walls that do not comply with Standard D18.6.1.7(1)</u>	RD

Table D18.4.2 Activity table – Special Character Area – Business specifies the activity status of land use and development for activities in the Special Character Area Overlay – Business pursuant to section 9(3) of the Resource Management Act 1991.

Areas in the Special Character Areas Overlay - General may contain a mix of sites zoned residential or business. In such cases, for any site/s in a residential zone, the Special Character Areas Overlay - Residential rules in Table D18.4.1 Activity table will apply and for any site/s in a business zone, the Special Character Areas Overlay - Business rules in Table D18.4.2 Activity table will apply.

Table D18.4.2 Activity table – Special Character Areas Overlay – Business

Activity	Activity status
Development	
Special Character Areas Overlay – Business with identified character defining buildings	
(A6)	External redecoration and repair to a character defining building
	P

(A7)	
Special Character Areas Overlay – Business with no identified character defining or character supporting buildings <u>and Special Character Areas Overlay – General (with a business zoning)</u>		
(A8)	External redecoration and repair of a building in the Special Character Areas Overlay – Business with no identified character defining or character-supporting buildings	P
(A9)	

D18.5. Notification

- (1) Any application for resource consent for an activity listed in Table D18.4.1 or Table D18.4.2 will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) 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).

D18.6. Standards

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)

- a) All activities listed in ~~Table D18.4.1 Activity table~~ – undertaken within the Special Character Areas Overlay – Residential or Special Character Areas Overlay – General (with a residential zoning), whether they are listed in Table D18.4.1 or in the underlying zone, must comply with the following development standards.
- b) Except where otherwise specified in this chapter, the development standards within D18.6.1 replace the following corresponding development standards within the underlying zone and the corresponding development standards within the underlying zone do not apply:
 - Building height
 - Height in relation to boundary
 - Yards
 - Building coverage
 - Maximum impervious area
 - Landscaped area or Landscaping
 - Fences and walls

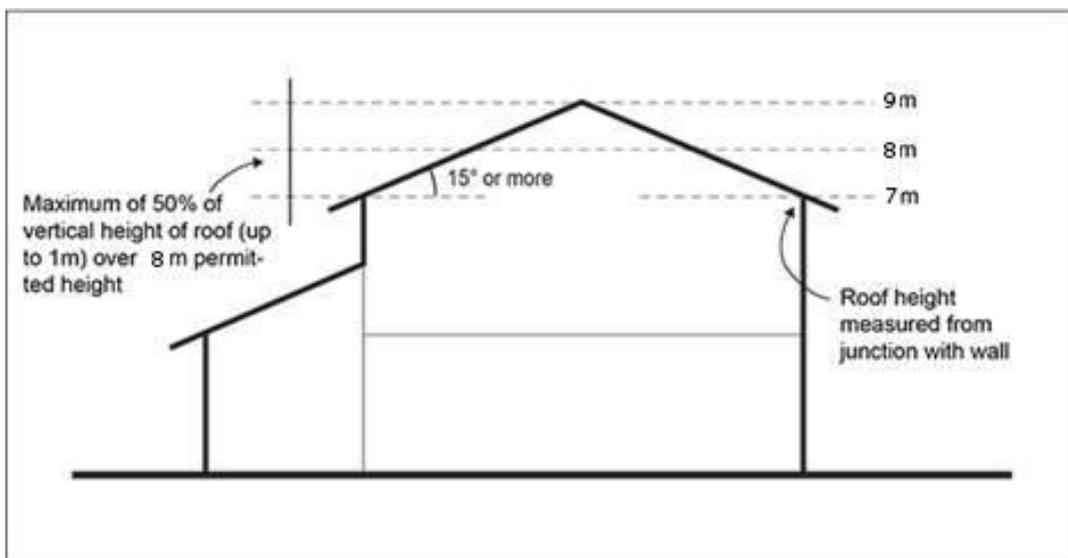
D18.6.1.1. Building height

Purpose: to manage the height of buildings to:

- retain the existing built form character of predominantly one to two storeys in the established residential neighbourhoods;
- maintain the relationship of built form to the street and open space; and
- maintain a reasonable level of sunlight access and minimise visual dominance effects.

