

## 2.5 – Building heights - section 32 evaluation for the Proposed Auckland Unitary Plan

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## 1 Overview and Purpose

### 1.1 Subject Matter of this Section

Height is dealt with in several places within the Proposed Auckland Unitary Plan (the Unitary Plan). This assessment is focused primarily on height in the business and residential zoned land because these areas were of the greatest interest to the public during feedback through the extensive engagement period for the draft Unitary Plan in March 2013.

It is referred to in the:

- RPS level policies for landscape and natural features
- Metropolitan Centre, Town Centre, Neighbourhood Centre and Local Centre zones
- Business, Residential and City Centre zones
- Volcanic viewshafts and height sensitive areas overlay
- Additional Zone Height overlay
- Precincts - City Centre, Residential, Business, comprehensive precincts (various)
- Auckland War Memorial Museum Viewshaft overlay

The most complex response to building height in the Unitary Plan is contained in the City Centre Zone where height is governed by viewshafts, rules on sunlight admission and setbacks. There is no significant change in how height is dealt with in the City Centre between the legacy plan and the Unitary Plan. Therefore no further discussion or analysis of those height provisions is required.

The Unitary Plan generally follows the legal principal that the more specific rule overrides the general one. In the context of height in the Unitary Plan, height is a land use control in most zones with further specific detail varied through the use of precincts and overlays. Height is an issue that has relevance for Part 2 matters such as:

- special character
- enabling growth
- landscape/landform protection
- character and amenity.

The Proposed Unitary Plan currently does apply a hierarchy of which values have primary importance for height. The general provisions of the Unitary Plan provide guidance on which rules take precedence when there are precincts and overlays.

Height is also managed to maintain strategic infrastructure such as the airport flight approach paths. This has the effect of varying the maximum heights in the underlying zones. There is no significant change between this approach and legacy zones, so the specific objectives and policies for this overlay are not examined further.

Height in rural zones is examined as part of the s32 report for rural issues. Only two zones are examined to give a comparison between enabling rural production with 70 per cent of Auckland's land area in rural land use and managing the effects of development on outstanding natural landscapes and features, particularly coastal environments.

Auckland has a diversity of landscapes and landforms. Auckland's urban, rural, coastal and island landscapes provide an important reference point and sense of identity for residents. Equally important is Auckland's economic development underpinned by the strength of its centres and provision of housing choice for residents.

The analysis below highlights those objectives and policies relevant to height.

Auckland's residents raised a lot of concerns about height in response to the March draft of the Unitary Plan. These concerns have been addressed through:

- improvements to the zone rules
- an additional zone height overlay shown in GIS and
- workshops held with staff and local boards that refined and moderated proposed heights.

## **1.2 Resource Management Issue to be Addressed**

Height is an issue that is relevant to economic development, sustainable management of natural and physical resources, historic heritage and landscapes. Height is something that many people are sensitive about in terms of the built form outcomes of residential and business development, development within volcanic viewshafts and from a cultural perspective, heights of buildings respecting their context.

## **1.3 Significance of this Subject**

Auckland has always had to balance economic development with sustainable management of the environment. The issue of height has become important as Auckland has comprehensively reviewed all of its regional and district plan provisions in order to develop a draft Unitary Plan and proposed Unitary Plan.

Height is one of the key development controls that can stimulate investment and enable growth. The Unitary Plan must manage height to achieve a balance between enabling economic development whilst respecting the views of its residents and the environment.

## **1.4 Auckland Plan**

Direction 10 of the Auckland Plan states: "Create a stunning City Centre with well-connected quality towns, villages and neighbourhoods." Directive 10.8 states:

"Strengthen Auckland's network of metropolitan, town, local and neighbourhood centres so they are well-connected and meet community needs to jobs, housing, and goods and services, at a variety of scales, Auckland's network of centres will:

- Be the primary focus for retail and other commercial activity, providing a wide range of outlets in a competitive environment, while limiting out-of-centre retail and office development
- Accommodate an increase in the density and diversity of housing in and around centres
- Develop sufficient scale, intensity and land-use mix (appropriate to the centre's position in the hierarchy) to support high-frequency public transport
- Concentrate activities which generate a high number of trips
- Maximise access by walking, cycling and public transport and support a reduction of car trips
- Be attractive, mixed-use environments with high quality public spaces.

The City Centre Masterplan has been developed to guide the transformation of the city centre and to maximise its potential. A Waterfront Masterplan has also been prepared to realise that area's development opportunities. The Masterplan supports the role and function of the City Centre as Auckland's pre-eminent hub for office-based employment, business and financial services.

Chapter 12 of the Auckland Plan deals with social infrastructure including parks. Volcanic cones are on land zoned Public Open Space. Figure 12.2 depicts the benefits of Public

Open Space including creating opportunities to express cultural diversity and identity, protecting the significant cultural heritage, including taonga of significance to tangata whenua.

### **1.5 Current Objectives, Policies, Rules and Methods**

Height is currently dealt with in the Isthmus Plan through: the volcanic viewshafts, zones, Auckland museum viewshaft that restricts the heights of buildings in order to maintain views to the museum. The City Centre has heights in its zone and precinct provisions. All legacy plans dealt with height through zone rules and restricted the heights of buildings in close proximity to airports so as not to conflict with flight approach paths (Whenuapai, Auckland Airport), sensitive ridgelines (Waitakere and Rodney District), viewshafts to manunga in Manukau. The array of places where policies, objectives and rules on height exist reflects its significance in terms of landscape, historic heritage, respect for cultural values and economic development.

Height is measured differently across the legacy plans. The proposed Unitary Plan measures height through the rolling height method.

The Isthmus Plan measures height using the average ground level method and rolling height is only used in some specific zones such as Residential 3b zone. The Manukau Plan uses the rolling height method. The Rodney Plan has both the natural ground level and rolling height method except in the Medium Intensity Residential zone at Muriwai where height is measured according to average height only. Franklin and Papakura use rolling height. The Waitakere legacy plan provides for both average ground level and rolling height. The North Shore Plan uses average ground level, rolling height and mean frontage level in specific locations. The Residential Rules refer to both the natural ground level method and mean ground floor level. The other zones have specific methods depending on their location.

### **1.6 Information and Analysis**

Height has been thoroughly explored during the development phase of the draft Unitary Plan and was further refined as a result of feedback from the public, iwi and the development sector.

The proposed heights in zones were workshopped among staff, discussed with the external advisory panel and endorsed through the Political Working Party in 2012. Heights in some of the overlays and precincts were carried across into the Unitary Plan from legacy plans where there was a sound resource management basis for doing so e.g. special character provisions. Height is an important development control that supports growth, an increase in gross floor area for either business, commercial or residential development and provides for efficient use of land. Allowing for height in and around centres supports the role of centres. It is one of the methods for enabling efficient use of land and creates a balance between greenfields expansion and growth in existing areas.

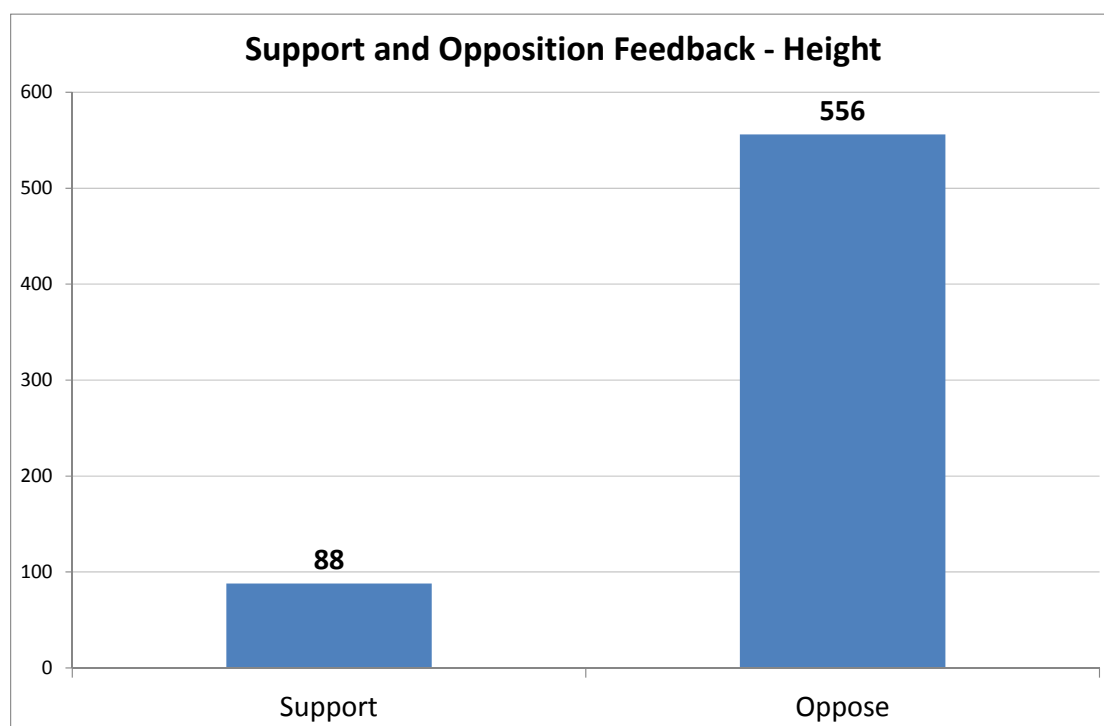
As a result of feedback on the March draft, a workshop with the Auckland Plan Committee was held to decide on key principles of how height would be applied spatially. There were two further workshops with Council staff and elected members – councillors and local board members to verify the extent of all zones in the Unitary Plan and agree on the proposed heights of centres.

