

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

**Date:** Tuesday 28, Wednesday 29 and Thursday 30 April 2020  
**Time:** 9.30am  
**Meeting Room:** Council Chambers  
**Venue:** Ground Floor, Auckland Town Hall  
301-303 Queen Street, Auckland Central

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## **HEARING REPORT**

### **PUBLIC PLAN MODIFICATION 26**

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#### **COMMISSIONERS**

<b>Chairperson</b>	<b>Kitt Littlejohn</b>
<b>Commissioners</b>	<b>Ian Munro</b>
	<b>Trevor Mackie</b>

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## **WHAT HAPPENS AT A HEARING:**

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

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

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

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

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

### **The Hearing Procedure**

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

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

## A NOTIFIED PLAN CHANGE TO THE AUCKLAND COUNCIL UNITARY PLAN BY AUCKLAND COUNCIL

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### **Reporting officer, Tony Reidy**

Reporting on proposed Public Plan Modification 26 - to clarify the relationship between the Special Character Areas Overlay and the underlying zone provisions.

Submissions is not being re-created here. Please refer to:

<https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/proposed-plan-changes/Pages/pc-26-clarifying-relationship-special-character-areas-overlay-underlying-zone-provisions.aspx>





## Hearing Report for Proposed Plan Change 26 to the Auckland Unitary Plan (Operative in part)

Section 42A Hearing Report under the Resource Management Act 1991

<b>Report to:</b>	Hearing Commissioners
<b>Hearing Date:</b>	28, 29 & 30 April 2020 (1 May 2020 – overflow day)
<b>File Topic:</b>	Hearing Report – Proposed Plan Change 26: Clarifying the Relationship Between the Special Character Areas Overlay and Underlying Zone Provisions Within the Auckland Unitary Plan
<b>File Reference:</b>	U:\CPO\RLP\FC\LUP\UP MODIFICATIONS\PC026 – PC26 – SCA Plan Change
<b>Lead Report Authors</b>	Tony Reidy - Principal Planner, Auckland-wide Planning Ciarán Power – Planner, Auckland-wide Planning Teuila Young – Planner, Auckland-wide Planning
<b>Report Approvers</b>	Eryn Shields, Team Leader, Auckland – wide Planning Plans and Places
<b>Report produced</b>	20 March 2020

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## Summary of Proposed Plan Change 26 (PC26)

<b>Plan subject to change</b>	Auckland Unitary Plan Operative in part (2016) version
<b>Number and name of change</b>	Proposed Plan Change 26: Clarifying the Relationship Between the Special Character Areas Overlay and Underlying Zone Provisions Within the Auckland Unitary Plan
<b>Status of Plan</b>	Operative in part
<b>Type of change</b>	Council-initiated proposed plan change.
<b>Committee date of approval (or adoption) for notification</b>	Planning Committee – 6 November 2018
<b>Parts of the Auckland Unitary Plan affected by the proposed plan change</b>	PC 26 proposes a series of amendments to Chapters D18 and E38 of the Auckland Unitary Plan (Operative in part)
<b>Date draft proposed plan change was sent to iwi for feedback</b>	29 October 2018
<b>Date of notification of the proposed plan change and whether it was publicly notified or limited notified</b>	30 May 2019 – 28 June 2019 The closing date for submissions was subsequently extended to 12 July 2019 Publicly notified
<b>Plan development process used – collaborative, streamlined or normal</b>	Normal
<b>Submissions received (excluding withdrawals)</b>	274
<b>Date summary of submissions notified</b>	5 September 2019
<b>Number of further submissions received (numbers)</b>	23
<b>Legal Effect at Notification</b>	N/A
<b>Main issues or topics emerging from all submissions</b>	<ul style="list-style-type: none"> <li>• Theme 1: That PC26 Be Accepted</li> <li>• Theme 2: That PC26 Be Accepted With Amendments</li> <li>• Theme 3: Decline PC26 If Not Amended</li> <li>• Theme 4: Decline PC26</li> <li>• Theme 5: The Plan Change Process</li> <li>• Theme 6: The Overlay and Zone Relationship</li> <li>• Theme 7: Mapping of the Special Character Area Overlay</li> <li>• Theme 8: Howick</li> </ul>

	<ul style="list-style-type: none"> <li>• Theme 9: New Zone</li> <li>• Theme 10: The North Shore Residential 3 Zone</li> <li>• Theme 11: General Zoning matters</li> <li>• Theme 12: D18.1 Background</li> <li>• Theme 13: D18.2 &amp; D18.3 Objectives and Policies</li> <li>• Theme 14: D18.4 Activity Table</li> <li>• Theme 15: Resource consent process (including D18.5 Notification)</li> <li>• Theme 16: D18.6.1 Standards</li> <li>• Theme 17: Purpose Statements</li> <li>• Theme 18: D18.6.1.1 Building Height</li> <li>• Theme 19: D18.6.1.2 Height in Relation to Boundary</li> <li>• Theme 20: D18.6.1.3 Yards</li> <li>• Theme 21: D18.6.1.3 Front Yard</li> <li>• Theme 22: D18.6.1.3 Side Yard</li> <li>• Theme 23: D18.6.1.3 Rear Yard</li> <li>• Theme 24: D18.6.1.4 Building Coverage</li> <li>• Theme 25: D18.6.1.5 Landscaped Area</li> <li>• Theme 26: D18.6.1.6 Maximum Impervious Area</li> <li>• Theme 27: D18.6.1.7 Fences and Walls</li> <li>• Theme 28: D18.8 Assessment – Restricted Discretionary Activities</li> <li>• Theme 29: D18.8.2 Assessment Criteria</li> <li>• Theme 30: E38 Subdivision – Urban</li> <li>• Theme 31: Further or Other Relief</li> <li>• Theme 32: Other Methods</li> <li>• Theme 33: Other Matters</li> </ul>
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## Appendices

Appendix 1 – Amendments recommended

Appendix 2 – Qualifications and experience

Appendix 3 – Section 32 evaluation report

Appendix 4 – Summary of decisions requested and submissions

Appendix 5 – Summary of further submissions

Appendix 6 – Comparison between existing provisions and proposed changes under PC26

## List of abbreviations

Abbreviations in this report include:

Abbreviation	Meaning
AUP	Auckland Unitary Plan (operative in part) 2016 version
Council	Auckland Council
DP / dp	District Plan
GB	Governing Body (Auckland Council)
GIS	Auckland Council Geographic Information System
HIRTB	Height in relation to boundary
IHP (or the Panel)	Auckland Unitary Plan Independent Hearings Panel
MHS	Residential – Mixed Housing Suburban Zone (in the AUP)
MHU	Residential – Mixed Housing Urban Zone (in the AUP)
OS	Open Space Zone
PAUP	Proposed Auckland Unitary Plan
PC26	Proposed Plan Change 26
PLA	Planning Committee (Auckland Council)
RCP / rcp	Regional Coastal Plan
RMA / the Act	Resource Management Act 1991
RPS / rps	Regional Policy Statement (within the Auckland Unitary Plan)
SCA - Residential	Special Character Areas - Residential
SDR	Summary of Decision Requested
SHZ	Single House Zone
THAB	Residential – Terrace Housing and Apartment Buildings Zone (in the AUP)



# 1. Executive Summary

- 1.1 Proposed Plan Change 26 ('**PC26**') has been initiated by Auckland Council (**Council**) to clarify the relationship between the Special Character Areas Overlay and the underlying residential or business zone. The proposed plan change seeks changes to the Auckland Unitary Plan to make it clear that certain planning provisions of the Special Character Areas Overlay would either take precedence over or replace the corresponding provisions of the underlying residential zones. It also refines some of the standards within the Special Character Areas Overlay, including height in relation to boundary, yards, paved areas and fences.
- 1.2 PC26 introduces amendments to Chapter D18. Special Character Areas Overlay – Residential and Business and to E38. Subdivision - Urban.
- 1.3 The resource management issue to be resolved through PC 26 is one of clarity – which provisions apply and the efficient implementation of those provisions. The Declaration proceedings (*Auckland Council v Budden [2017] NZEnvC 209*) found that the current situation in the AUP is that all provisions in the zone(s), relevant overlay(s) (if any), and relevant precinct(s) (if any) that apply to a site are relevant in respect of a proposed activity, along with any relevant Auckland wide and general rules unless a rule specifically says otherwise. This results in unnecessary complexities and time costs for plan users, particularly with respect to the processing of resource consent applications, as there is no clarity which metric or activity status should take precedence. Most fundamentally, the situation means that the SCA - Residential does not function as it was intended, as there is no clarity regarding the relationship of this with the corresponding activities and metrics of the underlying zones. The amendments do not change the policy direction of the AUP.
- 1.4 In preparation for the hearing on Plan Change 26, this report has been prepared in accordance with section 42A of the RMA. Submissions received on PC26 relate to a wide range of issues across the proposed plan change and matters outside the scope of the plan change. The section 32 report explains the reasoning behind the proposed changes, and this section 42A report responds only to matters that submissions have raised.
- 1.5 Many of the submissions address PC26 as a whole, with respect to supporting the plan change in its entirety, requesting changes or opposing the plan change in its entirety and seeking that it be declined. These are grouped into Themes 1-4.
- 1.6 The more specific submissions received on for PC26 relate to the following themes:
  - Theme 5: The Plan Change Process
  - Theme 6: The Overlay and Zone Relationship
  - Theme 7: Mapping of the Special Character Area Overlay
  - Theme 8: Howick
  - Theme 9: New Zone
  - Theme 10: The North Shore Residential 3 Zone

- Theme 11: Zoning
- Theme 12: D18.1 Background
- Theme 13: D18.2 & D18.3 Objectives and Policies
- Theme 14: D18.4 Activity Table
- Theme 15: Resource consent process (including D18.5 Notification)
- Theme 16: D18.6.1 Standards
- Theme 17: Purpose Statements
- Theme 18: D18.6.1.1 Building Height
- Theme 19: D18.6.1.2 Height in Relation to Boundary
- Theme 20: D18.6.1.3 Yards
- Theme 21: D18.6.1.3 Front Yard
- Theme 22: D18.6.1.3 Side Yard
- Theme 23: D18.6.1.3 Rear Yard
- Theme 24: D18.6.1.4 Building Coverage
- Theme 25: D18.6.1.5 Landscaped Area
- Theme 26: D18.6.1.6 Maximum Impervious Area
- Theme 27: D18.6.1.7 Fences and Walls
- Theme 28: D18.8 Assessment – Restricted Discretionary Activities, D18.8.1 Matters of Discretion and D18.8.2 Assessment Criteria
- Theme 29: E38 Subdivision – Urban
- Theme 30: Further or Other Relief
- Theme 31: Other Methods
- Theme 32: Other Matters

1.7 This report considers the issues raised by submissions and further submissions on PC26. The discussion and draft recommendations in this report are intended to assist the Hearing Commissioners, and those persons or organisations that lodged submissions on the plan change. The recommendations contained within this report are not the decisions of the Hearing Commissioners.

1.8 This report also forms part of Council's ongoing reporting obligations relating to plan development, which includes the consideration of the appropriateness of the proposed provisions, as well as the benefits and costs of any policies, rules or other methods, and the consideration of issues raised in submissions on PC26.

1.9 We recommend that PC26 be approved with amendments in response to submissions as detailed in **Appendix 1**.

## **2. Decision-making Considerations**

2.1 This report has been prepared under section 42A of the RMA to assist the Hearing Commissioners in considering the issues raised by submissions on PC26.

2.2 This report considers the issues raised in submissions, the relief sought and then makes recommendations about whether to accept or reject each submission in full or part.

Where appropriate, this report groups submissions that address the same subject matter or theme.

- 2.3 The recommendations set out in this report have been made in terms of the most appropriate methods of achieving the purpose of the RMA. Any conclusions reached or recommendations made in this report are not binding on the Hearing Commissioners. The Hearing Commissioners are required to consider all submissions and evidence presented at the hearing.
- 2.4 The Hearing Commissioners have been delegated full responsibility by Auckland Council’s Regulatory Committee to determine the council’s decisions on submissions on PC26 under section 34 of the RMA. The Hearing Commissioners will not be making a recommendation to the council but will be making a decision directly.
- 2.5 This report has been prepared by the following authors and draws on information provided by a number of technical experts. Further detail on the topics covered by the authors is at paragraph 9.1 of this report.

<b>Role</b>	<b>Name</b>	<b>Topics</b>
Lead Report Author	Tony Reidy Principal Planner	Themes 1-17, 28-33
Lead Report Author	Ciarán Power Planner	Themes 18, 19, 24, 25, 26
Lead Report Author	Teuila Young Planner	Themes 20, 21, 22, 23 27

- 2.6 The qualifications and experience of the authors are set out in **Appendix 2**.

### **3. Code of conduct**

- 3.1 The authors confirm that we have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and agree to comply with it. We confirm that we have considered all the material facts that we are aware of that might alter or detract from the opinions that we express, and that this report is within our area of expertise, except where we state that we are relying on the evidence of another person.

### **4. Background**

#### **Auckland Unitary Plan**

- 4.1 The Auckland Unitary Plan (**PAUP**) became operative in part on 15 November 2016. The AUP is a combined plan pursuant to section 80 of the RMA, bringing the regional

policy statement, the regional plan (including the regional coastal plan) and the district plan into a single document. The separation of controls amongst overlays, zones, Auckland-wide and precinct provisions means that a single site may be subject to four or more layers of plan provisions.

- 4.2 The AUP uses a combination of zones, overlays and precincts to manage the use of land (zones) and the protection, maintenance or enhancement of particular values associated with an area or resource (overlays).
- 4.3 The purpose of the Special Character Areas Overlay – Residential and Special Character Areas Overlay - Business is to retain and manage the special character values of specific residential and business areas identified as having collective and cohesive values, importance, relevance and interest to the communities within the locality and the wider Auckland region.
- 4.4 The management of Special Character Areas is a section 7 – Other Matters under the Act. More specifically it is a section 7(c) – “the maintenance and enhancement of amenity values” matter.

#### **Proposed Plan Change 26**

- 4.5 The key objective of PC26 is to clarify that where there are equivalent provisions (such as development standards) in the underlying zone and in the SCA overlay, that the provision in the SCA Residential Overlay will take precedence over (in respect of the activity table) and replace (in respect of the standards) the equivalent provisions within the underlying zone. PC26 also makes some amendments to some of the development standards in the SCA overlay to ensure that they are appropriately targeted to the special character values in the areas to which they relate.
- 4.6 PC 26 therefore proposes a series of amendments to Chapters D18 – Special Character Areas Overlay – Residential and Business and E38 - Subdivision – Urban of the Auckland Unitary Plan (Operative in part).
- 4.7 PC26 is, in part, a response to the Environment Court’s Declaration in respect of *Auckland Council v Budden* (**Declaration proceedings**)<sup>1</sup> regarding the relationship between the Special Character Areas Overlay – Residential (**SCA Residential**) and the Single House zone (**SHZ**). The Court’s decisions on the Declaration proceedings determined that the provisions of the SCA Residential overlay did not act as a ‘replacement package’, prevailing over the provisions of the underlying SHZ zone. Rather, that all provisions (objectives, policies and rules) relevant to an activity must be applied.

<sup>1</sup> Auckland Council v Budden [2017] NZEnvC 209 (‘interim decision’) issued 19 December 2017. The decision was further clarified in the Court’s second interim decision issued on 23 January 2018 as Auckland Council v Budden (No 2) [2018] NZEnvC 003 (‘second decision’) and in the third decision issued on 15 March 2018 Auckland Council v Budden (No 3) [2018] NZEnvC 030 (‘third decision’).

- 4.8 There are a number of instances where there are equivalent provisions (activities and standards) in both the **SCA** overlay and the underlying zones. These equivalent provisions are resulting in conflict and inconsistency between each set of (zone and overlay) provisions. This is causing uncertainty and unnecessary complexity in terms of processing resource consent applications; and means the SCA overlay is not achieving its objectives.
- 4.9 The proposed amendments address the relationship between the SCA Residential overlay, the Special Character Areas – General (**SCA General**) overlay (insofar as it relates to residential zoned land) (together **SCA Overlay**) and the relevant underlying zones that apply within the SCA overlay. They also affect **E38 Subdivision – Urban**.
- 4.10 PC 26 clarifies that where there are equivalent provisions (such as development standards) in the underlying zone and in the SCA overlay, that the provision in the SCA Residential Overlay will take precedence over those equivalent provisions within the underlying zone. PC26 also makes some amendments to some of the development standards in the SCA overlay to ensure that they are appropriately targeted to the special character values in the areas to which they relate. In addition, the matters of discretion and assessment criteria within the SCA Residential now include a cross reference to the underlying zones. This is to ensure that those effects considered for infringement of standards within the underlying zones are also considered within the SCA overlay.

#### **Immediate legal effect from the date of notification, 29 November 2018**

- 4.11 Sections 86B to 86G of the RMA specify when a rule in a proposed plan has legal effect.
- 4.12 When deciding the date a plan change takes effect, the RMA provides in section 86B(1) that 'a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified'. Exceptions are provided for in section 86B(3) :
- 'a rule in a proposed plan has immediate legal effect if the rule –
- (a) protects or relates to water, air, or soil (for soil conservation); or
  - (b) protects areas of significant indigenous vegetation; or
  - (c) protects areas of significant habitats of indigenous fauna; or
  - (d) protects historic heritage; or
  - (e) provides for or relates to aquaculture activities.'
- 4.13 Rules in a plan change have immediate legal effect from the date of notification, provided that they fit within section 86B(3) of the RMA. Immediate legal effect means that a rule must be complied with from the day the proposed rule (or change) is notified.
- 4.14 There are no amendments that have immediate legal effect under PC26. The proposed amendments in PC26 therefore do not have legal effect until the release of the decision notice.

## 5. Statutory and Policy Framework

5.1 The RMA requires that unitary authorities consider a number of statutory and policy matters when developing proposed plan changes. PC26 was developed with regard to the relevant statutory and policy matters. The submissions on PC26 were also considered under the relevant statutory and policy matters. The following section summarises this statutory and policy framework.

### Resource Management Act 1991 (RMA)

5.2 The Section 32 Evaluation Report (**Appendix 3**) sets out the provisions of the RMA that have been considered relevant to PC26.

5.3 The AUP, which comprises an RPS, a regional plan, a regional coastal plan and a district plan for the Auckland region contains objectives, policies, rules and other methods that are of regional and district significance. In seeking to correct technical issues within the AUP, PC26 will give effect to the RPS provisions of the AUP.

5.4 All of sections 30, 31, 32, 60, 61, 62, 63, 65, 66, 67, 68, 72, 73, 75, 76, 79, 80, 86B-86G and Part 2 of the RMA are relevant, along with Schedule 1.

5.5 We consider that the relevant RMA provisions have been identified in section 3 of the Section 32 Evaluation Report and we do not repeat these in this report.

5.6 Section 32AA of the RMA requires a further evaluation for any changes that are proposed to the notified PC26 since the Section 32 Report was completed. This report is part of that further evaluation.

5.7 The mandatory requirements for plan preparation have been comprehensively summarised by the Environment Court in *Long Bay-Okura Great Park Society Incorporated and Others v North Shore City Council* (Decision A078/2008)<sup>2</sup>, where the Court set out the following considerations for a plan change. This is outlined in Box 1.

#### Box 1

##### A. General requirements

1. A district plan (change) should be designed to accord with, and assist the territorial authority to carry out its functions so as to achieve, the purpose of the Act.
2. When preparing its district plan (change) the territorial authority must give effect to any national policy statement or New Zealand Coastal Policy Statement.
3. When preparing its district plan (change) the territorial authority shall:
  - (a) have regard to any proposed regional policy statement;
  - (b) not be inconsistent with any operative regional policy statement.
4. In relation to regional plans:
  - (a) the district plan (change) must not be inconsistent with an operative regional plan for any matter specified in section 30(1) [or a water conservation order]; and

<sup>2</sup> Subsequent cases have updated the Long Bay summary, including *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55.

(b) must have regard to any proposed regional plan on any matter of regional significance etc.

5. When preparing its district plan (change) the territorial authority must also:

- have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations; and to consistency with plans and proposed plans of adjacent territorial authorities;
- take into account any relevant planning document recognised by an iwi authority; and
- not have regard to trade competition;

6. The district plan (change) must be prepared in accordance with any regulation (there are none at present);

7. The formal requirement that a district plan (change) must also state its objectives, policies and the rules (if any) and may state other matters.

**B. Objectives [the section 32 test for objectives]**

8. Each proposed objective in a district plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.

**C. Policies and methods (including rules) [the section 32 test for policies and rules]**

9. The policies are to implement the objectives, and the rules (if any) are to implement the policies;

10. Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan taking into account:

- (a) the benefits and costs of the proposed policies and methods (including rules); and
- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

**D. Rules**

11. In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.

**E. Other statutes:**

12. Finally territorial authorities may be required to comply with other statutes. Within the Auckland Region they are subject to:

- the Hauraki Gulf Marine Park Act 2000;
- the Local Government (Auckland) Amendment Act 2004.

5.8 In *Appealing Wanaka Inc v Queenstown Lakes District Council (2015) NZEnvC139*, the Environment Court suggested that, apart from the formal requirements as to what a plan must (and may) contain, the sections outlined above impose three sets of positive obligations when preparing or changing a plan, being:

- to ensure the plan or change accords with the council's functions, including management of the effects of development, use and protection of natural and physical resources in an integrated way;
- to give proper consideration to Part 2 of the RMA and the lists of relevant statutory documents; and
- to evaluate the proposed plan or change under section 32 of the RMA.

5.9 The principles set out in the above decision have been applied by the council in relation to PC26, along with any legislative amendments made to the relevant provisions of the RMA.

## National and Regional Planning Context

5.10 In addition to the statutory evaluation required under the RMA, there are a number of other Acts, regulations, national directives, policies and plans that are of relevance to PC26. Section 4 of the Section 32 Evaluation Report (contained in **Appendix 3**) outlines the relevant national and regional planning documents that are relevant to PC26. The Section 32 Evaluation Report noted the relevance of these documents to the plan change and found PC26 to be consistent with the statutory requirements. We support and agree with the assessment presented in the Section 32 Evaluation Report, and therefore do not repeat these in this report.

## 6. Consultation

6.1 A summary of consultation undertaken as part of the preparation of PC26 is outlined in section 5 of the Section 32 Evaluation Report, attached in **Appendix 3** of this report.

## 7. Notification and Submissions

### Notification details

7.1 A draft plan change was approved by the Planning Committee on 6 November 2018 for public consultation from 30 May 2019 – 28 June 2019. The closing date for submissions was subsequently extended to 12 July 2019

7.2 The notification period and total number of submissions received is outlined below:

Date of public notification for submissions	30 May 2019
Closing date for submissions	Initially 29 June 2019 (but extended by 2 weeks to 12 July 2019)
Number of submissions received	274
Date of public notification for further submissions	29 August 2019
Closing date for further submissions	14 September 2019
Number of further submissions received	23

7.3 274 submissions were received before the closing date and 23 further submissions were received. The total number of submissions received is 297.

7.4 PC26 Summary of Decisions Requested (**SDR**) along with Further Submissions spreadsheet is attached as **Appendix 4** to this report. Copies of the 274 submissions and 23 further submissions are attached as **Appendix 5** to this report.



## 8. Legal and Statutory Context Relevant to Submissions

- 8.1 A detailed analysis of the jurisdiction for changes sought by submissions and/or any specific legal issues associated with submissions has been included in the section of this report that addresses submissions. However, the council's broad approach to jurisdiction is outlined in this section, which has been prepared with the assistance of council's legal providers.

### Statutory context

- 8.2 The council must act in accordance with the RMA when preparing or changing a policy statement or plan. The starting point is that a policy statement or plan must be prepared by the relevant local authority "in the manner set out in Schedule 1" to the RMA.
- 8.3 Schedule 1 of the RMA and subsequent case law indicates that the submission and appeal process in relation to a plan change is confined in scope. Submissions must be on the plan change in support of or in opposition to particular provisions and cannot raise matters unrelated to what is proposed. If a submitter seeks changes to the proposed plan, then the submission should set out the specific amendments sought. The publicly notified summary of submissions enables others who may be affected by the amendments sought in submissions to participate either by opposing or supporting those amendments, but such further submissions cannot introduce additional matters. The council's decisions must be in relation to the provisions and matters raised in submissions, and any appeal from a decision of a council must be in respect of identified provisions or matters.
- 8.4 If required, the Environment Court's role then is to hold a hearing into the provision or matter referred to it, and make its own decision on that within the same framework as the council.
- 8.5 Two jurisdictional issues arise in this context, first in respect of when a submission is "on" a plan change, and second in respect of the council's jurisdiction to make changes to the plan arising from submissions on Plan Change 26. Each of these jurisdictional issues is discussed further below.

### When is a submission "on" a plan change?

- 8.6 Under Schedule 1, cl 6(1) persons described in the clause "may make a submission on" a plan change. If a submission is not "on" the plan change, the council has no jurisdiction to consider it.
- 8.7 The leading authorities on the question of when a submission is "on" a plan change are the High Court's decisions in *Clearwater Resort Ltd v Christchurch City Council*, and *Palmerston North City Council v Motor Machinists Ltd*. In *Motor Machinists* the High Court referred to its earlier decision in *Clearwater* and confirmed that a two-limbed test must be satisfied:
1. for a submission to be on a plan change it must address the proposed plan change itself, that is it must address the alteration of the status quo brought about by that change; and
  2. it must also be considered whether there is a real risk that persons directly or potentially directly affected by the additional changes proposed in the submission have been denied an effective response to those additional changes in the plan change process.

- 8.8 In *Motor Machinists* the High Court described the first limb as the “dominant consideration”, involving consideration of both “the breadth of alteration to the status quo entailed in the proposed plan change, and whether the submission then addresses that alteration.” The Court noted two potential ways of analysing this. One way is to ask whether the submission raises matters that should have been addressed in the s 32 evaluation and report. If so, the submission is unlikely to fall within the ambit of the plan change. Another way is to ask whether the management regime for a particular resource is altered by the plan change. If it is not, then a submission seeking a new management regime for that resource is unlikely to be “on” the plan change.
- 8.9 In relation to the second limb the Court noted that overriding the reasonable interests of people and communities “by a submissional side-wind would not be robust, sustainable management”. Given the other options available, which include seeking resource consent, seeking a further public plan change, or seeking a private plan change, the Court determined that “a precautionary approach to jurisdiction imposes no unreasonable hardship.” The Court, however, noted that there is less risk of offending the second limb in the event that a change is merely consequential or incidental, and adequately assessed in the existing Section 32 Evaluation Report.

### **The scope of Plan Change 26**

- 8.10 Plan Change 26 introduces amendments within Chapter D187. Special Character Areas Overlay – Residential and Business and Chapter E38. Subdivision – Urban. The plan change intends to retain the current policy direction of the AUP. Section 1.6 of the Section 32 Evaluation Report for PC26 noted that the purpose of the plan change is to clarify the interrelationship between the SCA overlay and its underlying zones. The proposed amendments are outlined in Section 1.6 of the Section 32 report.
- 8.11 Many submitters have raised issues that we consider are out of scope. These include:
- Alterations to the extent of the overlay;
  - Modifications to the thresholds of the standards;
  - Creation of a new zone;
  - Rezoning of land; and
  - Resource consent processes, including notification.

These matters are addressed under the various themes and sub – themes.

### **Jurisdiction to make amendments arising from submissions**

- 8.12 Under Schedule 1, cl 10 the council must give a decision on the provisions and matters raised in submissions on Plan Change 26.
- 8.13 In *Countdown Properties (Northlands) Ltd v Dunedin City Council* the High Court considered a number of issues arising out of the plan change process under the RMA, including the decision making process in relation to submissions under cl 10.
- 8.14 The High Court rejected the submission that the scope of the local authority's decision making power under cl 10 is limited to no more than accepting or rejecting a submission. In rejecting this submission the Court observed:

*Councils customarily face multiple submissions, often conflicting, often prepared by persons without professional help. We agree with the Tribunal that councils need scope to deal with the realities of the situation. To take a legalistic view that a council can only accept or reject the relief sought in any given submission is unreal. As was the case here, many submissions traversed a wide variety of topics; many of these topics were addressed at the hearing and all fell for consideration by the council in its decision.*

- 8.15 Ultimately the Court confirmed that the paramount test is whether any amendment made to the plan change as notified goes beyond what is reasonably and fairly raised in submissions on the plan change. The Court acknowledged that this will usually be a question of degree to be judged by the terms of the proposed change and the content of the submissions.
- 8.16 Subsequent cases have clarified that the assessment of whether any amendment was reasonably and fairly raised in the course of submissions should be approached in a realistic workable fashion rather than from the perspective of legal nicety. The “workable” approach requires the local authority to take into account the whole relief package detailed in each submission when considering whether the relief sought had been reasonably and fairly raised in the submissions.
- 8.17 In *Re an application by Vivid Holdings Ltd*<sup>3</sup> the Environment Court summarised the approach to establishing jurisdiction to make amendments arising from submissions on a plan change:
1. A submitter must raise a relevant “resource management issue” in its submission;
  2. Then, any decision of the council must be:
    - i. fairly and reasonably within the general scope of:
      - (a) an original submission; or
      - (b) the proposed plan as notified; or
      - (c) somewhere in between;
    - ii. provided that the summary of the relevant submission was fair and accurate and not misleading.

### **Summary regarding jurisdictional issues**

- 8.18 In summary, in reaching a decision on PC26 the council will have to consider the following jurisdictional issues:
1. First, whether each submission is “on” PC26 by applying the tests established by the High Court in *Clearwater* and *Motor Machinists*.
  2. Second, whether any changes to the AUP are fairly or reasonably within the general scope of:
    - (a) an original submission; or
    - (b) PC26 as notified; or
    - (c) somewhere in between.
- 8.19 A critical consideration relates to fairness, and whether affected persons have been deprived of the right to be heard. A precautionary approach is required to the consideration of submissions proposing more than incidental or consequential further changes to a notified proposed plan change.

<sup>3</sup> Decision No.C86/99

## 9. Local Board Feedback

9.1 Under Auckland Council's governance model, Local Boards' are able to provide feedback on publicly notified plan changes.

9.2 The feedback does not carry the same weight as a submission and there are no appeal rights.

9.3 The table below summaries the feedback received from Local Boards on PC26. The matters raised are considered under the relevant submission "themes", as submitters have also raised the same issues.

### 9.4 Devonport – Takapuna Local Board

- The Board objects to the plan change, in particular the submission relates to: D18.6.1, Standards, D18.6.1.1 Building Heights, D18.6.1.2 Height in relation to boundary and D18.6.1.3 Yards
- Building heights: The plan change will allow greater building heights and densities in the side and rear of character properties
- Height to Boundary: The proposed Special Character Area Overlay rule for height in relation to boundary is more permissive than Single-House zones. It defines the envelope based on a 3m vertical height and then a 45 degree incline.
- Rear Yard: In the rear yard the proposal is to reduce the current 3m boundary to just 1m. This will allow building to occur only one metre from a neighbour's boundary and will have a significant visual and privacy impact on neighbours.
- If the proposals go ahead then the Character overlay will place properties at a more vulnerable position from those in the single house zone without a character overlay. These properties will be adversely impacted by increasing encroachments into side and rear yards affecting sunshine and privacy.

### 9.5 Howick Local Board

- The Board endorses the intention of PC 26 to make it clear that the provisions of the Special Character Area Overlays would prevail over the corresponding provisions of the underlying residential zones.
- The Board notes that the advice it received that proposed PC 26 does not have a connection to the Special Character Statement being worked through for Howick Village. This is because within Howick Village, the Howick Village Special Character Overlay does not sit over any residential zones.

### 9.6 Kaipataki Local Board

The Board objects to PC 26. In particular this feedback relates to:

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

Reasons for their objection are as follows:

- PC26 will allow greater building heights and densities in the side and rear of character properties than currently allowed for under the Single House zone. As such, the proposed changes will have detrimental effects on the heritage character of the buildings and it is erroneous to think that the changes will achieve the aim of protecting the character of the area, in fact it will be the opposite.
- Height to Boundary: The proposed Special Character Area Overlay rule for height in relation to boundary is more permissive than the Single House zone. It defines the envelope based on a 3m vertical height and then a 45 degree incline. This proposed plan change therefore creates a more bulky and dramatic effect than the Single House zone, which is based on a 2.5m vertical height and then a 45 degree incline. The Special Character Area Overlay area rules should provide additional protection to the zone rather than being more permissive or lenient than a Single House zone. The outcome of the proposed more lenient rule is that a building can be built higher with greater bulk and visual impact.
- Rear Yard: In the rear yard, the proposal is to reduce the current 3m boundary to just 1m. This will allow building to occur only 1m from a neighbour's boundary and will have a significant visual and privacy impact on neighbours. Relaxing the 3m setback for the rear yard will have a highly detrimental impact in areas of Northcote Point and Birkenhead Point where sections near corner junctions have rear yards adjacent to side yards.
- If the proposals go ahead then the Special Character Area Overlay will place properties at a more vulnerable position from those in the Single House zone without the overlay. These properties will be adversely impacted by increasing encroachments into side and rear yards, affecting sunshine and privacy.
- The increased encroachment of development to the side and rear of houses increases the size and scale of residential homes in a Special Character Area Overlay area and as such will add visual bulk detracting from the character features of the area.
- PC26 will result in the original fronts of heritage houses, and therefore neighbourhoods, being unduly dominated by large rear and side developments.
- Such an approach will allow a form of facadism, and dramatically reduce the protection of the character of the area.

## 9.7 Manurewa Local Board

- Manurewa has only one area that is included in the Special Character Areas Overlay, which is the Special Character Areas Overlay – General: Hill Park. This area has been recognised as having significance due to its historical importance as being representative of mid-20th century suburban residential development, and its specific physical and visual attributes.
- The Board believes that Hill Park's status as a Special Character Area adds to the richness and diversity of Manurewa's urban area. We support preserving the special character values of this area through the planning rules in the AUP.
- The Board believes that the original intention of the AUP was that the Special Character Areas Overlay should prevail over the rules of the underlying zone. We believe that it is necessary for this to be the case in order to preserve special character values.
- For these reasons, the Board supports PC26 in clarifying the relationship between those provisions and the process for evaluating resource consent applications for sites within the Special Character Areas Overlay.
- The Board is aware of the submission of the Hillpark Residents' Association and supports the following aspects of that submission.
- In the PAUP, Hill Park was at one point included in the Special Character Areas Overlay sub-areas that have a minimum lot size requirement for subdivision that is

different from that of the underlying zone. Specifically, Hill Park was proposed to have a 750m<sup>2</sup> minimum lot size, while the Residential – Single House Zone has a minimum lot size of 600m<sup>2</sup>. The Board supports the Residents' Association's submission that this appears to have been an error or omission from the AUP and should be corrected.