- (1) Buildings in the Special Character Areas Overlay – Residential must not exceed 8m in height except that 50 per cent of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more. This is shown in Figure D18.6.1.1.1 Building height in the Special Character Areas Overlay – Residential.

Figure D18.6.1.1.1 Building height in the Special Character Areas Overlay - Residential



D18.6.1.2. Height in relation to boundary

Purpose: to manage the height and bulk of buildings to:

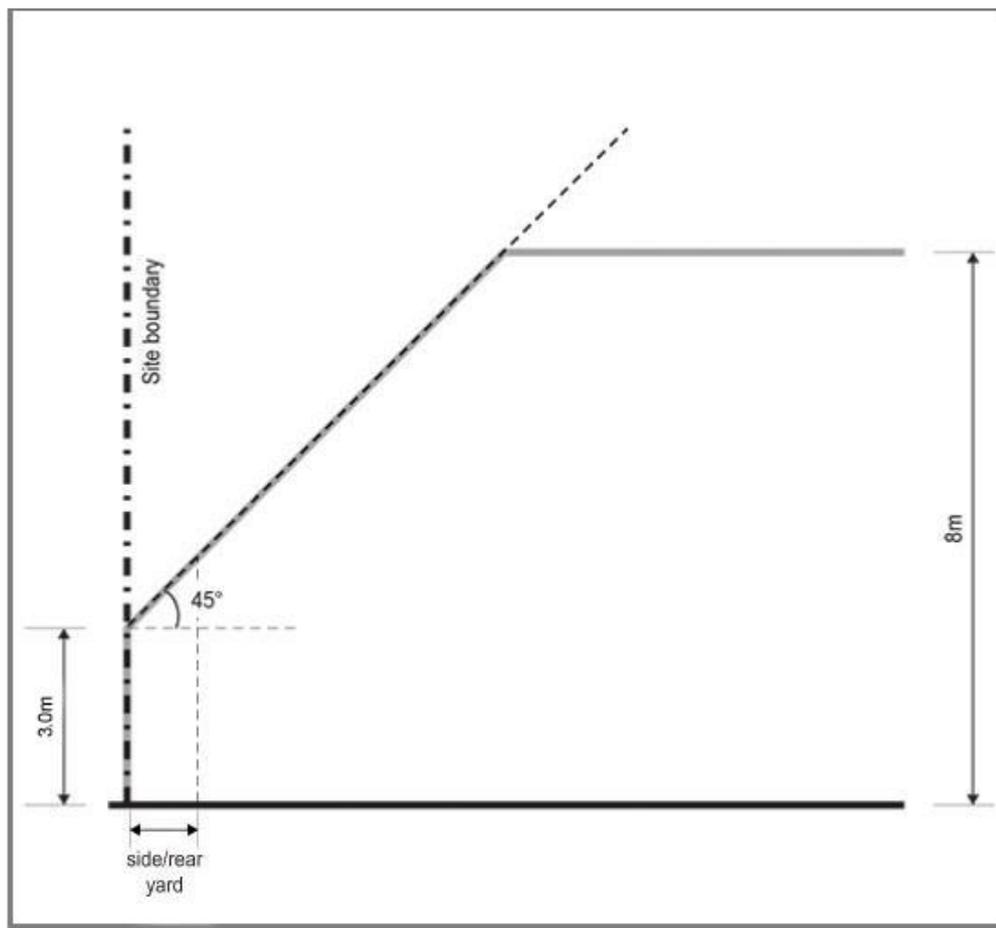
- retain the character of the streetscape;
- enable a built form that reflects the identified character of the area; and
- maintain a reasonable level of sunlight access and minimise visual dominance effects.

(1) Buildings in the Special Character Areas Overlay – Residential must not project above a 45-degree recession plane measured from a point 3m above the ground level along any side and rear boundaries of the site where:

(a) The site has a frontage length of less than 15m

(i) For corner sites, standard D18.6.1.2 (1) applies from each frontage, where that frontage has a length of less than 15m.