### **1.7 Consultation Undertaken**

Council has consulted with the elected members through a series of workshops, presentations to the Political Working Party and Auckland Plan Committee on specific packages related to the Central Area, business and residential zones, special character, airport infrastructure and volcanic cones/viewshafts.

Specific political direction on height in zones has resulted in maps and provisions which are regionally consistent but reflect local identity.

The most significant consultation that has occurred on building height has been through the release of the March draft of the Unitary Plan. Public opinion is generally opposed to building heights in the draft Unitary Plan with 86.34% of people against the provisions and 13.66% of respondents favouring the council's approach. Most of the feedback did not specify whether they were objecting to residential or business heights so it is difficult to provide a more detailed commentary. The graph below shows the split of public opinion.



### 1.8 Decision-Making

Height has been dealt with through the review of specific topics affecting zones and overlays throughout the development of the draft Unitary Plan. Following the March draft Unitary Plan a more integrated approach has been taken. This has resulted in much greater recognition of local variation and a more tailored approach to height across Auckland.

### 1.9 Proposed Provisions

The specific detail of heights varies across Auckland and the e-viewer is being currently updated with mapping refinements as a result of local board workshops. The heights Centres/Business zones are:

Business Zones	Building Height	Storeys
Metropolitan Centre	72.5	18
Town Centre (refer to the planning maps for the height applying to specific town centres)*	16.5m -32.5m	4-8 storeys
Mixed Use	16.5	4 storeys
Local Centre*	16.5m	4 storeys
Neighbourhood centre*	12.5m	3 storeys
Residential Zones		
Terraced Housing and	14.5m -20.5m	4-6 storeys

Apartment Buildings		
Rural Zones		
No change from March draft		

There are specific changes to some of the Central Area precincts: the Downtown, West and Central Waterfront will have a precinct developed, an additional 5-10m height will be allowed in the Quay Park Precinct.

There are no other changes to heights.

### 1.10 Reference to other Evaluations

This section 32 report should be read in conjunction with the following evaluations:

- 2.3 Residential zones
- 2.4 Business
- 2.6 Business building form and design
- 2.7 Design statements
- 2.10 Electricity Transmission Corridors
- 2.13 Historic heritage
- 2.19 Landscapes
- 2.46 City Centre precincts
- 2.50 Retirement Villages

## 2 Objectives, Policies and Rules

Height crosses several tiers and overlays within the Unitary Plan. The discussion of objectives analyses these in clusters/groupings. Each grouping has a sub-heading to enable the reader to follow the discussion.

### 2.1 Outstanding natural landscapes and natural features objectives

The following objectives are proposed:-

#### Objective 2.4.3

The objectives and policies for outstanding natural landscape and natural features at the RPS level (part 2.4.3) outline the protection of their physical and visual integrity and how the integrated management of their multiple values should be achieved.

#### Part 2.4.3.2

*3. Where practicable, areas with degraded natural character are restored or rehabilitated, and areas of high and outstanding natural character in the coastal environment, including the Waitakere Ranges heritage area and the Hauraki Gulf/To Moana Nui o Toi Tikapa Moana islands are enhanced.*

#### Appropriateness of the Objectives

##### Relevance

The objective addresses Part 2 matters, in particular the sustainable management of resources (s. 5), protection of historic heritage (s. 6) as the Waitakere Ranges are recognised as a heritage landscape. The Hauraki Gulf also has its own legislation protecting its natural values.

##### Usefulness

The objective is useful as it provides a clear cascade of policy from central government direction in the Act, to regional functions and then provides a basis for introducing further policies and rules related to height, viewshafts and landscapes.

### **Achievability**

Council has the powers and functions to ensure that this objective is achieved through rules relating to building heights, volcanic viewshafts, design and development overlays for the Waitakere Ranges ridgelines.

### **Reasonableness**

The methods implemented in the Unitary Plan are considered to be reasonable in achieving a balance between maintaining outstanding natural landscape features and enabling more development in and around centres.

### **Legacy**

Similar provisions existed in legacy plans.

### **Objective**

*Part 2.4.3.2*

*4. The visual and physical integrity and values Auckland's volcanic features that are of local, regional, national and/or international significance are protected and where practicable enhance."*

### **Relevance**

The objective has a sliding scale of significance in terms of some volcanic features being of value under s. 6(f) and others being of local amenity value under s. 7(c). The objective addresses the issue of protecting viewshafts and landscapes by identifying and protecting outstanding natural landscapes and outstanding natural features.

### **Usefulness**

The objective adds value by making the protection and enhancement of volcanic cones a matter that the Unitary Plan must adhere to under s. 30 and 31. It does impact on other environmental outcomes related to housing choice by making the protection of volcanic cones of primary importance. This means that land use zoning patterns should also reflect reduced heights and lower densities in the immediate environs of the volcanic cones to keep their character intact.

### **Achievability**

The council has the functions/powers/tools to achieve this outcome through its rules for volcanic viewshafts and height sensitive overlays and zone rules.

### **Reasonableness**

If maintaining volcanic viewshafts is of regional and local importance, then it is reasonable to protect them. However, the underlying zoning of land in the vicinity of the cones should be consistent with that outcome. The volcanic viewshafts and protection of Auckland's maunga are of importance tangata whenua and it is important that new development respects the cultural heritage values associated with these areas.

### **Legacy**

Similar provisions existed in legacy plans.

### **Objective**

*Part 2.4.3.2*

*5. The significant views to and between Auckland's maunga are protected.*

### **Relevance**

The objective is relevant to s. (f) and (g) of the Act, requiring council to maintain and enhance the quality of the environment and have regard to any finite characteristics.

Significant views are a finite characteristic and if they are built out they will no longer exist. Significant views could also be considered under s.6(b) to require protection from inappropriate development.

### **Usefulness**

The objective is useful in creating a clear outcome for decision makers on applications concerning development that affects volcanic cones and significant views.

### **Achievability**

The council has the functions/powers to achieve protection of significant views. Protection of views is best measured through state of environment monitoring and should be carried out by a qualified landscape architect using consistent methods over time to ensure results can be compared every three-five years.

**Reasonableness** – the cost of protecting significant views to and between Auckland's maunga is considered to be reasonable. If Auckland is going to become the world's most liveable city then the council needs to maintain quality landscapes and environments for all residents and tourists to enjoy.

### **Legacy**

Similar provisions existed in the RPS and were mirrored at the district level.

### **Objective**

*Part 2.4.3.2*

*6. The multiple values of ONFs are protected and enhanced.*

### **Relevance**

S.6(b) of the Act requires council to protect areas of outstanding natural features. Although the objective largely re-states the requirement of the RMA, it is given effect through identification of those features, policies and rules.

### **Usefulness**

The objective adds value by stating what values are protected in the Unitary Plan.

### **Achievability**

The council has the ability/functions/ powers/ rules to achieve protection of ONLs and ONFs through its heritage and landscape provisions. In many cases, areas of geological significance have often been occupied by Māori prior to 1900 and often have associated cultural and archaeological values. Landscapes often have a range of values associated with them.

### **Reasonableness**

It is reasonable to set this objective as an outcome. Council is implementing a central government requirement for protection and enhancement of ONLs and ONFs.

#### **2.1.1 Policies**

The policies are grouped for ONLs and ONFs into identification, management, protection and restoration. The identification policies outline the criteria for selection of ONFs and ONLs, accidental discovery protocols for discovery of features, and provide for rural production activities in the rural and coastal landscapes. The relevant policies are in 4.3.2:

- “7. Require urban intensification to be consistent with the protection of volcanic features and viewshaft policies.*
- 15. Avoid new buildings or structures within viewshafts identified in Appendix 3.3 and*



*development above the specified building heights in height sensitive areas to protect views to and between the maunga*  
16. *Protect the physical and visual integrity and the landscape values of ONLs.”*

These clarify that housing choice and providing land for economic development should be subservient to the protection of outstanding natural landscapes and outstanding natural features. However, the volcanic viewshaft and height sensitive rules allow applicants to penetrate the viewshafts up to the maximum heights of the underlying zones in certain locations as a non-complying activity. This means that applicants will have to meet the RMA statutory tests in order for an application to be approved.

### **2.1.2 Rules and other methods**

The rules on height can be found in zones, overlays and precincts. There may be more than one height that will apply e.g. additions and alterations for a special character building in Onehunga would call in the relevant zone height provisions, the special character overlay, possibly a volcanic cone overlay and the most restrictive height limit will apply. (see Rule 4.7 in the general provisions states that the most restrictive activity status will apply.)

### **2.1.3 Costs and Benefits of Proposed Policies and Rules**

The costs of the proposed policies and rules relate to:

- The economic costs of height being restricted where there may be an incentive to build higher e.g. Newmarket where there is a volcanic viewshaft restricting height but most existing buildings penetrate it. This is where the tensions between landscape values and economic development need to be weighed up carefully.
- The costs that a community faces where landscape values may mean that an employer chooses to re-locate elsewhere, if they cannot make the most efficient use of a site.
- The costs associated with less investment in some parts of Auckland where the regulatory hurdles are too high.
- The costs to communities if special character is compromised through approval of non-complying activities.