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

## 9.8 Orakei Local Board

- PC26 proposes amendments to clarify how the special character overlay is interpreted in conjunction with the underlying zone provisions. This is intended to bring consistency for planning assessments across all special character overlay areas. There are amendments proposed however, which we believe will not protect the special character areas in the Orakei Local Board area.
- While we acknowledge the changes might enable a simpler assessment by processing planners, we do not support the changes if the actual effect of them is that special character overlay areas of our Board area will be prejudiced by the changes. We believe the effect of the changes will be that special character areas will not actually be protected by PC26.
- We have also liaised with Remuera Heritage and had the benefit of reviewing the views of Heritage agencies in Grey Lynn and Devonport. We strongly believe the Board was not adequately briefed. There is actually a contrary understanding that the proposed plan change will actually not assist retention of character in single house zones.
- For example - in Single House Zone areas that have a Special Character Areas Overlay in place, the rules for the Special Character Areas Overlay will replace the rules in the underlying Single House Zone. In other words, the heritage protection (i.e. Special Character Areas Overlay) will not place additional restrictions on the underlying zone, it will replace the rules for the underlying zone.
- We believe the overlay rules are actually more permissive in some cases, and PC26 means heritage rules are more developer-friendly than the underlying Single House Zone rules. We do not support that result.
- For example, the Special Character Areas overlay rules allow for a "larger building envelope" (e.g. a bigger extension in your neighbour's backyard). Also, the council would not have to consider the effects on neighbours, which it does under the Single House Zone rules. The council has to consider the effects on the streetscape and character of the area, but not the neighbours. We do not support that result.
- For example - in relation to height to boundary: The Single House Zone limit is 2.5m +45 degrees. The limit in the Single House Zone with Special Character Areas Overlay is 3m +45 degrees (for houses with <15m front boundary, which is most villas). The proposed change wants the more generous limit of 3m +45 degrees to apply in heritage areas. This means that in a heritage zone a developer can build 3m high adjacent to your boundary. In a non-heritage zone they can only go to 2.5m. We do not support that result.
- Regarding proposals to delete rear yard requirements, we believe rear yard minimums should be preserved and not deleted. The intent of the overlay is greater than streetscape character protection. For some established character areas in our ward, retaining a rear yard minimum ensures ongoing residential amenity, spatial integrity between built forms, a stronger sense of sight line and visual permeability - all of which are common features of character development in many established residential areas of our Board area.

- Regarding fencing height, we reiterate the above saying the maximum heights for fencing from a house to the rear yard should be retained at a 1.8m maximum not 2m.

## 10. Analysis of submissions and further submissions

10.1 The following sections of this report address the submissions and further submissions received on PC26, discuss the relief sought in the submissions and make recommendations to the Hearing Commissioners. Submissions that address the same issues and seek the same relief have been grouped together in this report under the topic headings that are shown in Table 1 below.

**Table 1 – Submission Themes**

<b>Section in this report</b>	<b>Submission Theme</b>	<b>Section Author</b>
10	Theme 1: Submissions requesting that PC26 be accepted	Tony Reidy
11	Theme 2: Submissions requesting that PC26 be accepted with amendments	Tony Reidy
12	Theme 3: Submissions seeking to decline PC26 If not amended	Tony Reidy
13	Theme 4: Submissions seeking to decline PC26	Tony Reidy
14	Theme 5: Submissions on the plan change process	Tony Reidy
15	Theme 6: Submissions on the SCA overlay and zone relationship	Tony Reidy
16	Theme 7: Submissions on the mapping of the Special Character Area Overlay	Tony Reidy
17	Theme 8: Submissions on Howick	Tony Reidy
18	Theme 9: Submissions on a new zone	Tony Reidy
19	Theme 10: Submissions on the North Shore Residential 3 Zone	Tony Reidy
20	Theme 11: Submissions on zoning	Tony Reidy
21	Theme 12: Submissions on D18.1 Background	Tony Reidy
22	Theme 13: Submissions on D18.2 & D18.3 Objectives and Policies	Tony Reidy
23	Theme 14: Submissions on D18.4 Activity Table	Tony Reidy
24	Theme 15: Submissions on the Resource Consent Process (including D18.5 Notification)	Tony Reidy
25	Theme 16: Submissions on D18.6.1 Standards (introduction to)	Tony Reidy
26	Theme 17: Submissions on Purpose Statements	Tony Reidy
27	Theme 18: Submissions on D18.6.1.1 Building Height	Ciarán Power
28	Theme 19: Submissions on D18.6.1.2 Height in Relation to Boundary	Ciarán Power
29	Theme 20: Submissions on D18.6.1.3 Yards	Teuila Young
30	Theme 21: Submissions on D18.6.1.3 Front Yard	Teuila Young
31	Theme 22: Submissions on D18.6.1.3 Side Yard	Teuila Young

<b>Section in this report</b>	<b>Submission Theme</b>	<b>Section Author</b>
32	Theme 23: Submissions on D18.6.1.3 Rear Yard	Teuila Young
33	Theme 24: Submissions on D18.6.1.4 Building Coverage	Ciarán Power
34	Theme 25: Submissions on D18.6.1.5 Landscaped Area	Ciarán Power
35	Theme 26: Submissions on D18.6.1.6 Maximum Impervious Area	Ciarán Power
36	Theme 27: Submissions on D18.6.1.7 Fences and Walls	Teuila Young
37	Theme 28: Submissions on D18.8 Assessment – Restricted Discretionary Activities	Tony Reidy
38	Theme 29: Submissions on D18.8.2 Assessment Criteria	Tony Reidy
39	Theme 30: Submissions on E38 Subdivision - Urban	Tony Reidy
40	Theme 31: Submissions on E38 Subdivision – Urban – Minimum Net Site Area	Tony Reidy
41	Theme 32: Submissions on further or other relief	Tony Reidy
42	Theme 33: Submissions on other methods	Tony Reidy
43	Theme 34: Submissions on other matters	Tony Reidy

10.2 All recommended amendments to PC26 are collated and shown in **Appendix 1**.

## **11 Theme 1: Submissions seeking that PC26 be accepted**

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planner's Recommendation</b>
2.1	Louise Anne Malone	Accept the plan modification		Accepted in part
5.1	Camily Sun	Accept the plan modification		Accepted in part
9.1	Raymond John Turner and Robin Anne Turner	Accept the plan modification		Accepted in part
14.1	Yanping Hu and Zhijian Li	Accept the plan modification		Accepted in part
15.1	Steven Colson	Accept the plan modification with amendments		Accepted in part
18.1	Tony Batterton	Accept the plan modification		Accepted in part
19.1	Zhiming Yang	Accept the plan modification	FS1 Zhiming Yang - Support	Accepted in part
28.1	Katrina King	Accept the plan modification		Accepted in part
32.1	Colin Lucas	Accept the plan modification		Accepted in part
33.1	Peter Antony Radich	Accept the plan modification		Accepted in part
40.1	Andrew Cox	Accept the plan modification		Accepted in part
47.2	Jamie Ward	Support amendments that provide simplification, clarification and greater certainty to the current process	FS15 Housing New Zealand Corporation – Support in part	Accepted in part



<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planner's Recommendation</b>
53.1	Gerard Robert Murphy	Accept the proposed plan change		Accepted in part
54.1	Freemans Bay Residents Association David Alexander Alison	Accept the proposed plan change		Accepted in part
55.1	Wong Liu Shueng	Retain the special character of Freemans Bay		Accepted in part
58.1	Peter Ronald Harrison	Accept the proposed plan change		Accepted in part
59.1	Wayne Alexander Edward Knight	Accept the proposed plan change		Accepted in part
60.1	William Andrew Tipping	Accept the proposed plan change		Accepted in part
61.1	Mary Peters	Accept the proposed plan change		Accepted in part
64.1	Ross Thorby	Accept the proposed plan change		Accepted in part
65.1	Lesley Christiansen-Yule	Accept the proposed plan change		Accepted in part
66.1	Philip Yule	Accept the proposed plan change		Accepted in part
82.1	Stephen Hudson	Support the objective of the change in clarifying the interaction of rules relating to Special Character Area Overlay and those zoned residential		Accepted in part
83.1	David Roberton	Support the objective of the change in clarifying the interaction of rules relating to Special Character Area Overlay and those zoned residential		Accepted in part
85.1	Joanna Keane	Accept the proposed plan change		Accepted in part
87.1	Maria Poynter	Accept the plan modification		Accepted in part
92.1	Jenny Granville	Accept the proposed plan change		Accepted in part
98.1	Mary Helen Hare	Accept the proposed plan change		Accepted in part
101.1	Keen Trusts Partnership	Accept the plan change		Accepted in part
112.1	Peter Desmond Withell	Accept the plan change		Accepted in part
113.1	Sheng Yun Nie	Accept the plan change		Accepted in part
116.1	Tricia Reade	Accept the Plan Change		Accepted in part
118.1	Joanne Riha Crowley	Accept the plan change		Accepted in part
119.1	Melanie Abernethy	Accept the plan change		Accepted in part
120.1	Ken Chang	Accept the plan change		Accepted in part
123.1	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Accept the plan change		Accepted in part

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
125.1	David Duncan	Accept the plan change		Accepted in part
126.1	Graham Campbell Wall	Accept the plan change		Accepted in part
127.1	John Dillon c/- David Wren	Accept the plan change	FS12 K Vernon – Oppose in part	Accepted in part
135.1	Dr Rachel Harry	Accept the plan change		Accepted in part
138.1	Lynne Butler and Trevor Lund	Accept the plan change		Accepted in part
140.1	Amit Sood	Accept the plan change		Accepted in part
143.1	Nicola Campbell	Accept the plan change		Accepted in part
144.1	Wendy Alison Harrex	Accept the plan change		Accepted in part
145.1	Patrick Reddington and Letitia Reddington	Accept the plan change		Accepted in part
146.1	Z Energy Limited BP Oil NZ Limited Mobil Oil NZ Limited c/- Gael McKitterick - 4Sight Consulting Limited	Accept the plan change		Accepted in part
147.1	Annette Mason	Support special consideration for historical character areas such as Ponsonby - important to ensure there is ongoing guidelines to retain the integrity of history into the future		Accepted in part
148.1	Roger Henstock	Accept the plan change		Accepted in part
163.1	Rosemay Brown	Accept the plan change		Accepted in part
167.1	Beryl Jack	Accept the plan change		Accepted in part
168.1	Janelle Costley	Accept the plan change		Accepted in part
174.1	Kevin Bligh	Accept the whole plan change		Accepted in part
185.1	Sonya Marx	Accept the plan modification		Accepted in part
187.1	Michael Craddock	Accept the plan change		Accepted in part
193.1	Jackie Daw	Accept the plan modification		Accepted in part
194.1	Jim Donald	Accept the plan change		Accepted in part
202.1	Sue Cooper, Remuera Heritage	Support the intention to clarify the difficulty and confusion that exists around having two sets of standards, activities and provisions applying where there is both the Special Character Areas Residential Overlay and an underlying zone	FS15 Housing New Zealand Corporation – Support in part	Accepted in part

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
203.1	Sally Hughes, Character Coalition	Support the intention to clarify the difficulty and confusion that exists around having two sets of standards, activities and provisions applying where there is both the Special Character Areas Residential Overlay and an underlying zone	FS15 Housing New Zealand Corporation – Support in part	Accepted in part
204.1	Mount St Johns Residents' Group Inc c/- Catherine Peters	Supportive of Plan Change 26.		Accepted in part
210.1	Heritage New Zealand Pouhere Taonga c/- Susan Andrews	Accept the plan modification	FS12 K Vernon – Oppose in part	Accepted in part
212.1	Julia Foster	Accept the plan modification		Accepted in part
213.1	Grey Power Howick Pakuranga & Districts Association Inc c/- Peters Bankers	Accept the proposed Plan Change with the amendments outlined		Accepted in part
232.1	Carolyn French Blaker	Accept the plan modification		Accepted in part
245.1	R & M Donaldson c/- J A Brown	Accept the proposed plan change		Accepted in part
262.1	Simon Nicolaas Peter ONNEWEER	Accept the plan modification		Accepted in part
270.1	Adele Joanne White	Accept the proposed plan change		Accepted in part
271.1	John Ross Spiller	Accept the proposed plan change		Accepted in part
274.1	Sarah Elizabeth Withell	Accept the plan change		Accepted in part

11.1 A summary of the relief sought by the submitters is contained in the above table.

### Analysis and discussion

11.2 The submission points in the table above all support the plan change. These submission points do not seek any amendments themselves. The submitters have other submission points seeking amendments which are addressed in the appropriate sections of this report

11.3 The suggested amendments raised by the other submission points are either being accepted, accepted in part or rejected. Therefore, overall these submission points are recommended to be accepted in part, as there may be changes recommended to the notified plan change arising from other submission points from the submitters.

## Recommendations on Submissions

- 11.4 For the reasons discussed above, I recommend that **submission points 2.1, 5.1, 9.1, 14.1, 15.1, 18.1, 19.1, 28.1, 32.1, 33.1, 40.1, 47.2, 53.1, 54.1, 55.1, 58.1, 59.1, 60.1, 61.1, 64.1, 65.1, 66.1, 82.1, 83.1, 85.1, 87.1, 92.1, 98.1, 101.1, 112.1, 113.1, 116.1, 118.1, 119.1, 120.1, 123.1, 125.1, 126.1, 127.1, 135.1, 138.1, 140.1, 143.1, 144.1, 145.1, 146.1, 147.1, 148.1, 163.1, 167.1, 168.1, 174.1, 185.1, 187.1, 193.1, 194.1, 202.1, 203.1, 204.1, 210.1, 212.1, 213.1, 232.1, 245.1, 262.1, 270.1, 271.1, and 274.1 be accepted in part.** I note their support and this report is recommending some changes to PC26 in response to other submission points from these and other submitters.
- 11.5 There are no specific amendments associated with this recommendation in **Appendix 1.**

## 12. Theme 2: Submissions seeking that PC26 be accepted with amendments

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
17.1	Kimberley McLean	Accept the plan modification with amendments		Accepted in part
20.1	Amrit Jagayat	Accept the plan modification with amendments		Accepted in part
24.1	Steven Lloyd Francis	Accept the plan modification with amendments		Accepted in part
26.1	Elisabeth Sullivan	Accept the plan modification with amendments		Accepted in part
35.1	Heritage Landscapes Attn : Amanda McMullin	Accept the plan modification with amendments		Accepted in part
37.1	Sheryll Diane Mitchell	Modify the proposed change so that it only applies to dwellings that are of special character within the affected zone	FS15 Housing New Zealand Corporation – Support in part	Accepted in part
43.1	Frank William Frazer and Mary Catherine Frazer	Accept the plan modification with amendments		Accepted in part
44.1	Jennifer Anne Clark	Accept the plan modification with amendments		Accepted in part
45.1	Peter Stone	Accept the plan modification with amendments		Accepted in part
46.1	Vinod Vyas	Accept the plan modification with amendments		Accepted in part
47.1	Jamie Ward	Accept the plan modification with amendments		Accepted in part

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planners Recommendation</b>
52.1	Christina Chua	Accept the plan modification with amendments		Accepted in part
57.1	Jae Ellis	Accept the plan modification with amendments		Accepted in part
63.1	Teresa Lyndsay Marene Davis	Accept the plan modification with amendments		Accepted in part
71.1	Shamal Charan	Accept the plan change with amendments		Accepted in part
74.1	Dean Tony Turner	Accept the plan modification with amendments		Accepted in part
79.1	Janet Dickson	Accept the plan modification with amendments		Accepted in part
84.1	Lambert Hoogeveen	Accept the plan modification with amendments		Accepted in part
91.1	Raymond Johnston	Accept the plan modification with amendments		Accepted in part
93.1	Donald James Lyon Catherine Elizabeth Lyon and Professional Trustee Services Ltd	Accept the plan modification with amendments		Accepted in part
94.1	Stephen A Nielsen	Accept the plan modification with amendments		Accepted in part
96.1	Colin and Jocelyn Weatherall Attn: David Wren	Accept the plan modification with amendments	FS12 K Vernon – Oppose in part	Accepted in part
97.1	Peter Ng Attn: David Wren	Accept the plan modification with amendments	FS12 K Vernon – Oppose in part	Accepted in part
104.1	Praveen Bondili	Accept the plan change		Accepted in part
108.1	Gull NZ Ltd C/- Tracy Hayson, Hayson Knell Ltd	Accept the plan change with amendments		Accepted in part
110.1	KTW Systems LP c/- Rachel Dimery	Accept the plan change with amendments		Accepted in part
115.1	David Barber	Accept the Plan Change with amendments		Accepted in part
128.1	Peter and Sarah Wren c/- David Wren	Accept the plan change with amendments	FS12 K Vernon – Oppose in part	Accepted in part
132.1	Michael and Jennifer Ballantyne	Accept the plan change with amendments		Accepted in part
137.1	Robyn Gandell	Accept the plan change with amendments		Accepted in part

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planners Recommendation</b>
139.1	Anna Dales	Accept the plan change with amendments		Accepted in part
142.1	Somersby Trust C/- Craig Moriarity - Haines Planning Consultants Limited	Accept the plan modification with amendments		Accepted in part
150.1	B Dayal c/- Vijay Lala - Tattico Limited	Accept the plan change with amendments	FS12 K Vernon – Oppose in part	Accepted in part
155.1	Alan Stokes	Accept the plan change with amendments		Accepted in part
156.1	Brent Swain	Accept the plan change with amendments		Accepted in part
157.1	Roy Koshy	Accept the plan change with amendments		Accepted in part
158.1	Robert G Felix	Accept the plan change with amendments		Accepted in part
161.1	Anthony Chapman	Accept the plan change with amendments		Accepted in part
169.1	Mary and Jonathan Mason	Accept the plan change with amendments		Accepted in part
173.1	John Childs c/- John Childs Consultants Limited	Accept the plan change with amendments	FS3 Colin Hardacre - Support	Accepted in part
176.1	Margot Jane McRae	Accept the plan modification with amendments		Accepted in part
178.1	KCH Trust and Ifwersen Family Trust c/- Bianca Tree, Minter Ellison Rudd Watts	Accept with amendments and conditions	FS12 K Vernon – Oppose in part	Accepted in part
180.1	Glen Frost, Hillpark Resident's Association	Accept the plan change with amendments		Accepted in part
182.1	Michael Snowden c/- Philip Brown - Campbell Brown Planning	Accept the plan modification with amendments	FS12 K Vernon – Oppose in part	Accepted in part
186.1	Tom Ang	Accept the plan modification with amendments		Accepted in part
190.1	Mari Pettersson	Accept the plan modification with amendments		Accepted in part
195.1	Sally Cooper	Accept the plan modification with amendments		Accepted in part

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planners Recommendation</b>
196.1	Grace Hood-Edwards	Accept the plan modification with amendments		Accepted in part
198.1	Naomi Maureen Forrester	Accept the plan modification with amendments		Accepted in part
199.1	Western Bays Community Group Inc c/- Bryan Bates	Accept the plan modification with amendments		Accepted in part
200.1	Wendy Gray	Accept the proposed plan change with amendments as outlined below		Accepted in part
211.1	Stephanie Jane Barnett	Accept the plan modification with amendments		Accepted in part
215.1	Catherine Linton	Accept the proposed Plan Change with amendments as outlined		Accepted in part
216.1	Don Huse	Support PC26 on conditions		Accepted in part
219.1	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Accept with amendments	FS12 K Vernon – Oppose in part	Accepted in part
220.1	Roman Catholic Bishop of the Diocese of Auckland c/- Michael Campbell	Supports the amended provisions, but seeks some amendments to the following standards	FS12 K Vernon – Oppose in part	Accepted in part
221.1	Auckland Grammar School (AGS) c/- Sarah Burgess	Accept with amendments	FS12 K Vernon – Oppose in part	Accepted in part
222.1	Rachael and Jonathan Sinclair	Accept the plan modification with amendments	FS12 K Vernon – Oppose in part and Support in part	Accepted in part
223.1	Grant Dickson	Accept the plan change with amendments		Accepted in part
226.1	Herne Bay Residents Association Incorporated c/- Dirk Hudig and Don Mathieson	Accept the plan change with amendments		Accepted in part
227.1	Eden Park Neighbours' Assoc c/- Mark Donnelly	Accept the plan modification with amendments		Accepted in part
228.1	The University of Auckland c/- Sarah Burgess	Accept with amendments	FS12 K Vernon – Oppose in part	Accepted in part
229.1	Laurence Slee	Accept the plan modification with amendments		Accepted in part
230.1	Natasha Markham	Accept the plan modification with amendments		Accepted in part

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planners Recommendation</b>
231.1	Tom Rowe	Accept the plan change with amendments		Accepted in part
233.1	Birkenhead Residents Associations	Accept the plan change with modifications		Accepted in part
235.1	Megan Reeves	Accept the plan modification with amendments		Accepted in part
236.1	Samson Corporation Ltd and Sterling Nominees Ltd (Samson) c/- J A Brown	Accept the plan change with amendments		Accepted in part
238.1	Andrew Body and Karen Paterson (Galatea) c/- J A Brown	Accept the proposed plan change with amendments		Accepted in part
239.1	Marian Kohler	Accept the proposed plan change with amendments		Accepted in part
240.1	The St Mary's Bay Association Inc c/- David Abbott	Accept the proposed plan change with amendments	FS12 K Vernon – Oppose in part and Support in part	Accepted in part
243.1	Michael Fitzpatrick	Accept the plan modification with amendments		Accepted in part
244.1	Julie Raddon Raddon	Accept the plan modification with amendments		Accepted in part
247.1	Grey Lynn Residents Association c/- Tania Fleur Mace	Accept the proposed plan change/variation with amendments as outlined in the submission	FS2 BA Trusties Limited – Oppose	Accepted in part
253.1	Barbara Cuthbert and Michael Ashmore	Accept the plan modification with amendments		Accepted in part
256.1	Bruce Lotter	Accept the proposed Plan Change with the amendments		Accepted in part
259.1	Matthew Stephen John Brajkovich	Accept the proposed Plan Change with the amendments		Accepted in part
260.1	Yolande Wong	Accept the plan modification with amendments		Accepted in part
261.1	Friends of Cockle Bay Domain	Accept the proposed Plan Change with the amendments outlined		Accepted in part
266.1	Iain Rea	Accept the plan modification with amendments		Accepted in part
267.1	Civic Trust Auckland c/- Audrey van Ryn	Supports in principle the intention of clarifying the relationship between the Special Character Area (SCA) Overlay and the underlying Zoning provisions in so far as that may help	FS15 Housing New Zealand Corporation - Support	Accepted in part



Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
		achieve the purpose of the SCA overlay		
273.1	Robin Rive	Accept the proposed plan change with amendments		Accepted in part

12.1 A summary of the relief sought by the submitters is contained in the above table.

### Analysis and discussion

12.2 The submission points in the table provide general support for the plan change but these submission points do not fit under any of the other “theme” groupings in Section 9 of this report. I acknowledge their support and therefore recommend these submissions be accepted in part, as the amendments sought by the submitters may not be specifically those recommended to be accepted in this report.

### Recommendations on Submissions

12.3 For the reasons discussed above, I recommend that **submission points 17.1, 20.1, 24.1, 26.1, 35.1, 37.1, 43.1, 44.1, 45.1, 46.1, 47.1, 52.1, 57.1, 63.1, 71.1, 74.1, 79.1, 84.1, 91.1, 93.1, 94.1, 96.1, 97.1, 104.1, 108.1, 110.1, 115.1, 128.1, 132.1, 137.1, 139.1, 142.1, 150.1, 155.1, 156.1, 157.1, 158.1, 161.1, 169.1, 173.1, 176.1, 178.1, 180.1, 182.1, 186.1, 190.1, 195.1, 196.1, 198.1, 199.1, 200.1, 211.1, 215.1, 216.1, 219.1, 220.1, 221.1, 222.1, 223.1, 226.1, 227.1, 228.1, 229.1, 230.1, 231.1, 233.1, 235.1, 236.1, 238.1, 239.1, 240.1, 243.1, 244.1, 247.1, 253.1, 256.1, 259.1, 260.1, 261.1, 266.1, 267.1, 273.1** be accepted in part.

12.4 There are no amendments associated with this recommendation in **Appendix 1**.

## 13. Theme 3: Submissions seeking to decline PC26 if not amended

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
11.2	Sherrie Ann Wallace	Amend the plan change if it is not declined		Accepted in part
21.1	Martin Evans	Amend the plan modification if it is not declined		Accepted in part
38.1	Peter Lucas	Amend the plan modification if it is not declined		Accepted in part
49.1	Wing Cheuk Chan	Amend the plan modification if it is not declined		Accepted in part
73.1	Catherine Spencer	Amend the plan modification if it is not declined		Accepted in part

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planner's Recommendation</b>
105.1	Neil Harnisch	Amend the plan change if it is not declined		Accepted in part
106.1	Dougall Kraayvanger	Amend the plan change if it is not declined		Accepted in part
133.1	Steve Gareth Lewis	Amend the plan modification if it is not declined		Accepted in part
134.1	Ting Kwok Cheung and Man Ngo Johnson Cheung and Suet Fan Ma	Amend the plan change if it is not declined		Accepted in part
162.1	Kirsty Gillon, Buchanan House Trust c/- Grant Gillon	Amend the plan change if it is not declined		Accepted in part
164.1	Alex Findlay, Expanse Ltd	Amend the plan modification if it is not declined		Accepted in part
166.1	John Andrew Silva	Amend the plan modification if it is not declined		Accepted in part
170.1	Joe Martin	Amend the plan change if it is not declined		Accepted in part
191.1	Catherine Wade	Amend the plan modification if it is not declined		Accepted in part
207.1	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	Amend the plan change with suggested amendments if it is not declined	FS12 K Vernon – Support in part and Oppose in part	Accepted in part
209.1	John and Sarah Walker	Amend the plan modification if it is not declined		Accepted in part
217.1	Melissa Pearce	Amend the plan modification if it is not declined		Accepted in part
234.1	The Ascot Hospital and Clinics Limited c/- Anthony Blomfield	Amend the plan modification if it is not declined		Accepted in part
237.1	Matthew Douglas Easton	Amend the plan change if not declined		Accepted in part
242.1	Carolyn Fay Martin	Amend the plan modification if it is not declined		Accepted in part
246.1	Nyo Ban Liong & Henny Widijanti Sawang	If the plan change is not declined, then amend it as per submission		Accepted in part
254.1	Jeanette Heilbronn	Amend the plan modification if it is not declined		Accepted in part
257.2	Housing New Zealand c/- Alex Devine	If the Plan Change is not declined, that the proposed provisions of the Plan Change be deleted or amended	FS12 K Vernon – Oppose in part	Accepted in part

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
		to address the matters raised in this submission	FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc – Oppose	
258.1	Parnell Heritage Inc c/- Julie M Hill	Amend the plan modification if it is not declined	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Accepted in part
264.1	Debbie Holdsworth	Amend the plan modification if it is not declined		Accepted in part

13.1 A summary of the relief sought by the submitters is contained in the above table.

### Analysis and discussion

13.2 The submission points in the table above seek that PC26 is declined or seek amendments to PC26. These submission points do not however seek any amendments themselves. The submitters have other submission points seeking amendments which are addressed in the appropriate sections of this report.

13.3 It is recommended to not decline the plan change but also to recommend some amendments arising from submissions. To that extent, the submissions are accepted in part.

### Recommendations on Submissions

13.4 For the reasons discussed above, I recommend that **submission points 11.2, 21.1, 38.1, 49.1, 73.1, 105.1, 106.1, 133.1, 134.1, 162.1, 164.1, 166.1, 170.1, 191.1, 207.1, 209.1, 217.1, 234.1, 237.1, 242.1, 246.1, 254.1, 257.2, 258.1, 264.1** be accepted in part.

13.5 There are no amendments associated with this recommendation in **Appendix 1**.

## 14. Theme 4: Submissions seeking to decline PC26

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
1.1	Mei Zheng and Xiaoyu Wang	Decline the plan modification	FS15 Housing New Zealand - Support	Reject
4.1	Eldon Roberts	Decline the plan modification		Reject

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planner's Recommendation</b>
6.1	Neale Jackson	Decline the plan modification		Reject
10.1	John Mark Jones	Decline the plan modification		Reject
11.1	Sherrie Ann Wallace	Oppose the plan change		Reject
12.1	Yuan Cheng	Decline the plan change		Reject
13.1	Sue Elgar	Decline the plan modification		Reject
22.1	Rodger Anderson	Oppose the plan change		Reject
23.1	Bakers Delight New Lynn Shuangqian Huang	Decline the plan modification		Reject
25.1	Johan Willem Barend van der Maas	Decline the plan modification		Reject
27.1	Ross George Stanley	Decline the plan modification		Reject
29.1	Liza Roberta Clark	Decline the plan modification		Reject
30.1	Weimin Tan	Decline the plan modification		Reject
31.1	Robert Begg	Decline the proposed plan change		Reject
34.1	William Wu	Decline the plan modification		Reject
39.1	Simon Angelo	Decline the plan modification		Reject
42.1	Ui Young Byun	Decline the plan modification		Reject
48.1	Melissa Anne Brown	Decline the plan modification		Reject
48.2	Melissa Anne Brown	Oppose the changes to the plan as they are unclear and would severely penalise us financially in the future		Reject
50.1	Dr.Ralf Schnabel	Decline the proposed plan change		Reject
51.1	Janet Digby	Decline the plan modification		Reject
56.1	Charles Laurence Digby	Oppose the specific provisions identified		Reject
62.1	Hui Chen	Decline the plan modification		Reject
67.1	Brendan Christopher Kell	Decline the plan modification		Reject

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planner's Recommendation</b>
68.1	Darren Pang	Decline the plan modification		Reject
69.1	Ying Chen	Decline the plan modification		Reject
70.1	Lyndsay and Lianne Brock	Do not support the provisions of PC 26 as it applies to yards, building coverage, height in relation to boundary, maximum impervious area & landscaped area or landscaping		Reject
70.9	Lyndsay and Lianne Brock	Request that Plan Change 26 be withdrawn and the Special Character Overlay be retained in its current form		Reject
72.1	Fred Koke	Decline the plan modification		Reject
76.1	Dame Denise L'Estrange-Corbet	Decline the plan modification		Reject
77.1	Christopher and Louise Johnstone	Decline the plan modification		Reject
78.1	Lim Che Cheung Chan	Decline the plan modification		Reject
80.1	Philip Wood	Decline the plan modification		Reject
81.1	Nicole Helen Joyce	Decline the plan modification		Reject
86.1	Patrick Noel Joseph Griffin	Decline the plan modification		Reject
89.1	Kathy Prentice	Decline the plan modification		Reject
99.1	Isabella Huihana Tedcastle	Decline the proposed plan change		Reject
100.1	Xiaoli Jing	Decline the plan modification		Reject
102.1	M.Carol Scott	Decline the plan modification		Reject
107.1	Robyn Rosemary Cameron	Decline the plan change		Reject
114.1	Graeme Cummings	Decline the plan change		Reject
117.1	Victoria Toon	Decline the plan change		Reject
121.1	Darcy McNicoll	Decline the plan modification		Reject
122.1	Robyn McNicoll	Decline the plan modification		Reject
124.1	Stephen John Mills	Decline the Plan Change		Reject
130.1	Ross William Macdonald	Decline the plan change		Reject

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planner's Recommendation</b>
131.1	Alastair George McInnes Fletcher	Decline the Plan Change		Reject
136.1	Kah Keng Low	Decline the plan change		Reject
141.1	Susan and John Moody	Decline the plan change		Reject
149.1	Philip John Mayo	Decline the plan change		Reject
151.1	Bronwyn Hayes	Decline the plan change	FS15 Housing New Zealand Corporation – Support in part	Reject
153.1	Michael Neil Hayes	Decline the plan change		Reject
160.1	Helen Louise Phillips-Hill	Decline the plan change		Reject
165.1	Margaret Mary Neill	Decline the Plan Change		Reject
171.1	Linda Whitcombe Devonport Heritage	Decline the plan change		Reject
172.1	Sam and Rhonda Mojel	Opposed to the proposed changes to the Unitary Plan		Reject
175.1	Coralie Ann van Camp	Decline the plan change		Reject
177.1	Francesca Wilson and William Porter	Decline the plan change		Reject
179.1	Rachel Scott Wilson	Decline the plan change		Reject
181.1	Alison McMinn	Decline the plan change		Reject
183.1	Stephanie Mary May	Decline the plan change		Reject
188.1	Rhys Armstrong	Decline the plan change		Reject
189.1	Andrea Lee Blondel	Decline the plan modification		Reject
192.1	Shona Stilwell	Decline the plan modification		Reject
197.1	Jennifer Ivy Helander	Decline the plan modification		Reject
201.1	Jesma Leigh Magill	Decline the plan modification		Reject
205.1	Richard Graham Poole	Decline the plan modification		Reject
208.1	Frank and Celia Visser,	Decline the plan modification		Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
	Celia Visser Design			
214.1	John O'Grady c/- Ashleigh O'Grady	Decline the plan modification		Reject
218.1	Leighton Haliday	Oppose to proposed changes (inferred from comments but not specified)		Reject
224.1	Hume Architects Ltd c/ - Chris Hume	Oppose the plan change	FS12 K Vernon – Oppose in part	Reject
225.1	Dirk Hudig	Decline the plan modification		Reject
241.1	Patricia Grinlinton	Decline the proposed plan change		Reject
248.1	Jacqui Goldingham	Decline the plan modification		Reject
251.1	Jean Dorothy Day	Decline the plan modification		Reject
252.1	Brendan Kell	Decline the plan modification		Reject
257.1	Housing New Zealand c/- Alex Devine	Decline the plan change	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc - Oppose	Reject
263.1	Fiona Bower	Decline the plan modification		Reject
265.1	Jennifer Anne Strange	Decline the plan modification		Reject

14.1 A summary of the relief sought by the submitters is contained in the above table.

### Analysis and discussion

14.2 The submission points in the table above seek that PC26 is declined.

14.3 It is recommended to accept the plan change with amendments. To that extent, the submissions are rejected.

### Recommendations on Submissions

14.4 For the reasons discussed above, I recommend that **submission points 1.1, 4.1, 6.1, 10.1, 11.1, 12.1, 13.1, 22.1, 23.1, 25.1, 27.1, 29.1, 30.1, 31.1, 34.1, 39.1, 42.1, 48.1, 48.2, 50.1, 51.1, 56.1, 62.1, 67.1, 68.1, 69.1, 70.1, 70.9, 72.1, 76.1, 77.1, 78.1, 80.1, 81.1, 86.1, 89.1, 99.1, 100.1, 102.1, 107.1, 114.1, 117.1, 121.1, 122.1, 124.1, 130.1, 131.1, 136.1, 141.1, 149.1, 151.1, 153.1, 160.1, 165.1, 171.1, 172.1, 175.1, 177.1,**

179.1, 181.1, 183.1, 188.1, 189.1, 192.1, 197.1, 201.1, 205.1, 208.1, 214.1, 218.1, 224.1, 225.1, 241.1, 248.1, 251.1, 252.1, 257.1, 263.1 and 25.1 be rejected. I do not agree that PC26 should be declined in its entirety.

14.5 There are no amendments associated with this recommendation in **Appendix 1**.

## 15. Theme 5: Submissions on the plan change process

15.1 PC26 followed the process set out in Schedule 1 of the RMA. This sets out the process for the preparation, change, and review of policy statements and plans.