Figure D18.6.1.2.1 Height in relation to boundary



(2) The underlying zone height in relation to boundary standard applies where:

(a) The site has a frontage length of 15m or greater; or

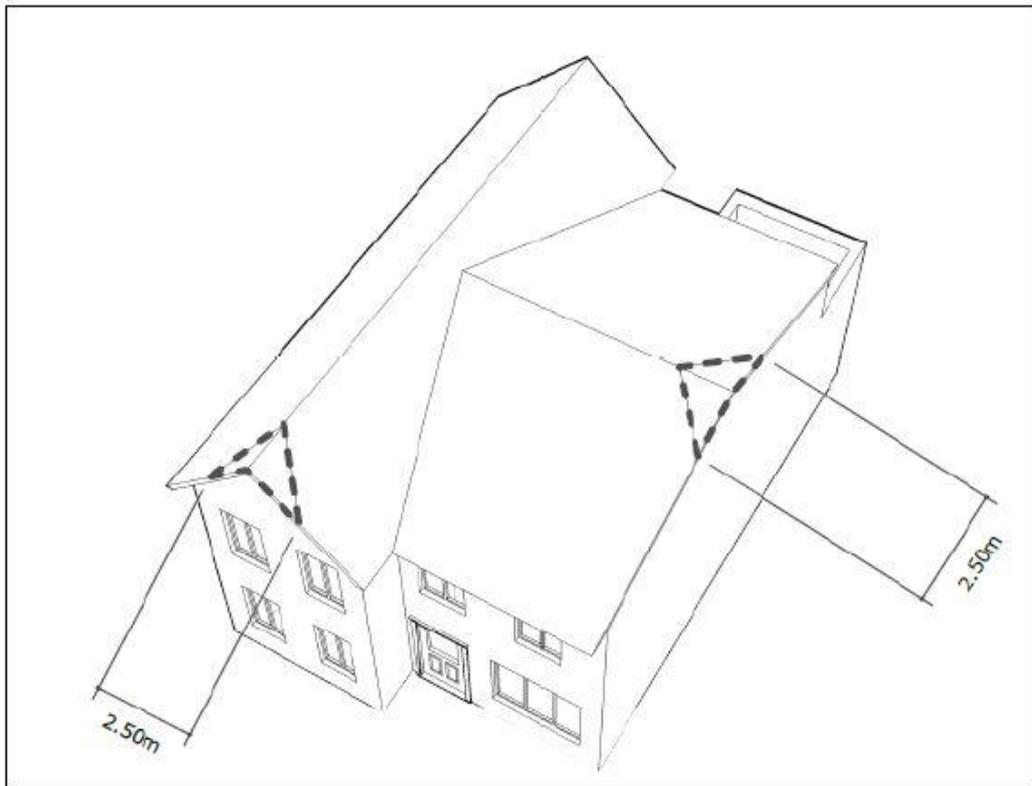
(b) The site is a rear site.

(3) Standard D18.6.1.2(1) above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

(4) Where the boundary forms part of a legal right of way, entrance strip, or access site, Standard D18.6.1.2(1) applies from the farthest boundary of the legal right of way, entrance strip, access site or pedestrian accessway.

- (5) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:
- (a) no greater than 1.5m² in area and no greater than 1m in height; and
 - (b) no greater than 2.5m cumulatively in length measured along the edge of the roof.

Figure D18.6.1.2.2 Exceptions for gable ends and dormers and roof projections



- (6) No more than two gable ends, dormers or roof projections are allowed for every 6m length of site boundary.

D18.6.1.3. Yards

Purpose: to retain the historical built character of the streetscape by managing the setback and the relationship of the building to the street.

- (1) A building or parts of a building in the Special Character Overlay – Residential must be set back from the relevant boundary by the minimum depth listed in Table D18.6.1.3.1 Yards below:

Table D18.6.1.3.1 Yards

Yard	Minimum depth
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Front	The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject site or six sites on one side of the subject site
Side	1.2m
Rear	3m

- (2) Standard D18.6.1.3.1 above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
- (3) The underlying zone yard standards apply for all other yards not specified within Table D18.6.1.3.1.

D18.6.1.4. Building coverage

Purpose: to manage the extent of buildings on a site commensurate with the existing built character of the neighbourhood.