The benefits of the proposed policies and rules relate to:

- Clear messages about where development is encouraged.
- Increasing levels of regulation to match the sensitivity of the environmental, cultural and historic heritage values to be protected.
- Certainty for the community that there will be a higher statutory threshold to meet if an applicant wishes to exceed height in a particular location.
- Making efficient use of land within the urban area that utilises existing infrastructure, transport networks, schools and parks
- Providing a balance for where growth can occur i.e. people can choose to build up as opposed to out.

There has not been a specific cost-benefit analysis.

### **2.1.4 Adequacy of Information and Risk of Not Acting**

It is considered that there is sufficient information on which to base the proposed policies and methods.

## **2.2 Metropolitan centre**

The introduction to the Business zones summarises the height issue in this way:

*“There is a range of possible building heights within the centres and mixed use zones depending on the context. Different parts of these zones have different attributes. In some*

*cases these attributes necessitate an increase or decrease in the standard zone height. The different attributes include:*

- *the size and depth of a centre*
- *the status of the centre in the centres hierarchy*
- *existing or planned uses surrounding a centre and the interface between the centre, these uses and surrounding residential uses*
- *special character*
- *landscape features*
- *height controls previously developed through a precinct or master planning exercise.*

*The city centre, metropolitan centres and town centres, and areas surrounding these centres, have been identified as the priority areas for commercial and residential growth. In and around some of these areas, to enable growth to occur, it is appropriate to enable greater heights from the standard height.*

*In addition, the height in and around some centres is lower than the standard zone height due to the local context, including special character or landscape features.”*

### **Objectives**

Objectives 1 to 5 for the City Centre zone outlines the pre-eminent role of the city centre in the centre hierarchy.

The general objectives 1 to 3 for the Centres, Mixed Use, General Business and Business Park zones states:

#### **Part 3.2.3.1**

1. *Development strengthens Auckland’s network of centres as attractive environments with a mix of uses that provide employment, housing and goods and services at a variety of scales.*
2. *Development is of a form, scale and design quality so that centres are reinforced as focal points for the community.*
3. *Business activity is distributed in locations and is of a scale and form that:*
  - a. *provides for the community’s economic needs*
  - b. *improves community access to goods, services, community facilities and opportunities for social interaction*
  - c. *manages adverse effects on the environment, including effects on strategic infrastructure and residential amenity.*

### **Relevance**

The objective derives from the RPS level objectives that focus commercial growth based on the hierarchy of centres and objective 2.3.1 that encourages employment land to be created. RPS level policies 2.2.1 and 2.2.2 encourage a compact urban form within close proximity to centres, public transport and community facilities. The objective is relevant to Part 2 as it reinforces the hierarchy of centres and provides for efficient land use.

### **Usefulness**

The objective is useful because it establishes the focus for metropolitan centres in terms of Auckland’s growth, role and function.

### **Achievability**

The objective is achievable over a 30-year timeframe. Most sub-regional centres are unlikely to optimise their building envelopes in terms of height until land is scarce, the market/economic conditions are right for development and there is a greater demand to

locate all business and commercial activity within centres. Currently, most metropolitan centres, such as Manukau, Takapuna and New Lynn, have some high rise buildings (over four storeys) which were developed in the economic booms of the 1980s and 1990s/early 2000s but there is a lot of existing capacity.

Auckland's Capacity for Growth Study 2013 states in the executive summary that there is potential capacity for an additional 103,930 dwellings in business areas and centres under the current provisions.

### **Reasonableness**

The outcome is reasonable over the medium- to long-term. Clearly, not every metropolitan centre will duplicate a full range of council services, such as civic amenities, to an equal extent so there will be diversity in the final scale, form and function of metropolitan centres.

### **Legacy issues**

Some centres, such as Manukau city centre, Botany town centre and part of Takapuna, had no maximum height limit in the centre. Some parts of the region such as Papakura had lower height limits. Sylvia Park was considered to be a mid-point in terms of building heights of metropolitan centres. There was previously no standardised approach to heights of centres, each council decided on what was an appropriate height and scale for their geographical area.

### **Objectives**

#### **3.3.2- Metropolitan Centre objectives 1 & 2**

- 1. A network of metropolitan centres are developed, that are second only to the city centre in diversity, scale, form and function, and which are a sub-regional focus for commercial, residential, community and civic activities.*
- 2. Key retail streets are identified as a focal point for pedestrian activity, with identified general commercial streets supporting this role*

### **Relevance**

The first objective indicates that metropolitan centres will have the greatest heights associated with them outside of the city centre. The metropolitan centres are at the next tier down from the city centre and are expected to build on and attract new development. The second objective does not directly correlate to building height but does indicate which streets may require higher amenity if they are a focal point for pedestrian activity.

### **Usefulness**

The first objective makes it clear that metropolitan centres will have a sub-regional focus. Part of the reasons for greater height in and around centres is about attracting more people to live and work in centres. This is consistent with the regional policy statement level objectives 2.1, 2.2 and 3. The second objective adds value by indicating which streets should have higher amenity within centres, making design and the interface between private and public realm of greater importance. It also provides the basis for requiring a different floor to floor ratio for these sites to create new buildings that can be adaptively re-used.

### **Achievability**

The first objective is achievable so long as the land values support the level of investment anticipated. The first objective also relies on new development following the centre hierarchy so that metropolitan centres are not competing with town centres for development. The council has the functions and ability to determine what streets should have a pedestrian focus. However, it can only provide a rules framework and stimulate investment through spending on civic facilities, CCOs spending to upgrade streets etc. The council cannot compel private interests to upgrade buildings or improve their management of sites unless they fall below building consent level.

## **Reasonableness**

The objective is likely to result in greater costs to applicants where certain types of activity are triggered. The additional building costs may not necessarily be recouped by landowners in the short- to medium-term.

## **Legacy issues**

Some legacy plans, such as Waitakere, had a hierarchy of streets in town centres but the rules alone could not generate investment.

### **2.2.1 Policies**

The policies of most relevance to building height in centres are in clause 3.2.3.1.4 Policies 4 and 5. It states:

- “4. In identified locations within the centres and mixed use zones, enable greater building height than the standard zone height, having regard to whether the greater height:*
- a. is an efficient use of land*
  - b. supports public transport, community infrastructure and contributes to centre vitality and vibrancy*
  - c. considering the size and depth of the area, can be accommodated without significant adverse effects on adjacent residential activity*
  - d. is supported by the status of the centre in the centres hierarchy, or is adjacent to such a centre.*
- 5. In identified locations within the centres and mixed use zones, reduce building height below the standard zone height, where the standard zone height would have significant adverse effects on special character, landscape features, amenity or the prevailing character and context.”*

Policy 4 relates to the intensity of activities encouraged in centres and mixed use zones. It recognises that certain locations are suitable for more intense development and have strategic importance to centres.

The general objectives and policies for centres, mixed use and general business zones encourage development above commercial/retail in metropolitan centres to try and build vibrancy and create a population base to support the range of commercial and business operating within the centre.

Policy 3.2.3.3.7 aims to deliver vibrancy by improving the private/public interface. This includes provisions on design, verandas, glazing and vehicle crossings. The main feature of relevance to building height is the floor to floor building heights. This provision may reduce the number of storeys that can be developed with the outcome of greater adaptability of buildings at the expense of more GFA created for the commercial sector.

### **2.2.2 Rules**

The specific rules for the business provisions are examined in some detail in that s32 report and are not further examined here. The maximum height rules were derived from a comparative discussion of building heights across centres in 2012. The heights were further refined during two workshops with staff and local boards in August and discussed at the Auckland Plan Committee workshops on height and business provisions. The proposed Unitary Plan was revised on the basis of feedback from the public and elected members.

### **2.2.3 Costs and Benefits of Proposed Policies and Rules**

The costs of the proposed policies and rules are:

- Different centres have a tailored approach to building height reflecting their local identity
- The costs associated with this is that the workshops have determined what level of investment they are prepared to accept i.e. a private landowner is unlikely to risk a publicly notified application to achieve the rental or sale of additional gfa unless the land values and financial risks make it worthwhile

The benefits of the proposed policies and rules are:

- Different centres have a tailored approach to building height
- The heights enable adaptive re-use of buildings to occur in centres
- Economic development is enabled to varying extents across Auckland

#### **2.2.4 Adequacy of Information and Risk of Not Acting**

It is considered that there is sufficient information on which to base the proposed policies and methods.

### **2.3 Town centre objectives 1 - 3**

Objective 1 outlines that town centres are the focus of commercial, residential, community and civic activities for the surrounding area.

Objective 2 provides for development in keeping with the centres planned future character.

Objective 3 relates to key retail streets.

#### *Part 3.2.3.4-3*

1. *A network of town centres are the focus of commercial, residential, community and civic activities for the surrounding area*
2. *The scale and intensity of development in town centres is increased while ensuring development is in keeping with the centre's planned future character.*
3. *Key retail streets are the focal point of pedestrian activity, with identified general commercial streets supporting this role.*

#### **Relevance**

The objective derives from the RPS objectives that focus commercial growth based on the hierarchy of centres and objective 2.3.1 that encourages employment land to be created. RPS policies 2.2.1 and 2.2.2 encourage residential growth within and in proximity to centres, public transport and community facilities. The objective is relevant to Part 2 as it reinforces the hierarchy of centres and provides for efficient land use. The regional policy statement level objectives are very significant drivers for the centres hierarchy and consolidating investment to take advantage of public transport networks, civic amenities, parks and infrastructure.