### Sub-theme: Section 32 report

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
70.8	Lyndsay and Lianne Brock	Full assessment of the effects of the policies contained in the Plan Change		Accept
207.4	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	S.32 report not fully considered plan change against objectives and policies & proposed amendments to obs and pols	FS12 K Vernon – Support in part and Oppose in part	Reject

15.2 A summary of the relief sought by the submitters is contained in the above table:

15.3 The reasons provided in the submissions include:

- Describing the proposed changes as refinements minimises potential outcomes and are not a true reflection of effects (70.8)
- No tables showing comparisons with the requirements of the previously operational North Shore City Plan (70.8)
- The section 32 Report is incomplete with respect to its consideration of issues and development of options. The PPC 26 document, and the s32 Report, do not include a complete copy of the current SCAR Objectives and Policies (207.4)

### Analysis and discussion

15.4 Proposed Plan Change 26 is accompanied by a Section 32 report. This is required under the Resource Management Act (Section 32 – refers to an Evaluation Report). This report is required to:

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

*(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*

*(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*

*(i) identifying other reasonably practicable options for achieving the objectives; and*

*(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*

*(iii) summarising the reasons for deciding on the provisions; and*



(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

15.5 This hearing report and the decision of the Independent Commissioners are/will be also part of the section 32 report. Given that the intention of PC26 is to amend provisions that were unclear or ambiguous, to better achieve alignment across the AUP and to improve integration of the different chapters involved in the management of special character, it is considered that the original section 32 report together with this Hearing Report and the final decision will meet the requirements of section 32 of the Resource Management Act.

15.6 Submitter 207 contends that:

*A full statement of the objectives would include, at 2c: “The physical attributes that define, contribute to, or support the special character of the area are retained, including ... the relationship of built form to landscape qualities and/or natural features including topography, vegetation, trees, and open spaces.” The objective provides that special character is not limited to architecture (2a) and streetscape (2b) but also “the relationship of built form to landscape qualities and/or natural features including topography, vegetation, trees, and open spaces.” This aspect of (2c) is largely overlooked in both the s32 analysis and in PC26 itself.*

15.7 As discussed above in section 14, given the purpose of the plan change and the fact that no objectives and policies were proposed to be amended, the assessment in the section 32 report is considered satisfactory.

**Sub-theme: Existing consents**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner’s Recommendation
82.2	Stephen Hudson	Proper consultation with those landowners who have existing resource consents		Accept in part
83.2	David Robertson	Proper consultation with those landowners who have existing resource consents		Accept in part

15.8 A summary of the relief sought by the submitters is contained in the above table:

15.9 The reasons provided in the submissions include:

- Do not believe it is adequate to provide a one paragraph summary of the changes in a letter and refer residents to the actual plan to interpret themselves. A simple summary of the impact of the change versus status quo in terms of height to boundary, yards and paved areas should have been provided (82.2 & 83.2)

**Analysis and discussion**

15.10 The initial PC26 notification letters were sent on 30 May 2019. A modified letter was also sent to all landowners affected by PC 26 who had an existing resource consent. In addition, a planner from the consents team was seconded to the enquiries team to specifically respond to enquiries from those landowners. In my opinion, appropriate and specific consultation therefore took place with such landowners.

## Sub-theme: Submission process and documentation

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
159.1	Dinah Holman	Information associated with the plan change (and future plan changes) to be comprehensible and sufficient to adequately inform potential submitters and sufficient time be available		Accept
159.6	Dinah Holman	Information associated with the plan change (and future plan changes) to be comprehensible and sufficient to adequately inform potential submitters and sufficient time be available		Accept
186.6	Tom Ang	Information associated with the plan change (and future plan changes) to be comprehensible and sufficient to adequately inform potential submitters and sufficient time be available		Accept
200.6	Wendy Gray	Information associated with the plan change (and future plan changes) to be comprehensible and sufficient to adequately inform potential submitters and sufficient time be available		Accept
233.8	Birkenhead Residents Associations	Information associated with the plan change (and future plan changes) to be comprehensible and sufficient to adequately inform potential submitters and sufficient time be available		Accept
233.9	Birkenhead Residents Associations	Information associated with the plan change (and future plan changes) to be comprehensible and sufficient to adequately inform potential submitters and sufficient time be available		Accept
247.7	Grey Lynn Residents Association c/- Tania Fleur Mace	Information associated with the plan change (and future plan changes) to be comprehensible and sufficient to adequately inform potential submitters and sufficient time be available	FS15 Housing New Zealand Corporation – Support in part	Accept

15.11 A summary of the relief sought by the submitters is contained in the above table.

15.12 The reasons provided in the submissions include:

- Only a month has been allowed for those who live in or have a property in an area with a Special Character Area Overlay, to make a submission. As usual, the technical nature of the plan change makes it difficult for people to understand what it all means and how it will affect them or their property, so more time is needed (159.1)
- Appears that not everyone living in a Special Character Area has been advised by a Council letter of the existence of the proposed plan change (159.6)
- The language used is a further barrier to understanding what PPC 26 is all about (159.6)
- In circulating a highly technical, opaquely written, confusing set of documents for 'consultation' the Council has failed in its duty of care and obligations under the Local Government Act 1974 (186.6, 200.6)
- The documentation, or even any summary, appears not to be available in any other language. On top of the needlessly complicated texts, this further disenfranchises

immigrant members of the community with a little or no grasp of English (186.6, 200.6)

- Statement that the “plan change is a technical plan change which seeks to alter the wording”. That is patently incorrect; there are substantive changes (186.6, 200.6)
- Statement that “If you are not planning on undertaking any development on your property, the proposed plan change will not have any effect is patently incorrect and disingenuously offers false comfort (186.6, 200.6)
- The changes are quite technical and the document full of jargon (233.8)
- Four weeks (extended by 2 weeks) is not a long period of time for certain sections of the community to understand and make comments on the proposal (233.9)
- We believe that Auckland Council has done a very poor job of communicating what plan change 26 is about and what the changes will mean for residents who live within the Special Character overlay (247.7)

### Analysis and discussion

15.13 It is acknowledged that the letter sent to landowners that accompanied PC26 was technical. The authors of the letter did endeavor to strike a balance between providing accurate information about the nature of the plan change, while meeting statutory and legal requirements and using plain English. Based on the feedback received, the letter was too technical. This has been a lesson for future plan changes.

15.14 In addition to the letter, a dedicated enquires team was set up to respond to customer enquiries. This team dealt with over 300 enquiries. A comparison between the existing provisions and proposed changes in PC26 was also prepared and emailed to many who had enquired about the proposed plan change. (Attachment 6).

15.15 The time period for the receipt of submissions was also extended by 2 weeks (6 weeks in total) to provide submitters with additional time to prepare their submissions.

### Recommendations on Submissions

15.16 For the reasons discussed above, I recommend that **submission point 70.8 be accepted** to the extent that the original section 32 report together with this hearing report and the final decision of the Independent Commissioners constitute the “Section 32 Report”, **submissions points 82.2, 83.2, be accepted** to the extent that individualised consultation took place with those landowners who has existing resource consents and **submissions points 159.6, 186.6, 200.6, 233.6, 233.9, 247.7 be accepted** to the extent that it is acknowledged that the plan change material was of a technical nature and **submission point 207.4 be rejected**.

15.17 There are no further amendments to PPC 26 associated with this recommendation in **Appendix 1**.

## 16. Theme 6: Submissions on the SCA Overlay and Zone Relationship

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
25.2	Johan Willem Barend van der Maas	Oppose the change that the 'special character area' overlay prevails over corresponding other provisions in the underlying zone	FS15 Housing New Zealand Corporation – Support in part	Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
90.2	Sharyn Qu	Council should put greater focus on the existing character of the individual houses and the immediate affected neighbours to determine which provisions of the SCA Overlay would prevail. This shouldn't be a one rule for all approach because every site and proposal are different	FS4 Sharyn Qu – Support	Reject
109.2	Abbie Blacktopp	Provide further clarity, guidance and allowances are provided for properties that are not currently (and never have been) in line with the special character of the area that you (Council) are trying to preserve	FS15 Housing New Zealand Corporation – Support in part	Accept
169.4	Mary and Jonathan Mason	Support that the Special Character Area Overlay should prevail over corresponding provisions but do not relax any of the SCAR provisions	FS15 Housing New Zealand Corporation – Oppose	Accept
184.1	Denny Boothe	The Special Character overlay provisions should remain but be considered with all the provisions of the Single House zone provisions		Accept in part
184.6	Denny Boothe	Where there are corresponding provisions, such as site coverage, heights, maximum impervious areas, the most restrictive individual conditions on building should prevail in order to protect the natural and built heritage of the area and amenity values of immediate neighbours		
202.6	Sue Cooper, Remuera Heritage	The more restrictive requirements should apply regarding rules, standards and provisions which affect these environmental factors in our communities		Reject
202.7	Sue Cooper, Remuera Heritage	Do not support anything which will make special character and heritage buildings more easily able to be demolished and special character areas to be eroded		Accept
203.5	Sally Hughes, Character Coalition	The more restrictive requirements should apply regarding rules, standards and provisions which affect these environmental factors in our communities		Reject
203.6	Sally Hughes, Character Coalition	Do not support anything which will make special character and heritage buildings more easily able to be demolished and special character areas to be eroded		Accept
214.2	John O'Grady c/- Ashleigh O'Grady	The current equal weighting of the special character areas and the provisions of the underlying residential zone need to be maintained with each property/development assessed on its merits.		Reject
265.2	Jennifer Anne Strange	The Special Character Areas Overlay should not prevail over the corresponding provisions of the Single House zone provisions, which should remain, and applications should consider all the provisions of both the underlying zone and the SCA overlay provisions		Reject
267.2	Civic Trust Auckland c/- Audrey van Ryn	That Council specify elsewhere in the chapter, the areas in Auckland with comparative design parameters for SAR overlay and underlying Zoning (where relevant), and further include a rule that	FS15 Housing New Zealand Corporation – Support in part	Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
		states the more restrictive standard will apply		
272.2	Diana Renker	That the heritage provisions take precedence wherever the special character area interfaces with the single house zone, at 70, 76, 80, 90 & 92 Stanley Point Road		Accept

16.1 PC26 proposes to clarify the relationship between the Special Character Areas Overlay and the underlying zone. The background behind why this was deemed necessary is outlined in section 4 of this report.

16.2 A summary of the relief sought by the submitters is contained in the above table.

16.3 The reasons provided in the submissions include:

- Any ruling that in the future might make getting consent for renovations (for dwellings without special character but within the SC Overlay) more difficult or expensive should be abolished (25.2)
- Our existing dwelling/site is very different compared to the other dwellings on the street, in terms of its building mass, and appearance of key architectural elements, and its architectural significance; it also does not match the character / style described in the Special Character Area Statement. I think it's reasonable and fair if a proposal like this is given more design flexibility and should be considered under the Single House Zone. The overlay is very tough and unfair on dwellings that have a small existing frontage and incoherent character (90.2)
- SCA overlay policies appear to be anti-development, and I don't think this is right. New development and design can also respond positively to the identified special character values and context of the area (90.2)
- Our buildings are 1970s constructed concrete block units. They are not in line with the lovely character villas in the street they are situated. Should we wish to develop these buildings, we would be significantly improving on the quality of housing that is currently there, the visual appeal of the property and the streetscape. We would be creating something more visually appealing and better in terms of health and wellbeing of the residents. But, it would not be in the 'special character' of the surrounding area (109.2)
- Support guidelines that help maintain Auckland's heritage for the future. Do not support relaxing any of the guidelines of the SCAO. This will not result in maintaining the important heritage of Auckland and will further erode the character of our city. More protection is needed to protect our architectural, historical and heritage gems, not less (169.4)
- The underlying Single House zone provisions in general protect heritage including natural heritage more fully than the narrower Special Character provisions (SCAR). and can be considered with the SCAR, which are useful in terms of built form and streetscape (184.1, 184.6)
- The proposed change appears to support the protection of special character and heritage through recommending that the provision in the Special Character Areas Overlay will prevail over the corresponding provision in the underlying zone. However, in actual fact, the SCAR Overlay is less restrictive in allowing anyone wanting to develop their property greater freedom to do so. By allowing the Character Overlay to predominate, it puts neighbours in special character and heritage areas at

a disadvantage from those in the single house zone without an overlay. These neighbours will be impacted by more encroachments into their side and rear privacy (202.6, 202.7, 203.5, 203.6)

- In the case of Special Character Areas consenting is expensive and time consuming. In many areas it is hard to define where the Special Character Areas and underlying residential zones physically change. The Special Character in some areas are not warranted as any special character has been lost and further compromised by the Unitary Plan changes. The provisions become a significant liability and impediment to the property owners rights and enjoyment of their property (214.2)
- The provisions in the Special Character Area Overlay (SCAR) even with the proposed amendments to consider neighbour's amenity, are too narrow in purpose to allow consideration and protection of natural heritage (265.2)
- The SCA overlay currently acts to manage the values of special character, but not so much to retain them. Restoration, repair, and minor alterations to buildings are enabled within the SCA overlay and thus the SCA overlay is for the management of activities such as the construction of new buildings. The Plan Change also makes some amendments to some of the development standards in the SCA overlay to ensure that they are appropriately targeted to the special character values in the areas to which they relate. These include building height, height in relation to boundary, yards, building coverage, maximum impervious area, landscaped area, and fences and wall. There appear to be instances where the implementation of SCA rules as proposed would result in a consented building with designs that may be inappropriate in the context of other properties in close proximity which form part of the collective value identified in the special character statements. Such problems appear to arise when two potentially conflicting rules (in the form of activities and standards), with differing activity statuses or metrics, apply to the same activity (267.2)

## **Analysis and discussion**

### **What should prevail – overlay over zone, equal weighting or more restrictive provisions**

16.4 The submission fall into three groups – 1. Those supporting that the SCA Overlay should prevail over the corresponding zone provisions; 2. Those of the view that equal weight should be given to both the SCA overlay and the underlying zone; and 3. Those of the view that the more restrictive provisions should apply.

16.5 The AUP addresses the structure of overlays, precincts and zones in Chapter C1.6. - Overall activity status of the Auckland Unitary Plan. This states:

*(1) The overall activity status of a proposal will be determined on the basis of all rules which apply to the proposal, including any rule which creates a relevant exception to other rules.*

*(2) Subject to Rule C1.6(4), the overall activity status of a proposal is that of the most restrictive rule which applies to the proposal.*

*(3) The activity status of an activity in an overlay takes precedence over the activity status of that activity in a precinct, unless otherwise specified by a rule in the precinct applying to the particular activity.*

*(4) Where an activity is subject to a precinct rule and the activity status of that activity in the precinct is different to the activity status in the zone or in the Auckland-wide rules, then the activity status in the precinct takes precedence over the activity status in the zone or Auckland-wide rules, whether that activity status is more or less restrictive.*

16.6 The background to the Special Character Overlay Area states:

***D18.1. Background***

*The Special Character Areas Overlay – Residential and Business seeks to retain and manage the special character values of specific residential and business areas identified*

*as having collective and cohesive values, importance, relevance and interest to the communities within the locality and wider Auckland region.*

*Each special character area, other than Howick, is supported by a Special character area statement identifying the key special character values of the area. Assessment of*

*proposals for development and modifications to buildings within special character areas*

*will be considered against the relevant policies and the special character area statements and the special character values that are identified in those statements.*

*These values set out and identify the overall notable or distinctive aesthetic, physical and*

*visual qualities of the area and community associations.*

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

**Environment Court Declaration – Relationship of Overlays and Other Provisions of the AUP**

- 16.7 In July 2017 Auckland Council sought the following three declarations (Declarations A, B and C) under section 311 of the RMA regarding the interpretation of the relationship of overlays with other provisions of the AUP, most specifically the relationship between the Residential – Single House Zone and the Special Character Areas Overlay – Residential.
- 16.8 The court issued a series of three decisions on these matters; an interim decision on 19 December 2017; the second interim decision on 23 January 2018; and the third decision on 15 March 2018.
- 16.9 The Declaration proceedings found that the current situation in the AUP is that all provisions in the zone(s), relevant overlay(s) (if any), and relevant precinct(s) (if any) that apply to a site are relevant in respect of a proposed activity; along with any relevant Auckland wide and general rules.
- 16.10 The Council began applying both sets of rules when the first interim decision was received. The ‘incorrect’ approach had been applied to consents issued between 1 December 2016 and 19 December 2017.
- 16.11 The approach of two sets of provisions applying may be appropriate in some circumstances, such as objectives and policies, and matters of discretion and assessment criteria, or different activities and standards. However, the problem arises when two potentially conflicting rules (in the form of activities and standards), with differing activity statuses or metrics, apply to the same activity; for example, two height in relation to boundary controls for the same development.
- 16.12 Applying two sets of provisions results in unnecessary complexities and time costs for plan users, particularly with respect to processing resource consent applications, as there is no clarity which metric or activity status should take precedence. The situation

means that the SCA - Residential does not function as it was intended, as there is no clarity about the relationship of this with the corresponding activities and metrics of the underlying zones. Hence the rationale for PC26.

### **Properties within the Special Character Overlay Area that don't have "special character" values**

16.13 The relevant Special Character Overlay Area objectives and policies include:

#### **D18.2. Objectives**

- (1) The special character values of the area, as identified in the special character area statement are maintained and enhanced.*
- (2) The physical attributes that define, contribute to, or support the special character of the area are retained, including:*
  - (a) built form, design and architectural values of buildings and their contexts;*
  - (b) streetscape qualities and cohesiveness, including historical form of subdivision and patterns of streets and roads; and*
  - (c) the relationship of built form to landscape qualities and/or natural features including topography, vegetation, trees, and open spaces.*

#### **D18.3. Policies**

##### *Special Character Areas Overlay - Residential*

- (1) Require all development and redevelopment to have regard and respond positively to the identified special character values and context of the area as identified in the special character area statement.*
- (2) Maintain and enhance the built form, design and architectural values of the buildings and the area, as identified in the special character area statement, so that new buildings, alterations and additions to existing buildings, infrastructure and subdivision (where applicable):*
  - (a) maintain the continuity or coherence of the identified special character values of the area;*
  - (b) maintain the streetscape qualities and cohesiveness;*
  - (c) respond positively to the design, scale, height, setback and massing of existing development, any distinctive pattern of subdivision, intensity of development, its relationship to the street, streetscape cohesiveness and is of a compatible form which contributes to the identified special character values of the area;*
  - (d) maintain the relationship of built form to open space and landscape context;*
  - (e) maintain the setting of the special character area, where these features, such as mature trees and landform, contribute to the special character values of the area;*
  - (f) enable the removal of additions and features that detract from the special character of the building or identified special character of the wider area;*
  - (g) minimise the loss of built fabric and encourage maintenance and repair;*
  - (h) require new materials to be compatible with the age, detailing, finishes and colour; and*
  - (i) recover or reveal special character values of buildings and features.*
- (3) Discourage the removal or substantial demolition of buildings that contribute to the continuity or coherence of the special character area as identified in the special character area statement.*

16.14 The Special Character Area Overlay seeks to retain and manage the character of specific residential neighbourhoods and business areas. This is done by enhancing existing buildings, retaining intact groups of character buildings and requiring compatible new buildings and additions that do not necessarily replicate older styles



and construction methods, but seek to reinforce the streetscape character in particular. In some areas the SCAR provisions are less restrictive than the underlying zone (particularly the Single House zone). An example of this is the rear yard requirement. The less restrictive provisions are however reflective of the character of specific residential neighbourhoods and business areas.

- 16.15 It is acknowledged that within the Special Character Area Overlay there are properties that have been recently built upon and do not have any apparent “special character”. These are managed (in terms of bulk and location in particular) by the overlay so that the character of the area as a whole remains cohesive. What happens on individual properties affects the collective area. Therefore new buildings and additions to existing buildings are to be designed in a way that reflect and contribute positively to the special character values of the area. The AUP therefore sets the broad parameters for management of “special character” values.
- 16.16 The Special Character Statements in Schedule 15 provide further guidance alongside the objectives and policies about what constitutes “special character” in particular areas. The resource consent process enables the context, site characteristics and proposed development to be assessed against those values.

### Recommendations on Submissions

- 16.17 For the reasons discussed above, I recommend that **submission points 109.2, 169.4, 202.7, 203.6 and 272.2 be accepted**, that **submission 184.1 be accepted in part** and that **submissions 25.2, 90.2, 202.6, 203.5, 214.2, 265.2 and 267.2 be rejected**.
- 16.18 There are no further amendments to PPC 16 associated with this recommendation in **Appendix 1**.

## 17. Theme 7: Submissions on the Mapping of the Special Character Area Overlay

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
13.2	Sue Elgar	Marama Avenue and Cecil Road should remain Residential 1- Heritage- Special character		Accept
14.2	Yanping Hu and Zhijian Li	St Andrews Road does not have any special character		Reject
15.2	Steven Colson	Retain special character for Normans Hill Road (between 26-32 Normans Hill Road)		Accept
49.3	Wing Cheuk Chan	Special character zone (overlay) should not be applied to 26 St Andrews Road	FS21 Lim Che Cheung Chan – Support	Reject
49.4	Wing Cheuk Chan	21 & 21A St Andrews Road do not have historical or special character		Reject
49.5	Wing Cheuk Chan	19 & 19A and 17 7 17A St Andrews Road would not meet the minimum net site area of 66 sqm		Reject
49.6	Wing Cheuk Chan	22A St Andrews Road is a property that was built in the 1990's and again does not have any historical special character	FS21 Lim Che Cheung Chan – Support	Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
49.8	Wing Cheuk Chan	Remove the special character zone overlay from 26 St Andrews road, as existing zoning already has more than adequate provision to protect the aesthetic and physical quality of the local area	FS21 Lim Che Cheung Chan – Support	Reject
68.5	Darren Pang	There is a necessity to reduce character protection. Defining Wairiki Road with Special Character Area Overlay was not right		Reject
78.3	Lim Che Cheung Chan	Special character zone (overlay) should not be applied to 26 St Andrews Road	FS19 Wing Cheuk Chan - Support	Reject
78.4	Lim Che Cheung Chan	21 & 21A St Andrews Road do not have historical or special character		Reject
78.5	Lim Che Cheung Chan	19 & 19A and 17 7 17A St Andrews Road would not meet the minimum net site area of 66 sqm		Reject
78.6	Lim Che Cheung Chan	22A St Andrews Road is a property that was built in the 1990's and again does not have any historical special character		Reject
78.7	Lim Che Cheung Chan	Remove the special character zone overlay from 26 St Andrews Road, as existing zoning already has more than adequate provision to protect the aesthetic and physical quality of the local area	FS19 Wing Cheuk Chan - Support	Reject
79.4	Janet Dickson	Expand the Special Character notation on the Planning Maps to include the areas identified on the attached plan	FS15 Housing New Zealand Corporation – Oppose	Reject
90.3	Sharyn Qu	My site (location not specified) should be removed from the overlay map	FS4 Sharyn Qu – Support	Reject
93.2	Donald James Lyon Catherine Elizabeth Lyon and Professional Trustee Services Ltd	Remove Special Character Area Overlay from 42A Kitenui Avenue as the Overlay is inappropriate for this large rear site which already contains a four unit development		Reject
95.4	Adam and Sue Berry	Reconsider not including Herne Bay or this part of Herne Bay into the proposed plan change 26 but keep this area as a unique part of Auckland district	FS15 Housing New Zealand Corporation - Oppose	Reject
103.1	Rosemary McElroy	The special character of Arney Road continue to be recognized as valuable to Auckland and that the status quo as a Character Area be retained		Accept
105.2	Neil Harnisch	Mapping to show extent of SCAR overlay		Accept
130.2	Ross William Macdonald	Exempt this part of Remuera Rd (182 Remuera Road) from the overlay as adjoining apartment blocks are not of Special character		Reject
133.2	Steve Gareth Lewis	Remove overlay from rear site		Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
134.2	Ting Kwok Cheung and Man Ngo Johnson Cheung and Suet Fan Ma	Remove the SCAR overlay from 56 Epsom Avenue & 90 Owens Road		Reject
143.2	Nicola Campbell	Would like the Special Character overlay and underlying zone provisions to also influence planning provisions, rules and regulations for future development of the HNZ Bayard St Property	FS15 Housing New Zealand Corporation - Oppose	Reject
151.2	Bronwyn Hayes	Retain the SCAO in heritage suburbs		Accept
165.2	Margaret Mary Neill	Remove 11 Dudley Road, Mission Bay from SCAR overlay		Reject
177.2	Francesca Wilson and William Porter	Remove property at 16 Dudley Road, Mission Bay from SCAR overlay		Reject
206.1	Johnathan Hardie-Neil	Oppose zoning and overlay on 53 Kelvin Road, Remuera		Reject
208.2	Frank and Celia Visser, Celia Visser Design	Protect the special character of cottages on College Hill		Accept
233.6	Birkenhead Residents Associations	Request that the zoning of the harbour-side of Tizard Road be included in the Special Character Overlay		Accept in part (to the extent that some of the harbourside properties are already included in the SCAR)
242.2	Carolyn Fay Martin	Exclude 18 Massey Avenue, Greenlane, Auckland from the Special Character overlay rules/conditions		Reject
247.6	Grey Lynn Residents Association c/- Tania Fleur Mace	Commit to conducting a survey of residential streets in Grey Lynn to identify additional areas that are not currently covered by the Special Character overlay but that warrant being included. Then prepare and notify a plan change to add the overlay to these areas	FS15 Housing New Zealand Corporation – Oppose FS20 Heritage New Zealand Pouhere Taongā	Accept in part (to the extent that the SCAR will be reviewed at the time of the next review of the Unitary Plan)
255.1	Tunncliffe Investment Limited and Tunncliffe Glass Family Trust c/- Kenneth Tunncliffe and Esther Glass	Remove the special character overlay from 62 Onslow Avenue, Epsom		Reject
257.4	Housing New Zealand c/- Alex Devine	Re-apply the SCA Overlay so that it applies to the geographic extent of resource values (rather than being zone specific)	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals	Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
			Limited – Support FS22 South Epsom Planning Group Ltd – Oppose	
257.5	Housing New Zealand c/- Alex Devine	Undertake a review, and re-zone the underlying land, in accordance with the maps attached to this submission or in accordance with the proximity criteria presented to the IHP (as outlined above)	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc – Oppose	Reject
257.18	Housing New Zealand c/- Alex Devine	Consideration needs to be given to applying the spatial extent of the SCA Overlay not just to residential and business zones, but also to aspects of the wider 'streetscape environment' (e.g. such as roads / road reserves and open spaces)	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc – Oppose	Reject (for the purpose of this plan change but agree with the approach)
257.19	Housing New Zealand c/- Alex Devine	Undertake a full, wider review of the SCA Overlay so that it functions and operates as a 'true' overlay (to manage specifically identified resource values), rather than operating as a 'zone', or 'sub-zone' of the Single House zone	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc – Oppose	Reject
272.1	Diana Renker	That the ROW portions of 70, 76, 80, 90 & 92 Stanley Point Road be included in the special character area		Reject

17.1 A summary of the relief sought by the submitters is contained in the above table.

17.2 The reasons provided in the submissions include:

- St Andrews Road is just a normal street. Don't think there is any special character (14.2)
- Highlight a number of obvious observations in the nearby neighbourhood that would not be consistent with the special character area (49.3, 49.4, 49.5, 49.6, 49.8, 78.3, 78.4, 78.5, 78.6, 78.7)
- Auckland needs to grow, it needs to develop more affordable housing. We need policies be put in place that encourage some very flexible density requirements. There is a necessity to reduce character protection (68.5)
- SCA overlay is very limiting, expensive and difficult. I have strong reasons to believe that my site should be removed from the overlay map (90.3)
- With the addition of further development restrictions, subdivision controls and assessment criteria over and above those of the underlying zoning, the effect of the provisions are to severely constrain future development of this site (which already contains a multi-unit development) and others in the same street and neighbourhood which no longer have the special character which the overlay seeks to protect. It is inappropriate to apply the overlay to the site at 42A Kitenui Avenue, which is a rear site, without street appeal and already containing 4 brick and tile units from the 1950's (93.2)
- There are adjoining apartment blocks that are not of special character so this part of Remuera Rd should be exempt of this overlay (130.2)
- The property (63 Disraeli Street) does not relate to the St Andrews Road precinct but is distinctly part of eastern Disraeli Street. Houses in this section of Disraeli Street were typically constructed during the period 1980 – 2000 and do not have a Special Character Area Overlay in the Unitary Plan (133.2)
- 56 Epsom Avenue is just an ordinary weather board and brick house built in around year 1940. It is very much similar to those state houses commonly found everywhere in NZ. It comprises of lower brick wall and upper weather board. There is not any "Special Character" at all that you can name it as a special character house (134.2)
- Our residence (11 Dudley Road, Mission Bay) has been significantly altered in both the 1970's and 1990's. A third storey with a three -car garage was added to the original house, which both significantly alters the appearance of the architecture and obscures the original façade from the street. Due to these renovations, the property currently does not comply with the Special Character Area Overlay requirements (165.2)
- Our house (16 Dudley Road, Mission Bay) does not meet the requirements of "Special Character". We added another level to the house in 2006. The front facade has been significantly modified which affects the street frontage, therefore the provisions of the Special Character overlay should not apply (177.2)
- The special character zoning relates to an overall neighbourhood look and feel. In a street of 34 houses only half the street is subject to the special character zoning. Of the 18 houses included in the special character zone all the NZ Government houses within this zone have been excluded. There is a further private house that has been excluded. Of the remaining twelve houses two of these houses already have garages within the front 4 to 10 metres. This leaves 10 houses scattered on either side of the street. There is no longer a consistent open front lawn appearance (242.2)

- Property (62 Onslow Avenue, Epsom) is positioned in an area between The Drive and St Andrews Road. This area does not have special character pertaining to the street view of the house (255.1)

## **Analysis and discussion**

### **AUP Process to Establish the SCAR**

- 17.3 PC26 does not propose to alter the mapping of the Special Character Area Overlay.
- 17.4 The starting point for the mapping of the Special Character Overlay Areas was the former legacy district plans that made up the Auckland region.
- 17.5 The existing areas were then assessed against PAUP criteria that was developed for the Regional Policy Statement component of the Unitary Plan.

#### **B5.3.2. Policies**

*(1) Identify special character areas to maintain and enhance the character and amenity values of places that reflect patterns of settlement, development, building style and/or streetscape quality over time.*

*(2) Identify and evaluate special character areas considering the following factors:*

*(a) physical and visual qualities: groups of buildings, or the area, collectively reflect important or representative aspects of architecture or design (building types or styles), and/or landscape or streetscape and urban patterns, or are distinctive for their aesthetic quality; and*

*(b) legacy including historical: the area collectively reflects an important aspect, or is representative, of a significant period and pattern of community development within the region or locality.*

- 17.6 The refined/reduced spatial extent of overlay was set out in Council's maps provided to the IHP and parties on 30 Oct 2015. Direct discussions occurred with submitters whose properties were affected by the overlay. In some cases, this resulted in further refinement of the overlay. Proposed amendments to the spatial extent of the overlay by the Council were put to the IHP (in Auckland Council's evidence).
- 17.7 The IHP made its recommendations on 22 July 2016.
- 17.8 Auckland Council accepted the IHP recommendations in respect of the Special Character Area Overlay on 19 August 2016. As these recommendations were accepted, there was no opportunity for appeals. The mapping of the Special Character Area Overlay was therefore subject to a rigorous process through the preparation of the Unitary Plan.

### **How SCAR is applied to dwellings that don't exhibit "Special Character" values**

- 17.9 The Special Character Area Overlay – exhibits special character values with a sufficient degree of cohesiveness. Sites or areas that are varied and did not exhibit a coherent special character were removed through the Unitary Plan process. In some instances, this related to sites that have been redeveloped within areas that are no longer coherent or sites that do not contain buildings that contribute to the coherent special residential character of the area.
- 17.10 Any redevelopment of properties within the Special Character Area Overlay is considered in relation to the surrounding context. The overlay therefore manages change.

17.11 The Council’s general approach to identifying properties in the overlay through the Unitary Plan process was to avoid removing single properties and creating holes or gaps in the overlay. This is because the special character area needs to have demonstratable coherence and is dependent upon its constituent parts. The removal of certain parts can affect the whole.

17.12 In my opinion it is appropriate that new buildings, and alterations or additions be assessed to manage the overall effects on the character of the area. It is appropriate to consider the effects that any development of these sites may have on the character of the street and wider locality as envisaged by the overlay. The application of the overlay is therefore appropriate as it will enable any redevelopment to be undertaken in a manner that requires consideration of the identified character values of the locality.

### **SCAR be Expanded**

17.13 PC 26 does not propose any amendments to the spatial extent of the Special Character Overlay Area – either reductions in area or extensions. Any extensions to the overlay area are outside the scope of the plan change and would need to be the subject of a separate study and a subsequent plan change.

### **Applying the SCA Overlay to aspects of the wider ‘streetscape environment’ (e.g. such as roads / road reserves and open spaces)**

17.14 It is acknowledged that particular roads and road reserves (including kerbs) and open spaces contribute to the character of areas. Including the wider streetscape and open spaces in the Special Character Overlay Area could be one approach to better managing the values. An alternative method could be design guidelines (e.g. Auckland Design Manual). While these both have merit they are also outside the scope of this plan change and require further investigation.

### **Recommendations on Submissions**

17.15 For the reasons discussed above, I recommend that **submission points 13.2, 15.2, 103.1, 105.2, 151.2, and 208.2 be accepted**, that **submission points 233.6 and 247.6 be accepted in part** and that **submission points 14.2, 49.3, 49.4, 49.5, 49.6, 49.8, 68.5, 78.3, 78.4, 78.5, 78.6, 78.7, 79.4, 90.3, 93.2, 95.4, 130.2, 133.2, 134.2, 143.2, 165.2, 177.2, 206.1, 242.2, 255.1, 257.4, 257.5, 257.18, 257.19 and 272.1 be rejected**.