- (1) The maximum building coverage for sites in the Special Character Areas Overlay – Residential must not exceed the percentage of net site area listed in Table D18.6.1.4.1 Building coverage in the Special Character Areas Overlay – Residential below:

Table D18.6.1.4.1 Building coverage in the Special Character Areas Overlay – Residential

Site area	Building coverage
Up to 200m ²	55 per cent of the net site area
200m ² – 300m ²	45 per cent of the net site area
300m ² – 500m ²	40 per cent of the net site area
500m ² – 1,000m ²	35 per cent of the net site area
Greater than 1,000m ²	25 per cent of the net site area

- (2) Where a site is within the Rural and Coastal Settlement zone, Standard D18.6.1.4. Building coverage does not apply and Standard H2.6.9. Building coverage applies.

D18.6.1.5. Landscaped area

Purpose: to maintain the level of landscaped character and trees consistent with the identified character of the area.

- (1) The minimum landscaped area for sites in the Special Character Areas Overlay – Residential is the percentage of net site area listed in Table D18.6.1.5.1 Landscaped area in the Special Character Areas Overlay – Residential below:

Table D18.6.1.5.1 Landscaped area in the Special Character Areas Overlay – Residential

Site area	Landscaped area
Up to 200m ²	28 per cent of the net site area
200m ² – 500m ²	33 per cent of the net site area
500m ² – 1,000m ²	40 per cent of the net site area
Greater than 1,000m ²	50 per cent of the net site area

- (2) The front yard must comprise at least 50 per cent landscaped area.
- (3) Where a site is within the Rural and Coastal Settlement zone, Standard D18.6.1.5. Landscaped area does not apply.

D18.6.1.6. Maximum paved impervious area

Purpose:

- to reinforce the building coverage and landscaped area standards; and
- to limit impervious areas on a site to maintain the identified character of the area.

- (1) The maximum ~~paved~~ impervious area for sites in the Special Character Areas Overlay – Residential must not exceed the percentage of net site area listed in Table D18.6.1.6.1 Maximum ~~paved~~ impervious area in the Special Character Areas Overlay – Residential below:

Table D18.6.1.6.1 Maximum paved impervious area in the Special Character Areas Overlay – Residential

Site area	<u>Paved Impervious</u> area
Up to 200m ²	47 <u>72</u> per cent of the net site area
200m ² – 500m ²	20 <u>65</u> per cent of the net site area
500m ² – 1,000m ²	25 <u>60</u> per cent of the net site area
Greater than 1,000m ²	25 <u>50</u> per cent of the net site area

- (2) Where a site is within the Rural and Coastal Settlement zone, Standard D18.6.1.6. Maximum impervious area does not apply and Standard H2.6.8. Maximum impervious area applies.

D18.6.1.7. Fences and walls ~~and other structures~~

Purpose:

- To retain the boundary fences and walls that contribute to the character of the area and ensure that new fences and walls complement the existing character of the streetscape.
- (1) Fences and walls ~~and other structures~~, or any combination of these, in the Special Character Areas Overlay - Residential must not exceed a the height specified below, measured from ~~of~~ 1.2m above ground level.:
- (a) On the front boundary or between the front façade of the house and the front boundary, 1.2m in height.
 - (b) On the side boundary of the front yard, or between the house and the side boundary, where the fence or wall is located forward of the front façade of the house, 1.2m in height.
 - (c) For the purposes of this standard, the front façade of the house means the front wall of the main portion of the house facing a street, and shall exclude bay windows, verandahs, stairs, attached garages and similar projecting features. Houses on corner sites have two front facades.
 - (d) On any other boundary or within any other yard not described above, 2m in height.

D18.6.2. Standards for buildings in the Special Character Areas Overlay – Business and in the Special Character Areas Overlay – General (with a business zoning)

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D18.7. Assessment – controlled activities

There are no controlled activities in this section.

D18.8. Assessment – Restricted discretionary activities

D18.8.1. Matters of discretion

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary resource consent application.