#### **Usefulness**

The objective is useful because it establishes the focus for town centres in terms of Auckland's growth, role and function. The Auckland Plan provides for town centres to have heights of between four-eight stories. The political working party provided for 4-, 6- and 8-storey town centres to be applied in the Unitary Plan.

#### **Achievability**

The objective is achievable over a 30-year timeframe. Most town centres are unlikely to optimise their building envelopes in terms of height until land is scarce, the market/economic conditions are right and there is a greater demand to locate all business and commercial activity within centres. Currently, most town centres are developed to a two-storey commercial level across Auckland with exceptions only occurring where there is specific demand.

## Reasonableness

The outcome is reasonable over the medium- to long-term. Clearly, not every town centre will have all the facilities required by a community as these may be located in areas where there is the population to support it e.g. council swimming pools. There also needs to be a critical mass of businesses to make each town centre vibrant. This vibrancy depends on economic and social conditions i.e. business people need to take a risk to establish in centres where their goods and services are required. They also need to be pitched at the right socio-economic groups.

## Legacy issues

Most town centres have been established due to historical reasons based on patterns of settlement, access to rail, ports, for reasons of trade or because of a particular resource. The maximum heights for town centres have been arrived at as a result of workshops with local boards and councillors, feedback from the community and Auckland Plan committee directions. In some cases, such as Onehunga town centre, the height is limited by a special character overlay which varies the underlying zone. Legacy plans provide for a range of heights in centres, based on the local resource management issues.

### 2.3.1 Policies

The town centre policies 3.4.1 state:

- “1. Enable significant change in town centres where the outcome can be shown to contribute to the function, amenity, and vitality of the centre and is an efficient use of a centre’s infrastructure...”*
- 4. Recognise the importance of streets identified in the key retail and general commercial frontage overlay as primary places for public interaction:*
  - a. by requiring buildings with frontages to these streets to:*
    - i. provide greater ground floor heights to maximise building adaptability to a range of uses...”*

The policies deal with much more than town centre heights, including the distribution of centres, function of centres, glazing, street frontages and mix of activities. The policies foreshadow the rules relating to bulk and location, design and height.

### 2.3.2 Rules

The business rules provide for the following heights:

Zone	Height	Storeys
Metropolitan centre*	72.5m	18 storeys
Town centre (refer to the planning maps for the height applying to specific town centres)	16.5m-32.5m	4-8 storeys
Local Centre	16.5m	4 storeys
Neighbourhood centre	12.5m	3 storeys
Mixed Use	16.5m	4 storeys
General Business	16.5m	4 storeys
Business Park	20.5m	5 storeys

These heights have been workshopped and the final zones and heights applied for the proposed Unitary Plan have been scrutinised by staff, the Auckland Plan Committee and local boards through comprehensive workshops. These heights are shown in the zone and also in the GIS viewer.

The provisions on floor to ceiling heights have been developed to ensure that buildings can be adaptively re-used and the glazing rule also means that buildings should receive good amounts of natural daylight.

### **2.3.3 Costs and Benefits of Proposed Policies and Rules**

The costs of the proposed rules are that applicants wishing to build higher than the permitted level may be restricted due to the rules or specific overlays and require resource consent.

The benefits of the proposed rules are that growth is “future proofed” in business zones through the permitted height levels even if the opportunities are not taken up immediately.

### **2.3.4 Adequacy of Information and Risk of Not Acting**

It is considered that there is sufficient information on which to base the proposed policies and methods.

## **2.4 Local centre objectives**

Objective 1 outlines the role of local centres. Objective 2 provides for key retail streets to focus pedestrian activity.

### *Part 3.2.3.5*

- 1. A network of local centres that enable commercial activity which services local convenience needs and provides residential living opportunities.*

### **Relevance**

The objective is relevant to Part 2 as it reinforces the hierarchy of centres and provides for efficient land use. In terms of height, this reinforces that the four-storey height limit is at the lower end of the spectrum of centres.

### **Usefulness**

The objective is useful because it establishes the focus for local centres and clarifies that local centres are rated near the bottom in the hierarchy of centres. It gives a clear message to neighbouring residentially zoned land that they can expect four- storey development next door.

### **Achievability**

The objective does not specifically mention any outcome for height except that residential above commercial should be enabled.

### **Reasonableness**

The outcome is reasonable as local centres support the immediate services and needs of communities. Most local centres have a maximum building height of four storeys or 16.5m. It is unclear how much thought has been given to creating residential above ground floor level commercial development in lower order centres where there may be conflict in terms of reverse sensitivity effects.

### **Legacy issues**

Most local centres generally have one-two storey development.

### *Part 3.2.3.5*

- 1. The scale and intensity of development within local centres respects the future planned character of the surrounding development*

### **Relevance**

Section 7(b) of the RMA requires council to consider the efficient use and development of natural and physical resources. Land around local centres needs to be used efficiently and the proposed heights of four storeys or 16.5m will meet that requirement.

## **Usefulness**

The objective refers to the future or preferred character of the area. This is a contrast to legacy plans that normally relate objectives and policies to current standards of amenity and height. This objective makes it clear that applications should be looked at with reference to that proposed height of four storeys.

## **Achievability**

It will take some time to see a transformation in Auckland's built environment from largely single or two-storey heights in local centres to four-storey development. This may also bring about more residential use above commercial ground floors. The business community will need to be sure that building to within the proposed heights is profitable before the opportunities will be taken up. It is likely that some local centres will have a mixed character with buildings of different height during the transition phase.

## **Reasonableness**

The objective is reasonable and establishes the presumption in favour of change.

## **Legacy issues**

Local centres have typically been developed at either single storey or two-storey, building on a car-based model of shopping. There has been a slow to moderate uptake of residential above commercial across substantial areas of Auckland due to reverse sensitivity issues, cost of construction and the traditional separation of business and residential land uses. It is likely that the transition will occur slowly.

### **2.4.1 Policies**

The Local Centre zone policies 3.5.1-5 do not specifically mention heights. The policies state:

1. *Enable activities for local convenience needs of the surrounding residential area, including local retail, commercial services, office, food and beverage and small scale supermarkets.*
2. *Require development to achieve a high standard of design.*
3. *Enable residential activity above street level.*
4. *Discourage large-scale commercial activity that would adversely affect the:*
  - a. *retention and establishment of a mix of activities within the local centre*
  - b. *function, vitality or amenity of the City Centre, Metropolitan and Town Centre zones*
  - c. *safe and efficient operation of the transport network.*
2. *Provide for the outward expansion of local centres to better provide for community social and economic well-being, where expansion is suitable for growth in terms of strategic and local environmental effects.*

### **2.4.2 Rules**

The rules as alluded to above in 2.3.2, limit height to four storeys.

### **2.4.3 Costs and Benefits of Proposed Policies and Rules**

The costs associated with having a four storey height limit are that this is a maximum. Any increase in height would be subject to a resource consent and the height limit may be varied by a more restrictive overlay.

The benefits of having a four storey height limit are that this provides certainty for the community about what may occur. If the current building stock is not at this height limit, then the zoning should "future-proof" the ability to build to that maximum height in the future.



#### **2.4.4 Adequacy of Information and Risk of Not Acting**

It is considered that there is sufficient information on which to base the proposed policies and methods.

#### **2.5 Neighbourhood centre objectives 1 and 2**

Objective 1 provides for limited, small scale commercial activities focused on convenience needs.

Objective 2 provides for development of a scale and intensity that respects the future character of the surrounding environment.

##### **Objective 1 - Part 3.2.3.6**

*Commercial activities within residential areas, limited to a range and scale that meets the local convenience needs of residents as well as passers-by are provided in neighbourhood centres*

##### **Relevance**

The objective is relevant to Part 2 as it reinforces the hierarchy of centres and provides for neighbourhood centres at the bottom of the scale. Heights in neighbourhood centres are limited to three storeys.

##### **Usefulness**

The objective is useful because it establishes a low scale for neighbourhood centres. However, three storeys may still be a significant difference in height if the property is surrounded by single level development.

##### **Achievability**

The objective is achievable and allows local centres to have residential above commercial land uses. Local centres are the lowest-scale centres and the heights will still generally be one storey higher than the surrounding residential land uses.

##### **Reasonableness**

The outcome is reasonable over the medium- to long-term. Local centres support local communities and a modest degree of additional height is appropriate.

##### **Legacy issues**

Heights in neighbourhood centres differed across the region depending on the location. For example, some local centres were given the same height limits as surrounding residentially zoned land. The heights for local centres this time have been capped at 12.5m.

##### **Objective 2 – Part 3.2.3.6**

*Neighbourhood centres are developed to a scale and intensity that respects the future planned character of the surrounding environment*

##### **Relevance**

Height is a key issue for communities and the three-storey/12.5m limit allows for commercial at ground floor and possibly residential or other land use above. It is consistent with Part 2, s. 7(b) of the Act as promoting efficient use and development of land.

##### **Usefulness**

The objective refers to scale and intensity but relates it to planned future character of the area. In this way, it guides decision-makers to examine whether a proposed development will complement the future scale and intensity of a neighbourhood, not the current surrounding environment.