17.16 There are no further amendments to PPC 16 associated with this recommendation in **Appendix 1**.

## **18. Theme 8: Submissions on Howick**

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planner’s Recommendation</b>
79.2	Janet Dickson	Make provision to include Howick as soon as its Special Character Area Statement has been finalised to the satisfaction of the local people		Reject
79.3	Janet Dickson	Amend Part D18.1 by removing the words “other than Howick”		Reject

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planner's Recommendation</b>
79.5	Janet Dickson	Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted	FS15 Housing New Zealand Corporation – Oppose	Reject
79.6	Janet Dickson	Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes	FS15 Housing New Zealand Corporation - Oppose	Reject
79.7	Janet Dickson	Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes		Reject
187.2	Michael Craddock	Howick's lack of protection and absence of special character area overlay needs to be addressed		Reject
188.2	Rhys Armstrong	Howick needs to be classed as a special character area overlay		Reject
189.2	Andrea Lee Blondel	Howick must be included in Plan Change 26		Reject
190.2	Mari Pettersson	Howick must be included in Plan Change 26		Reject
191.2	Catherine Wade	Howick must be included in PC26		Reject
193.2	Jackie Daw	Howick needs to be added to the PC 26		Reject
194.2	Jim Donald	Plan Change 26 must include Howick,		Reject
195.2	Sally Cooper	That Howick, specifically the area that fully surrounds Stockade Hill, should also be included in Special Character Area overlay	FS15 Housing New Zealand Corporation - Oppose	Reject
196.2	Grace Hood-Edwards	Include Howick and Howick Village in PC26 and grant Howick a Special Character Overlay		Reject
198.2	Naomi Maureen Forrester	Add Howick (to the Special Character Area overlay)		Reject
201.2	Jesma Leigh Magill	Howick must be included in Plan Change 26		Reject
205.2	Richard Graham Poole	Howick must be included in Plan Change 26		Reject
211.2	Stephanie Jane Barnett	Howick needs to be included as a special character area		Reject
212.2	Julia Foster	Include Stockade Hill in PC 26 to save the views		Reject
213.2	Grey Power Howick Pakuranga & Districts Association Inc c/- Peters Bankers	Amend Part D18.1 by removing the words "other than Howick".		Reject (the words "other than Howick" will be removed by PC 34)



<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planner's Recommendation</b>
213.3	Grey Power Howick Pakuranga & Districts Association Inc c/- Peters Bankers	Expand the Special Character notation on the Planning Maps to include the areas identified on the attached plan (Howick)		Reject
213.4	Grey Power Howick Pakuranga & Districts Association Inc c/- Peters Bankers	Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted		Reject
213.5	Grey Power Howick Pakuranga & Districts Association Inc c/- Peters Bankers	Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes		Reject
213.6	Grey Power Howick Pakuranga & Districts Association Inc c/- Peters Bankers	Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes		Reject
215.2	Catherine Linton	Amend Part D18.1 by removing the words “other than Howick		Reject
215.3	Catherine Linton	Expand the Special Character Area at Howick over those parts of the adjoining Mixed Housing Urban Zone in close proximity to Stockade Hill.		Reject
215.4	Catherine Linton	Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted		Reject
215.5	Catherine Linton	Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes		Reject
215.6	Catherine Linton	Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes		Reject
217.2	Melissa Pearce	Add Howick to PC 26		Reject
217.3	Melissa Pearce	Stockade Hill should not be developed		Reject
223.2	Grant Dickson	Amend Part D18.1 by removing the words “other than Howick		Reject
223.3	Grant Dickson	Expand the Special Character Area at Howick over those parts of the adjoining Mixed Housing Urban Zone in close proximity to Stockade Hill	FS15 Housing New Zealand Corporation - Oppose	Reject

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planner's Recommendation</b>
223.4	Grant Dickson	Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted		Reject
223.5	Grant Dickson	Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes as per submission		Reject
223.6	Grant Dickson	Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes		Reject
229.2	Laurence Slee	Howick should be subject to the same protections as all other special character areas		Reject
232.2	Carolyn French Blaker	Amend Part D18.1 by removing the words “other than Howick”		Reject
232.3	Carolyn French Blaker	Expand the Special Character notation on the Planning Maps, to include the areas of Howick identified on the plan in submission		Reject
232.4	Carolyn French Blaker	Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted.		Reject
232.5	Carolyn French Blaker	Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes		Reject
232.6	Carolyn French Blaker	Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes.		Reject
256.2	Bruce Lotter	Amend Part D18.1 by removing the words “other than Howick		Reject
256.3	Bruce Lotter	Expand the Special Character notation on the Planning Maps to include the areas identified on the attached plan (see submission)		Reject
256.4	Bruce Lotter	Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted		Reject
256.5	Bruce Lotter	Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes		Reject
256.6	Bruce Lotter	Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes		Reject
259.2	Matthew Stephen John Brajkovich	Amend Part D18.1 by removing the words “other than Howick		Reject
259.3	Matthew Stephen John Brajkovich	Expand the Special Character notation on the Planning Maps to include the areas identified on the attached plan (see submission)		Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
259.4	Matthew Stephen John Brajkovich	Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted		Reject
259.5	Matthew Stephen John Brajkovich	Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes		Reject
259.6	Matthew Stephen John Brajkovich	Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes		Reject
261.2	Friends of Cockle Bay Domain	Amend Part D18.1 by removing the words "other than Howick"		Reject
261.3	Friends of Cockle Bay Domain	Expand the Special Character notation on the Planning Maps to include the areas identified on the attached plan (see submission)		Reject
261.4	Friends of Cockle Bay Domain	Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted		Reject
261.5	Friends of Cockle Bay Domain	Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes		Reject
261.6	Friends of Cockle Bay Domain	Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes		Reject
268.1	Gail Russell	Include Howick in PC26 as a special (character) area		Reject

18.1 A summary of the relief sought by the submitters is contained in the above table.

18.2 The reasons provided in the submissions include:

- Howick has several special characteristics that require particular protection in the manner provided for in Part D18 of the Auckland Unitary Plan (AUP). (79.2, 79.3, 79.5, 79.6, 79.7)
- Howick is a historic village and residents enjoy the village feel to the suburb. Proposed multilevel developments are not in keeping with the character of the area and additional planning protections are required to prevent the historic nature of the area being damaged irreparably. Housing intensification from high-rise should be planned in say Highland Park (instead of two Supermarkets) and have good access to recent public transport setup at Lloyd Ellsmore (187.2)
- It (Howick) is one of the oldest villages in Auckland and has great character. We need to protect that (188.2)
- Howick is one of very few villages with special character and history - Stockade Hill represents this history and also provides recreational space for Howick residents and visitors to relax. We do not want our right to the views and space ruined by the proposed apartment blocks (189.2)

- Howick is unique and beautiful. It needs to be protected from capitalist urbanisation, there are plenty of better and less unique places for that kind of growth (190.2)
- The charm of Howick and what makes it unique needs to be retained (193.2)
- Howick's history is over 1000 years long. The Fencible history of Howick is known, has been recorded and is being retained in the Village from Selwyn Church to Stockade Hill and from the Eastern Coast to the Western Coast of New Zealand. The views to Stockade Hill and from Stockade Hill are an integral part of our Howick History that needs to be retained and preserved for future generations. Howicks unique character needs protection. If Parnell, Northcote, Ponsonby, Saint Marys Bay Road, Freemans Bay, Arch Hill, Grafton and other areas of Auckland can be protected – why not Howick. Howick Fencible history is one of the earliest in Auckland, and was influence by the “1875 Plans of Towns Regulations Act” of New Zealand (194.2)
- Howick's Stockade Hill has been recognised as an area with Special Character by the recent agreement to restrictions, and therefore the area needs to be protected by becoming subject to the SCAO (195.2)
- Howick has been excluded from PC26 and does not have a Special Character Overlay - even though we are one of the oldest villages in Auckland (196.2, 198.2, 205.2)
- Howick's historic Stockade Hill plan changes are the result of inept and scurrilous dirty deals on behalf of leading council figures that go years back. A lack of moral fibre and poor town planning skills should not harm the built landscape of Howick for years to come (201.2)
- Howick needs to be included as a special character area, as it has great historical value to both Maori and Pakeha (211.2)
- So everyone can enjoy the views without obstruction (212.2)
- Howick has several special characteristics that require particular protection in the manner provided for in Part D18 of the Auckland Unitary Plan (AUP) (213.2, 213.3, 213.4, 213.5, 213.6, 215.2, 215.3, 215.4, 215.5, 215.6, 223.2, 223.3, 223.4, 223.5, 223.6, 232.2, 232.3, 232.4, 232.5, 232.6, 256.2, 256.3, 256.4, 256.5, 256.6, 259.2, 259.3, 259.4, 259.5, 259.6, 261.2, 261.3, 261.4, 261.5, 261.6)
- Stockade Hill is used by the whole community & is part of Howick appeal. It is an integral part of Howick history & must be protected (217.2, 217.3)
- Howick should be subject to the same protections as all other special character areas (229.2)
- I see that PC26 is an opportunity to address this long - standing omission in respect of Howick , and Howick Beach, Cockle Bay and beach and Mellons Bay and beach (259.2, 259.3, 259.4, 259.5, 259.6)
- We (Howick) are one of the original settlements in Auckland and Stockade Hill has significant historical importance. Do not allow the views to be built out and enable the area to retain its unique appearance (268.1)

## **Analysis and discussion**

### **Status of SCAR for Howick**

- 18.3 PC26 does not propose any changes to the mapping of the Special Character Area (SCA) Overlay. The SCA Overlay currently applies to the Howick town centre and parts of the adjoining Mixed Use zone but not to the surrounding residential zoned areas.

- 18.4 The Special Character Overlay Area already applies to the Howick Town centre and surrounding Mixed Use zone. There is no character statement however.
- 18.5 The IHP noted in its recommendation that: *“Special Character Area Statements have been prepared to support all the special character areas (other than Howick). The Special Character Area Overlay over the Howick business area has been retained as in the notified plan. The Council did not support Howick having such an overlay, and due to this, no character statement has been prepared. A special character area statement should be undertaken by the Council, in conjunction with the Howick community, including the Howick Ratepayers and Residents Association represented by Ms G Mackereth who appeared a number of times at the hearing”. “Howick’s planning provisions have a long history and the Panel considers that the Council needs to review the residential and business areas in light of the areas historical importance. Given the reasons above, the Panel does not agree with the Council’s out of scope recommendation to delete the Special Character Overlay. The Panel does however recommend that a Special Character Area Statement be prepared by the Council, in conjunction with the Howick community, including the Howick Ratepayers and Residents Association”.*
- 18.6 Auckland Council accepted the IHP’s recommendation.
- 18.7 Proposed Plan Change 34 – Howick Character Statement Plan Change introduces a Special Character Statement for the Howick Business Area into Schedule 15 Special Character Areas Overlay – Residential and Business (Schedule 15) of the Auckland Unitary Plan (Operative in Part). In summary that plan change proposes to:
- Amend Schedule 15 of the Auckland Unitary Plan to add a special character statement for the Howick Business Special Character Area. The character statement identifies the collective special character values of this area, based on historical, and physical and visual qualities. Special character statements are important because any assessment of proposals for development and modifications to buildings within special character areas are considered against the character statement and the special character values identified in those statements.
  - Amend the extent of the SCA Overlay in the GIS Viewer (maps) to add four new sites into the Howick Business Special Character Area.
  - Make consequential amendments to Chapter D18 Special Character Areas Overlay – Residential and Business. This will remove the references/wording that the Howick area does not have a character statement. The proposed plan change does not seek to change any objectives, policies or rules for the SCA Overlay.

### **Stockade Hill Plan Change – Plan Change 3**

- 18.8 The purpose of PC 3 was to protect views of the Hauraki Gulf and its islands from Stockade Hill, Howick. The plan change also sought to recognise the significant visual connection between Stockade Hill and the Hauraki Gulf and the associated historic heritage value of the views to this coastal environment, therefore preserving an important piece of history for Howick.
- 18.9 PC 3 was intended to fulfil the Council’s statutory obligation to give effect to the RPS by identifying and including a new significant local public view. The plan change adds a new local public viewshaft (“LPV”) from the top of Stockade Hill and deletes an existing local public viewshaft (created under the Legacy Plan), currently located at the base of Stockade Hill (origin point located within the road reserve). A number of

amendments were proposed to the RPS intended to clarify the scope of LPV's and enable the specific LPV at Stockade Hill.

### Special Character Area for the “Residential” parts of Howick

18.10 Auckland Council does not have any proposal to look at applying a Special Character Area Overlay to the residential parts of Howick.

18.11 Of note is that neither the Howick Village Centre Plan (2017) nor Howick Heritage Plan (2016) refer to any form of “special character” being required over the residential parts of Howick.

### Recommendations on Submissions

18.12 For the reasons discussed above, I recommend that **submission points 79.2, 79.3, 79.5, 79.6, 79.7, 187.2, 188.2, 189.2, 190.2, 191.2, 193.2, 194.2, 195.2, 196.2, 198.2, 201.2, 205.2, 211.2, 212.2, 213.2, 213.3, 213.4, 213.5, 213.6, 215.2, 215.5, 217.2, 217.3, 223.2, 223.3, 223.4, 223.5, 223.6, 229.2, 232.2, 232.3, 232.4, 232.5, 232.6, 256.2, 256.3, 256.4, 256.5, 256.6, 259.2, 259.3, 259.4, 259.5, 259.6, 261.2, 261.3, 261.4, 261.5, 261.6, and 268.1 be rejected.**

18.13 There are no further amendments to PPC 26 associated with this recommendation in **Appendix 1.**

## 19. Theme 9: Submissions on a New Zone

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
96.11	Colin and Jocelyn Weatherall Attn: David Wren	Give consideration to inserting the overlay as a new zone rather than continuing with the zone and overlay combination, especially in respect of properties currently zoned residential	FS12 K Vernon – Oppose in part FS15 Housing New Zealand Corporation – Support in part FS20 Heritage New Zealand Pouhere Taongā – Support FS23 Remuera Heritage Inc – Support	Reject
97.11	Peter Ng Attn: David Wren	Give consideration to inserting the overlay as a new zone rather than continuing with the zone and overlay combination, especially in respect of properties currently zoned residential	FS12 K Vernon – Oppose in part FS15 Housing New Zealand Corporation – Support in part FS20 Heritage New Zealand Pouhere Taongā - Support	Reject
127.11	John Dillon c/- David Wren	Give consideration to inserting the overlay as a new zone rather than continuing with the zone and overlay combination	FS12 K Vernon – Oppose in part	Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
			FS20 Heritage New Zealand Pouhere Taongā - Support	
128.11	Peter and Sarah Wren c/- David Wren	Give consideration to inserting the overlay as a new zone rather than continuing with the zone and overlay combination	FS12 K Vernon – Oppose in part FS20 Heritage New Zealand Pouhere Taongā - Support	Reject
209.4	John and Sarah Walker	Amend SCAR and make it a different zone	FS20 Heritage New Zealand Pouhere Taongā - Support	Reject
257.20	Housing New Zealand c/- Alex Devine	De-couple the SCA Overlay from underlying zoning and consider likely re-zoning of the residential land which is currently impacted by the SCA Overlay consistent with Housing New Zealand's submissions put before the Independent Hearings Panel ("IHP") during the proposed Auckland Unitary Plan submissions and hearing process	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc - Oppose	Reject

19.1 PC26 does not propose a new zone but continues with the zone plus overlay approach for the Special Character areas.

19.2 A summary of the relief sought by the submitters is contained in the above table.

19.3 The reasons provided in the submissions include:

- The Special Character Overlay effectively is a de-facto zone in its own right. The Council give consideration to inserting the overlay as a new zone rather than continuing with the zone and overlay combination, especially in respect of properties currently zoned residential (96.11, 97.11, 127.11, 128.11)
- The rules of the SCAR are totalitarian in approach especially the fencing rules. The rules of the Single House zone are more reasonable and their should be a choice between the two where there is a reasonable explanation (209.4)
- The Plan Change proposes a number of amendments, whereby existing 'standards' from the Single House zone are essentially being transferred into / duplicated within the SCA Overlay provisions. These proposed amendments have the effect of essentially using the Overlay itself as a 'zone'. The intent of an overlay, as set out in Chapter A1.6.2 of the Unitary Plan, is described as follows: Overlays manage the protection, maintenance or enhancement of particular values associated with an area or resource. Overlays can apply across zones and precincts and overlay boundaries do not follow zone or precinct boundaries. The focus of the SCA Overlay provisions should be specific to the identified special character values, which are identified and discussed in Schedule 15 – 'Special Character Schedule, Statements and Maps' of the Unitary Plan. The predominant values identified in the Schedule 15 Special Character Statements focus on the

relationship of built form, particularly as it relates to the streetscape and public realm. Housing New Zealand therefore considers that the SCA Overlay provisions need to be re-cast to focus specifically, and only, on these identified special character values – the SCA Overlay should not be seeking to duplicate, incorporate or alter the underlying zone provisions where these provisions are not specific to the values being managed. By not reviewing and re-casting the SCA Overlay in this manner, Housing New Zealand considers that the proposed provisions of the Plan Change are inconsistent with the first set of National Planning Standards (April 2019) Housing New Zealand opposes any amendments which seek to incorporate / duplicate underlying zone provisions within the SCA Overlay provisions (257.20)

## **Analysis and discussion**

### **The Unitary Plan Approach**

19.4 Section A1.6.2. Overlays, of the Unitary Plan describes the purpose of overlays as:

*Overlays manage the protection, maintenance or enhancement of particular values associated with an area or resource. Overlays can apply across zones and precincts and overlay boundaries do not follow zone or precinct boundaries. Overlays also manage specific planning issues such as addressing reverse sensitivity effects between different land uses.*

*Overlays generally apply more restrictive rules than the Auckland-wide, zone or precinct provisions that apply to a site, but in some cases they can be more enabling. Overlay rules apply to all activities on the part of the site to which the overlay applies unless the overlay rule expressly states otherwise.*

19.5 Zones are described under Section A1.6.4. Zones as:

*Zones manage the way in which areas of land and the coastal marine area are to be used, developed or protected. The spatial application of zones generally identifies where similar uses and activities are anticipated. All land and all of the coastal marine area within the Auckland region is zoned, except for roads.*

### **National Planning Standards**

19.6 The National Planning Standards identify the function of an overlay in a district plan as:

*An overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions.*

And a zone as:

*A zone spatially identifies and manages an area with common environmental characteristics or where environmental outcomes are sought, by bundling compatible activities or effects together, and controlling those that are incompatible*

19.7 Overlays are not required in the National Planning Standards but both regional spatial layers and district spatial layers must spatially identify distinctive values, risks or other



factors which require management in a different manner from underlying zone provisions. Special or unique “character” is, in my opinion, a distinctive value.

- 19.8 Under the National Planning Standards there is no “Special Character” residential zone. The prescribed residential zones are Large Lot Residential zone, Low Density Residential zone, General residential zone, Medium Density Residential zone and High Density Residential zone. There is however scope within the Special Purpose zones to add additional zones. A Special Character Residential zone could therefore fall into this category.

### **What are the values associated with the overlay?**

- 19.9 Special character is a combination of elements including:

- Urban structure
- Buildings and their relationship to one another, the street and open spaces

- 19.10 The attributes that contribute to the character of each area (and which are described in the character statements) include:

- Historic context
- Physical and visual qualities
- Built form
- Architectural value
- Urban structure

- 19.11 In terms of built form these are further broken down into:

- Scale of the development
- Form and relationship to the street
- Major features and buildings
- Density/pattern of development
- Types
- Visual coherence

- 19.12 What the submitters are requesting has some merit. However, the most appropriate process/time to convert the zone plus overlay approach into a new “Special Character” zone (under the Special Purpose zone category) would be when the AUP is rewritten into the format required by the National Planning Standards. Auckland Council is required to do this 10 years from the date of the National Planning Standards coming into force – i.e. 3 May 2029. Given the lead in times to prepare the next review of the Auckland Unitary Plan, this work is likely to commence in 2026 (or 6 years away). Under the National Planning Standards, an additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet all of the following criteria:
- a. are significant to the district, region or country
  - b. are impractical to be managed through another zone
  - c. are impractical to be managed through a combination of spatial layers

### **Recommendations on Submissions**

- 19.13 For the reasons discussed above, I recommend that **submission points 96.11, 97.11, 127.11, 128.11, 209.4 and 257.20 be rejected.**

19.14 There are no further amendments to PPC 26 associated with this recommendation in **Appendix 1.**

## 20. Theme 10: Submissions on the North Shore Residential 3 Zone

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
160.2	Helen Louise Phillips-Hill	Retain the rules and policies of the North Shore District Plan Residential 3 zone		Reject
179.2	Rachel Scott Wilson	That the rules and policies of the North Shore City District Plan Residential 3 Zone be retained unchanged		Reject
183.2	Stephanie Mary May	That the rules and policies of the North Shore City District Plan Residential 3 Zone be retained unchanged		Reject
192.2	Shona Stilwell	That the rules and policies of the North Shore City District Plan Residential 3 Zone be retained unchanged		Reject

20.1 PC26 proposes changes to the Unitary Plan's Special Character Area overlay. This overlay was developed through the statutory processes of the PAUP between 2013 – 2016. It is operative in the AUP. It combined the legacy District Plan's approaches to "special character" into one overlay with recognition given to different parts of the region through the character statements, minimum net site areas and assessment criteria, including the North Shore's Residential 3 zone. PC 26 does not seek to delete the overlay or replace it with legacy policy and rule frameworks.

20.2 A summary of the relief sought by the submitters is contained in the above table.

20.3 The reasons provided in the submissions include:

- The proposals are detrimental to maintaining our heritage-built landscape and threaten neighbours with unwanted impacts (160.2)
- We don't want any more density. An ongoing fight for Devonport to remain residential, quaint, picturesque, and charming (179.2)
- Do not support the plan change in its entirety (183.2, 192.2)

### Analysis and discussion

20.4 The older parts of Devonport, south of the Waitemata golf course are subject to the Special Character Area Overlay – Residential under the Auckland Unitary Plan. The Devonport town centre is subject to the Special Character Area Overlay – Business. Within the Special Character Area Overlay – Residential there is additional assessment criteria which applies solely to North Shore, which includes Devonport.

20.5 The former objectives, policies and rules of the North Shore City District Plan for the Residential 3A – C: Built Heritage zone have therefore been superseded by the Unitary Plan. The Residential 3A – C sub zones previously covered the areas of Devonport, Northcote and Birkenhead respectively.

- 20.6 The regions “special character areas” which include parts of the central isthmus, Mission Bay, St Heliers, Helensville, Puhoi, Birkenhead, Northcote, Devonport, Hill Park, and Papatoetoe are therefore now subject to the same objectives, policies and standards. There are differences in the minimum net site areas (Table E38.8.2.6.1 – Special Character Areas overlay – residential and Business subdivision controls) and some of the assessment criteria.
- 20.7 In preparing the Unitary Plan, (which was an amalgamation of the regions regional policy statement, regional plan and district plans), having one Special Character Area Overlay was deemed to be the most efficient method for managing special character values. Each area also has its own special character area statement in Appendix 15 which must be included in the assessment of any resource consent application.

### Recommendations on Submissions

- 20.8 For the reasons discussed above, I recommend that **submission points 160.2, 179.2, 183.2 and 192.2 be rejected.**
- 20.9 There are no further amendments to PC26 associated with this recommendation in **Appendix 1.**

## 21. Theme 11: Submissions on General Zoning Matters

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
19.2	Zhiming Yang	Change the zoning of 89 King George Avenue to Mixed Housing Suburban	FS2 Zhiming Yang – Support	Reject
20.2	Amrit Jagayat	Change zoning of 22 Hill Road, Hill Park to Mixed Housing Suburban or allow multiple lot subdivision		Reject
100.2	Xiaoli Jing	Change the zoning (of 130 Balmoral Road, Mt Eden) to Mixed Housing Urban and remove special character overlay to enable subdivision		Reject
257.21	Housing New Zealand c/- Alex Devine	The underlying residentially zoned land should be re-zoned, consistent with the best practice re-zoning principles which Housing New Zealand's planning experts presented to the IHP during the Topic 080 and 081 hearings or in accordance with the proposed re-zoning maps which were presented to the IHP, on behalf of Housing New Zealand, during Hearing Topic 081	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc - Oppose	Reject

- 21.1 PC26 does not propose any changes to the zoning of land.
- 21.2 A summary of the relief sought by the submitters is contained in the above table.
- 21.3 The reasons provided in the submissions include:
- After 2017 all the house Unitary Plan in King George Avenue have been changed to the Residential – Mixed Housing Suburban zone except my house. Only my

house Unitary Plan has been changed to Zone: Residential – Single House Zone in King George Avenue. This definitely devalues my house compared to my neighbour’s houses. We need to plan to subdivide our house land which is 950m2 and it could be enough for two houses (19.2)

- Very interested in developing the property as a multiple lot subdivision, however it is zoned as a single house zone (20.2)
- Property (at 130 Balmoral Road) was previously zoned Res 6b, later Single House zone under the Unitary Plan. Change in zoning means property is not able to be subdivided in the future. Property is near to Balmoral Road. Normally the properties near main roads are designed to have high density. Don’t understand why property should be under Special Character Area Overlay, because neighbourhood does not have special character, they are all high density units and small new dwellings (100.2)
- The focus of the SCA Overlay provisions should be specific to the identified special character values, which are identified and discussed in Schedule 15 – ‘Special Character Schedule, Statements and Maps’ of the Unitary Plan. The predominant values identified in the Schedule 15 Special Character Statements focus on the relationship of built form, particularly as it relates to the streetscape and public realm. Housing New Zealand therefore considers that the SCA Overlay provisions need to be re-cast to focus specifically, and only, on these identified special character values – the SCA Overlay should not be seeking to duplicate, incorporate or alter the underlying zone provisions where these provisions are not specific to the values being managed. By not reviewing and re-casting the SCA Overlay in this manner, Housing New Zealand considers that the proposed provisions of the Plan Change are inconsistent with the first set of National Planning Standards (April 2019). As part of a holistic review of the SCA Overlay provisions in full, including the spatial application of the SCA Overlay, Housing New Zealand considers that the SCA Overlay needs to be ‘de-coupled’ from underlying zoning (rather than functioning more like a zone / sub-zone). As part of this ‘de-coupling’ process, Housing New Zealand considers that a full review, and likely re-zoning of, the residential land which is currently impacted by the SCA Overlay is required (257.21)

## **Analysis and discussion**

### **IHP Approach to Zoning**

- 21.4 The zoning approach adopted under the AUP is described in the IHP’s (The Panel) report to Auckland Council – Changes to the Rural Urban Boundary, rezoning and precincts (July 2016).
- 21.5 On the issue of zoning, the IHP commented *“The Panel’s approach has been in line with the Auckland Plan’s promotion of a quality compact urban form by focusing capacity in and around centres, transport nodes and corridors. That has resulted in recommending a more focused concentration of increased capacity through rezoning around those identified metropolitan and town centres (in particular) so that their function and role is appropriately strengthened, while recognising the multi-modal transportation efficiencies thereby gained through road, rail and ancillary access linkages. This has also resulted in rezoning a number of business areas from Business – light Industry to Business – Mixed Use zone (particularly in the isthmus at Ellerslie and Morningside, for instance) and supporting centres with higher residential densities through zoning these Residential – Mixed Housing Urban Zone and Residential –*

*Terrace Housing and Apartment Buildings Zone. In doing so the Panel has generally avoided rezoning the inner city special character areas (such as Westmere and Ponsonby), although it has done so in limited defined areas (such as in Mt Albert) where other strategic imperatives dominate” (p18.).*

- 21.6 The Panel also commented on the influence of overlays on zoning as follows: *“As noted above, overlay constraints (for example flooding, height – sensitive areas, and volcanic viewshafts) have generally not been taken into consideration as far as establishing the zoning is concerned. That is, the appropriate land use zoning has generally been adopted regardless of overlays. That approach leaves overlays to perform their proper independent function of providing an important secondary consideration, whereby solutions and potential adverse effects can be assessed on their merits. It also avoids the risk of double – counting the overlay issue at both zone definition and then at overlay level. In many instances this has resulted in consequential rezoning changes” (P19.).*
- 21.7 The Panel noted that *“as a consequence of the approach to zoning noted above, typically the setting aside of an overlay from a residential site for the purpose of establishing the zoning, has resulted in upzoning of that site by one order of dwelling typology – commonly from Residential – Single House zone to Residential – Mixed Housing Suburban zone for instance...”*
- 21.8 The Panel considered the AUP should err toward over-enabling residential development opportunities, as there is a high level of uncertainty in the estimates of demand and supply over the long term, and the costs to individuals and the community of under-enabling capacity are much more severe than those arising from over-enabling capacity. To provide for sufficient residential capacity it was of the view of the Panel in its recommendation that the AUP needed to both enable a large step-change in capacity in the short to medium term and to provide a credible pathway to ongoing supply over the long term.
- 21.9 The Panel recommended (in its Report to Auckland council – Hearing Topic 013 Urban Growth, July 2016) the following approaches to increase residential, commercial and industrial capacity:
- i. Enable the centres and corridors strategy in line with the development strategy envisaged in the Auckland Plan. This involves significant rezoning with increased residential intensification around centres and transport nodes, and along transport corridors (including in greenfield developments).
  - vi. Be more explicit as to the areas and values to be protected by the Unitary Plan (e.g. viewshafts, special character, significant ecological areas, outstanding natural landscapes, and so forth) and otherwise enable development and change.

## The Zoning of Individual Properties

### 89 King George Avenue, Epsom



21.10 89 King George Avenue, Epsom is one of several properties fronting St Andrews Road between King George Avenue and Disraeli Street that are part of the Special Character Overlay – Residential, Isthmus B – Mount Eden/Epsom.

21.11 Schedule 15: Special Character Schedule, Statements and Maps states that the overlay area is of significance as it demonstrates an early period of residential development in Auckland City. It retains a number of representative areas of late 19<sup>th</sup> and early 20<sup>th</sup> century suburban residential developments. House designs and streetscape character are typically that of the Edwardian villa suburb, English Cottage revival and the Garden Suburb movement.

### 22 Hill Road, Hill Park



21.12 On the issue of Hill Park, the Panel commented “... *having considered all of the evidence from submitters and the Council accepts that Hill Park has a special character... that warrants a Special Character Overlay. (Report to Auckland Council Hearing topics 010, 029, 030, 079 Special character and pre-1944, July 2016)*”

21.13 Schedule 15: Special Character Schedule, Statements and Maps states:

**Historical:**

*The overlay area has value as an area of mid-20<sup>th</sup> century suburban residential development. Houses were generally constructed from the late 1950s to 1970s following the creation of a garden subdivision around significant stands of native*

forest. This area also has a number of older buildings, two of which are historic heritage places. The original subdivision pattern remains largely intact and is centred around a series of reserves.

**Physical and visual attributes:**

The overlay area has value for its aesthetic and physical attributes. The primary characteristics are lower housing density combined with period housing and an abundance of trees. Houses are set back from the street, with front yards highly landscaped with little or no fencing. Hill Park has significant stands of native bush providing a backdrop to houses

21.14 As Hill Park is characterised by a lower density zoning and abundance of trees, I consider the Single House zoning is appropriate.

**130 Balmoral Road, Balmoral**



21.15 The property at 130 Balmoral Road, Balmoral was previously zoned Residential 6b (Medium Intensity) under the Auckland Isthmus District Plan and subsequently Residential - Single House zone with a Special Character Area overlay under the Unitary Plan. The Residential 6b zone permitted a density of 1 residential unit per 300sqm gross site area.

21.16 Schedule 15: Special Character Schedule, Statements and Maps states:

**Description:**

The overlay area is a mix of residential and business sites bounded by Balmoral Road, Shackleton Road, Dominion Road and Mount Eden Road, as shown on the special character area map above. There are a small number of commercial buildings located along Mount Eden Road.

Balmoral Road and Mount Eden Road are major arterial routes and form a natural edge to the special character area. The entire Balmoral area was influenced by the extension of the tram lines, but the extent of the special character area encompasses part of Balmoral where a high proportion of houses were constructed from 1880 to 1940.

...

**Historical:**

*The overlay area is of significance as an example of the “tram suburb” development pattern that occurred in areas close to central Auckland. Tram suburbs were developed progressively across the Auckland area as the electric tram network expanded beyond the city centre. Rural land on the outskirts of the city was converted to residential use in a series of subdivisions, as the tram made these areas readily accessible to the places of work in the city.*

...

**Physical and visual qualities:**

*The overlay area is of significance for its physical and visual qualities as it contains a large grouping of late 19<sup>th</sup> and early 20<sup>th</sup> century houses in a range of architectural styles that collectively reflect important trends in New Zealand residential architecture. The variety and range of styles found in Balmoral (namely villas, transitional villas, and bungalows) illustrates the design principles and aesthetics from this distinct period of time, and demonstrates the shift from villa to bungalow as the dominant residential form*

- 21.17 Large portions of Balmoral (particular the area south of Balmoral Road) are zoned Residential – Single House zone. The Panel supported the Special Character Areas overlay – Residential and Business in general with a set of provisions seeking to ensure that the character and amenity values of these areas are maintained and enhanced.
- 21.18 Balmoral Tram Suburb was the subject of a separate study in 2013 to identify the Special Character Areas as part of the preparation of the Unitary Plan. It was not rolled over from any legacy plans.

**Underlying Zoning Generally (Housing NZ submission)**

- 21.19 Housing New Zealand’s approach to zoning was considered by the IHP during the Unitary Plan hearings. A number of changes were made in response to Housing NZ’s requests. Auckland Council largely accepted the Panel’s recommendations relating to zoning.
- 21.20 PC26 is not the appropriate forum for revisiting the zoning of areas that have the Special Character Area Overlay. In my opinion, the most appropriate time to do so is when the AUP is reviewed/rewritten into the format required by the National Planning Standards. Auckland Council is required to do this 10 years from the date of the National Planning Standards coming into force i.e. 3 May 2029. Given the lead in times to prepare the next review of the AUP, this work is likely to commence in 2026 (or 6 years away).

**Recommendations on Submissions**

- 21.21 For the reasons discussed above, I recommend that **submission points 19.2, 20.2, 100.2, and 257.21 be rejected.**
- 21.22 There are no further amendments to PPC 26 associated with this recommendation in **Appendix 1.**



## 22. Theme 12: Submissions on D18.1 Background

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
170.2	Joe Martin	170.2 Amend D18.1 - Background so that business zoned sites within the Overlay – Residential : North Shore – Devonport and Stanley Point are treated in the same manner as in the 'General' overlay	FS14 Hayson Knell Ltd – Support	Accept in part
170.3	Joe Martin	170.3 Amend D18.1 Background by adding text 'General and Special Character Areas Overlay – Residential : North Shore – Devonport and Stanley Point'	FS14 Hayson Knell Ltd - Support	Accept in part

22.1 PC26 does not propose any changes to D18.1 Background.

22.2 A summary of the relief sought by the submitters is contained in the above table.

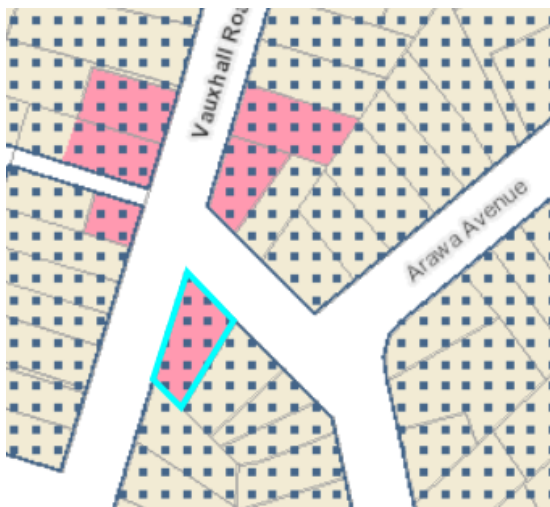
22.3 The reasons provided in the submissions include:

- In situations where there are sites that are zoned business that are also subject to the Overlay – Residential: North Shore – Devonport and Stanley Point, the effect of the plan change is to remove the balance between the current situation where the development standards in the underlying business zone and the overlay rules are balanced. If the plan change goes ahead as notified residential rules will apply to business zoned land. This severely constrains the development potential of these sites in an unnecessary manner (170.2/170.30)

### Analysis and discussion

22.4 Small local shopping areas in Devonport & Stanley Point are zoned business, typically Neighborhood Centre zone– see the example below:

E.g. 64 Vauxhall Road, Devonport



22.5 They are subject to the Special Character Areas Overlay – Residential: North Shore - Devonport and Stanley Point. However as illustrated below, the residential standards are not appropriate. I therefore agree with the submitter that there is an anomaly. The issue is what is the best way to fix this. The GIS viewer which incorrectly links affected properties to the Special Character Areas Overlay – Residential: North Shore - Devonport and Stanley Point standards is also a problem.