D18.8.1.1. Special Character Areas Overlay - Residential

- (1) For the total demolition or substantial demolition (exceeding 30 per cent or more, by area, of wall elevations and roof areas); or the removal of a building (excluding accessory buildings) from a site; or the relocation of a building within the site:
 - (a) the effects....
- (2) For external alterations or additions to buildings; or for the construction of a new building or the relocation of a building onto a site:
 - (a) the effects....
- (3) For an infringement of the any of the standards listed in Standard D18.6.1 Standards for buildings in the Special Character Areas Overlay – Residential:
 - (a) the effects of the infringement of the standard on the streetscape and special character context as outlined in the special character area statement; and

Note 1

Where more than one standard will be infringed, the effects of all infringements on the streetscape and special character context as outlined in the special character area statement will be considered together.

- (b) the matters for external alterations or additions to buildings or for the construction of a new building or relocation of buildings onto a site listed in D18.8.1.1(2) above.
- (c) the matters of discretion for the standard (or equivalent standard) in the underlying zone.

D18.8.1.2. Special Character Business Areas

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D18.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities.

D18.8.2.1. Special Character Areas Overlay – Residential

- (1) For the total demolition or substantial demolition (exceeding 30 per cent or more, by area, of wall elevations and roof areas); or the removal of a building (excluding accessory buildings) from a site; or the relocation of a building within the site:

- (a)...
- (2) For external alterations and additions to a building:
 - (a) Policies D18.3(1) to (7);
 - (b)
- (3) For the construction of a new building or relocation of a building onto a site:
 - (a) Policies D18.3(1) to (7);
 - (b) for all areas...
- (4) For an infringement of any of the standards listed in Standard D18.6.1 Standards for buildings in the Special Character Areas Overlay – Residential:
 - (a) Policies D18.3(1) to (7).
 - (b) the relevant assessment criteria for the standard (or equivalent standard) in the underlying zone.

D18.8.2.2. Special Character Areas Overlay - Business

- (1) For the total

D18.9. Special information requirements

There are no special information requirements in this section.

E38. Subdivision - Urban

E38.1. Introduction

Subdivision is the process of dividing a site or a building into one or more additional sites or units, or changing an existing boundary location.

Objectives, policies and rules in this section apply to subdivision in all zones except for the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, Rural – Rural Conservation Zone, Rural – Countryside Living Zone, Rural - Waitākere Foothills Zone, Rural - Waitākere Ranges Zone, Future Urban Zone, and Special Purpose – Quarry Zone which are located in E39 Subdivision – Rural.

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E38.8. Standards for subdivisions in residential zones

Subdivision listed in Table E38.4.2 Subdivision in residential zones must comply with the applicable standards for the proposed subdivision in E38.6 General standards for subdivision and E38.8.1 General standards in residential zones.

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E38.8.2.6. Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business

- (1) Proposed sites identified in the Special Character Areas Overlay – Residential and Business must comply with the minimum net site area in Table E38.8.2.6.1 Special Character Overlay – Residential and Business subdivision controls.
- (2) Proposed sites identified in the Special Character Areas Overlay – Residential and Business that are not listed in Table E38.8.2.6.1 must comply with the relevant minimum net site area for that site's zone in Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare.
- (3) The minimum net site area controls within Table E38.8.2.6.1 Special Character Areas Overlay – Residential and Business subdivision controls take precedence over those within Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare.

Table E38.8.2.6.1 Special Character Areas Overlay – Residential and Business subdivision controls

Special Character Areas Overlay – Residential and Business – Sub area	Minimum net site area
Isthmus A	400m ² or 500m ² where the site does not comply with the shape factor
Isthmus B1 and B3	1,000m ²
Isthmus B2	600m ²
Isthmus C1	400m ² or 500m ² where the site does not comply with the shape factor
Isthmus C2	600m ²
Isthmus C2a (refer to Figure E38.8.2.6 below)	1,000m ² on sites identified in Figure E38.8.2.6 below
North Shore Area A*	450m ²
North Shore Area B*	500m ²
North Shore Area C*	600m ²

*The maps showing North Shore Area A, North Shore Area B, and North Shore Area C can be found in Schedule 15 Special Character Schedule, Statements and Maps.