##### **Achievability**

The council has the ability to create rules that enable/facilitate investment. It cannot do all the investment itself, but can set the parameters. It is likely that these opportunities will be taken up gradually as the Unitary Plan is made operative and there is greater certainty for applicants.

### **Reasonableness**

The heights of neighbourhood centres will be a marked change in some instances from the existing. However, it is reasonable to achieve three storey development.

### **Legacy issues**

Many district plans previously zoned corner dairies as residential and the height of development was generally limited to either one to two storey development. Three-storey development for corner dairies and strip shopping areas will signal a change in the scale and appearance of neighbourhoods.

### **2.5.1 Policies**

Policies 1 to 4 in this zone state:

- “1. Provide for limited small scale commercial activities to meet either local or passers-by convenience needs, including local retail, business services, food and beverage activities.*
- 2. Require development to achieve a high standard of design.*
- 3. Enable residential activity above street level.*
- 4. Discourage large-scale commercial activity that would adversely affect the:*
  - a. retention and establishment of a mix of activities within the neighbourhood centre*
  - b. function, vitality or amenity of the City Centre, Metropolitan and Town Centre zones*
  - c. safe and efficient operation of the transport network.”*

The words “small scale” reflect the general 12.5m height limit for the Neighbourhood Centre zone and also refer to the scale of activities that should occur in this zone. The business objectives have been written to encourage certain types of commercial activities to be located in certain sized centres.

### **2.5.2 Rules**

The 12.5m height limit has been referred to above and therefore no further discussion is required.

### **2.5.3 Costs and Benefits of Proposed Policies and Rules**

The costs of the proposed height limit are that local centres can only build to a maximum of 12.5m or three storeys.

The benefits are the three storey height limit and zoning would enable a mix of land uses to be established. For example a dairy at ground floor with two storeys of residential apartments above it. Height and the land use provisions mean that landowners can design buildings to have more than one land use in it. This means that landlords can spread their risk between commercial and residential. The proposed rules will enable more diversity and vibrancy in Auckland.

### **2.5.4 Adequacy of Information and Risk of Not Acting**

It is considered that there is sufficient information on which to base the proposed policies and methods.

## **2.6 Mixed Use Zone**

### **Objectives 1 and 2**

*Part 3.2.3.7*

1. *Moderate to high intensity residential and employment opportunities, in a limited number of areas in close proximity to, or which can support the City Centre, Metropolitan and Town Centre zones and the rapid and frequent services network, are encouraged, while ensuring that activities within the zone do not detract from the vitality and viability of these areas are encouraged.*
2. *Activities within the zone do not detract from the vitality and viability of the City Centre, Metropolitan and Town Centre zones*

### **Relevance**

The Mixed Use zone as applied in the Unitary Plan varies from four storeys/16.5m to eight storeys/32.5m. The variability is brought about because this zone applies to medium and large town centres. The eight-storey height limit applies to Upper Symonds Street precinct. The only other variation is for six-storey mixed use zoning applied adjacent to large centres. The GIS viewer shows where height limits change e.g. from eight to six storeys.

### **Usefulness**

Height limits varied through the use of precincts and overlays are complex and not always easy for the public to navigate. Precincts have been developed to vary land use and development controls, with overlays only varying development controls. The difference between the two methods is academic. The general rules of the Unitary Plan make it clear that the most restrictive rule and activity status applies.

### **Achievability**

Town centres should be vibrant places with a mix of employment opportunities, good access to public transport, entertainment and leisure facilities. Vibrancy tends to co-relate with activity and intensity. It is likely that town centres will achieve varying levels of growth depending on market economic factors i.e. redevelopment of land, creation of employment, risk and return. Many of these factors will also depend on third party investment from central and local government for transport, office space, education, etc. It will take time for the metropolitan and town centres to achieve a built form consistent with the building envelopes provided by the Unitary Plan, and this will rely on containment policies to encourage growth to go up rather than out. Some factors that could result in more growth in centres include retirement villages locating in centres where there is good access to civic amenities, hospitals, public transport and the area is walkable e.g. Newmarket.

### **Reasonableness**

It is reasonable to expect a mix of residential, business and commerce to locate in centres.

### **Legacy issues**

Most legacy plans encourage mixed use in centres but the heights varied considerably. For example the Rodney plan provided heights of between 10.5m in its retail service zone and 12m in its mixed use zone. The North Shore plan has business zone height limits of 11-18m with unlimited height in some areas. The Papakura plan Commercial 3 zone has a maximum height of 21m while other commercial zones are between 9-12m. There will be issues with communities adjusting to changes in built form in their neighbourhoods.

### **Objective 3 – Part 3.2.3.7**

3. *Key retail streets are the focal point of pedestrian activity, with identified general commercial streets supporting this role*

### **Relevance**

The objective is relevant because it provides for higher design standards on key streets. The height in relation to boundary control outlined in the business section of this report shows how buildings must be stepped back where they adjoin residential zones and public open space. This should give the public some certainty as to the outcome they can expect. The

minimum floor to floor/ceiling height rule is aimed at adaptive re-use of buildings through its design life and providing adequate sunlight and daylight access to buildings. The rules provide for different floor to floor heights ranging from 4.5m on the ground floor down to 2.7m floor to floor for dwellings and 3.6m for non-residential activities. These minimum floor to floor heights do not necessarily correlate to the number of storeys in the height control. It is unclear which takes precedence in the rule – the number of storeys or the height as it may be possible to comply with height but exceed the number of storeys based on commercial at ground level with residential above. There is no policy basis for specifying which is preferable - storeys or heights. The rules state both to make the provisions more understandable. The floor to floor rule only applies to new buildings. A change of use will not trigger a consent under this rule.

### **Usefulness**

The objective adds value by providing the basis for rules on design matters. The quality of centres relies on being able to influence design, access to daylight, and permeability of sites for pedestrians and this is a key part of what will make living and working in centres an attractive option.

### **Achievability**

The objective and rules written in accordance with it is likely to be challenged by the property council and commercial interests as imposing an additional planning burden that requires applicants to get down to a level of specificity about future use and potentially have a consent issued that would limit the type of land use that could occur, unless the applicant applies for a change of use.

### **Reasonableness**

The objective is reasonable as it is trying to raise the level of overall urban design, amenity and vitality of centres. Centres do have certain streets that are more attractive and they should have a better design quality to create ambience for pedestrians and people using buildings.

### **Legacy issues**

Waitakere City classified three categories of streets in centres linked to controls about glazing in them. Those controls were introduced approximately five years ago and it is difficult to say if they have made much of an impact as they only apply to new development. Controls such as these rely on investment from the private sector to move away from refurbishing existing buildings and to redevelop sites. This will occur where there is a sound economic basis. Other areas in Auckland with a different mix of, controls e.g. Takapuna, have developed centres with a quality built form following principles of good urban design and minimum glazing requirements.

#### **2.6.1 Policies**

The Mixed Use policies state:

- “1. Locate the Mixed Use zone in a limited number of suitable locations within a close walk of the City Centre, Metropolitan and Town Centre zones and frequent services network.*
- 2. Limit larger retail and office activities and provide for a range of commercial activities:*
  - a. that will not diminish the vitality and viability of the City Centre, Metropolitan and Town Centre zones*
  - b. that are compatible with the role and function of any nearby Local Centre zones.*
- 3. Enable the development of intensive residential activities.*
- 4. Require development to achieve a high standard of design...*
- 5bii erect frontages with sufficient height to frame the street”*

#### **2.6.2 Rules**

The heights are specified in section 2.3.2 (the zone table) and in the GIS viewer.

### **2.6.3 Costs and Benefits of Proposed Policies and Rules**

The costs of the height rule are that development is limited to a specified height, meaning that applicants who wish to build higher cannot exceed it without obtaining a resource consent. Additions and alterations to existing commercial building stock can be expensive to achieve due to methods of construction, the costs of engineering buildings and retrofitting buildings constructed to earlier standards. The market will provide its own solutions as landowners will not over-capitalise land where the values do not support it.

The benefits of the height limit are that there is certainty on what can be developed as of right and there is greater certainty for the public. In many cases, building heights are now specified where none previously existing in some legacy plan zones.

### **2.6.4 Adequacy of Information and Risk of Not Acting**

It is considered that there is sufficient information on which to base the proposed policies and methods.

## **2.7 General Business Zone**

*Part 3.2.3.8 Policy 2 and 3 states:*

- “2. Enable a range of business activities, including light industry, large format retail, trade suppliers and small services activities that are either:*
- a. difficult to accommodate within centres due to their scale and functional requirements*
  - b. more appropriately located outside of the City Centre, Metropolitan and Town Centre zone.*
- 3. Avoid commercial activity of a scale and type locating within the zone that will detract from the vitality and viability of the City Centre, Metropolitan and Town Centre zones.”*

### **Relevance**

The General Business zone has a maximum height of between four-six storeys/16.5-24.5m depending on its location/proximity to centres /growth corridors. The objective clarifies that this zone should accommodate a limited range of activities that are not suitable to be located in centres.

### **Usefulness**

The objective is useful because it distinguishes the types of business activities that should locate in centres, specifically light industrial to limited office and large format retail where it is not possible to put the large format retail in centres.

### **Achievability**

The objective is achievable because it creates a clear category for development outside of centres.

### **Reasonableness**

It is reasonable to encourage certain business development near centres and along corridors that are able to use sites intensively i.e. make best use of height.