22.6 For example, in terms of the yards the following are applicable:

Standard	Business – Neighbourhood Centre	Special Character Overlay- Residential
Front yard	n/a	The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject site or six sites on one side of the adjacent site
Side yard	3m where a side boundary adjoins a Residential zone or Special purpose: Maori zone	1.2m

22.7 The anomaly has been carried over from Plan Change 33 to the North Shore District Plan. This was not resolved at the time of notification of the AUP. Devonport has a unique character with many corner shops. These are located throughout the area and are part of the special character of Devonport. To take account of this mixture of residential and business land uses, the whole of North Shore Special Character Area needs to be General (both residential and business).

22.8 Amending D18.1 - Background so that business zoned sites within the Overlay – Residential : North Shore – Devonport and Stanley Point are treated in the same manner as in the ‘General’ overlay will not address this issue. The problem is with the wording in the GIS viewer which links sites to:

*Special Character Areas Overlay Residential and Business – Residential North Shore Devonport and Stanley Point.*

22.9 The terminology used in D18. Special Character Areas Overlay is however Special Character Areas Overlay – General. This should also be the wording used in the GIS viewer.

### Recommendations on Submissions

22.10 For the reasons discussed above, I recommend that **submission points 170.2 and 170.3 be accepted in part**, to the extent that the GIS viewer is amended to read “Special Character Areas Overlay - General, rather than D18.1 Background.

22.11 Amendments to PC 26 associated with this recommendation are in **Appendix 1**.

## 23. Theme 13: Submissions on D18.2 & D18.3 Objectives and Policies

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
110.4	KTW Systems LP c/- Rachel Dimery	Either include relevant objectives and policies in the overlay to address broader amenity values and other effects; or clarify that the objectives and policies of the underlying zone apply in addition to those in the Special Character Areas Overlay		Accept

23.1 PC26 does not propose any changes to the existing objectives (D18.2) and Policies (D18.3) or to C1.8 which outlines how the relevant overlay and zone objectives and policies are to be assessed.

23.2 A summary of the relief sought by the submitters is contained in the above table.

23.3 The reasons provided in the submissions include:

- The relevance of the objectives and policies in the underlying zone should be clarified, given the overlay does not contain any corresponding objectives or policies to address broader amenity values e.g. on-site amenity (both of the site and adjoining sites); and other effects such as stormwater run-off (110.4)

### Analysis and discussion

23.4 Rule C1.8 in the Auckland Unitary Plan clarifies the status of the objectives and policies in the zone and overlay as follows:

*C1.8. Assessment of restricted discretionary, discretionary and non-complying activities*

*(1) When considering an application for resource consent for an activity that is classed as a restricted discretionary, discretionary or non-complying activity, the Council will consider all relevant overlay, zone, Auckland-wide and precinct objectives and policies that apply to the activity or to the site or sites where that activity will occur.*

*(2) When considering an application for resource consent for an activity that is classed as a discretionary or non-complying activity, the Council will have regard to the standards for permitted activities on the same site as part of the context of the assessment of effects on the environment.*

*(3) The absence of any specific reference to positive effects in the objectives, policies, matters of discretion or assessment criteria does not mean that any positive effects of allowing an activity are not relevant to the consideration of an application for resource consent for that activity.*

23.5 C1.8 Assessment of restricted discretionary, discretionary and non-complying activities therefore already clarifies the status of the zone and overlay objectives and policies. That is, all relevant overlay, zone, Auckland-wide and precinct objectives and policies apply.

## Recommendations on Submissions

- 23.6 For the reasons discussed above, I recommend that **submission point 110.4 be accepted.**
- 23.7 There are no further amendments to PC 26 associated with this recommendation in **Appendix 1.**

## 24. Theme 14: Submissions on D18.4 Activity Table

24.1 PC26 proposes changes to D18.4 – Activity Table as follows:

- Removes reference to “land use”;
- Clarifies that where the activity status in the overlay differs from that in the zone, the overlay takes precedence;
- Clarifies that where an activity is not provided for in the overlay, the status in the underlying zone applies.

### Sub-theme: Support for Changes

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
123.2	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18 Activity Table (Explanation)		Accept
146.2	Z Energy Limited BP Oil NZ Limited Mobil Oil NZ Limited c/- Gael McKitterick - 4Sight Consulting Limited	Adopt the amendments to standard D18 Activity Table (Explanation) as notified		Accept
224.2	Hume Architects Ltd c/ - Chris Hume	Supports changes clarification of activity status in activity table D18.4.1	FS12 K Vernon – Oppose in part	Accept

24.2 A summary of the relief sought by the submitters is contained in the above table.

24.3 The reasons provided in the submissions include:

- The amendments to D18 Activity Table (Explanation) are supported as they represent a positive amendment clarifying the status of certain activities in the SCAO (alterations and additions as well as land use activities) while retaining the opportunities for other activities as currently provided for in the underlying zone (123.2)

- D18 Activity Table (Explanation) of the Proposed Plan Change clarifies the relationship between the Activity Tables in the underlying zone and those of the Special Character Area Overlay. It provides that where an activity is listed in both the underlying zone and the SCAO, the activity status in the SCAO takes precedence over that in the underlying zone. It also provides that any activity which is not provided for in the SCAO, will have the activity status of the underlying zone. The proposed amendment also clearly states that the activity status of land uses is not affected by the SCAO but is determined by the underlying zoning. The Oil Companies recognise the potential for plan users to misinterpret and to be confused by the relationship between an underlying zone and the Special Character Area Overlay (146.2)
- Support the intent of clarification required by the Environment Court, but do not support the Plan Change in its current form (224.2)

### Analysis and discussion

24.4 The three submitters support the proposed changes to standard D18 Activity Table (Explanation) as notified and seek that they be adopted.

### Sub-theme: Oppose changes

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
257.9	Housing New Zealand c/- Alex Devine	Oppose the new text in the introduction to Activity Table D.18.4	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc – Oppose	Reject

24.5 A summary of the relief sought by the submitters is contained in the above table.

24.6 The reasons provided in the submissions include:

- The focus of the SCA Overlay provisions should be specific to the identified special character values, which are identified and discussed in Schedule 15 – ‘Special Character Schedule, Statements and Maps’ of the Unitary Plan. The predominant values identified in the Schedule 15 Special Character Statements focus on the relationship of built form, particularly as it relates to the streetscape and public realm. Housing New Zealand therefore considers that the SCA Overlay provisions need to be re-cast to focus specifically, and only, on these identified special character values – the SCA Overlay should not be seeking to duplicate, incorporate or alter the underlying zone provisions where these provisions are not specific to the values being managed. By not reviewing and re-casting the SCA Overlay in this manner, Housing New Zealand considers that the proposed provisions of the Plan Change are inconsistent with the first set of National Planning Standards (April 2019). Housing New Zealand opposes any amendments which seek to incorporate / duplicate underlying zone provisions within the SCA Overlay provisions (257.9).

## Analysis and discussion

- 24.7 The Housing NZ submission point opposes the proposed changes to the introduction associated with D18.4 Activity Table.
- 24.8 The proposed changes to introduction to D18.4 Activity Table are discussed under the following sub-headings below: 1<sup>st</sup> Paragraph, 2<sup>nd</sup> Paragraph (Takes Precedence v Replaces), and 3<sup>rd</sup> Paragraph.
- 24.9 In response to submissions on these above sub-themes, no changes are recommended. The reasons for this are discussed under the relevant sub-themes.
- 24.10 Accordingly, the Housing NZ submission point is also recommended to be rejected.

### Sub-theme: D18.4 Activity table – 1<sup>st</sup> Paragraph

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
249.1	Keith Vernon	D18.4 Activity Table - Retain the wording “..land use and..” in the first paragraph and amend the activity Table to ensure the following activities that are permitted in the underlying zone (based on the Single House zone “SHZ”) are a Discretionary activity within the SCA overlay - Residential (A4, A10, A12, A14), Commerce (A19), Community (A21, A27) & Rural (A30)	FS2 BA Trusties Limited - Oppose	Reject

24.11 A summary of the relief sought by the submitters is contained in the above table.

24.12 The reasons provided in the submissions include:

- The Plan Change proposes to remove the reference to land use in D18.4 on the basis that Table D18.4.1 does not apply to land use activities. But this raises the question why not? It may very well be appropriate to further limit the activities that are permitted within the SCA Overlay to reinforce the single house residential character. This would be consistent with Objective D18.2.3 “The adverse effects of subdivision, use and development on the identified special character values of the area are avoided, remedied or mitigated” (249.1)

## Analysis and discussion

- 24.13 The words “land use” are proposed to be removed from the first paragraph because Table D18.4.1 Activity table – Special Character Areas Overlay – Residential and Table D18.4.2 Activity table – Special Character Areas Overlay – Business does not contain any land use activities. The Special Character Overlay only manages development i.e. restoration, repair, alterations, new and demolition of buildings. The underlying zoning (whether it is residential or business) manages land use activities.
- 24.14 The activities listed in the submission (refer to the table below) are permitted activities in the Single House zone (with the exception of healthcare facilities up to 200 sqm which are restricted discretionary).

Row	Land Use
A4	The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings
A10	Supported residential care accommodating up to 10 people per site inclusive of staff and residents
A12	Boarding houses accommodating up to 10 people per site inclusive of staff and residents
A14	Visitor accommodation accommodating up to 10 people per site inclusive of staff and visitors
A19	Offices within the Centre Fringe Office Control as identified on the planning maps
A21	Care centres accommodating up to 10 people per site excluding staff
A27	Healthcare facilities up to 200m <sup>2</sup> gross floor area per site (RD)
A30	Grazing of livestock on sites greater than 2,000m <sup>2</sup> net site area

24.15 There is also no planning justification in the submission as to why the above land uses in the Special Character Area Overlay should have a different activity status to the underlying (typically Single House) zone. The SCA provisions apply to new buildings and alterations to existing buildings and not land uses.

#### Sub-theme: D18.4 Activity table – 2nd Paragraph “Takes Precedence v Replaces”

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
96.2	Colin and Jocelyn Weatherall Attn: David Wren	Replace the words "takes precedence over" with "replaces" in D18.4 Activity Table	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS17 R & M Donaldson – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea – support	Reject
97.2	Peter Ng Attn: David Wren	Replace the words "takes precedence over" with "replaces" in D18.4 Activity Table		Reject

110.6	KTW Systems LP c/- Rachel Dimery	Amend the wording of preamble to Activity Table D18.4 (second paragraph) in accordance with the submission	FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS17 R & M Donaldson – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea – Support FS23 Remuera Heritage Inc - Support	Reject
127.2	John Dillon c/- David Wren	Amend D18.4 Activity table by amending the clause 'take precedence' to 'replace'	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS17 R & M Donaldson – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea - support	Reject
128.2	Peter and Sarah Wren c/- David Wren	Amend D18.4 Activity table by amending the clause 'take precedence' to 'replace'	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS17 R & M Donaldson – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea - support	Reject
150.2	B Dayal c/- Vijay Lala - Tattico Limited	Amend preamble to activity table - change wording as per submission	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS17 R & M Donaldson – Support FS18 Andrew Body and Karen Paterson as trustees of	Reject



			Galatea - support	
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24.16 A summary of the relief sought by the submitters is contained in the above table.

24.17 Reasons given in the submissions include:

- The use of the term ‘take precedence’ in this clause is unclear and will lead to further confusion and interpretative difficulties. Precedence puts one thing ahead of another. This therefore does not mean that the underlying activities rules will cease to apply, but simply that the SCA activity rules take precedence. It is submitted that the clause ‘take precedence’ in this rule should be amended by inserting the word ‘replace’ instead of ‘take precedence’. This will ensure that there is no further confusion as to which activity rules apply (96.2, 97.2, 127.2, 128.2)
- The wording lacks clarity. It is unclear whether ‘precedence’ is intended to mean that only the Special Character Areas Overlay activity status applies and cancels out the activity status in the underlying zone. The proposed wording as notified could also be read to mean that the Special Character Areas Overlay activity status takes priority over the activity status in the underlying zone, but that the activity status in the underlying zone also applies. The introduction in the Section 32 Evaluation would suggest that it is intended that only the Special Character Areas Overlay activity status applies. For the avoidance of doubt, amendments should be made to clarify this (110.6)
- The revised phrasing is considered to clearly define the activity status of activities within Table D18.4.1 as the prevailing activity status where there is a corresponding activity in the underlying zone. The requested change is considered to support the purpose of plan change which is to reduce the ambiguity between the overlay and the underlying zone (150.2)

### Analysis and discussion

24.18 The words “takes precedence over” are defined (Collins Dictionary) as “to be more important, significant or influential than” something else. The term “replaces” means “to take the place of”. It is noted that in relation to the standards in D18.6.1, the Proposed Plan Change uses the term “replace”.

24.19 The reason for the use of the words ‘replace’ and to take ‘precedence’ is related to the different sections of the Special Character Overlay and underlying zone chapters. Activities as they are listed in the Special Character Overlay Activity Table are to take ‘precedence’ over the corresponding activities as listed in the underlying zone activity tables. This is because the corresponding activities as they are listed in both chapters are not worded exactly the same. This is because the activities listed in the SCAR activity table are more fine grained and nuanced to the attributes of special character buildings. Therefore, the activities listed in the Special Character Overlay Activity Table do not supplant, supersede or replace. The activities listed in the Special Character Overlay Activity Table have more weighting, so a hierarchy is at play, hence the use of the words ‘takes precedence’. The difference in the terms used in the activity tables is illustrated in the table below:

Single House Zone (development terms used)	Special Character Areas Overlay – Residential (development terms used)
(A32) Demolition of buildings	(A3) Total demolition or substantial demolition ...
(A33) Internal and external alterations to buildings	(A2) Minor alterations to the rear of a building on all sites .... (A4) External alterations or additions to a building ...
(A34) Accessory buildings	(A5) Construction of a new building or relocation of a building onto a site...
(A35) Additions to an existing dwelling	(A4) External alterations or additions to a building
(A36) New buildings and additions to buildings	(A5) Construction of a new building or relocation of a building onto a site... (A4) External alterations or additions to a building ...

24.20 The identified standards in the Special Character Overlay are to ‘replace’ the corresponding standards of the underlying zone. The standards in the overlay address the same matters as those in the underlying zone and therefore only one set of standards should apply.

#### Sub-theme: Activity Status Legend

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
105.3	Neil Harnisch	Add Activity status legend to explain the significance of the letters "P", "RD" etc		Accept in part

24.21 A summary of the relief sought by the submitters is contained in the above table.

24.22 Reasons given in the submissions include:

- The Activity Status column in Table D18.4.1 Activity table – Special Character Areas Overlay – Residential appears to lack a legend notation to explain the significance of the letters. E.g. P or RD (105.3)

#### Analysis and discussion

24.23 The activity status legend is addressed in the Introduction Section A1.7 of the Auckland Unitary Plan.

24.24 Section A1.7 deals with Activity Status while Section A1.7.8 explains the meaning of the abbreviations e.g. “P”, “C”, “RD” and so on. This saves having to repeat the same information under each activity table throughout the Unitary Plan.

### Sub-theme: Table D 18.4 – 3rd Paragraph

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
110.7	KTW Systems LP c/- Rachel Dimery	Retain the third paragraph under the heading D18.4 - Activity table		Accept

24.25 A summary of the relief sought by the submitters is contained in the above table.

24.26 Reasons given in the submissions include:

- The wording of the third paragraph is supported, as it clarifies the activity status of activities not listed in Table D18.4.1. This will assist with the consistent administration of the plan (110.7)

### Analysis and discussion

24.27 The third paragraph under D18.4 Activity Table states that *“where an activity is not provided for in Table D18.4.1, the activity will have the activity status provided in the underlying zone. All other overlay, precinct, Auckland – wide and general rules apply”*.

24.28 As stated by the submitter, this additional wording clarifies the status of activities not listed in the Special Character Areas Overlay but listed in the underlying zone.

### Sub-theme: Table D 18.4 Activity A1 Restoration and Repair

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
94.2	Stephen A Nielsen	Modify D18.4.1(A1) to say "Restoration and repair (including re-cladding) to a building on all sites in the Special Character Areas Overlay is a permitted activity		Reject

24.29 A summary of the relief sought by the submitters is contained in the above table.

24.30 Reasons given in the submissions include:

- My house is a plaster-clad house. I am planning to re-clad it with weatherboard, similar to the other houses in my neighbourhood. At the moment, I can apparently do this without a resource consent. It appears that if this plan change is approved, according to D18.4.1, I would then need a resource consent, since re-cladding is not listed as a Permitted activity. Re-cladding is not technically a "restoration and repair" activity, it is a modification to the appearance of the building. I would like to see D18.4.1(A1) modified to say "Restoration and repair (including re-cladding) to a building on all sites in the Special Character Areas Overlay..."(94.2)
- If this plan change requires a resource consent for recladding, then I and many other owners of plaster clad houses will simply leave them as is, which most people consider to be out of character with the neighborhoods (94.2)

## Analysis and discussion

24.31 Activity A1 in Table D18.4.1 Activity Table – Special Character Areas Overlay – Residential states that the “restoration and repair to a building on all sites in the Special Character Areas Overlay – Residential or the Special Character Areas Overlay – General (with a residential zoning) is a permitted activity.

24.32 The terms restoration and repair are not defined in the Unitary Plan. For any undefined terms the commonly understood meaning typically applies.

24.33 The ICOMOS New Zealand Charter 2010 is a set of guidelines on cultural heritage conservation, produced by ICOMOS New Zealand. In this instance the ICOMOS New Zealand Charter is instructive. The charter defines the terms repair and restoration as:

**Repair** means to make good decayed or damaged **fabric** using identical, closely similar, or otherwise appropriate material.

**Restoration** means to return a **place** to a known earlier form, by **reassembly** and **reinstatement**, and/or by removal of elements that detract from its **cultural heritage value**.

24.34 I acknowledge that the above definitions relate to historic heritage. Nevertheless, they provide a guide to the meaning of the terms. Using the above definitions, the recladding of an entire plaster clad dwelling would fall outside of the definition of repair or restoration (unless it was being restored to an earlier known form). In my opinion therefore, recladding would fall within the term “external alterations or additions”, which is a restricted discretionary activity. If a dwelling already had a weather board clad exterior, it could be repaired or restored.

24.35 In my opinion, it is appropriate that recladding requires a resource consent as this can significantly alter the character of a building and consequently alter the character of the streetscape.

### Sub-theme: Table D 18.4 Activity A2 – Additions and Alterations

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
150.3	B Dayal c/- Vijay Lala - Tattico Limited	Amend additions and alterations in D18.4.1 - Activity table - change wording to A2 as per submission: <del>Minor</del> -Additions and alterations to the rear of a building on all sites in the Special Character Area Overlay – Residential or Special Character Areas Overlay - General (with a residential zoning) <del>where works to the building use the same design and materials to the existing building</del>	FS12 K Vernon – Oppose in part	Reject
224.3	Hume Architects Ltd c/ - Chris Hume	Requests clarification of 'Minor' alterations require definition note 're-decoration' is noted in Special Character Area Business but not defined	FS12 K Vernon – Oppose in part	Reject

24.36 A summary of the relief sought by the submitters is contained in the above table.

24.37 Reasons given in the submissions include:

- Requiring additions and alterations to the rear of the building to utilise the same design and material of the existing building is not considered to make a positive or meaningful contribution to the identified character of the area. Additions and alterations to the rear of the building will have no impact on the character of the streetscape or overall character of the area as they are not visible from the street. In some instances it may not be practical to impose such controls on the design and materiality of rear additions and alterations as the design and/or materials as it may not result in a positive contribution to the identified character values of the area (150.3)
- Minor alterations require definition note (224.3)

### Analysis and discussion

24.38 Activity A2 in Table D18.4.1 Activity table, minor alterations to the rear of a building on all sites in the Special Character Areas Overlay – Residential or Special Character Areas Overlay – General (with a residential zoning) where the works to the building use the same design and material to the existing building, are a permitted activity.

24.39 Where the alterations go beyond minor and/or a different design and materials are proposed, then the works fall under activity A4 – External alterations or additions to a building on all sites in the Special Character Areas overlay – Residential or Special Character Areas Overlay – general (with a residential zoning). This makes the activity restricted discretionary.

24.40 Although the Special Character Area overlay focus is on the streetscape, additions and alterations to the rear of a building or on rear sites are also addressed. Each situation needs to be assessed on its merits. While some rear sites may not be visible from the street, Auckland is not flat and should the rear site rise up from the street, then it may be visible. Topography therefore is a major factor in determining the importance of rear sites. Rear sites may also be visible from the top of Maunga, and views from other streets will provide a different appreciation of the built environment. External alterations and additions therefore require resource consent and the matters of discretion are applicable.

24.41 The term “minor alterations” is not defined. The dictionary definition (Collins) of the word would apply and the scale of the works would be a determining factor.

### Sub-theme: Table D 18.4 Activity A3 – Demolition

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
150.4	B Dayal c/- Vijay Lala - Tattico Limited	Amend demolition controls in D18.4.1 - Activity table - change wording as per submission:  Total demolition or substantial demolition (exceeding 30 per cent or more, by area, of front and side wall elevations and roof areas) of a building, or the removal of a building (excluding accessory buildings), or the relocation of a building within the site on: (a) ...	FS12 K Vernon – Oppose in part	Reject
157.6	Roy Koshy	Additional/Alternation and up to 40% demolition is suggested to be a permitted activity		Reject

157.7	Roy Koshy	If the house is damaged and unable to be restored to its former glory shall be permitted to be demolished		Accept in part
247.2	Grey Lynn Residents Association c/- Tania Fleur Mace	Tighten the rules relating to demolition within the Special Character overlay and ensure that decision making is robust and includes people with the relevant expertise	FS2 BA Trusties Limited – Oppose FS15 Housing New Zealand Corporation - Oppose	Accept in part

24.42 A summary of the relief sought by the submitters is contained in the above table.

24.43 Reasons given in the submissions include:

- The demolition of rear walls will do little to contribute to the character of the streetscape and is not considered to be relevant to the purpose of this activity. Roof areas are not considered to be an integral feature of a building which contributes to maintaining the existing character of the area. The replacement of the roof will have no impact on the character of the streetscape or overall character of the overlay. Therefore, the inclusion of “roof areas” in the demolition standards for the overlay is not considered to be appropriate and should be excluded (150.4)
- The Unitary Plan was introduced to build more housing due to the acute shortage. Special character homes are mainly in the central Auckland area, where there is a real need for more dwellings. Applications on the special housing area needs to be considered on a case by case with a focus on development (157.6, 157.7)
- Like to see a tightening of the rules around demolition within the Special Character Overlay. Currently up to 30% demolition is a restricted discretionary activity. This allows planners who may lack experience in the heritage field to make inappropriate decisions allowing the demolition of a considerable amount of original built fabric. The process for making decisions in such cases needs to be more robust and should include input from a heritage expert. This would give the public a sense of reassurance that such decisions are not being made by people without the necessary skills and understanding of the intent of the Special Character provisions (247.2)

### Analysis and discussion

24.44 Refer to the discussion under the sub-theme - Table D 18.4 Activity A2 – Additions and Alterations on the importance of rear sites, as the same reasoning also applies to the rear of buildings on front sites.

24.45 Roofs and chimneys do contribute to the “special character” of the Special Character Overlay Areas. Some character statements recognise roofs and chimneys are important due to the architectural decorative details they provide. This is particularly so for the villa. They are therefore an important feature to be retained.

24.46 Demolition is not a prohibited activity but a restricted discretionary. The resource consent process is the appropriate method by which to assess the merits of retaining or enabling demolition of a dwelling. Assessment criteria include the following matters:

- (a) the effects on the streetscape and special character context as outlined in the special character area statement;
- (b) the integrity of the building in its current state, having regard to its architectural form and style and the authenticity of its component parts as well as its contribution to the streetscape character;
- (c) the building's relationship to other adjacent buildings, and if it contributes to a group in such a way that its loss or relocation would result in the loss of a character value attributable to the group;
- (d) the condition of the building, and the practicality and cost of any necessary rehabilitation, and the ability to achieve reasonable amenity for occupants and reasonable compliance with any requirement of the Building Act 2004;
- (e) where a replacement building is proposed, its design, quality, purpose and amenities and the contribution that such as building might make to the qualities of streetscape character; and
- (f) the effect on landscape and vegetation.

24.47 In response to submission point 247.2, it is also noted that Auckland Council's heritage team are involved in providing policy advice to resource consents on proposals to demolish buildings in the Special Character Area Overlay.

#### Sub-theme: Table D 18.4 Activity A4 - External Alterations and Additions

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
150.5	B Dayal c/- Vijay Lala - Tattico Limited	Amend additions and alterations in D18.4.1 - Activity table - change wording to A4 as per submission: External alterations or additions to a building on all sites in the Special Character Areas Overlay– Residential or Special Character Areas Overlay - General (with a residential zoning), <u>except as provided for by Standard D18.4.1(A2).</u>	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support FS12 K Vernon – Oppose in part	Accept

24.48 A summary of the relief sought by the submitters is contained in the above table.

24.49 Reasons given in the submissions include:

- The requested addition supports the change to activity (A2) as listed in Table D18.4.1 Activity table – Special Character Areas Overlay – Residential and ensures there is no ambiguity around the activity status of permitted additions/alterations to the rear of buildings (150.5)

#### Analysis and discussion

24.50 There are no proposed changes to activity A4. The submitter however requests an addition to ensure there is no ambiguity with the permitted minor alterations to the rear of a building in activity A2. This change is supported. In my opinion there is scope for this change because it relates to the change to activity A2.

**Sub-theme: Table D 18.4 Activity A5A & A5B (new fences and walls)**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
110.8	KTW Systems LP c/- Rachel Dimery	Amend Activity Table (A5A) by deleting reference to compliance with Standard D18.6.1.7(1)		Accept
110.9	KTW Systems LP c/- Rachel Dimery	Amend Activity Table (A5B) by deleting A5B in its entirety		Accept
123.3	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to Table D18.4.1 Activity table		Accept in part
221.2	Auckland Grammar School (AGS) c/- Sarah Burgess	Supports the proposed inclusion of the activity statuses - (A5A) and (A5B) (Activity statuses – fencing) in Table D18.4.1	FS12 K Vernon – Oppose in part	Accept in part
224.4	Hume Architects Ltd c/ - Chris Hume	Opposes A5a & A5b fences and walls	FS12 K Vernon – Oppose in part	Reject
249.2	Keith Vernon	Table D18.4.1 - support the proposed addition of activities (A5A) and (A5B) subject to proposed amendments to standard D18.6.7(1) and changing the description to "Front, side and rear fences and walls"		Accept in part

24.51 A summary of the relief sought by the submitters is contained in the above table.

24.52 Reasons given in the submissions include:

- The wording of the activity does not follow the same format as the other activities in the table and other chapters in the AUP(OP). Clause D18.6.1 states that all activities listed in Table D18.4.1 must comply with the development standards. It is therefore unnecessary to repeat this in the rule in the activity table. Deleting this text would be consistent with the format of the activity tables in other chapters of the AUP(OP) (110.8)
- Rule C1.9(2) applies and there is no need to list non-compliances with a standard as an activity in Table D18.4.1 (110.9)
- The amendment to Table D18.4.1 Activities (A45A and 45B) relating to fences are supported. The amendment is useful as it differentiates between the standards that are relevant to the SCOA and the zone, and also to the control of fences and walls in their own right, rather than only as part of a wider development proposal. The inclusion of fences of up to 2m in height on side and rear boundaries enable privacy and security needs to be provided for (123.3)
- AGS supports the proposed inclusion of these activity statuses, as they provide clarity (221.2)
- Should be as underlying zone (224.4)



- The proposed addition of activities (A5A) and (A5B) is generally acceptable subject to change outlined (249.2)

### Analysis and discussion

24.53 Rule C1.9 Infringement of Standards states:

- (1) Every activity that is classed as a permitted, controlled and restricted discretionary activity must comply with all the standards applying to that activity.*
- (2) An activity that is classed as a permitted, controlled or restricted discretionary activity but that does not comply with one or more of the standards applying to that activity is a restricted discretionary activity unless otherwise specified by a rule applying to the particular activity.*
- (3) When considering an application for a resource consent for a restricted discretionary activity for an infringement of a standard under Rule C1.9(2), the Council will restrict its discretion to all of the following relevant matters:*
- (a) any objective or policy which is relevant to the standard;*
- (b) the purpose (if stated) of the standard and whether that purpose will still be achieved if consent is granted;*
- (c) any specific matter identified in the relevant rule or any relevant matter of discretion or assessment criterion associated with that rule;*
- (d) any special or unusual characteristic of the site which is relevant to the (d)standard;*
- (e) the effects of the infringement of the standard; and*
- (f) where more than one standard will be infringed, the effects of all infringements considered together.*

24.54 Reference to standard D18.6.1.7(1) is therefore not necessary as permitted activities are required to comply with the relevant standards in any case. There is also no need to state that new fences and walls are restricted discretionary activities if they do not comply with Standard D18.6.1.7(1).

### Sub-theme: Table D 18.4 Activity A6 & A8 External Redecoration

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
224.5	Hume Architects Ltd c/ - Chris Hume	Clarification required for (A6) & (A8) - 'External redecoration'	FS12 K Vernon – Oppose in part	Reject

24.55 A summary of the relief sought by the submitters is contained in the above table.

24.56 Reasons given in the submissions include:

- External redecoration requires definition (224.5)

### Analysis and discussion

24.57 The term “external redecoration” is used in activities A6 and A8 of Table D18.4.2 Activity table – Special Character Area Overlay – Business. It is not proposed to alter these rows – both of which are permitted activities.

24.58 The term “external redecoration” is not defined in the Unitary Plan. In such instances the common understanding of the words would apply.

24.59 In the Parties and Issues Report for the Definitions topic, the Independent Hearings Panel made the following general directions on definitions:

- i. Use definitions sparingly and only where needed.*
- ii. Do not burden the proposed Auckland Unitary Plan with technical jargon.*
- iii. Do not define words of ordinary meaning unless they are used in the plan in an unusual sense.*
- vi. Use plain English. Consider whether it would be better to express a plan provision differently and more plainly rather than clutter the text with definitions.*

24.60 The ordinary meaning of the words (Collins dictionary) is:

External – something is on the outside (or the exterior of a building (as opposed to internal)

Decoration – features that are added to something to make it look more attractive

Redecoration - the process of applying paint or wallpaper in a room or building again, typically in a different style from before.

24.61 As the term “external (re)decoration” has a readily understood ordinary meaning and in the light of the comments made by the IHP, in my opinion, no definition is required.

**Sub-theme: D18.4.2 Activity Table – Special Character Areas Overlay – Business**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
170.4	Joe Martin	Amend D18.4.2 - Activity table (Introduction) by adding text 'General and Special Character Areas Overlay – Residential : North Shore – Devonport and Stanley Point'	FS14 Hayson Knell Ltd - Support	Accept in part
170.5	Joe Martin	Amend D18.4.2 Activity table by adding text ' and Special Character Areas Overlay – Residential: North Shore – Devonport and Stanley Point'	FS14 Hayson Knell Ltd – Support	Accept in part

24.62 A summary of the relief sought by the submitters is contained in the above table.

24.63 Reasons given in the submissions include:

- Concerned however that in situations where there are sites that are zoned business that are also subject to the Overlay – Residential: North Shore – Devonport and Stanley Point. The effect of the plan change is to remove the balance between the current situation where the development standards in the underlying business zone and the overlay rules are balanced. If the plan change goes ahead as notified residential rules will apply to business zoned land. This severely constrains the development potential of these sites in an unnecessary manner (170.4, 170.5)

## Analysis and discussion

- 24.64 Small local shopping areas in Devonport & Stanley Point are zoned business, typically Neighborhood Centre zone. They are subject to the Special Character Areas Overlay – Residential: North Shore - Devonport and Stanley Point.
- 24.65 Refer to the comments under Theme 12 Submissions on D18.1 Background, as this addresses the same issue and recommends an amendment to the proposed plan change.

## Recommendations on Submissions

- 24.66 For the reasons discussed above, I recommend that **submission points 110.7, 110.8, 110.9 123.2, 146.2, 150.5 and 224.2 be accepted**, that **submissions points 105.3, 123.3, 157.7, 170.4, 170.5, 221.2, 247.2 and 249.2, be accepted in part** and that **submission points 94.2, 96.2, 97.2, 110.6, 127.2, 128.2, 150.2, 150.3, 150.4, 157.6, 224.3, 224.4, 224.5 249.1 and 257.9 be rejected**.
- 24.67 Further amendments to PC26 associated with this recommendation are in **Appendix 1**.

## 25. Theme 15: Submissions on the Resource Consent Process (D18.5 Notification)

- 25.1 PC26 does not change the resource consent process which is set out in the RMA. In terms of the notification of resource consents, the normal tests under the act continue to apply.

### Sub-theme: Notification of neighbours

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
88.5	Passion Fruit Trust	All neighbours in special character areas to be notified when there is development proposed on their boundary	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall – Oppose FS15 Housing New Zealand Corporation - Oppose	Reject
175.3	Coralie Ann van Camp	Oppose a change in the rules for building expansion on a property without notification to neighbours		Reject
186.5	Tom Ang	Object to any reduction in the threshold for notifying consents		Reject
200.5	Wendy Gray	Object to any reduction in the threshold for notifying consents		Reject

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planners Recommendation</b>
202.8	Sue Cooper, Remuera Heritage	All neighbours in special character areas to be notified when there is development proposed on their boundary	FS15 Housing New Zealand Corporation – Oppose FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose FS17 R & M Donaldson – Oppose FS18 Andrew Body and Karen Paterson as trustees of Galatea – Oppose	Reject
203.7	Sally Hughes, Character Coalition	All neighbours in special character areas to be notified when there is development proposed on their boundary	FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose FS17 R & M Donaldson – Oppose FS18 Andrew Body and Karen Paterson as trustees of Galatea – Oppose	Reject
216.4	Don Huse	That in any event, no AC consent to proceed with any construction (new or renovation) in the applicable special character area be granted, without reasonable prior advice being given to all the property owners in the immediate vicinity (or such owners who may be reasonably expected to be affected by or have an interest in such construction) such that they may seek clarification from the AC or lodge an objection with AC, in connection with the proposed construction	FS15 Housing New Zealand Corporation - Oppose	Reject
247.3	Grey Lynn Residents Association c/- Tania Fleur Mace	Notify resource consents in situations where there are any matters that are contentious	FS2 BA Trusties Limited – Oppose FS15 Housing New Zealand Corporation – Oppose FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose FS17 R & M Donaldson – Oppose FS18 Andrew Body and Karen Paterson as trustees of	Accept in part

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
			Galatea – Oppose	
249.7	Keith Vernon	Any breach of this HIRB standard should require a notified consent with neighbours given the opportunity to be heard	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose FS7 The University Of Auckland – Oppose FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall – Oppose FS15 Housing New Zealand Corporation – Oppose FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose FS17 R & M Donaldson – Oppose FS18 Andrew Body and Karen Paterson as Trustees of Galatea – Oppose	Reject

25.2 A summary of the relief sought by the submitters is contained in the above table.

25.3 Reasons given in the submissions include:

- The proposed change appears to support the protection of special character and heritage through recommending that the provision in the Special Character Areas Overlay will prevail over the corresponding provision in the underlying zone. However, in actual fact, the SCAR Overlay is less restrictive in allowing anyone wanting to develop their property greater freedom to do so. (88.5, 202.8, 203.7)
- To allow extra intensification hard up against our boundaries, changing the rules to exacerbate water runoff with extra impervious surfaces plus privacy issues with neighbours extending closer to existing windows etc. is the opposite to protecting the character area we currently enjoy, pay high rates for the value of and which makes it desirable to live in (175.3)

- Non-notified consents breed bad neighbour relations, encourage nefarious double-dealing and are not conducive to civil society. Non-notifiable consents are a license for developers to do what they like without regard for neighbours (186.5, 200.5)
- Want “cast-iron” assurance that the amenity and value of our house (and all others located in the special character areas) is fully protected by PC26 (216.4)
- Inconsistent decisions on consents in the Special Character overlay zones have caused considerable disquiet in the Grey Lynn community and this is exacerbated by such decisions often having no notification. Our Special Character streetscapes are a significant community, national and international asset. The importance of these streetscapes means that Council should be much more cautious and considered in processing consents within the Special Character overlay and notification should be part of the processing of any applications that are at all contentious (247.3)
- Provide neighbours with the opportunity to be heard (249.7)

### Analysis and discussion

25.4 PC26 does not change the requirements around notification – D18.5 Notification. This section states:

- (1) *Any application for resource consent for an activity listed in Table D18.4.1 or Table D18.4.2 will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.*
- (2) *When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the council will give specific consideration to those persons listed in Rule C1.13(4)*

25.5 The tests for notification are contained in Sections 95A – 95G of the Resource Management Act 1991.

25.6 The submitters objection to a reduction in the threshold for notifying consents is therefore unfounded as the SCAR has unchanged activity status and notification tests.