### **Legacy issues**

The Manukau Operative Plan has a 9m height limit for the Business 1 zone and no height limit at all for the Business 2-6 zones except for Howick due to special character. Papatoetoe centre is 12m, Waiouru Peninsula and Favona 15m. Most other plans have height limits, and four-six storeys provides for certainty of outcome. The *Auckland Capacity for Growth Study 2013* shows some 1757 parcels zoned for business with some vacant potential.

### **2.7.1 Policies**

The policies are outlined above.

### **2.7.2 Rules**

The heights of this zone reflect the building types that may be constructed over time. The General Business zone allows for a 16.5m or four storey height limit.

### **2.7.3 Costs and Benefits of Proposed Policies and Rules**

The costs of the proposed policies and rules are that the General Business zone has a four storey height limit which may preclude some businesses from building higher than that. Land uses that require additional height will need a resource consent. This may impact on specific proposals or landholdings.

The benefits relate to certainty and consistency. The benefits of height can be measured in terms of built form outcomes, design, market desirability or the potential for leasable gross floor area. Several factors affect how much business floor area is developed including who owns land, what kind of return they will make on investment and whether demolition or additions and alterations would be profitable. There may be some parts of Auckland where a four storey height limit will not be achieved in the short to medium term because the land values would not yield a suitable return on the capital investment.

### **2.7.4 Adequacy of Information and Risk of Not Acting**

It is considered that there is sufficient information on which to base the proposed policies and methods.

## **2.8 Business Park 3.2.3.8**

*1. Existing business parks continue and limited opportunities exist for new business parks for office based employment where they:*

- a. are comprehensively planned*
- b. avoid adverse effects on the function and amenity of the City Centre, Metropolitan and town centre zones and neighbouring zones*
- c. are easily accessible to the rapid and frequent service network.*

### **Relevance**

The Business Park zone has a five-storey or 20.5m height limit. The zone has been applied sparingly, taking into account existing business parks at Smales Farm, Highbrook Business Park and Central Park. These business parks make effective use of the allowable height limits and both have been developed within the last 15 years. They contain a mix of office space, commercial services and food and beverage.

### **Usefulness**

The objective is useful because it places some specific criteria on what land uses should occur in the zone.

### **Achievability**

Auckland has a good of office space and there are a small number of corporate entities that employ more than 50 office-based staff. The Smales Farm is not fully developed but this type of development should be extended to create business clusters e.g. medical to aggregate specialist services around major anchors such as a hospital.

### **Legacy issues**

Auckland's office parks were developed through the 1990s and early 2000s. They are a specialist niche in terms of business land development.

The Light Industry and Heavy Industry zone heights are not examined, as there is no significant change in these.

### **2.8.1 Policies**

The policies for the zone state:

*“1. Apply the Business Park zone to new areas by means of a plan change and an associated precinct planning process.*

*...*

*4f. control the scale of built development so that it remains compatible with a landscaped high quality business space...*

*6. Manage the effects of activities within the zone so that the scale of development and level of environmental effects does not degrade the amenity of neighbouring zones.”*

The policies specifically deal with interface issues, the centres hierarchy, the types of land use enabled in the zone and linkages to the development controls. Only Policy 4(f) and 6 are directly related to height.

### **2.8.2 Rules**

The maximum height for the Business Park zone is 20.5m or 5 storeys. Rule 4.2 height in relation to boundary also controls the built form and varies depending on the zone interface.

### **2.8.3 Costs and Benefits of Proposed Policies and Rules**

The costs of the proposed maximum height limit are that development in this zone is capped at five storeys unless resource consent is applied for or a precinct is applied over a site to enable more development.

The benefits of the approach are that the effects of five storey development can be managed over a large site with good landscaping and urban design. The Business Park zone is only applied in specific locations. All of Auckland’s current business parks have been purpose built and the height enabled in the zone is a key factor to their success as employment hubs. The design of purpose built

### **2.8.4 Adequacy of Information and Risk of Not Acting**

It is considered that there is sufficient information on which to base the proposed policies and methods.

## **2.9 Residential Zones**

Height in the residential zones takes its cue from the centres strategy. The Terraced Housing and Apartment Buildings (THAB) heights are influenced by the neighbouring centres. This means that where THAB is located next to a metropolitan centre, the height will generally be six storeys tapering down to five storeys and then four storeys. There has been a planning assessment of where the transition between building heights within the zone should occur on the periphery of centres i.e. from six to five-storey and then four storey and these are reflected in the zone maps.

*Part 3.2.1.4- Policies 3 and 4 in the THAB zone states:*

*“Manage the height, bulk, form and appearance of development and require sufficient setbacks and landscaped areas consistent with an urban residential character of between four and six storeys in identified locations.*

*Provide for building heights that reflect the scale of development in the adjoining business area and provide a transition in building scale to neighbouring lower density residential areas.”*

## **Relevance**

The policies are relevant to Part 2 s.7(b) in terms of making efficient use of land. *The Capacity for Growth Study 2013* explains that there are 6476 vacant residentially zoned parcels within the urban area and rural towns that have potential capacity for an additional 22,188 dwellings based on operative plan rules. There is additional residential capacity provided for in business zoned land, particularly centres.

## **Usefulness**

These policies are useful to a discussion of height and clarify that heights should generally provide for a transition in building scale from centres out to the surrounding residential land. There are a couple of locations in Auckland where there is some local variation in building heights where four-storey THAB zoned land is located next to or across the road from a special character overlay.

## **Achievability**

It is unclear at this stage how many additional dwellings will have been created as RIMU need to run the capacity for growth model again once it has been adjusted for the changes to the rules and revised map content. The RIMU model is a theoretical capacity model and cannot accurately predict where market uptake will occur. The THAB zone has been applied in many parts of Auckland. The building typology is expensive to design and build due to the costs of materials, engineering requirements and potential risks. There are currently only a small handful of developers in Auckland that specialise in this form of housing. The costs between constructing three storey, timber framed dwellings and four to six storey apartment development is considerable.

It is likely that some of the Terraced Housing and Apartment Buildings zones will not be re-developed in the short to medium term due to difficulties in assembling contiguous land parcels, the cost and risk elements.

## **Reasonableness**

The heights and intensity of zoning is linked to a hierarchy of centres based on the Auckland Plan. The extent of the THAB zone and heights has been applied on the basis of recommendations made by local boards, councillors and staff. This has meant that the THAB zone has been provided for in a range of market attractive areas and also in other parts of Auckland with more modest land values. The proposed Unitary Plan will provide capacity for growth and it will be up to landowners, investors and residents to take up the opportunities afforded.

## **Legacy issues**

THAB-type zones currently exist across the region and have been built in various locations such as Te Atatu, Manukau, Takapuna, city fringe, Parnell and Orewa. The uptake of apartments largely depends on whether there is a good standard of amenity nearby, e.g. near the coast in Orewa, Takapuna and Te Atatu, or whether they are located in market attractive areas with easy access to good schools, shops, public transport and parks nearby e.g. Parnell. The heights selected should enable residents to enjoy views over their neighbourhoods and live close to public facilities.

*Policies 6 and 7 state:*

*“6. Require development to be of a height and bulk that allows immediate neighbours to have a reasonable standard of sunlight access and privacy and to avoid excessive dominance effects.*

*7. Require development adjoining the other residential zones to be setback from the boundary to recognise their amenity values.”*



## **Relevance**

These policies clarify that height should be of a scale and form that responds to the future character of an area, not its current levels of amenity. The THAB zone is a “high change” residential zone where the current form of one to two storey housing is expected to transition over the next few decades. These policies rely on Part 2 matters for council to consider making efficient use of land and natural resources. This relates back to objective 2 for the THAB zone that states:

*“Development is of a height, bulk, form and appearance that positively responds to the site and neighbourhood’s planned urban residential character, engaging with and addressing the street.”*

## **Usefulness**

The objectives and policies for the zone provide helpful guidance for commissioners or consents planners in terms of what are the acceptable built form outcomes for the THAB zone. The rules re-inforce the specific detail.

## **Achievability**

The objective is achievable but the results will be mixed from a visual and aesthetic perspective until centres have made the transition from the existing built form to the new preferred character. The objective also implies that there will be local area plans developed that will specify the future planned urban residential character.

## **Reasonableness**

It is reasonable to seek a change in urban form over time. The objectives, policies and rules clarify the preferred built form outcomes for the zone including height. The zone rules provide a building envelop that guides the design and relationship between buildings and zone interfaces. The heights for the zone have been moderated by local boards and councillors, reflecting local identity.

## **Legacy issues**

Legacy plans have dealt with specific design detail or future preferred character through precinct planning or local area planning where the objectives, policies and rules for a distinct geographic area have been clear and supported by urban design guidelines e.g. Huapai North, Kensington Park. Alternatively, council provided for comprehensive development plans such as at Hobsonville to make applicants specify how they would achieve planned levels of density and a preferred future urban form.

The THAB zone has been applied in many different locations in Auckland, where local area planning has only been completed in a few locations (Mangere-Otahuhu and Hibiscus and Bays). The proposed objectives, policies and rules are appropriate for an entire zone.

### **2.9.1 Rules**

Please refer to the six residential zones s32 report.

### **2.9.2 Costs and Benefits of Proposed Policies and Rules**

The costs associated with the height rules for the THAB zone are:

- Increased costs of construction for development of four storeys or more
- Increased costs associated with loss of floor area for lifts/fire escape/hallways compared to other forms of housing
- Greater risks for developers with this form of housing
- Some costs to neighbourhood amenity as areas transition from their current form to a new built form over time.

The benefits associated with the height rules for the THAB zone are:

- Increased opportunities for an efficient use of land for dwellings
- More people can live in Auckland's existing centres and suburbs, taking advantage of investment in existing infrastructure
- Housing choice – people can choose to live in a range of housing types depending on their lifestyle
- Views for residents of apartments
- The spatial application of the zone means that residents will be close to centres, amenities, parks and public transport.

### **2.9.3 Adequacy of Information and Risk of Not Acting**

It is considered that there is sufficient information on which to base the proposed policies and methods.

## **2.10 Mixed Housing Urban**

### **Part 3.2.1.3 Objective**

1. *Development is of a height, bulk, form and appearance that positively responds to the site and the neighbourhood's planned urban residential character, engaging with and addressing the street.*

*Policies 2 and 3 state:*

*"2. Manage the height, bulk, form and appearance of development and require sufficient setbacks and landscaped areas consistent with an urban residential character of three storeys.*

*3. Require development to be of a height and bulk that allows immediate neighbours to have a reasonable standard of sunlight access and privacy, and to avoid excessive dominance effects."*

### **Relevance**

The objective and policies relate to Part 2, s.5 and 7(b) in terms of sustainably managing a finite resource. The objective represents a transition from the THAB zone where marked change in built form is foreshadowed to this zone where new development up to three storeys is contemplated. The building height and scale should be well integrated.

### **Usefulness**

The objective and policies are useful because it clarifies that new development of a three storey height is contemplated. However it should be integrated and respond to the context of its immediate neighbours.

### **Achievability**

Whether or not the objective is achievable will need to be measured through three to five-yearly reviews of consents from an urban design and landscape perspective. The public will need to see good examples of urban design occurring to gain confidence in the planning system.

### **Reasonableness**

The outcome does not have greater costs than benefits. It is reasonable to establish thresholds relating to how high quality built environments will be achieved.

### **Legacy issues**

Many legacy objectives and policies were written in a similar manner to encourage new development to be integrated with the existing. It is always a fine balance because what designers may find aesthetically pleasing or improve the quality of buildings in an established suburb may differ from public opinion.

The remaining heights for residential zones are not further discussed in this evaluation because there is no significant difference in heights between legacy plans and the proposed plan.

### **2.10.1 Rules**

The maximum height for the Mixed Housing Urban zone is 10 metres with provisions for some additional roof height to allow for a roof with a pitch of more than 15 degrees.

Some legacy plans provided for similar heights. For example the Residential 6b and 7a zone in the Isthmus had a maximum height of 10m. The Rodney legacy plan has a general height in residential zones of 9m.

### **2.10.2 Costs and Benefits of Proposed Policies and Rules**

The benefits of the proposed policies and rules are:

- The costs associated with a 10m maximum height are virtually the same as an 8m building height because it does not require a different standard of building, different materials or engineering requirements.
- The other costs of building consents, resource consents and professional services from draftspeople/architects would remain the same as for other forms of building
- The benefits of a 10m height limit are a permitted baseline of 3 storey development
- The rules for the Mixed Housing Urban create a more enabling regulatory framework
- The Mixed Housing Urban rules and height makes efficient use of land close to centres, amenities and on frequent public transport routes.

### **2.10.3 Adequacy of Information and Risk of Not Acting**

It is considered that there is sufficient information on which to base the proposed policies and methods.

## **2.11 Rural Zones**

The Rural zones heights have been arrived at based on a harmonisation exercise. Two zones only are examined – the Rural Coastal and Rural Conservation – because they are often associated with ONFs and ONLs.

#### *Part 3.2.6.2.1 and 2 (Rural Production zone)*

1. *A wide range and diversity of rural production activities take place in the Rural Production zone.*
2. *Rural production activities largely manage their adverse environmental effects on site.*

#### *Part 3.2.6.4.1-3 (Rural Coastal zone)*

1. *Rural production activities are enabled while managing any adverse effects on the high natural character, landscape, biodiversity, ecological and amenity values, and Mana whenua cultural heritage values of the Rural Coastal zone.*
2. *The development and operation of other activities that provide recreational and local non-residential services are enabled where they maintain and enhance the zone's high natural values, rural and coastal character and amenity values.*
3. *Buildings do not dominate and are unobtrusive with the high natural character, landscape, biological and ecological values of the zone.*

## **Relevance**

The Act requires councils to manage the effects of development, protect historic heritage (s.6(f)), protect the coastal character of Auckland s6(a), and maintain the relationship of Māori with land, water and the coast s.6(e). This objective is giving effect to the New Zealand Coastal Policy Statement (NZCPS) and RMA.

## **Usefulness**

The objectives add value by balancing the natural/cultural values with economic well-being, retaining the special relationship that Mana Whenua have with the coast. This recognises that the coast has different meanings to different sectors of society – those who earn a living from it, Mana Whenua, and environmental groups who wish to protect flora and fauna.

## **Achievability**

The objective raises some tensions between these competing values but establishes a balance. This objective is best measured by regular monitoring to ensure SEAs are enhanced over time or new ones created, that Mana Whenua have good access to the coast, and there is minimal or no loss of cultural heritage items. At a broader level, there may be the potential for regular landscape studies.

## **Reasonableness**

It is reasonable to balance economic well-being with other values.

## **Legacy**

All legacy plans protected the coastal environment to slightly different degrees. This objective interprets central government directions at a local level.

### **2.11.1 Policies**

Policies 1 to 4 for the Rural Coastal zone state:

1. *Manage activities and development to maintain the distinctive rural character and biodiversity and ecological values of the zone which is a combination of:*
  - a. *a high degree of naturalness*
  - b. *high biodiversity, ecological and amenity values based on particular physical and natural features such as beaches, ridgelines, estuaries, harbours, indigenous vegetation, wetlands, or similar unifying features*
  - c. *physical and visual links between land, freshwater lakes and the CMA*
  - d. *the traditional cultural relationships Mana Whenua has with the coastal environment*
  - e. *a predominance of pastoral farming and forestry with a low density of buildings and other significant structures.*
2. *Enable the continuation of rural production activities and the construction of accessory buildings and structures, such as fences and stockyards, for farming purposes.*
3. *Provide for the continued operation of forestry, including harvesting and replanting, in existing forest areas, but require evaluation of new forestry proposals in Natural Character ONL and SEAs identified on the overlay map.*
4. *Manage the visual and coastal effects of commercial greenhouses and buildings for intensive farming purposes.*

The policies give effect to the objectives and recognise that rural land uses occur in complex environments. Given that the rural coastal zone only allows for one dwelling per site, the policy restricts the location of accessory buildings other than for productive purposes. The policy recognises that farm structures should be exempt from locating on ridgelines as these often are placed there for gravity-fed watering systems and animal welfare reasons (e.g. stock need to keep their feet dry to discourage foot-rot).

Policies in the Rural Production zone do not specifically relate to height. Policies 3 and 6 relate to expansion of greenhouses and provision of farm and forestry buildings and operational structures.

### 2.11.2 Rules

The rules for all of the other rural zones are not discussed in detail – please refer to the rural chapter section 32 report. The heights for the rural zones are:

	Rural Coastal	Rural Production
Dwellings and buildings accessory to dwellings	7m	9m
Other accessory buildings	7m	12m

### 2.11.3 Costs and Benefits of Proposed Policies and Rules

The costs associated with lower height limits for the Rural Coastal zone are:

- There may be an increase in the costs of compliance for accessory buildings associated with farming e.g. milking sheds, storage sheds, and shelter for stock. The heights in the rural production zone are considered to be reasonable and there are no additional costs associated with those limits.
- The benefits associated with the height limits for the Rural Coastal zone can only relate to landscape issues.

### 2.11.4 Adequacy of Information and Risk of Not Acting

It is considered that there is sufficient information on which to base the proposed policies and methods.

## 2.12 Special character Zone Objectives

### Objective 1 - Part 3.3.3

*The special character values of the area, as identified in the special character statement, are maintained and enhanced, including the history, community associations and the overall notable or distinctive aesthetic or physical qualities of the area*

#### Relevance

The Act requires councils to manage the effects of development, protect historic heritage s.6(f). These values have been recognised in legacy plans and have been carried forward into the Unitary Plan. There is support for the special character overlay in the Auckland Plan.

#### Usefulness

The objective adds value by balancing the cultural heritage values with sustainable development. The Unitary Plan recognises that local special character should be protected for future generations.

#### Achievability

The preservation of special character in the Auckland context has been successful over the last 20 years with parts of the Auckland isthmus, North Shore, Helensville and Howick protected. The success of the provisions can be measured through state of the environment monitoring on the number of consents seeking demolition, whether they were approved, and monitoring on the intactness of streetscapes. In terms of building height, special character does limit the height for residential and business areas. In Onehunga's business special character area, the heights are also influenced by the height of surrounding buildings. Onehunga's business heights are now controlled through the height overlay.

#### Reasonableness

It is reasonable to balance protection of special character with economic well-being with other competing values.

## **Legacy**

The special character overlay has not introduced any additional geographical areas not previously covered by similar zones or protection. The concept of special character is well understood. Building height in these areas is important to maintain existing architectural form and character.