### Sub-theme: Other Matters

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
237.3	Matthew Douglas Easton	Want more time to make a detailed submission to a land use application: LUC603033362		Reject
264.3	Debbie Holdsworth	Provide some certainty around the costs, timeframes for resource consents for fences and walls in addition to streamlining the process		Accept in part

25.7 A summary of the relief sought by the submitters is contained in the above table.

25.8 Reasons given in the submissions include:

- The RM consented works of LUC60003033362 at 41 Marine Parade will be adverse to us at 43 Marine Parade both in bulk, location, height (237.3).
- I do not support a maximum height of 1.2m as it means the threshold for having to apply for restricted discretionary resource consent is too low. Given anecdotal feedback of individuals experience of the cost, time delays and frustrations going

through this process it would mean the costs are likely to be too prohibitive relative to the cost of a new fence (264.3)

## Analysis and discussion

25.9 Submission point 237.3 relates to a resource consent application. The plan change process is not the appropriate forum for matters relating to resource consents. Timeframes for resource consents are specified in the Resource Management Act. For example:

### **95 Time limit for public notification or limited notification**

(1) A consent authority must, within the time limit specified in subsection (2),—

(a) decide, in accordance with sections 95A and 95B, whether to give public or limited notification of an application for a resource consent; and

(b) notify the application if it decides to do so.

(2) The time limit is,—

(a) in the case of a fast-track application, 10 working days after the day the application is first lodged; and

(b) in the case of any other application, 20 working days after the day the application is first lodged.

25.10 Certainty around the costs, timeframes for resource consents for fences and walls is able to be obtained from the Councils' Regulatory Services Department (who manage the resource and building consent processes). They are able to provide applicants with some guidance on these matters.

25.11 The maximum height for fences is discussed under Theme 27: Submissions on D18.6.1.7 Fences and Walls.

## Recommendations on Submissions

25.12 For the reasons discussed above, I recommend that **submission points 247.3 and 264.3 be accepted in part**, and that **submission points 88.5, 175.3, 186.5, 200.5, 202.8, 203.7, 216.4, 237.3 and 249.7 be rejected**.

25.13 There are no further amendments to PC26 associated with this recommendation in **Appendix 1**.

## 26. Theme 16: Submissions on D18.6. Standards

### Sub-theme: Support Changes

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
110.10	KTW Systems LP c/- Rachel Dimery	Retain D18.6.1 subclauses (a) and (b)	FS23 Remuera Heritage Inc – Support in part	Accept
123.4	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1 Standards for Buildings in Special Character Areas Overlay		Accept

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
123.12	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.2 Standards for Buildings		Accept
146.3	Z Energy Limited BP Oil NZ Limited Mobil Oil NZ Limited c/- Gael McKitterick - 4Sight Consulting Limited	Adopt the amendments to standard D18.6.1 Standards for Buildings in Special Character Areas Overlay as notified		Accept
167.2	Beryl Jack	SCAR rules should replace underlying zone rules		Accept
168.2	Janelle Costley	SCAR rules should replace underlying zoning rules		Accept
207.5	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	Change text for Standards in accordance with submission  D18.6 <u>Development</u> Standards D18.6.1 <u>Development</u> Standards for buildings in the ...	FS12 K Vernon – Support in part and Oppose in part FS23 Remuera Heritage Inc - Support	Reject

26.1 PC26 clarifies that the development standards in D18.6.1.6 replace the corresponding development standards in the underlying zone.

26.2 A summary of the relief sought by the submitters is contained in the above table.

26.3 Reasons given in the submissions include:

- The wording of this provision as proposed makes it clear that the development standards in the overlay are the only development standards that apply (110.10)
- The amendment to Standard D18.6.1 Standards is supported. It will ensure that development in the SCAO is required to comply with one set of development standards. Currently two separate sets of development controls apply (one in the SCAO and the other contained in the underlying zone). In many instances the provisions/standards differ, and sometimes considerably, between the underlying zone and the SCAO creating uncertainties in the design and development for an applicant and increasing the potential for development to infringe development standards and to therefore require affected party approval from neighbouring land owners and/or be subject to challenge (123.12)
- The plan change will clarify the standards for development in Freeman Bay SCO area in order to preserve this heritage area (167.2, 168.2)
- Standard D18.6.1 as amended by PC26 is supported. The amendments clearly set out the development standards which will apply to all development in the SCAO, and provide standards that replace the corresponding standards of the underlying zone (123.4, 146.3)
- Improve the D18.6 & D18.6.1 headings. The standards are not limited to buildings. There are also standards about yards, fences, impervious area etc (207.5)



## Analysis and discussion

- 26.4 The above submitters support the changes to D18.6 Standards (introduction).
- 26.5 Refer to the analysis and discussion in Theme 14: Submissions on D18.4 Activity Table, Sub-theme: D18.4 Activity table – 2nd Paragraph “Takes Precedence v Replaces” as this addresses the use of the proposed wording takes precedence v replaces.
- 26.6 Submission point 207.5 requests that the word “development “ be added to the standards. This would be inconsistent with the language used for these headings throughout the AUP. It also fails to recognise that some standards relate to land use e.g. noise, and not development.

### Sub-theme: Oppose Changes

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
18.2	Tony Batterton	Do not loosen or dilute the special character provisions		Accept in part
107.2	Robyn Rosemary Cameron	Decline the plan change in respect of D18.6.1 Standards		Reject
111.2	Alexander and Julia Cowdell	Plan 26, which seeks to change measurements, will have a detrimental effect on the quality of life of residents, not to mention the heritage value of properties. Building so close to boundaries inevitably means that issues of noise, sunlight and privacy can seriously impact neighbourly relations and mental health		Reject
121.4	Darcy McNicoll	Decline the plan change in respect of D18.6.1 - Standards		Reject
122.4	Robyn McNicoll	Decline the plan change in respect of D18.6.1 - Standards		Reject
136.3	Kah Keng Low	Decline changes to additions & alterations		Reject
157.3	Roy Koshy	Implement the same rules as that of a single housing on special housing		Reject
257.10	Housing New Zealand c/- Alex Devine	Oppose the proposed amendments to existing text (D18.6.1(a)), as well as the newly introduced text (D18.6.1(b)) in relation to the Standards for buildings in the SCA Overlay	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc - Oppose	Reject

- 26.7 A summary of the relief sought by the submitters is contained in the above table.
- 26.8 Reasons given in the submissions include:

- The character nature of the residential properties in my neighborhood is a major attraction for the residents who choose to live there. I wouldn't wish to see the provisions of the Special Character Areas Overlay diluted by the more general provisions which apply to these streets under the Unitary Plan (which in my opinion does otherwise provide a very useful framework for the future development of Auckland) (18.2)
- The Special Character Overlay is the wrong mechanism to protect heritage. It is cumbersome and over complicated to have two sets of rules applying to properties (107.2, 121.4)
- So often we find issues of concern are treated by Council in a disconnected way. Let's have some joined up thinking for a change (111.2)
- The plan change will allow greater building heights and densities in the side and rear of character properties. This will have detrimental effects on the heritage value of the buildings and so will not achieve the aims of protection of the character of the area. By allowing the Character Overlay to predominate it puts neighbours in heritage areas at a disadvantage from those in the single house zone without an overlay. These neighbours will be impacted by more encroachments into their side and rear privacy. The size and scale of more development to the side and rear of houses in the SCA will add visual bulk that will detract from the character features of the area. The plan change will result in the original fronts of heritage houses being dwarfed and dominated by large rear and side developments. This will allow a form of facadism and is not genuine heritage protection. (122.4)
- The changes of the Proposed Change 26 will restrict the development of our house (136.3)
- The unitary plan was introduced to build more housing due to the acute shortage. Special character homes are mainly in the central Auckland area, where there is a real need for more dwellings. Applications on the special housing area needs to be considered on a case by case with a focus on development. My suggestion is to implement the same rules as that of a single housing on special housing as well (157.3)
- Housing New Zealand opposes any amendments which seek to incorporate / duplicate underlying zone provisions within the SCA Overlay provisions (257.10)

### **Analysis and discussion**

- 26.9 The purpose of the plan change is to clarify which provisions (including activities and standards) apply when a property has a Special Character Area Overlay and a residential or business zoning. The intention is that the overlay will prevail (take precedence or replace depending on whether it is a land use activity or a standard) over the corresponding provisions in the underlying zone. Some of the standards within the Special Character Area Overlay are also proposed to be amended to better reflect the established character. It is not the intention to weaken the Special Character Area Overlay standards.
- 26.10 There are no recommended changes to the individual standards in this report, hence it is recommended that the above submission points are rejected.

**Sub-theme: 18.6.1 (a)**

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planners Recommendation</b>
96.3	Colin and Jocelyn Weatherall Attn: David Wren	Amend D18.6 Standards by adding the words All activities "that are listed as permitted, controlled or restricted discretionary activities".....	FS12 K Vernon – Oppose in part	Accept
97.3	Peter Ng Attn: David Wren	Amend D18.6 Standards by adding the words All activities "that are listed as permitted, controlled or restricted discretionary activities".....	FS12 K Vernon – Oppose in part	Accept
127.3	John Dillon c/- David Wren	Amend D18.6.1. Standards paragraph (a) clause to relate to only permitted, controlled and restricted discretionary activities	FS12 K Vernon – Oppose in part	Accept
128.3	Peter and Sarah Wren c/- David Wren	Amend D18.6.1. Standards paragraph (a) clause to relate to only permitted, controlled and restricted discretionary activities	FS12 K Vernon – Oppose in part	Accept

26.11 A summary of the relief sought by the submitters is contained in the above table.

26.12 Reasons given in the submissions include:

- The changes proposed to paragraph (a) are unusual in that they will create the situation where activities that are fully discretionary or non-complying will be subject to the development standards in D18.6.1. This is inconsistent with the approach taken elsewhere in the Unitary Plan. It is submitted that this clause should be amended to relate to only permitted, controlled and restricted discretionary activities (96.3, 97.3, 127.3, 128.3).

**Analysis and discussion**

26.13 I agree with the point made by the submitters. While standards may provide useful guidance when assessing discretionary or non-complying activities, they do only apply to permitted, controlled and restricted discretionary activities.

26.14 The relief sought by the submitters would correct this anomaly - Amend D18.6 Standards by adding the words All activities "that are listed as permitted, controlled or restricted discretionary activities".

**Sub-theme: 18.6.1 (b) “Replace” v “Take Precedence”**

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planners Recommendation</b>
249.3	Keith Vernon	D18.6 - Standards - Amend the proposed new paragraph D18.6.1(b) by deleting “replace” in line 2 and insert the words “take precedence over” and delete “..do not apply” at the end of the last sentence and insert the words “.. apply to the extent that they are not in conflict with the corresponding standards in the SCA Overlay”	FS5 Mark Crosbie, Heidi Crosbie, and Adeux Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Reject

26.15 A summary of the relief sought by the submitters is contained in the above table.

26.16 Reasons given in the submissions include:

- The use of the term ‘take precedence’ in this clause is unclear and will lead to further confusion and interpretative difficulties. Precedence puts one thing ahead of another. This therefore does not mean that the underlying activities rules will cease to apply, but simply that the SCA activity rules take precedence (96.2, 97.2, 127.2, 128.2)
- The intention is for the overlay provisions to prevail (take priority or precedence over) the underlying zone provisions not “replace” (see the s32 evaluation report page 4 paragraph 6, and point (b) on page 5). To this extent any aspect of the underlying standards that are not in conflict with the overlay standards including purpose will continue to apply. If this was not the case underlying standards would be totally lost and the overlay provisions would have to deal with the full range of planning issues not just Special Character (249.3)

**Analysis and discussion**

26.17 Refer to the analysis and discussion in Theme 14: Submissions on D18.4 Activity Table, Sub-theme: D18.4 Activity table – 2nd Paragraph “Takes Precedence v Replaces” as this addresses the use of the proposed wording “takes precedence” v “replaces”.

## Sub-theme: Recast the Standards

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
257.3	Housing New Zealand c/- Alex Devine	Re-cast the rule provisions to maintain their focus to the values associated with the special character amenity values that the SCA Overlay is seeking to recognise	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc - Oppose	Accept in part

26.18 A summary of the relief sought by the submitters is contained in the above table.

26.19 Reasons given in the submissions include:

- The focus of the SCA Overlay provisions should be specific to the identified special character values, which are identified and discussed in Schedule 15 – ‘Special Character Schedule, Statements and Maps’ of the Unitary Plan. The predominant values identified in the Schedule 15 Special Character Statements focus on the relationship of built form, particularly as it relates to the streetscape and public realm. Housing New Zealand therefore considers that the SCA Overlay provisions need to be re-cast to focus specifically, and only, on these identified special character values – the SCA Overlay should not be seeking to duplicate, incorporate or alter the underlying zone provisions where these provisions are not specific to the values being managed. By not reviewing and re-casting the SCA Overlay in this manner, Housing New Zealand considers that the proposed provisions of the Plan Change are inconsistent with the first set of National Planning Standards (April 2019) (257.3)

### Analysis and discussion

26.20 Section A1.6.2 of the Unitary Plan states that “overlays manage the protection, maintenance or enhancement of particular values associated with an area or resource.

26.21 The Special Character Area overlay seeks to manage the special character values associated with an area. These values are described in the individual “Special Character Area Statements”.

26.22 I agree that the key value managed by the Special Character Area Overlay is the relationship of buildings to the street. The relationship to open space and landscape context are also important as discussed under Theme 6 – Submissions on the overlay and zone relationship. As such the following standards are relevant:

1. Height in relation to boundary
2. Front yard
3. Side yard
4. Landscaped area
5. Maximum impervious area
6. Building coverage
7. Fences along the front boundary; and
8. Landscaped area, maximum impervious area and building coverage (these all deal with the ratio of building to site area, in one way or another).

26.23 In my opinion, the standards have been “recast” to better reflect the established character. As an example, the height in relation to boundary standard is proposed to be altered to reflect the built form that is characteristic of the smaller, narrow lots in some of the Special Character Areas.

### Sub-theme: North Shore – Devonport & Stanley Point

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
170.6	Joe Martin	Amend D18.6 - Standards by adding text 'and Special Character Areas Overlay – Residential : North Shore – Devonport and Stanley Point'	FS14 Hayson Knell Ltd - Support	Accept in part
170.7	Joe Martin	Amend D18.6.2 - Standards by adding text 'and Special Character Areas Overlay – Residential : North Shore – Devonport and Stanley Point'	FS14 Hayson Knell Ltd - Support	Accept in part

26.24 A summary of the relief sought by the submitters is contained in the above table.

26.25 Reasons given in the submissions include:

- Areas in the Special Character Areas Overlay - General and Special Character Areas Overlay – Residential: North Shore – Devonport and Stanley Point may contain a mix of sites zoned residential or business. In such cases, for any site/s in a residential zone, the Special Character Areas Overlay - Residential rules in Table D18.4.1 Activity table will apply and for any site/s in a business zone, the Special Character Areas Overlay - Business rules in Table D18.4.2 Activity table will apply (170.6, 170.7)

### Analysis and discussion

26.26 Refer to the comments under Theme 12 – Submissions on D18.1 Background, as this addresses the same issue.

### Recommendations on Submissions

26.27 For the reasons discussed above, I recommend that **submission points 96.3, 97.3, 110.10, 123.4, 123.12, 127.3, 128.3, 146.3, 167.2, 168.2 and 207.5 be accepted**, that **submission points 18.2, 170.6, 170.7 and 257.3 be accepted in part**, and that **submission points 107.2, 111.2, 121.4, 122.4, 136.3, 157.3, 249.3 and 257.10 be rejected**.

26.28 Further amendments to PC 26 associated with this recommendation are in **Appendix 1**.

## 27. Theme 17: Submissions on Purpose Statements

27.1 PC26 proposes to add new “Purpose Statements” for each of the standards.

## Sub-theme: Support Purpose Statements

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
184.2	Denny Boothe	Purpose statements of the Single House zone in the AUP are important and should prevail		Accept
207.3	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	Supports the introduction of purpose statements for development standards but suggests amendments in particular broadening the focus from 'streetscape' to also include rear yards and neighbourhoods more generally	FS12 K Vernon – Oppose in part and Support in part	Accept
222.2	Rachael and Jonathan Sinclair	Support the inclusion of purpose statements for the various standards in the Overlay	FS12 K Vernon – Support in part and Oppose in part	Accept
235.2	Megan Reeves	Amend Purpose" statements for "D18.6.1.1 Building Height" and "D18.6.1.2 Height in Relation to Boundary" so that it is clear that the intention is that any significant departures from the existing architectural style should not be visible from the street, whether that is directly in front of the property in question or from other vantage points in the surrounding streetscape		Accept

27.2 A summary of the relief sought by the submitters is contained in the above table.

27.3 Reasons given in the submissions include:

- The underlying Single House zone provisions in general protect heritage including natural heritage more fully than the narrower Special Character provisions (SCAR). and can be considered with the SCAR, which are useful in terms of built form and streetscape (184.2) .
- Support the inclusion of purpose statements for the various standards in the overlay (222.2)

### Analysis and discussion

27.4 The submitters all support the introduction of the purpose statements for each of the standards. The purpose statements outline the purpose or rationale behind each of the standards. There are purpose statements attached to each of the zone standards. This is important because it assist in clarifying the rationale behind the standard. Under Chapter C – General Rules C1.9 Infringement of standards), when considering an application for a resource consent for a restricted discretionary activity for an infringement of a standard under Rule C1.9(2), the Council will restrict its discretion to all of the following relevant matters:

- (a) any objective or policy which is relevant to the standard;
- (b) the purpose (if stated) of the standard and whether that purpose will still be achieved if consent is granted;
- (c) any specific matter identified in the relevant rule or any relevant matter of discretion or assessment criterion associated with that rule;
- (d) any special or unusual characteristic of the site which is relevant to the

- standard;  
 (e) the effects of the infringement of the standard; and  
 (f) where more than one standard will be infringed, the effects of all infringements considered together

27.5 Refer to the analysis and discussion under Sub-theme: Oppose/Remove Purpose Statements below for the rationale behind the introduction of purpose statements.

**Sub-theme: Amend Purpose Statements**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
142.2	Somersby Trust C/- Craig Moriarity - Haines Planning Consultants Limited	Seeks the rewording of the proposed 'Yard Purpose' D18.6.1.3 - Yards		Accept
207.3	South Epsom Planning Group Inc c/- Alfred Richar Bellamy	The Society supports the introduction of purpose statements for development standards, but has suggested amendments, in particular broadening the focus from 'streetscape' to also include rear yards and neighbourhoods more generally		Accept
235.2	M Reeves	The new "Purpose" statements for "D18.6.1.1 Building Height" and "D18.6.1.2 Height in Relation to Boundary" remain open to interpretation. It is not clear what "retaining the character of the streetscape" and "enabling built form that reflects the character of the area" means.		Accept in part

27.6 A summary of the relief sought by the submitters is contained in the above table.

27.7 Reasons given in the submissions include:

- 'Yard Purpose' is insufficient and too narrow to effectively retain the historical built character of the Cornwall Park area. The Submitter proposes the Purpose to be reworded as follows: "Purpose: to retain the historical built character of the streetscape areas by managing the setback and the relationship of the building to the street and open space areas" (142.2)
- In our view the approach we have taken better embraces the broader content of the SCAR Objectives and Policies (207.3)
- It should be made clear that the intention is that any significant departures from the existing architectural style should not be visible from the street, whether that is directly in front of the property in question or from other vantage points in the surrounding streetscape (235.2)

**Analysis and discussion**

27.8 The RPS policies relating to Special Character (refer below) do not refer solely to streetscape. They include reference to "the character and amenity values of places that reflect patterns of settlement, development, building style and/or streetscape quality, landscape or streetscape and urban patterns, the special character of the area,



and the relationship between the built form, streetscape, vegetation, landscape and open space that define, add to or support the character of the area". The following RPS policies are the most relevant to the consideration of these submissions:

## **B5. Ngā rawa tuku iho me te āhua – Historic heritage and special character**

### **B5.3. Special character**

#### **B5.3.1. Objectives**

(1) *[Deleted]*

(2) *The character and amenity values of identified special character areas are maintained and enhanced.*

#### **B5.3.2. Policies**

(1) *Identify special character areas to maintain and enhance the character and amenity values of places that reflect patterns of settlement, development, building style and/or streetscape quality over time.*

(2) *Identify and evaluate special character areas considering the following factors:*

(a) *physical and visual qualities: groups of buildings, or the area, collectively reflect important or representative aspects of architecture or design (building types or styles), and/or landscape or streetscape and urban patterns, or are distinctive for their aesthetic quality; and*

(b) *legacy including historical: the area collectively reflects an important aspect, or is representative, of a significant period and pattern of community development within the region or locality.*

(4) *Maintain and enhance the character and amenity values of identified special character areas by all of the following:*

(a) *requiring new buildings and additions and modifications to existing buildings to maintain and enhance the special character of the area;*

(b) *restricting the demolition of buildings and destruction of features that define, add to or support the special character of the area;*

(c) *maintaining and enhancing the relationship between the built form, streetscape, vegetation, landscape and open space that define, add to or support the character of the area; and*

(d) *avoiding, remedying or mitigating the cumulative effect of the loss or degradation of identified special character values.*

27.9 I therefore concur with the points raised in submission points 142.2 & 207.3. The purpose statements for yards therefore need to be broadened beyond just streetscape matters to include open space as referenced in the above policies.

27.10 The terminology used in the Purpose Statements for "D18.6.1.1 Building Height" and "D18.6.1.2 Height in Relation to Boundary", as raised in submission point 235.2 is discussed under Theme 33: Submissions on other matters, sub-theme: Subjective terms.

## Sub-theme: Oppose/Remove Purpose Statements

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
178.2	KCH Trust and Ifwersen Family Trust c/- Bianca Tree, Minter Ellison Rudd Watts	That the proposed purpose statement in each of the standards in the Special Character Areas Overlay be removed	FS12 K Vernon – Oppose in part	Reject
250.1	Southern Cross Hospitals Limited c/- Bianca Tree	That the proposed purpose statement in each of the standards in the Special Character Areas Overlay be removed		Reject
257.13	Housing New Zealand c/- Alex Devine	Oppose the newly proposed 'purpose statements' in relation to Standards 'D18.6.1.1 Building height'; 'D18.6.1.2 Height in relation to boundary'; 'Standard D18.6.1.3 Yards'; 'Standard D18.6.1.4 Building coverage'; D18.6.1.5 Landscaped area'; 'Standard D18.6.1.6 Maximum impervious area'; and 'Standard D18.6.1.7 Fences and walls	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc - Oppose	Reject

27.11 A summary of the relief sought by the submitters is contained in the above table

27.12 Reasons given in the submissions include:

- In general, the inclusion of purpose statements at the beginning of each standard in D18.6.1 of the SCA Overlay:
  - (a) is inconsistent with the relevant objectives and policies and framework of the Unitary Plan;
  - (b) is inconsistent with the purpose and principles of the Resource Management Act 1991 (RMA);
  - (c) does not meet the requirements to satisfy the criteria of section 32 of the RMA;
  - (d) will not meet the reasonably foreseeable needs of future generations; and
  - (e) is contrary to sound resource management practice.

Further, without derogating from the generality of the above, the inclusion of purpose statements at the beginning of each of the development standards in section D18.6.1 of the SCA Overlay is inappropriate for the following reasons:

  - (a) the purpose statements generally take a restrictive interpretation to the standards, which is not consistent with the plain wording of the standards;
  - (b) the effect of the standards in the SCA Overlay may be altered in a manner not anticipated by the Council as the standards would need to be interpreted in light of the purpose statements;
  - (c) the purpose statements are unnecessary because the introductory section in the SCA Overlay clearly identifies the purpose of the SCA Overlay, which is to retain and manage the identified special character values of specific residential and business areas;
  - (d) it is inconsistent with the purpose of Plan Change 26 because it introduces uncertainty about the interpretation of these standards in light of the purpose of the SCA Overlay;
  - (e) it is inconsistent with the rest of the Unitary Plan, as no other overlays in the Unitary Plan include purpose statements within the standards section. This

approach to drafting was only applied with zones and precincts, which prescribe the underlying rules and establish the overall nature of development in an area (178.2, 250.1)

### **Analysis and discussion**

- 27.13 Purpose statements are used in the AUP to explain the “purpose” or rationale behind each of the zone standards. They are also directly referenced in Chapter C1.9 as discussed under the sub – theme: Support Purpose Statements. The Special Character Area overlay in the AUP is however the only overlay that has (proposed) purpose statements.
- 27.14 The standards in the zones do have purpose statements. These can be utilised if some guidance on interpretation is required and are taken into consideration when a standard is infringed.
- 27.15 The amendments to the purpose statements were proposed because the standards of the overlay are to replace the standards of the underlying zoning. Within the SCAO chapter, the plan change seeks to add an additional matter of discretion and assessment criteria which will require assessment against the matter of discretion/assessment criteria for the equivalent standards of the underlying zone, as follows:

#### **D18.8.1. Matters of discretion**

*(c) the matters of discretion for the standard (or equivalent standard) in the underlying zone. And*

#### **D18.8.2. Assessment criteria**

*(b) the relevant assessment criteria for the standard (or equivalent standard) in the underlying zone.*

- 27.16 H3.8.1.2 (b) Under the Single House zone refers to the purpose of the standard. The introduction of the purpose statements is to tie up the “loose end”. This is a technical problem which highlights how the overlay and underlying zoning do not reference each other properly. The proposed changes to the purpose statements therefore seeks to make it clear what makes the character “special”. Both amenity matters, and special character collective values are to be considered.
- 27.17 On balance, I am of the opinion that the purpose statements should be retained. They will assist in the interpretation of the plan’s standards. I do acknowledge that they are not referenced in the Resource Management Act, nor are they a requirement of the first set of National Planning Standards.

### **Recommendations on Submissions**

- 27.18 For the reasons discussed above, I recommend that **submission points 142.2, 184.2, 207.3, 222.2, and 235.2 be accepted**, that **submission 235.2 be accepted in part**, and that **submission points 178.2, 250.1 and 257.13 be rejected**.

27.19 Further amendments to PC26 associated with this recommendation are in **Appendix 1**.

## 28. Theme 18: Submissions on D18.6.1.1 Building Height

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
7.1	Graham William Arthur Bush and Norma Ann Bush	Support the proposed change to building height		Accept
10.2	John Mark Jones	Oppose changes to height limits		Reject
16.1	Natomi Family Trust Attn : John Brockies	Decline the plan modification in respect of building height		Reject
21.2	Martin Evans	Decline or amend Rule D18.6.1.1 - Building height		Reject
34.2	William Wu	Decline the plan modification in respect of H3.6.6 - Height		Reject
77.2	Christopher and Louise Johnstone	Maximum height should not be increased		Reject
84.2	Lambert Hoogeveen	Building height to be 8m without exceptions	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Reject
107.3	Robyn Rosemary Cameron	Decline the plan change in respect of D18.6.1.1 Building Heights		Reject
110.11	KTW Systems LP c/- Rachel Dimery	Retain D18.6.1.1 - Building height as notified		Accept
121.5	Darcy McNicoll	Decline the plan change in respect of D18.6.11 - Building height		Reject
122.5	Robyn McNicoll	Decline the plan change in respect of D18.6.11 - Building height		Reject
123.5	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1.1 Building Height		Accept
150.6	B Dayal c/- Vijay Lala - Tattico Limited	Amend purpose statement of building height in activity table - change wording as per submission	FS12 K Vernon – Oppose in part	Reject
152.1	Marilyn Elvin	Support the standard of no more than 2 levels for a dwelling		Accept

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
157.5	Roy Koshy	Maximum height to be kept at 8+1m for gable		Accept
159.2	Dinah Holman	Amend the first bullet point of the purpose statement for D18.6.1.1 - Building height to read "retain the existing built form character of historically predominantly one storey in the established residential neighbourhoods"		Reject
159.3	Dinah Holman	Require suitable greater restriction on two-storey houses, e.g. larger yards		Reject
171.2	Linda Whitcombe Devonport Heritage	Retain the current height regulations for Devonport		Reject
207.6	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	Change text for Building height in accordance with submission	FS12 K Vernon – Support in part and Oppose in part FS23 Remuera Heritage Inc – Support in part	Reject
219.3	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Oppose the inclusion of "maintain a reasonable level of sunlight access..." in D18.6.1.1 Building height	FS12 K Vernon – Support in part	Reject
219.3	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Oppose the inclusion of "maintain a reasonable level of sunlight access..." in D18.6.1.1 Building height	FS12 K Vernon – Oppose in part	Accept
221.3	Auckland Grammar School (AGS) c/- Sarah Burgess	Opposes the inclusion of "maintain a reasonable level of sunlight access..." in D18.6.1.1 Building Height	FS12 K Vernon – Oppose in part	Accept
224.6	Hume Architects Ltd c/ - Chris Hume	Supports Building Height D18.6.1.1 remaining as Special Character Area Overlay	FS12 K Vernon – Oppose in part	Accept
228.3	The University of Auckland c/- Sarah Burgess	Opposes the inclusion of "maintain a reasonable level of sunlight access..." in D18.6.1.1 Building Height	FS12 K Vernon – Oppose in part	Accept
233.4	Birkenhead Residents Associations	Discourage the support for two storey buildings that are out of character to the Special Character Areas		Reject
249.4	Keith Vernon	D18.6.1.1 - Building height - Add a new bullet point to the purpose statement "Maintain a reasonable standard of residential amenity for adjoining sites"	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose	Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
			FS7 The University of Auckland - Oppose	
258.2	Parnell Heritage Inc c/- Julie M Hill	Amend the activity table to reflect the most restrictive criteria for building height from either the single house zone rules or the special character rules	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Reject

28.1 PC26 proposes to add a purpose statement to the SCAR building height standard. The SCAR building height standard is not proposed to be changed from what is currently operative.

28.2 The submissions on PC26 - Building Height Standard are broken down into 3 sub themes in relation to what they are seeking:

- those who support the plan change to building height;
- those who accept the plan change and suggest modifications or changes;
- those who oppose the plan change and/or want it declined.