### **Objective 2 – Part 3.3.3**

*The physical attributes that define, contribute to, or support the character of the area are retained, including:*

- a. built form, design and architectural values of buildings and their contexts*
- b. streetscape qualities, including historic form, subdivision and patterns of streets and roads*
- c. landscape qualities and/or natural features including topography, vegetation and open spaces....*

## **Relevance**

As outlined above, s.6(f) provides council with the ability to protect not only historic heritage but also special character.

## **Usefulness**

Height is a physical attribute that contributes to the character of an area, and there is a relationship between this objective and rules for the business and residential special character areas. Height is an integral part of built form, streetscape qualities and contributes towards a landscape. All of these elements are important for special character.

## **Achievability**

It is possible to maintain special character while still enabling people to make reasonable use of their properties and adaptively re-use buildings for commercial/retail or other land uses. The building stock protected by this layer has been resilient and stood the test of time. The success of the layer as a form of protection can be measured through a review of resource consent applications, state of the environment reviews and streetscape evaluations.

## **Reasonableness**

It is reasonable to protect historic heritage in a business/residential context. Height is one element that contributes to this overlay.

## **Legacy**

The Unitary Plan has carried across protection of special character areas (business and residential). Although the provisions have been standardised as much as possible to read in an integrated manner, the core elements of height, built form, setbacks, architectural character are retained.

### **2.12.1 Policies**

#### ***Protection and use of all special character areas***

Policies 1, 2, 3, 4, 5, 7, and 8 - these policies relate to height as the architectural qualities, streetscape and built form consider height. Any additions and alterations or demolition and replacement buildings in these areas need to respond to their context.

Policy 8 specifically mentions height as contributing to character and scale of development. Height is implicit in many of the other policies above and there is a direct link between the objectives, policies and rules.

### **2.12.2 Rules**

The rules are not examined in detail because the heights are not changing from legacy plans. Special character has only been assessed because it limits the overall heights enabled through the underlying zoning.

### **2.12.3 Costs and Benefits of Proposed Policies and Rules**

The costs associated with the special character provisions are:

- The opportunity costs of making more efficient use of land through additional height and less restrictions on bulk and location
- The costs associated with earthquake strengthening of special character commercial buildings within the next 15-20 years
- The costs to businesses that are using building stock that may have poor vehicular access for deliveries etc because they were constructed in a different era.

The benefits associated with the special character provisions are:

- The building stock contributes to local character and identity
- The buildings continue to be adapted and re-used in time for new purposes
- The buildings have an economic and intrinsic value – many niche businesses prefer to be located in special character buildings. The buildings are often associated with quality, timelessness and tradition.

### **2.12.4 Adequacy of Information and Risk of Not Acting**

It is considered that there is sufficient information on which to base the proposed policies and methods.

## **3 Alternatives**

The proposed preferred alternative is discussed in 2.0 above. The status quo alternative is outlined in 1.5 above.

Alternatives are:

1. Status Quo - retain existing zones, policies and objectives
2. Do Nothing - remove all rules
3. Preferred Option - continue with the regulatory framework for heights to some minor refinements

The table below discusses each alternative compared to the Proposed Alternative

	Status Quo Alternative - Retain existing zones, policies and objectives	Alternative 2 – do nothing - remove all rules	Alternative 3 – Preferred Option -
Appropriateness	It is inappropriate for council to delay indefinitely the introduction of its Unitary Plan.	The do nothing option is not considered to be appropriate.	The Unitary Plan provisions are generally appropriate and have been refined in response to feedback and editing to make the Unitary Plan read more simply. The GIS layer is now able to more readily show height.
Effectiveness	Continuing to maintain legacy plans for the long-term may result in development being assessed against out-of-date strategic thinking/concepts. This means council will lose public confidence, opportunities for investment etc.	The effectiveness of a do nothing approach would only be known over time as the market re-adjusted to an environment governed more through bylaws and property law mechanisms e.g. restrictive covenants, easements for light and air.	The draft provisions are generally considered to be effective subject to editing through the hearings and decisions process.
Efficiency	It is inefficient to keep maintaining legacy plans long-term.	The costs of removing all planning rules is considered to be higher than the benefits because of the uncertainty and the instability it would create in the real estate, property and financial sectors.	The council has tried to reduce the complexity of its rules in comparison to current regulation thereby making it a more efficient planning tool. It should be more efficient with greater benefits relative to planning or economic burden created.
Costs	Retention of the existing policies, objectives and rules would require council to continue to maintain and administer legacy provisions with costs for staff time and administration. Businesses with a property portfolio across Auckland would carry additional costs relating to the complexity of the regulatory environment which may stifle investment and economic growth in the long-term. Eventually there would need to be additional plan changes to standardise approaches for earthworks, subdivision, etc. In other words, it is untenable to delay the introduction of a single Unitary Plan.	<p>The costs of removing all the rules would be that council would need to notify a plan change revoking all current district plans and change its delegations manual and committee structures accordingly. Presumably, the Environment Court would still have jurisdiction to settle appeals before it but could not direct council to change its district plan as it would no longer exist. There would be costs associated with staff redundancies and uncertainty created in the market.</p> <p>Council staff are not readily able to quantify how much the community values the certainty of Unitary Plan rules. However, new costs might arise in civil litigation for blocking light/overshadowing/excessive height but these would most likely be concentrated in higher value areas or where litigants could better afford to lodge appeals. There would be greater use of restrictive covenants and easements on new development to control design elements, legal mechanisms and use of bylaws to fill the regulatory gap. In the normal course of events these legal mechanisms are used to secure property rights in perpetuity or for a specific period of time.</p>	The costs of pursuing the Unitary Plan to a proposed plan stage relate to staff time, the hearings and commissioner process, any potential appeals and further costs associated with consultants. There are also hidden costs relating to delays as the objectives and policies will have legal effect from notification but will not be made operative until the council accepts the decisions from commissioners or all appeals are concluded. The only exception to this is in Special Housing Areas where the Unitary Plan rules will take immediate effect. This process is slightly different for Auckland as it has its own amendment. There will be costs for Aucklanders as opportunities to redevelop are either gained or lost as a result of the delays in implementing new provisions.
Benefits	The benefits of retaining the status quo are that the existing provisions are settled and beyond legal challenge. For some communities, recent Environment Court decisions have only finalised outstanding appeals.	The benefits of the do nothing approach are that the market would direct where growth would occur and at what rate. This could result in some windfalls for some landowners.	The benefits of continuing with the preferred option are that council is already committed to the project with funding of staff as a resource. The Unitary Plan is a plain English document that is more readily accessible than legacy plans and should result in more people being able to lodge their own consents without needing to employ specialists to support them. Once it is fully operative, it is likely that the consents part of council could realise efficiencies as templates would only need to consider one set of provisions. The plan itself should unlock development potential across Auckland with flow-on effects for the economy.
Risks	The risks of continuing to maintain legacy plans beyond the short-term are that the plans become more out-of-date and fail to deliver on the efficiencies of Auckland as a single council.	The risks of acting are outlined above and relate to uncertainty that would be created by leaving a policy vacuum where not all items covered by the Unitary Plan could be otherwise governed. If there is no removal of all the rules, the status quo would need to prevail or an alternative set of provisions.	The risks currently relate to political and community concerns about building heights and how they are applied. Public feedback concerns on height have largely been addressed through more refined development controls and setbacks. However, it is likely that the community will remain divided about how much change it is prepared to accept. These issues are valid and need to given due consideration.



## **4 Conclusion**

The Proposed Auckland Unitary Plan deals with height in various overlays, precincts and zones. Precincts are not considered as part of this section 32 report.

The heights selected for business and residential zones have been derived from the Auckland Plan's urban growth chapter with some comparison against legacy zones. The heights have also been the subject of refinement through workshops with local boards, councillors and the Auckland Plan Committee.

Height and final built form is a matter of some sensitivity to the community. Auckland Council has listened to feedback from the community and revised its objectives, policies and rules particularly in the business and residential zones to address the concerns of visual dominance through better controls on building set-backs, height in relation to boundary and outlook controls. The council has to balance the concerns of residents with other competing values such as economic development, environmental and special character values. The revised GIS layer now makes it simpler to determine height with the height overlay. The general provisions of the plan provide for any overlay with the most restrictive activity status winning.

Height does not need to be further analysed for airport approach paths, special character, or the Auckland Museum as this work largely carries across legacy provisions.

## **5 Record of Development of Provisions**

### **5.1 Information and Analysis**

- Resource Management Act, *Central Government*, 1991 (Appendix 3.5.1)
- Local Government Act, *Central Government*, 2002 (Appendix 3.5.2)
- Local Government Act (Auckland Council), *Central Government*, 2009 (Appendix 3.5.3)
- Waitakere Ranges Heritage Act, *Central Government*, 2009 (Appendix 3.5.4)
- Unit Titles Act, *Central Government*, 2010 (Appendix 3.5.5)

### **5.2 Consultation Undertaken**

- Consultation with local boards May 2012, August 2012, November/December 2012
- Consultation with developers February, May, September
- Property Council workshop September 2012

### **5.3 Decision-Making**

- PWP decisions various 2011-2012 on zones, Unitary Plan structure
- PWP decisions August 2012 – December 2012
- Feedback from senior management - September 2012- January 2013 provisions changed/amended/developed.
- Height workshop with the Auckland Plan Committee – July 2013
- Residential, Historic Heritage, Business, Infrastructure presentations to the Auckland Plan Committee July-August 2013