28.3 The reasons provided in the submissions are included under each of these sub themes.

#### **Sub-theme: Support**

28.4 Reasons given in the submissions include:

- No reasons provided (7.1, 224.6, 110.11, 123.5)
- Support the standard of no more than 2 levels for a dwelling', which is consistent with the purpose statement (152.1)
- The max height be kept 8+1m for gable', which is consistent with the standard (157.5)

#### **Sub-theme: Accepts with modifications**

28.5 Reasons given in the submissions include:

- A modification to the SCAR building height standard being the removal of the 1m height allowance to the 8m permitted height stating that there should be no exceptions (84.2)
- A modification to the first bullet point of the SCAR building height purpose statement being the deletion of 'of predominantly one to two storeys' and the addition of 'and provide for the planned environmental outcomes enabled by this standard' because as cited 'it enables development which provides for the planned environmental outcomes of the area in a manner which is consistent with the identified character values of the area' (150.6)
- A modification to the first bullet point of the SCAR building height purpose statement. The submitter seeks that it be substituted with 'retain the existing built

- form character of historically predominantly one storey in the established residential neighbourhoods' because as cited 'On Northcote Point, which has the Overlay, there are relatively few buildings originally designed as two-storey buildings'(159.2)
- The first bullet point of the SCAR building height purpose statement. The submitter seeks that council 'Discourage the support for two storey buildings that are out of character to the Special Character Areas' (233.4)
  - Additions to the purpose statement. 'The importance of street and streetscape is recognised. This addition provides balance by drawing attention to all boundaries' (207.6)
  - Strengthening the purpose with text from Policy 2c'. And further additions are added with a view to address their concerns that the plan change 'overlooks the importance of yards in the SCAR', and 'The use of "avoid, remedy or mitigate" is more consistent with the RMA' (207.6)
  - Modification to the 3<sup>rd</sup> bullet point of the SCAR building height purpose statement. The deletion of 'maintain a reasonable level of sunlight access and' because 'this is not consistent with any of the purposes of the underlying zones, such as Residential – Single House. In the underlying zones, maintaining a "reasonable level of sunlight access" is attributed to the height in relation to boundary standard, and not building height (219.3, 221.3 & 228.3)
  - That an additional bullet point be added into the purpose statement being 'Maintain a reasonable standard of residential amenity for adjoining sites' because 'This is necessary to ensure "residential amenity for adjoining sites" continues to be treated as an important priority consideration within Special Character areas' (249.4)
  - Seeks relief in the activity table being reflective of the most restrictive criteria for building height (258.2)

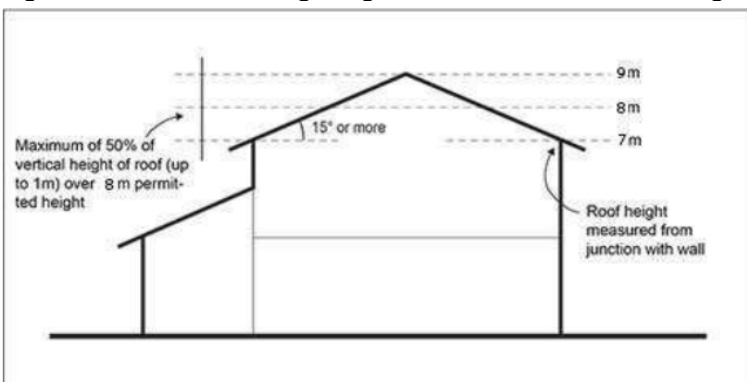
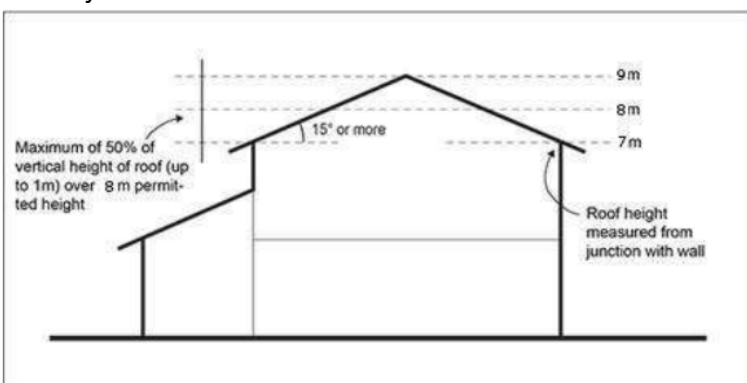
### **Sub-theme: Opposes/decline**

28.6 Reasons given in the submissions include:

- Opposed to allowing developers new rights to build massive structures next top single level homes. Restricting present Sunlight levels and affecting the quality of life of existing residents'...and 'Leave the planning rules as they are! If you wish to build up, do so in NEW AREAS! Not existing residential areas. What is being proposed will make the area overcrowded by 3-4 times the number of residents' (10.2)
- The plan provisions do not allow flexibility of application for sloping sites or parts of them to achieve privacy and up to date functionality of a modern residential dwelling. Such sites are the norm in the Freemans Bay area. The provisions are silent or ambiguous on normal regular renewal of existing structures which have never been compliant with the new provisions and /or cannot be made to be (16.1)
- Within the purpose statement 'The use of the words "reasonable level of sunlight" is too open to abuse and argument and a definition and detailed description based on science is needed' (21.2)
- The current provisions are good enough, no need for any changes' (34.2)
- Maximum height should not be increased' and 'The proposed new standards are greater than allowed for in the Unitary Plan and permissible modifications to residential buildings in the areas specified should be no greater or no less than they are currently since this would make a mockery of the Special Character Areas Overlay' (77.2)
- The plan change will allow greater building heights and densities in the side and rear of character properties' (107.3, 121.5 & 122.5)
- It is important to retain ... the current height regulations', but provides no further explanation or reasoning (171.2)

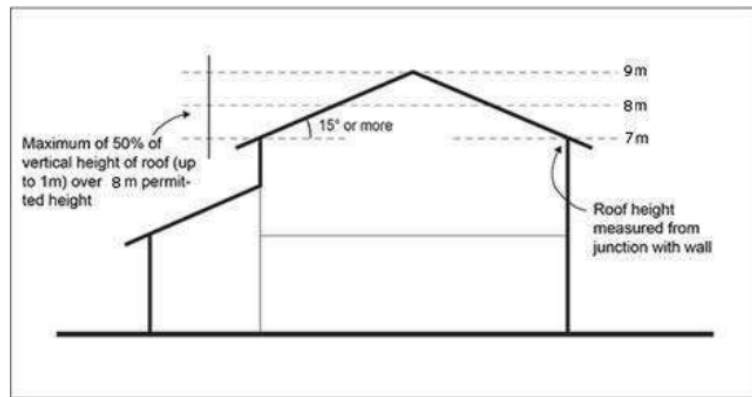
## Analysis and discussion

- 28.7 The intention of the plan change is to be a technical fix to make it clear as to which version of the standard is to be applied. If the SCAR overlay is over a site, then the standards in the Special Character Overlay are to 'replace' the corresponding standards of the underlying zoning.
- 28.8 It is not intended to revisit any of the limits of the standard and the limits of the standard are not changing from what is currently operative. A purpose statement is proposed to be added which will result in the standard being similar in format to that of the underlying zone version of the standard, thus enabling its replacement when applicable.
- 28.9 The diagram below shows what is currently operative and what is proposed in regard to the building height standard:

<b>Single House Zone (currently operative)</b>	
<p>Maximum Building height = 8m. except this may increase to 9m under circumstance shown in Figure H3.6.6.1 Building height in the Residential – Single House Zone (H3.6.6)</p>	<p>Figure H3.6.6.1 Building height in the Residential – Single House Zone</p> 
<b>Special Character Overlay (currently operative)</b>	
<p>Maximum Building height = 8m. except this may increase to 9m under circumstance shown in Figure D18.6.1.1.1 Building height in the Special Character Areas Overlay - Residential</p>	<p>Figure D18.6.1.1.1 Building height in the Special Character Areas Overlay – Residential</p> 
<b>Proposed changes to Special Character Overlay version of the standard</b>	
<p>Maximum Building height = 8m. except this may increase to 9m under circumstance</p>	<p>Figure D18.6.1.1.1 Building height in the Special Character Areas Overlay – Residential</p> <p>The addition of a purpose statement</p>



shown in Figure opposite.



- 28.10 The purpose statement of the standard D18.6.1.1 Building Height under the SCAR differs to that of the purpose statement underlying zone standard. This is to ensure that outcomes under SCAR, with respect to building height, will be reflective of the special character values of the area.
- 28.11 In light of this, submissions points 7.1, 110.11, 123.5, & 224.6 are supported, and submissions points 152.1 & 157.5 are also supported being consistent with the standard.
- 28.12 Submission points 219.3, 221.3 & 228.3 seek the same relief for the same reasoning. The submission opposing the third bullet point of standard D18.6.1.1 – Building Height is supported because maintaining a “reasonable level of sunlight access” is attributed to the height in relation to boundary standard, and not building height.
- 28.13 Submission point 84.2 is not supported because this part of the standard is not included in the plan change. Roof lines of special character buildings in special character areas are not limited to a maximum height of 8m. Some building typologies in special character areas have roof lines that are higher than 8m and the 1m allowance for 50% of a building's roof in elevation enables development to be in accordance with the special character values of an area.
- 28.14 Submission points 150.6, 159.2 & 233.4 seek similar relief for similar reasoning. The suggested additions and rewording of the purpose statement are not supported because limiting development to one storey would not result in outcomes that would be reflective of the diversity of building typologies of the differing periods of development found in special character areas of Auckland.
- 28.15 Submission points 207.6, 249.4 & 258.2 suggested changes and additions to the purpose statement. These are not supported because they add complexity to the purpose statement. Also, the suggested additions are considered onerous and superfluous as the intention behind their addition is captured through the other standards such as Height in Relation to Boundary, Building Coverage and Yards.
- 28.16 Submission point 21.2 in opposition, is not supported as their specific concerns are addressed under theme 19: Height in Relation to boundary standard: section 28.27.
- 28.17 Submission points 10.2, 16.1, 34.2, 77.2, 107.3, 121.5, 122.5, 171.2 in opposition to the plan change are not supported, because the reasoning in these submissions appears to indicate that the submitters either:
- do not understand that the intent behind the plan change;

- are not aware that the underlying zonings version of the standard is to be applied with equal weighting along with the Special Character version of the standard, meaning two sets of the same standard with possible differing thresholds to apply;
- are of the view that this plan change will enable building heights over and above what is currently operative.

28.18 These concerns are either incorrect, out of scope, or can be addressed in assessments of environmental effects at resource consent stage.

### **Recommendations on Submissions**

28.19 For the reasons discussed above, I recommend that **submissions points 7.1, 110.11, 123.5, 152.1, 157.5, 219.3, 221.3, 224.6 and 228.3 be accepted**, and that **submission points 10.2, 16.1, 21.2, 34.2, 77.2, 84.2, 107.3, 121.5, 122.5, 150.6, 159.2, 159.3, 171.2, 207.6, 219.3, 233.4, 249.4 and 258.2 be rejected**.

28.20 There are no further amendments to PC26 associated with this recommendation in **Appendix 1**.

## **29. Theme 19: Submissions on D18.6.1.2 Height in Relation to Boundary**

29.1 PC26 proposes to make changes the Height in Relation to Boundary standard. The changes are:

- A purpose statement is proposed to be added;
- The standard will not be applicable to front boundaries;
- The standard will see the addition of provisions that clarify how the standard should apply in respect to:
  - corner sites,
  - sites with street frontages less than 15m in length,
  - rear sites,
  - common wall boundaries,
  - access ways,
  - rights of way,
  - entrance strips,
  - access sites and
  - pedestrian accessways.
  - gable ends, dormer and roof projections.

29.2 The additional provisions to the standard will see the application of the 3m + 45° recession plane to those sites that reflect the closely packed, high density development pattern of the earliest areas of the city. It is considered that the 15m frontage width measure will capture most of the key characteristics identified within the character statements.

29.3 The application of the Height in Relation to Boundary control from the side and rear boundaries, along with the building height and front yard setback requirements, will sufficiently control amenity within the overlay from a streetscape perspective removing the need for the Height in Relation to Boundary control along the front boundary.

- 29.4 As the plan currently operates, and discussed in section 1.3, the underlying zone version of the standard is to be applied with equal weighting along with the Special Character version of the standard to sites covered by the overlay. Some of the underlying zone versions of the standard have differing height to boundary dimensions which has generated problems.
- 29.5 The intention of the 15m trigger is to provide those properties that sit on front sites created in the 1<sup>st</sup> and 2<sup>nd</sup> development phase of Auckland with the ability to retain and/or develop their properties in accordance with the existing special character values of the area and their respective streets
- 29.6 Additional wording is proposed to the standard which is intending to both clarify when and how the standard is to be applied, as well as to replicate, for the most part, the standard of the underlying zoning in order to enable its replacement. The intent of the plan change is to make it clear for people to know when to apply the underlying zone version of the standard or the special character version of the standard.
- 29.7 The submissions on plan change 26 Height in Relation to Boundary standard are broken down into 3 sub themes:
- those who support the plan change to the Height in Relation to Boundary standard;
  - those who oppose the plan change and/or want it declined.
  - those who accept the plan change and suggest modifications or changes;

#### Sub-theme: Support

Sub No.	Name of Submitter	Summary of the relief sought by the submitter	Further Submissions	Planners Recommendation
26.3	Elisabeth Sullivan	Support retaining max height to boundary of 3m for properties with frontages of less than 15m		Accept
112.2	Peter Desmond Withell	The special character rules should always replace any conflicting rule		Accept
145.2	Patrick Reddington and Letitia Reddington	Support height in relation to boundary		Accept
151.4	Bronwyn Hayes	Retain the 3m 45 Hirtb		Accept
154.1	Mrs Anna Lomas Breckon	Agree to HiRTB as proposed	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS7 The University of Auckland – Oppose FS6 Auckland Grammar School – Oppose	Accept
204.4	Mount St Johns	Support the changes to the height to boundary rules, which allow for the development of sites		Accept

<b>Sub No.</b>	<b>Name of Submitter</b>	<b>Summary of the relief sought by the submitter</b>	<b>Further Submissions</b>	<b>Planners Recommendation</b>
	Residents' Group Inc c/- Catherine Peters	which have a frontage of less than 15 metres to three metres, and then at a 45 degree angle		
219.5	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Supports the removal of the HIRTB planes from front boundaries	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support FS16 R & M Donaldson – Support	Accept
219.6	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Supports the inclusion of the exclusion provisions set out in D18.6.1.2(2)-(6)	FS12 K Vernon – Oppose in part	Accept
221.5	Auckland Grammar School (AGS) c/- Sarah Burgess	Supports the removal of the HIRTB planes from front boundaries	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support FS16 R & M Donaldson – Support	Accept
221.6	Auckland Grammar School (AGS) c/- Sarah Burgess	Include the exclusion provisions set out in D18.6.1.2(2)-(6) as proposed in PC26	FS12 K Vernon – Oppose in part	Accept

<b>Sub No.</b>	<b>Name of Submitter</b>	<b>Summary of the relief sought by the submitter</b>	<b>Further Submissions</b>	<b>Planners Recommendation</b>
222.4	Rachael and Jonathan Sinclair	Standard D18.6.1.2 (4) - we support this clarification so that height in relation to boundary applies on the farthest boundary of the legal right of way, entrance strip, access site to pedestrian accessway.	FS12 K Vernon – Oppose in part	Accept
224.9	Hume Architects Ltd c/ - Chris Hume	Supports height in relation to boundary D18.6.1.2 (4), (5), (6)	FS12 K Vernon – Oppose in part	Accept
227.2	Eden Park Neighbours ' Assoc c/- Mark Donnelly	Support the HiRTB for sites with greater than 15m frontage		Accept
228.5	The University of Auckland c/- Sarah Burgess	Supports the removal of the HIRTB planes from front boundaries	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS16 R & M Donaldson – Support	Accept
228.6	The University of Auckland c/- Sarah Burgess	The University supports the inclusion of the exclusion provisions set out in D18.6.1.2(2)-(6) which will make the SCAR provisions consistent with those applying to other residential zones.	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS16 R & M Donaldson – Support	Accept
245.2	R & M Donaldson c/- J A Brown	Confirm the provisions of PC26 insofar as they relate to sites with a frontage less than 15m		Accept
245.3	R & M Donaldson c/- J A Brown	Confirm the application of a three-metre starting height for recession planes, applying on the side and rear boundaries only		Accept

29.8 A summary of the relief sought by the submitters is contained in the above table.

29.9 Reasons given in the submissions include:

- These are essentially the same or similar to the standards that have been in effect for the last 20 years under the previous Auckland District plan. They help protect the special heritage ... and reflect the pattern of existing development on narrow sites (26.3).
- I believe the plan change will provide clarity for development in a special character overlay area. These rules help manage our heritage areas (112.2)
- It is essential to retain the SCAO in heritage suburbs and to retain ... the 3m vertical height/45degree angle requirement. This will go some way to protect the efforts made by several generations to retain the attraction of Devonport and its restored villas and cottages. (151.4)
- The proposed change would increase the viability of building housing of a size and quality commensurate with the high land values in our suburb, particularly on the many sites that are small and/or narrow and/or irregularly shaped (154.1)
- This will allow for greater development of more constrained sites (204.1)
- The 3m +45°recession plane will enable a greater flexibility of design for new buildings (and alterations and additions to existing buildings) which would in turn allow for design to respond positively to the special character values and context of the area as required by the policies in Chapter D18.(245.3).
- The Submitter supports the removal of the Height in Relation To Boundary planes from front boundaries which will make the SCAR provisions consistent with those applying to other residential zones. (219.5) (221.5) (228.5)
- The Submitter supports the inclusion of the exclusion provisions set out in D18.6.1.2(2)-(6) which will make the Special Character provisions consistent with those applying to other residential zones. (219.6) (221.6) (228.6)
- The submitter supports the inclusion of the exclusion provisions set out in D18.6.1.2(4)-(6) (224.6) but provided no reasoning.
- No reasons provided in their submissions 145.2, 222.4, 227.3

## Analysis and discussion

29.10 The seventeen submission points demonstrate the respective submitters support of the plan change and its intention to have the SCAR overlay version of the standard, prevailing over the underlying zone version of the standard. This will address any confusion about which rule to apply. This meets the intention of the plan change and is supported.

## Sub-theme: Oppose

Sub No.	Name of Submitter	Summary of the relief sought by the submitter	Further Submissions	Planners Recommendation
34.3	William Wu	Decline the plan modification in respect of H3.6.7 - Height in relation to boundary		Reject
49.2	Wing Cheuk Chan	Development criteria is inappropriately restrictive in a number of areas including height to boundary	FS32 Lim Che Cheung Chan – Support	Reject
51.2	Janet Digby	Retain the current stricter height in relation to boundary control	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose	Reject

Sub No.	Name of Submitter	Summary of the relief sought by the submitter	Further Submissions	Planners Recommendation
			FS7 The University of Auckland - Oppose	
56.2	Charles Laurence Digby	Retain current rules relating to height in relation to boundary	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland - Oppose	Reject
70.2	Lyndsay and Lianne Brock	Do not support the proposed 15m frontage 'trigger' and ask that it be deleted	FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust - Support	Reject
77.3	Christopher and Louise Johnstone	Height to boundary should remain the same		Reject
78.2	Lim Che Cheung Chan	Development criteria is inappropriately restrictive in a number of areas including height to boundary	FS19 Wing Cheuk Chan – Support	Reject
88.1	Passion Fruit Trust	The more restrictive height to boundary measure be used	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS7 The University of Auckland – Oppose FS6 Auckland Grammar School – Oppose FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall – Oppose	Reject

Sub No.	Name of Submitter	Summary of the relief sought by the submitter	Further Submissions	Planners Recommendation
89.2 89.4	Kathy Prentice	Retain the Single House zone height in relation to boundary control	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS7 The University of Auckland – Oppose FS6 Auckland Grammar School – Oppose	Reject
91.2	Raymond Johnston	The underlying (and presuming more restrictive) height in relation to boundary standard should not apply to a rear site - allow the 3.0m height in relation to boundary to also apply to rear sites		Reject
107.4	Robyn Rosemary Cameron	Decline the plan change in respect of D18.6.1.2 Height in Relation to Boundary		Reject
111.1	Alexander and Julia Cowdell	Oppose SCAR Height in relation to boundary changes		Reject
121.2	Darcy McNicoll	Retain the SHZ height in relation to boundary control	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS7 The University of Auckland – Oppose FS6 Auckland Grammar School – Oppose	Reject
122.2	Robyn McNicoll	Retain the SHZ height in relation to boundary control	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS7 The University of Auckland – Oppose FS6 Auckland Grammar School – Oppose	Reject
124.2	Stephen John Mills	Retain the SHZ HiRTB control		Reject
129.1	Gretta McLeay	Oppose relaxing the HiRTB for the front boundary	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS7 The University of	Reject



Sub No.	Name of Submitter	Summary of the relief sought by the submitter	Further Submissions	Planners Recommendation
			Auckland – Oppose FS6 Auckland Grammar School – Oppose	
129.2	Gretta McLeay	Oppose the reduced HiRTB control from 3m 45deg to 2.5m 45 deg		Reject
131.2	Alastair George McInnes Fletcher	Request that the more restrictive HiRTB prevail		Reject
153.3	Michael Neil Hayes	Height to boundary should be no more imposing than 45 degrees above 2.5m		Reject
157.4	Roy Koshy	HIRB rules should be same irrespective of where the dwelling is positioned/being positioned (front/rear of the property)		Reject
159.4	Dinah Holman	For calculating height in relation to boundary, the point from which the recession plane is set in the Overlay Area be reduced to 2.5m		Reject
160.3	Helen Louise Phillips-Hill	Oppose changes to the HiRTB		Reject
160.5	Helen Louise Phillips-Hill	Oppose the different rules for longer frontages (for height in relation to boundary controls)	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS7 The University of Auckland – Support FS6 Auckland Grammar School – Support	Reject
162.2	Kirsty Gillon, Buchanan House Trust	Amend Overlay rule for height in relation to boundary to define the envelope to at least 2.5m vertical height and then a 45 degree incline		Reject
169.2	Mary and Jonathan Mason	Remove 3m 45 HiRTB and instead have a 2.5m vertical height and a 45 degree incline		Reject
172.2	Sam and Rhonda Mojel	Hirtb rules should not be altered		Reject
175.2	Coralie Ann van Camp	Oppose height to boundary reduction from 3m to 1m in character areas		Reject
176.2	Margot Jane McRae	HTB - should be 2.5m vertical height and 45 degrees angle		Reject
186.2	Tom Ang	Oppose the increase of HIRB from 2.5m to 3m - D18.6.1.2		Reject
200.2	Wendy Gray	Oppose the increase of HIRB from 2.5m to 3m - D18.6.1.2		Reject
202.2	Sue Cooper, Remuera Heritage	The more restrictive HiRTB requirement should apply		Reject
203.2	Sally Hughes,	The more restrictive HiRTB requirement should apply		Reject

Sub No.	Name of Submitter	Summary of the relief sought by the submitter	Further Submissions	Planners Recommendation
	Character Coalition			
218.3	Leighton Haliday	Retain more restrictive HiRTB		Reject
224.7	Hume Architects Ltd c/ - Chris Hume	Opposes height in relation to boundary D 18.6.1.2 (1) (a) The site has a frontage length of less than 15m.	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support	Reject
224.8	Hume Architects Ltd c/ - Chris Hume	Opposes height in relation to boundary D 18.6.1.2 (2) The underlying zone Hirtb standard applies where: (a) The site has a frontage length of 15m or greater. (b) The site is a rear site.	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support	Reject
233.3	Birkenhead Residents Associations	Retain the underlying zones 2.5m height/boundary requirement.		Reject
236.3	Samson Corporation Ltd And Sterling Nominees Ltd	The proposed addition into Rule D18.6.1.2 – Height in Relation to Boundary of the requirement for sites with a frontage of 15m or greater is not supported		Reject
237.2	Matthew Douglas Easton	Apply the more restrictive HiRTB		Reject
238.3	Andrew Body and Karen Paterson as trustees of GALATEA TRUST	The proposed addition into Rule D18.6.1.2 – Height in Relation to Boundary of the requirement for sites with a frontage of 15m or greater is not supported		Reject
243.2	Michael Fitzpatrick	Apply SHZ rule of 2.5m vertical height and then a 45 degree incline to SCAO		Reject
244.2	Julie Raddon Raddon	Apply SHZ rule of 2.5m vertical height and then a 45 degree incline to SCAO		Reject

Sub No.	Name of Submitter	Summary of the relief sought by the submitter	Further Submissions	Planners Recommendation
248.2	Jacqui Goldingham	Opposed to changes to height in relation to boundary		Reject
249.6	Keith Vernon	Do not support the 3m and 45 degree HIRB standard for sites with a frontage less than 15m as proposed under sub-clause (1) - the normal HIRB standard (in most cases the single house 2.5m and 45 degrees) should continue to apply regardless of the frontage width	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose	Reject
252.2	Brendan Kell	Oppose changes to D18.6.1.2 Height in relation to boundary		Reject
253.2	Barbara Cuthbert and Michael Ashmore	Delete the proposed change to the height in relation to the boundary standard		Reject
257.7	Housing New Zealand c/- Alex Devine	Oppose the proposed amendments and new text introduced into Standard 'D18.6.1.2 Height in relation to boundary', including D18.6.1.2(1), (2), (3), (4), (6) and (7)	F12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc - Oppose	Reject
266.2	Iain Rea	Remove the amendments to D18.6.1.2 - Height in relation to boundary		Reject

29.11 A summary of the relief sought by the submitters is contained in the above table.

29.12 Reasons given in the submissions include:

- The current provisions are good enough, no need for any changes (34.3) (172.2) (266.2)
- We are concerned that development criteria is inappropriately restrictive in number of areas including height to boundary ratio standards. In some cases, if the proposed rules were to be retrospectively implemented, vast majority of the existing buildings (if not all) in a local neighbourhood would be have significant number of non-complying activities (49.2) (78.2)
- I propose sticking with the current stricter rule that buildings cannot be built higher with great bulk and visual impact. This proposed change would allow Devonport buildings to have far more imposing buildings than the standard rule of the SHZ for all of Auckland and could diminish the heritage values of our area. (51.2) (56.2)
- Applying the 15m 'trigger' to some properties means two totally different set of rules will be used, detrimentally impacting the cohesion of streetscapes and producing the appearance of intermittent planning anomalies. (70.2)
- The proposed new standards are greater than allowed for in the Unitary Plan and permissible modifications to residential buildings in the areas specified should be no greater or no less than they are currently since this would make a mockery of the Special Character Areas Overlay (77.3)

- The outcome of this proposed more lenient rule is that building can be built higher with great bulk and visual impact. This would significantly and adversely affect the strong sense of character and heritage value we have in our street, and many streets like it in Remuera, and other more established suburbs with character overlays. (88.1)
- The outcome of this proposed more lenient rule is that building can be built higher with great bulk and visual impact. It is not clear why bulkier houses should be allowed when the width of the property is less. (202.2) (203.2)
- Similar submission: This is far more imposing than the standard of the Single House Zone which is based on a 2.5m vertical height and then a 45° incline. The outcome of this proposed more lenient rule is that building can be built higher with great bulk and visual impact (89.4) (107.4) (121.2) (122.2) (124.3)(162.2) (176.2)(243.2)(244.2)
- Retaining a 2.5m height on relation to boundary for a rear site in our situation is manifestly unfair. In our case, applying a 3.0m height in relation to boundary does not impact on the streetscape, but would result in better outcomes in terms of being able to address our needs in terms of space for our growing family. (91.2)
- Devonport has always had the height to boundary measurement based on an envelope border by a vertical height of 2.5m, 1 metre from the boundary and then a 45 degree angle measurement, ensuring that the scale of any additions are not dominant, respect privacy and are responsive to sunlight considerations. (111.1)
- Confused: The submitter I oppose the relaxing of Height to Boundary rules, both for front street boundary, and the reduced height, from 3m 45deg to 2.5m 45 deg...I feel it is better to stay with the original rules especially where I can see no analysis of real impacts. (129.1)
- To allow closer proximity to the boundary of current properties, and to the existing houses, will reduce both sunlight and privacy and negatively affect the quality of life of residents. Current requirements in general suburbs, relating to height and shade angles should be applied to heritage areas. (131.2)
- height to boundary should be no more imposing than 45 degrees above 2.5m. Criteria for discretion and assessment should be specific to the dominant rules for the area and criteria for other zones should not be used in consideration of applications, lest a simple avenue for circumventing the letter and intention of the dominant rules would remain as a 'loophole' for 'character-insensitive' developments. (153.3)
- no reason provided: HIRB rules should be same irrespective of where the dwelling is positioned/being positioned (front/rear of the property) (157.4)
- The 3m provision required by the Overlay will result in taller, bulkier buildings causing a general loss of amenity - greater shading, loss of sunlight, loss of open space, loss of privacy and possibly an increase in noise. (159.4)
- The proposals are detrimental to maintaining our heritage-built landscape and threaten neighbours with unwanted impacts. (160.3)
- We believe a 2.5m vertical height and then a 45-degree incline in keeping with standards for the Single Housing Zone will better provide special character protection. Many Special Character areas consist primarily of single houses and deserve comparable protection from imposing neighbouring structures. We believe that this is integral to maintain the special heritage of these areas. (169.2)
- Privacy issues with neighbours extending closer to existing windows etc. is the opposite to protecting the Character area we currently enjoy, pay high rates for the value of and which makes it desirable to live in. (175.2)
- In Special Character Areas, in which houses are already tightly packed, such as Grey Lynn, any increase in height of house impacts that are substantially more than minor on visual amenity, blocking of sun leading to increase in shade. (186.2) (200.4)

- This would result in new larger houses looming over the homes of others (218.4)
- The plan change has been used to introduce a new rule that is inequitable and will not support the objectives of the Special Character Area Overlay (224.7)
- The changes will encourage more intensive use of smaller sections.... result in loss of amenity value e.g. Shading and loss of sunlight; Loss of space; Loss of privacy. It encourages development/redevelopment that will intensify land use on sites of all sizes. It will increase the ease of building 2 story housing. (233.3)
- Reducing the recession plane to the underlying zone standard (generally 2.5 metres) for those sites with frontages 15 metres or greater in length is arbitrary and could affect the original development patterns and therefore the special character of these areas (236.3) (238.3)
- To maintain the nature of Victorian buildings in Devonport. As it is a heritage area modern building extensions and infill should not be allowed. (248.2)
- The purpose of the HIRB control is in part to protect sunlight access for neighbours and to minimise visual dominance effects on neighbours. This is an important aspect of Special Character. The fact that a site has less width does not change that requirement (249.6)
- The proposed reduction to 2.5 would limit any future replacement of existing garage with a loft garage given our existing house coverage (252.2)
- This provides for additional development potential, and would result in a more dominant building in relation to neighbouring sites (253.2)
- The SCA Overlay should not be seeking to duplicate, incorporate or alter the underlying zone provisions where these provisions are not specific to the values being managed (257.7)

## **Analysis and discussion**

- 29.13 My analysis of the submissions on the height in relation to boundary standard, is that many submitters are unclear what is operative at present. The underlying zone version of the standard is to be applied with equal weighting along with the Special Character version of the standard to sites covered by the overlay.
- 29.14 With regards to the Activity Table, any additions and/or alterations to buildings covered by the SCAR overlay require a resource consent regardless of compliance with the standards. There is no permitted building envelope on sites covered by the overlay, which differs to that of the underlying residential zones. The plan change proposes a cross reference to the matters of discretion and assessment criteria of the underlying zoning ensuring a robust assessment is undertaken. This is the same as the plan currently operates, in that the underlying zone version of the standard's matters of discretion and assessment criteria are to be applied with equal weighting along with the Special Character version of the standard' matters of discretion and assessment criteria to sites covered by the overlay.
- 29.15 Within special character areas, it is the bulk and location of buildings, together with their collective values and how they contribute to streetscape and align with the character statements of schedule 15, that is important. Development has to reflect the special character values of the area. The plan change proposes changes to the standard to specify where the standard is to be applied and how it can work more efficiently.
- 29.16 Submission points 34.3, 172.2, 266.2, 253.2 & 257.7 in opposition to the plan change, are not supported, because their reasons indicate that they are not aware of the issues around having two versions of the same standard operative. The s.32 report explains the issues which informs the rationale for the plan change.

- 29.17 Submission points 49.2, 78.2 in opposition to the plan change, are not supported, because the s.32 report has explained the circumstance as to which development standard is to be applied, and which matters of discretion & assessment criteria will be relevant ensuring robust assessments will be undertaken. The non-compliance of existing buildings is captured under s.10 existing use rights of the RMA.
- 29.18 Submission point 257.7 and 266.2 seek that the proposed additional text to the Height in Relation To Boundary standards be deleted and submission points 51.2 and 56.2 have a similar worded submission seeking that the 'current stricter' Height In Relation To Boundary standard be applied. This is not supported because the reasons for the additional text to be added in the plan change are so that the standard aligns with the underlying zone version of the standard and also to specify that buildings on front sites less than 15m in width are to have the Special Character Height In Relation To Boundary applied. As discussed in section 28.5, this is an important distinction, which the additional text makes clear upholding the special character values of the streetscape.
- 29.19 With regards to submission points 70.2, 88.1, 89.4, 107.4, 121.2, 122.2, 124.3, 153.3, 157.4, 159.4, 160.3, 162.2, 169.2, 175.2, 176.2, 186.2, 200.4, 202.2, 203.2, 218.4, 236.3, 238.3, 243.2, 244.2, 249.6 section 5.3.1 of the S32 Evaluation Report, states that the SCAR version of the standard is 'intended to maintain the built form, in particular the roof pitch associated with the more compact sites within traditional Victorian walking suburbs. Many of these sites are highly constrained, and in order achieve good outcomes for both design and character', the application of the Special Character Height in Relation to Boundary standard to sites with frontage < 15m is justified.' The application of the 2.5m + 45° recession plane to front sites greater than 15m in width would not achieve outcomes commensurate with Special Character as described above. The recession plane to be applied to front sites with frontages greater than 15m in width and rear sites would be that of the underlying zoning which will cover inter site residential amenity such as privacy, shading, loss of sunlight, rather than special character amenity as per the Special Character Height in Relation to Boundary. Notwithstanding, this will result in appropriate additions and alterations to buildings, because development will still need to be commensurate with the special character values of areas as is required by the matters of discretion.
- 29.20 Submission points 77.3, 129.1, 218.4, 224.7, 252.2 in opposition to the plan change, are not supported, because the limitations and thresholds of the standards are not changing from what is currently operative. The additional wording proposed seeks to perpetuate Special Character Values and provides clarification as to when, and which version of the standard is to be applied. The concerns of submission point 252.2 are addressed under s.10 existing use rights of the RMA.
- 29.21 Submission point 91.2 in opposition to the plan change, is not supported, because the underlying zone version of the standard is more appropriate to rear sites as it manages the inter-site amenity effects. Furthermore, development on rear sites may be visible to streetscapes by elevated height of a rear site, or through side yards of front sites, so their contribution to streetscapes may be minimal compared to that of development on front sites.
- 29.22 Submission points 111.1, 131.2 in opposition to the plan change, is not supported, because the reasoning presented is not correct. The legacy North Shore District Plan had special HiRTB controls for Devonport. This area was zoned Residential 3 and had a range of recession planes of varying degrees depending on the boundary it was to be applied to and all were to apply the more generous height of 2.75m. This

was to ensure development was in keeping with Special Character Values which this plan change seeks to perpetuate, rather than inter-site amenity values which the underlying zone version of the standard focuses on.

29.23 Submission point 233.3 in opposition to the plan change, is not supported, because smaller sites in Special Character Areas generally have larger houses relative to the size of the site (see Building Coverage section). This is a particular attribute of Special Character Areas. The reasons for objection in the submission show that the submitter is more concerned with impacts upon the amenity values associated with the underlying zone version of the standard than that of the SCAR version of the standard.

**Sub – theme: Amend**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
8.1	Adonis Souloglou	Accept the plan modification with amendments to the height in relation to boundary control - retain the existing control	FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support	Reject
21.3	Martin Evans	The angle needs to reduce to at least 35 degrees and preferably 30 degrees		Reject
24.2	Steven Lloyd Francis	Amend the height-in-relation to boundary control to allow the 3m+45 control to apply to all additions/extensions to existing buildings		Reject
55.3	Wong Liu Shueng	Maintain access to sunlight and air		Reject
73.2	Catherine Spencer	Maintain the envelope (i.e. height in relation to boundary) based on a 3m vertical height and then a 45-degree incline for height in relation to boundary		Reject
96.4	Colin and Jocelyn Weatherall Attn: David Wren	Delete the distinction in the height in relation to boundary control for sites less than or greater than 15m frontage, corner sites and rear sites	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS7 The University of Auckland – Support FS6 Auckland Grammar School – Support FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body	Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
			and Karen Paterson as trustees of Galatea trust – Support FS23 Remuera Heritage Inc – Support in part	
97.4	Peter Ng Attn: David Wren	Delete the distinction in the height in relation to boundary control for sites less than or greater than 15m frontage, corner sites and rear sites	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS7 The University of Auckland – Support FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support	Reject
110.12	KTW Systems LP c/- Rachel Dimery	Amend D18.6.1.2(2) as per the submission		Reject
123.15	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Amend Standard D18.6.1.2 Height in Relation to Boundary by the deletion of clause (1a) and 1(b) so that all sites in the SCAO are required to comply with a 45 degree recession plane measured from a point 3m above the ground level along side and rear boundaries	FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support	Reject
127.4	John Dillon c/- David Wren	Remove the 15m trigger for HiRTB rule	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support	Reject
128.4	Peter and Sarah Wren c/- David Wren	Remove the 15m trigger for HiRTB rule	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling	Reject



Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
			Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support	
150.7	B Dayal c/- Vijay Lala - Tattico Limited	Amend HiRTB in D18.6.1.2 - height in relation to boundary - change wording to delete 15m trigger	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS7 The University of Auckland – Support FS6 Auckland Grammar School – Support FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support	Reject
153.3	Michael Neil Hayes	Retain 2.5m 45 Hirtb	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS7 The University of Auckland – Oppose FS6 Auckland Grammar School – Oppose	Reject
160.3	Helen Louise Phillips-Hill	Oppose changes to the HiRTB		Reject
164.2	Alex Findlay, Expanse Ltd	Allow rear sites and those with a 15 m or more frontage to utilise the more flexible 3 m and 45° height in relation to boundary control	FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support	Reject
173.2	John Childs c/- John Childs Consultants Limited	Rear sites should have the Overlay HiRTB applied in D18.6.1.2 by deleting Clause (2)	FS3 Colin Hardacre - Support	Reject
178.3	KCH Trust and Ifwersen Family Trust c/- Bianca Tree, Minter	Allow the changes to D18.6.1.2 Height in relation to boundary subject to removal of purpose statement	FS12 K Vernon – Oppose in part	Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
	Ellison Rudd Watts			
182.2	Michael Snowden c/- Philip Brown - Campbell Brown Planning	That standard D18.6.1.2 be amended so that all sites within the SCA Overlay are subject to a 3.0m+45o HIRB standard	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS7 The University of Auckland – Support FS6 Auckland Grammar School – Support FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support FS16 R & M Donaldson – Support	Reject
202.2	Chair Sue Cooper Remuera Heritage	Although this is not explicitly stated in the submission, it is inferred that they seek the dimension for the standard be similar to single house zone.		Reject
207.7	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	Change text for Hirtb in accordance with submission	FS12 K Vernon – Support in part and Oppose in part FS23 Remuera Heritage Inc – Support in part	Reject
219.4	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Amend the provisions in D18.6.1.2 Height in relation to boundary for the 3m + 45° to apply to all Isthmus A sites and sites with frontages less than 15m, and for the underlying zone provisions to apply to all other sites	FS12 K Vernon – Oppose in part	Reject
219.7	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Seeks that the provisions set out in underlying zones that do not require HiRTB from Open Space zoned sites exceeding 2,000m <sup>2</sup> and Business-zoned sites, should be adopted in the SCAR overlay	FS12 K Vernon – Oppose in part	Reject
220.2	Roman Catholic Bishop of the Diocese of Auckland c/- Michael Campbell	Amend Standard D18.6.1.2 Height in relation to boundary so that all sites within the SCA Overlay are subject to a 3.0m+45o HIRB standard - photo example and site frontage diagrams provided	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen	Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
			Paterson as trustees of Galatea trust – Support	
221.4	Auckland Grammar School (AGS) c/- Sarah Burgess	Amend the provisions in D18.6.1.2 Height in relation to boundary for the 3m + 45° to apply to all Isthmus A sites and sites with frontages less than 15m, and for the underlying zone provisions to apply to all other sites	FS12 K Vernon – Oppose in part	Reject
221.7	Auckland Grammar School (AGS) c/- Sarah Burgess	Preclude the HiRTB standards on sites bordering business zoned sites and on open space zones exceeding 2000m2	FS12 K Vernon – Oppose in part	Reject
222.3	Rachael and Jonathan Sinclair	Support Overlay height to boundary being applied (3m and 45 degree) but believe it should apply to all sites in the area (not just those 15m or less frontage)	FS12 K Vernon – Oppose in part and support in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support	Reject
228.4	The University of Auckland c/- Sarah Burgess	Amend the provisions in D18.6.1.2 Height in relation to boundary for the 3m + 45° to apply to all Isthmus A sites and sites with frontages less than 15m, and for the underlying zone provisions to apply to all other sites	FS12 K Vernon – Oppose in part	Reject
228.7	The University of Auckland c/- Sarah Burgess	Preclude the HiRTB standards on sites bordering business zoned sites and on open space zones exceeding 2000m2	FS12 K Vernon – Oppose in part	Reject
236.2	Samson Corporation Ltd and Sterling Nominees Ltd (Samson) c/- J A Brown	Modify Rule D18.6.1.2 by removing the restriction that applies Rule D18.6.1.2 to sites with a frontage length of less than 15 metres only and deleting the application of the underlying zone height in relation to boundary standard to those sites with a frontage length of 15 metres or greater in Rule D18.6.1.2(3)(a); or	FS18 Andrew Body and Karen Paterson as trustees of Galatea trust – Support	Reject
238.2	Andrew Body and Karen Paterson (Galatea) c/- J A Brown	Modify Rule D18.6.1.2 in the manner set out in paragraph 1.5 of this submission, which as the effect of applying a three-metre starting height for recession planes, on the side and rear boundaries only, of all sites within the SCAOR, by removing the restriction that applies Rule D18.6.1.2 to sites with a frontage length of less than 15 metres only and deleting the application of the underlying zone height in relation to boundary standard to those sites with a		Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
		frontage length of 15 metres or greater in Rule D18.6.1.2(3)(a); or		
239.3	Marian Kohler	Amend D18.6.1.2 - height in relation to boundary to limit 3m plus 45 degree recession plane standard to properties that have less than 15m frontage length and are less than 400 sqm net size		Reject
249.5	Keith Vernon	D18.6.1.2 - Height in relation to boundary - Add a new bullet point "Maintain a reasonable standard of residential amenity for adjoining sites"	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS7 The University of Auckland – Oppose FS6 Auckland Grammar School – Oppose	Reject
249.7	Keith Vernon	Any breach of this HIRB standard should require a notified consent with neighbours given the opportunity to be heard.		Reject
249.8	Keith Vernon	In the single house zone the HIRB standard applies on the side and rear boundaries only. There is therefore a case to retain a HIRB standard for the front boundary in the SCA Overlay. The 3m and 45 degree control that currently applies is acceptable on the frontage only.		Reject
249.9	Keith Vernon	The Figure D18.6.1.2.1 is misleading as the 3m step applies to sites with a frontage less than 15m only. If this Figure is retained the heading should be changed to "Height in Relation to Boundary for sites with a frontage length of less than 15m"	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS7 The University of Auckland – Support FS6 Auckland Grammar School – Support	Reject
249.10	Keith Vernon	The current wording in D18.6.1.2 Height in relation to boundary ".. or where a common wall is proposed" should be deleted and to ensure that any underlying provision does not apply the following wording added – "..this provision does not apply if a common wall is proposed"		Reject
249.11	Keith Vernon	The gable end, dormer or roof projection provisions in (5) and (6) in D18.6.1.2 Height in relation to boundary, are also unclear. This should be the total sum length of all projections on any elevation	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS7 The University of Auckland – Support FS6 Auckland	Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
			Grammar School – Support	
249.12	Keith Vernon	In D18.6.1.2 Height in relation to boundary, (6) allows up to two projections per 6m of site boundary. It would be clearer to state the maximum number of projections allowed per site. I propose not more than 4 projections per site	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS7 The University of Auckland – Oppose FS6 Auckland Grammar School – Oppose	Reject
249.15	Keith Vernon	In D18.6.1.2 Height in relation to boundary, (2), (3) and (4) where the term “height” is used it must be “.. height and height in relation to boundary standard (whichever is the lesser height)...”		Reject
249.38	Keith Vernon	Combine sub-clauses (1) and (2) in D18.6.1.2 - Height in relation to boundary and amended to provide for a 3m and 45 degree HIRB on the front boundary of front sites and the underlying Zone provisions applying on all other boundaries regardless of frontage width	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – oppose FS7 The University of Auckland – Oppose FS6 Auckland Grammar School – Oppose	Reject
250.2	Southern Cross Hospitals Limited c/- Bianca Tree	That the amendments to the height in relation to boundary standard D18.6.1.2 be allowed subject to the removal of the purpose statement		Reject
258.3	Parnell Heritage Inc c/- Julie M Hill	Amend the activity table to reflect the most restrictive criteria for height in relation to boundary from either the single house zone rules or the special character rules	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Reject
260.2	Yolande Wong	Remove the road frontage rule and retain the 3m plus 45 height in relation to boundary for all sites in the overlay	FS16 Samson Corporation Ltd and Sterling Nominees Ltd - Support	Reject

29.24 A summary of the relief sought by the submitters is contained in the above table.

29.25 Reasons given in the submissions include:

- The distinction between sites of less than and greater than 15m frontage goes further than clarifying. It sets a new standard not in the original plan. The current plan is simple, clear and therefore should remain the same. The proposal will

- disadvantage wider frontage sites from the original plan for no obvious reason. (8.1)
- The height to boundary ratio and the angle of the neighbouring property need to be directly related to the winter solstice sun level so that the neighbouring southern property still keeps sunlight in the depths of winter (21.3)
  - I would like to see the plan amended so that the 3m+45 control applied to all additions/extensions of existing buildings, and the 2.5m+45 control applied only to new buildings. I believe that would better meet the council's stated goal to "retain and manage the special character values of identified residential areas", with the key being that the 3m+45 control is far more likely to allow additions/extensions to retain the character of the existing building.(24.2)
  - The control of boundaries so the quality of life and access to sunlight and air is ensured (55.3)
  - The outcome of this proposed more lenient rule is that building can be built higher with great bulk and visual impact with the 3m @45-degree envelope... This may seem simple and expedient, however this decision has significant implications that could effect the heritage of Devonport whilst seeming to protect this heritage. (73.2)
  - The use of a 15m cut off point for the imposition of the rule is arbitrary and ignores the fact that even on larger sites the stud height of older houses is higher than most modern houses and that makes the 3m and 45 degree height to boundary standard appropriate. The location of existing buildings on site is more of a determinant of ability to comply with the height to boundary standards than the width of the site. (96.4) (97.4) (127.4) (128.4)
  - The development standard as proposed states that rear sites are subject to the underlying zone height in relation to boundary. This will result in perverse outcomes, where front sites have a larger building envelope and impose greater impacts on adjoining rear sites e.g. greater dominance and shading effects. This amounts to effectively a spot zoning of rear sites. This will have economic costs for property owners as it will diminish the development potential of rear sites. (110.12)
  - For those sites which have a frontage wider than 15m and all rear sites .. compliance... with the HRB control of the underlying zone.... will create an inequitable situation in respect to the development standards on common boundaries, does not relate to the effects of development, and unreasonably restrict development on rear sites which may be entirely adjoined by sites with a frontage of less than 15m and therefore able to utilize the 3m plus 45 degree standard. (123.15)
  - The reduced height recession plane of the underlying zone may result in inappropriate additions and alterations to buildings, which may comply with the standard, however, may result in adverse character effects. (150.7)
  - Criteria for discretion and assessment should be specific to the dominant rules for the area and criteria for other zones should not be used in consideration of applications, lest a simple avenue for circumventing the letter and intention of the dominant rules would remain as a 'loophole' for 'character-insensitive' developments. (153.3)
  - The proposals are detrimental to maintaining our heritage-built landscape and threaten neighbours with unwanted impacts. (160.3)
  - the rule and section 32 report do not adequately provide for large properties with traditional buildings where greater height to boundary flexibility is required. (164.2)
  - The rule unfairly discriminates against rear sites in the overlay (173.2) it should be applied to rear sites (222.3)

- It is inconsistent with the purpose of Plan Change 26 because it introduces uncertainty about the interpretation of these standards in light of the purpose of the SCA Overlay. (178.3)
- The proposed 15m frontage threshold in Standard D18.6.1.2 is considered to be arbitrary, unwieldy, unnecessary, and unfairly impacts on larger sites and corner sites (182.2) (220.2)
- The outcome of this proposed more lenient rule is that buildings can be built higher with great bulk and visual impact. It is not clear why bulkier houses should be allowed when the width of the property is less (202.2)
- No reasoning is provided (207.7) (266.2)
- Submitter 249 proposed many changes to the clauses of the proposed Special character Height in relation to boundary standard but did not provide<sup>3</sup> clear reasoning behind the suggested changes:
- The purpose of the HIRB control is in part to protect sunlight access for neighbours and to minimise visual dominance effects on neighbours. This is an important aspect of Special Character. The fact that a site has less width does not change that requirement (249.5)
- Some unusual outcomes could also arise on corner sites where the standard is controlled by one frontage only per subclause (1)(a)(i). (249.7)
- Any breach of this HIRB standard should require a notified consent with neighbours given the opportunity to be heard (249.7)
- The Figure D18.6.1.2.1 is misleading as the 3m step applies to sites with a frontage less than 15m only. If this Figure is retained the heading should be changed to “Height in Relation to Boundary for sites with a frontage length of less than 15m” [But note that I do not agree with sub-clause (1) or this Figure]. A separate Figure would then be required for sites with a frontage length of 15m and more. (249.9)
- The current wording “.. or where a common wall is proposed” should be deleted and to ensure that any underlying provision does not apply the following wording added – “..this provision does not apply if a common wall is proposed”(249.10)
- The gable end, dormer or roof projection provisions in (5) and (6) are also unclear. What does “cumulatively” mean in (5)(b). Is it the sum of all projections or the total length of any one projection as per figure D18.6.1.2.2. In my view it should be the total sum length of all projections on any elevation.(249.11)
- Also, (6) allows up to two projections per 6m of site boundary. Is that the total boundary length? For instance for a rectangular site with dimension 16m by 30m or total boundary length of 92m this calculation gives a figure of 30.6 projections. That seems excessive. It would be clearer to state the maximum number of projections allowed per site. I proposed not more than 4 projections per site.(249.12)
- In (2), (3) and (4) where the term “height” is used it must be “.. height and height in relation to boundary standard (whichever is the lesser height)...” to ensure the HIRB standard also applies. (HIRB is a method of calculating height at particular locations of the site).(249.15)
- The Submitter considers that basing the permitted height in relation to boundary (‘HIRTB’) standard upon the site frontage width is inappropriate in respect to the Isthmus A sites contained within the overlay. Whilst many Isthmus A sites have frontages less than 15m in width, there is a high number that have frontages of 15m, or slightly greater, and still exhibit the characteristic of Isthmus A sites of closely built dwellings. (219.4) (221.4) (228.4)

- The Submitter seeks that the provisions set out in underlying zones that do not require HIRTB from Open Space zoned sites exceeding 2,000m<sup>2</sup> and Business-zoned sites, should be adopted in the SCAR overlay. (219.7) (221.7) (228.7)
- Reducing the recession plane to the underlying zone standard (generally 2.5 metres) for those sites with frontages 15 metres or greater in length is arbitrary and could affect the original development patterns and therefore the special character of these areas (236.2) (238.2)
- Results are loss of amenity; more shadowing, loss of light and greater bulk and visual impact of buildings (239.3)
- The special character overlay allows for building to occur closer to boundary (1 metre vs 3metre) and this will allow greater bulk and height. (258.3)
- I'm not satisfied that the new restriction of height in relation to boundary to apply to sites with a front boundary width of greater than 15 meters is justified. I do not see any clear evidence that this is warranted (260.2).

## Analysis and discussion

- 29.26 Submission point 257.7, 266.2 seek that the proposed additional text to the Height in Relation to Boundary standard be deleted and submission point 51.2; 56.2 have a similar worded submission seeking that the 'current stricter' Height in Relation to Boundary standard be applied. The analysis and discussion undertaken in section 28.18 is relevant here and is not repeated.
- 29.27 Submission point 21.3 seeks that the 45° recession plane be reduced to between 35°- 30° to enable better sunlight access into properties. This relief sought is not supported because this smaller recession plane would not be creating a building envelope that would be consistent with the rooflines of special character rooflines and is also out of scope of the plan change.
- 29.28 With regards to submission point 24.2, 55.3, 73.2, 96.4, 97.4, 127.4, 128.4, 150.7, 153.3, 160.3, 164.2, 173.2, 222.3, 182.2, 220.2, 236.2, 238.2, 239.3, 249.5, 249.7, 258.3, 260.2 these are not supported for the same reasons as discussed in the analysis and discussion undertaken in section 28.19 and is not repeated here.
- 29.29 Submission points 110.12, 123.15, seeking an amendment to the standard are not supported, because section 5.3.1 of the S32 Evaluation Report, states '*The purpose of Standard D18.6.1.2 is targeted to manage potential adverse effects on the particular built form characteristics of special character areas, from a streetscape perspective*'. Development on rear sites may only be partially be visible to streetscapes by elevated height or through side yards of front sites so their contribution to streetscapes are minimal compared to that of development on front sites. The underlying zone version of the standard is more appropriate to rear sites as it manages the inter-site amenity effects. Furthermore, the coverage standards will be the same for front and rear sites therefore any additional bulk generated by the additional 500mm in height to the standard on front sites, would be commensurate with the Special character values of the area.
- 29.30 Submission point 178.3 opposes the inclusion of the purpose statement. Please refer to theme 17 which explains the reason why the purpose statement is required. The cross referencing of including the assessment criteria of the underlying zone results in having to assess whether development will meet the purpose of the standard. This is the rationale behind adding a purpose to the standard.



- 29.31 With regards to submitter 249, the additional wording proposed generally replicates that of the standard of the underlying zoning which enables its replacement, and the additional wording proposed with additions specific to the continuation of special character values. The resource consent process will determine whether any breaches to the HIRTB standard trigger a notified consent to the affected neighbours. This is out of scope of the plan change.
- 29.32 Submitter 249 suggests additional wording to standard (249.5). This is not supported because the assessment criteria of the special character version of the standard, along with the addition of its reference to the assessment criteria of the underlying zone version of the standard, will be enough to ensure that a reasonable standard of residential amenity can be achieved for adjoining sites. Therefore, the suggested additional wording is unnecessary.
- 29.33 Submission points 219.4, 221.4, 228.4 seeking an amendment to the standard so that the standard only be applied to Isthmus A's sites is not supported because there are many special character sites in all of the Isthmus special character areas and beyond the Isthmus which are narrower than 15m in width, whose buildings, exhibit the character attributes of value. Furthermore, as detailed in the s.32 report (p.39), the application of the special character height in relation to boundary standard is to developments that had occurred within the first two phases of development within Auckland which were typified with narrow sites of less than 15m in width. These are not restricted to Isthmus A sites.
- 29.34 Submission points 219.7, 221.7, 228.7 seeking an amendment to the standard to preclude the use of the special character version of the standard on sites bordering business zoned sites and on open space zones exceeding 2000m<sup>2</sup>, are not supported because this would lead to perverse development outcomes disproportionate in bulk in their ability to be able to contribute to the special character values of the street. Furthermore, the relief sought is out of scope of the plan change.

### Recommendations on Submissions

- 29.35 For the reasons discussed above, I recommend that **submissions points 26.3, 112.2, 145.2, 151.4, 154.1, 204.4, 219.5, 219.6, 221.5, 221.6, 222.4, 224.9, 227.2, 228.5, 228.6, 245.2 and 245.3 be accepted**, and **submissions points 8.1, 21.3, 21.4, 24.2, 34.3, 49.2, 51.2, 55.3, 56.2, 70.2, 73.2, 77.3, 78.2, 88.1, 89.2, 89.4, 91.2, 96.4, 97.4, 107.4, 110.12, 111.1, 121.2, 122.2, 123.6, 123.15, 124.1, 124.2, 127.4, 128.4, 129.1, 129.2, 131.2, 150.7, 153.3, 153.4, 157.4, 159.4, 160.2, 160.3, 160.5, 162.2, 164.2, 169.2, 172.2, 173.2, 175.2, 176.2, 178.3, 182.2, 186.2, 200.2, 202.2, 203.2, 207.7, 218.3, 219.4, 219.7, 220.2, 221.4, 221.7, 222.3, 224.7, 224.8, 228.4, 228.7, 233.3, 236.2, 236.3, 237.2, 238.2, 238.3, 239.3, 243.2, 244.2, 248.2, 249.5, 249.6, 249.7, 249.8, 249.9, 249.10, 249.11, 249.12, 249.15, 249.38, 250.2, 252.2, 253.2, 257.7, 258.3, 260.2 and 266.2 be rejected**.
- 29.36 There are no further amendments to PPC 26 associated with this recommendation in **Appendix 1**.

### 30. Theme 20: Submissions on D18.6.1.3 Yards (General)

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
34.4	William Wu	Decline the plan modification in respect of H3.6.8 - Yards		Reject
68.2	Darren Pang	Rules applying to site boundaries (yards) should be eased		Reject
74.3	Dean Tony Turner	Ease yard requirement restrictions		Reject
96.5	Colin and Jocelyn Weatherall Attn: David Wren	Delete the side and rear yard controls	FS12 K Vernon – Oppose in part FS23 Remuera Heritage Inc. – Oppose in part	Reject
97.5	Peter Ng Attn: David Wren	Delete the side and rear yard controls	FS12 K Vernon – Oppose in part	Reject
106.2	Dougall Kraayvanger	Amend side and front yard setbacks to allow for close living and protection from uninvited public access		Reject
107.5	Robyn Rosemary Cameron	Decline the plan change in respect of D18.6.1.3 Yards		Reject
110.13	KTW Systems LP c/- Rachel Dimery	Retain D18.6.1.3 - Yards as notified	FS23 Remuera Heritage Inc. - Oppose	Accept
123.7	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	123.7 Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1.3 Yards		Reject
131.3	Alastair George McInnes Fletcher	Request that yards (proximity to the boundary) not be reduced		Reject
136.2	Kah Keng Low	Decline changes to yards		Reject
142.2	Somersby Trust C/- Craig Moriarity - Haines Planning Consultants Limited	Seeks the rewording of the proposed 'Yard Purpose' D18.6.1.3 - Yards		Accept
145.3	Patrick Reddington and Letitia Reddington	Support yards		Accept
171.3	Linda Whitcombe Devonport Heritage	Retain the boundary regulations for Devonport		Reject
207.8	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	Change text for yards in accordance with submission	FS12 K Vernon – Support in part & Oppose in part FS23 Remuera Heritage Inc. – Support in part	Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
209.3	John and Sarah Walker	Yard rules are confusing		Reject
224.11	Hume Architects Ltd c/ - Chris Hume	Supports underlying zone yard standards apply for all other yards not specified within Table D18.6.1.3.1.	FS12 K Vernon – Oppose in part	Accept
248.3	Jacqui Goldingham	Opposed to changes to yards		Reject
249.16	Keith Vernon	Add “.. and to maintain a reasonable standard of residential amenity for adjoining sites” to the purpose statement for D18.6.1.3 - Yards	FS5 Mark Crosbie, Heidi Crosbie, and Adeux Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland - Oppose	Reject
249.23	Keith Vernon	In sub-clause (2) of D18.6.1.3 Yards, delete “.. or where a common wall is proposed” and add ““..this provision does not apply if a common wall is proposed”.		Reject
252.3	Brendan Kell	Oppose changes to D18.6.1.3 Yards		Reject
257.8	Housing New Zealand c/- Alex Devine	Oppose the proposed amendments and new text introduced into Standard ‘D18.6.1.3 Yards’, including D18.6.1.3(2) and (3)	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc – Oppose	Reject
257.14	Housing New Zealand c/- Alex Devine	Support the proposed deletion of the ‘rear yard’ rule in Standard ‘D18.6.1.3 Yards’	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited - Support FS13 South Epsom Planning Group Inc – Support	Reject
258.4	Parnell Heritage Inc c/- Julie M Hill	Add “.. and to maintain a reasonable standard of residential amenity for adjoining sites” to the purpose statement for D18.6.1.3 - Yards	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Reject
266.3	Iain Rea	266.3 Remove the amendments to D18.6.1.3 - Yards		Reject

30.1 PC26 proposes that the SCA provisions replace the underlying zone controls with respect to front yards and side yards. PC26 proposes the deletion of the rear yard setback of 3 metres and is not proposing any changes to the minimum depths of front and side yards. The introduction of a purpose statement to the yard standard in the SCA includes reference to managing the setback of the building to the street in order to retain the historical built character of the streetscape. PC26 also seeks the addition of wording to the yard standard (D18.6.1.3 Yards) – to further clarify situations in which the yard standards apply.

The proposed amendments are as follows:

**D.18.6.1.3. Yards**

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

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

(2) Table D18.6.1.3.1 Yards

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

(3) Standard D18.6.1.3.1 above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

(4) The underlying zone yard standards apply for all other yards not specified within Table D18.6.1.3.1.

30.2 The submissions seek the following:

- decline the proposed amendments to D18.6.1.3 (107.5, 131.3, 136.2, 171.3 248.3, 252.3, 257.8)
- support the proposed amendments to D18.6.1.3 (123.7, 145.3, 224.11)
- further amendments to D18.6.1.3 (106.2, 207.8, 209.3, 249.23, 258.4)
- delete the side yard controls from D18.6.1.3.1 (96.5, 97.5)
- yard restrictions be eased (68.2, 74.3)

30.3 The reasons provided in the submissions are discussed in the sub-themes below:

### **30.4 Sub – theme: Decline the proposed amendments to D18.6.1.3**

- Submission point 107.5 from Robyn Cameron opposes the amendments to the yard standards proposed by PC29, based on the highly detrimental impacts reducing the rear yard boundary will have in areas of Devonport particularly in sections near corner junctions where rear yards are adjacent to side yards.
- Submission point 131.3 from Alastair Fletcher opposes the changes based on the negative effect allowing closer proximity to the boundary of current properties will have on the quality of life of residents and the existing houses by reducing both sunlight and privacy.
- Submission point 136.2 from Kah Keng Low also opposes the changes, based on the restrictions this will create for potential development on the property.
- Submission point 171.3 from Linda Whitcombe of Devonport Heritage opposes the changes on the basis that the current boundary regulations are important to retain the character of Devonport.
- Submission point 248.3 from Jacqui Goldingham opposes the changes based on the detrimental effect this will have on maintaining the nature of the Victorian buildings in Devonport.
- Submission point 252.3 from Brendan Kell opposes the proposed method used to determine the average set back in relation to other properties as this hinders any proposed replacement of existing garages.
- Submission point 257.8 from Housing New Zealand opposes the proposed provisions as they are inconsistent with the first set of National Planning Standards (April 2019)

### **30.5 Sub – theme: Support the proposed amendments to D18.6.1.3**

- Submission point 123.7 from V H Bull supports the proposed provisions as they recognise the design limitations of smaller sites and the need to provide for design flexibility.
- Submission point 145.3 from Patrick and Letitia Reddington also support the changes as reducing the 3m rear yard rule to 1m will allow better use of existing land and allow some infill homes which are needed as Auckland is expanding.

### **30.6 Sub – theme: Further amendments to D18.6.1.3**

- Submission point 106.2 from Dougall Kraayvanger seeks further amendments to the provisions to allow for close living and protection from public uninvited access.
- Submission point 209.3 from John and Sarah Walker seeks further clarification about the averaging method for front yards as the proposed wording is difficult to understand.
- Submission 249.23 from Keith Vernon seeks that the exemption only apply to that section of the boundary occupied by an existing common wall.

- Submission 258.4 from Parnell Heritage seeks that an amendment be made to the yard provisions which allow for the Single House Zone provisions to prevail as this is more restrictive than the Special Character Area.

### **30.7 Sub – theme: Delete the side yard controls from D18.6.1.3.1**

- Submission point 96.5 from Colin and Jocelyn Weatherall and submission point 97.5 from Peter Ng both support the removal of the rear yard rule. However, both submission points also seek the removal of the side yard provision because in many cases SCA sites will have yards that are less than 1m. A standard side yard approach as per the underlying zone is adequate for most situations and this will not impact on streetscape

### **30.8 Sub – theme: Yard restrictions to be eased**

- Submission point 68.2 from Darren Pang requests that yard restrictions be eased as SCA provides no flexible density requirements, which is contradictory to housing affordability.
- Submission point 74.3 from Dean Turner also requests the easing of yard restrictions as other houses in the street don't seem to have any restriction applied.

### **30.9 The analysis and discussion are addressed under the sub-themes below:**

- **Decline the proposed amendments to D18.6.1.3 (107.5, 131.3, 136.2, 171.3 248.3, 252.3, 257.8)**
  - I do not agree that the proposed amendments should be declined for the reasons provided by submitters. Plan Change 26 does not propose any changes to the front yard or side yard setbacks.
  - The rear yard standard currently in D18.6.3 (3m) is more restrictive than the equivalent rear yard standard in the underlying residential zones (1m) and potentially more enabling than the equivalent rear yard standard in the underlying Open Space Conservation and Open Space Informal Recreation zones, depending on the zoning of the adjacent site. Removal of the minimum depth for rear yards does not provide nor does it remove additional development potential it simply reflects and maintains existing development patterns of the suburbs.
  - The yard control seeks to retain the relationship of built form to the street in special character areas, and as such form an important component in managing the effects of development in these areas. The yard controls achieve reasonable sunlight access whilst also maintaining the existing special character qualities of the area.
  - The Special Character Area Overlay exhibits special character values in a cohesive, holistic manner. Any redevelopment of properties within the Special Character Area Overlay would need to be assessed in relation to the surrounding context, therefore the overlay manages change. It is appropriate, therefore, that consideration of the effects any development of these sites may have on the street and wider locality as envisaged by the overlay. The application of the overlay is appropriate as it will enable any redevelopment to be undertaken in a manner that requires consideration of the identified historic character values of the locality.

- **Support the proposed amendments to D18.6.1.3 (123.7, 145.3, 224.11)**
  - I support these submission points and the reasoning provided by these submitters and recommend that these submission points be accepted.
- **Delete the side yard controls from D18.6.1.3.1 (96.5, 97.5)**
  - PC26 does not propose any changes to the side yard controls in Special Character Areas. The current side yard controls were determined based on an averaging calculation. They are appropriate as the setback can also continue or create a pattern of development that positively contributes to the streetscape and the special character values of the area.
- **Yard restrictions be eased (68.2, 74.3)**
  - The SCAR seeks to retain and manage the character of traditional residential neighbourhoods. This happens by enhancing existing traditional buildings, retaining intact groups of character buildings and requiring compatible new building infill and additions that do not replicate older styles and construction methods, but reinforce the streetscape character in particular.
  - It is acknowledged that within the Special Character Area Overlay there are properties that have been recently built and do not have any apparent “special character”. These are managed (in terms of bulk and location in particular) by the overlay so that the character of the area as a whole is cohesive. What happens on individual properties affects the collective area. Therefore, new buildings and additions to existing buildings are required to meet the AUP standards so that they are designed in a way that reflect and contribute positively to the special character values of the area.

### Recommendations on Submissions

30.10 For the reasons discussed above, I recommend that the following submission points be accepted **123.7, 145.3, 224.11**, and that **submission points 107.5, 131.3, 136.2, 171.3 248.3, 252.3, 257.8, 106.2, 207.8, 209.3, 249.23, 258.4, 96.5, 97.5, 68.2 and 74.3 be rejected.**

30.11 There are no further amendments to PPC 26 associated with this recommendation in **Appendix 1.**

## 31. Theme 21: Submissions on D18.6.1.3 Front Yard

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
70.3	Lyndsay and Lianne Brock	Request that the current flexibility control of front yards be retained to ensure consistency of streetscapes		Reject
249.17	Keith Vernon	249.17 Rework for the Front Yard averaging calculation provision to ensure the sites included in the calculation must be in the same SC Area as the subject site, are Front sites only and must contain a dwelling	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose	Reject

			FS7 The University of Auckland – Oppose	
249.18	Keith Vernon	Include in Table D18.6.1.3.1 - Yards, the option of (up to) 6 sites on one side to apply only where there are less than 3 sites on any side, to make up the required number of sites (that is 6 in total), for instance where there is only 2 on one side include 4 on the other	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support	Reject
249.19	Keith Vernon	Include a figure for D18.6.1.3 - Yards to establish a minimum Front yard to avoid unusual outcomes – I propose “..but not less than 3m”	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall – Oppose FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose R & M Donaldson – Oppose	Reject
249.20	Keith Vernon	Include a figure in D18.6.1.3 - Yards for a maximum Front yard of “.. and not more than 8m”.	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Reject



31.1 PC26 is not proposing any changes to the minimum depths of front yards. The introduction of a purpose statement to the yard standard in the SCA includes reference to managing the setback of the building to the street in order to retain the historical built character of the streetscape. PC26 seeks the addition of wording to the yard standard (D18.6.1.3 Yards) – to further clarify situations in which the yard standards apply.

31.2 The submissions seek the following:

- decline the proposed amendments to D18.6.1.3 Front Yard (70.3)
- further amendments to D18.6.1.3 Front Yard (249.17, 249.18, 249.19, 249.20)

31.3 The reasons provided in the submissions are discussed in the sub-themes below:

**31.4 Sub – theme: Decline the proposed amendments to D18.6.1.3 Front Yard**

- Submission point 70.3 from Lyndsay and Lianne Brock opposes the proposed changes to front yard controls and requests that the current controls be retained to ensure consistency of streetscapes. The submitter does not agree that the proposed changes will achieve the stated purpose. These changes no longer retain the qualifying text for the averaging which exists in current controls. The lack of this control flexibility will produce unexpected results where one or more of the adjacent buildings is set further back than their neighbours.

**31.5 Sub – theme: Further amendments to D18.6.1.3 (Front Yard)**

- Submission point 249.17 from Keith Vernon generally supports the additional wording but seeks to amend the front yard averaging calculation provision to ensure the sites included in the calculation are within the same SCA as the subject site, are front sites only and contain a dwelling. I agree with the submitter with regards to including only those sites that are within the same SCA as the subject site however the request to reword the provision to ensure sites are front sites only is not applicable as only front sites have front yards. Also, these amendments would not be within the scope of PC26 which is proposing that SCA provisions only apply to front facing sites hence the removal of the rear yard provisions.
- Submission point 249.18 requests an amendment to table D18.6.1.3.1 Yards with regards to the front yard averaging calculation which currently reads as follows:

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

The submitter requests that this be changed to apply only where there are less than three sites on any side, to make up the required number of sites, for instances where there is only two on one side include four on the other. This request is outside the scope of PC26 as the plan change does not propose any changes to this wording.

- Submission points 249.19 and 249.20 from K Vernon request that wording be amended for the front yard provisions to ensure consistency with the underlying Single House Zone and to avoid any unusual outcomes.

### 31.6 The analysis and discussion are addressed below:

Given that the front yard standard is based on the average setbacks of buildings on adjoining sites, it is not possible to state whether the front yard averaging is more restrictive, more enabling, or equivalent to, the front yard requirements in the underlying zones. The yard requirement will apply the SCAR overlay that is appropriate for the special character value of the area. Retaining a front yard requirement that is informed by the average setbacks of buildings on adjoining sites will assist to retain the homogeneity of the building styles, one of the key characteristics of special character areas.

The amendments requested to the front yard provision are outside the scope of PC26 as the plan change does not propose any changes to this wording. (249.17, 249.18, 249.19 and 249.20)

### Recommendations on Submissions

31.7 For the reasons discussed above, I recommend that **submission points 70.3, 249.17, 249.18, 249.19 and 249.20 be rejected.**

31.8 There are no further amendments to PPC 26 associated with this recommendation in **Appendix 1.**

## 32. Theme 22: Submissions on D18.6.1.3 Side Yard

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
26.2	Elisabeth Sullivan	Remove the requirement for 1.2m minimum side yard for Isthmus A properties, should be 1m	FS6 Auckland Grammar School – Support FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS7 The University of Auckland - Support	Reject
127.6	John Dillon c/- David Wren	Remove side yard rule	FS12 K Vernon – Oppose in part	Reject
128.6	Peter and Sarah Wren c/- David Wren	Remove side yard rule	FS12 K Vernon – Oppose in part	Reject
139.2	Anna Dales	Requests deletion of 1.2m side yard rule and leave as 1m		Reject
141.3	Susan and John Moody	Request more generous side boundary control		Reject

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planners Recommendation</b>
150.8	B Dayal c/- Vijay Lala - Tattico Limited	Amend side yard setback to 1m in D18.6.1.3.1 - Yards	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support FS12 K Vernon – Oppose in part	Reject
154.2	Mrs Anna Lomas Breckon	Amend side yard depth to 1m not 1.2m	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support	Reject
161.2	Anthony Chapman	Change side yard to 1m	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support	Reject
219.9	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Seeks the 1.2m side yard standard to be deleted and reversion to the underlying zone side yard setback	FS12 K Vernon – Oppose in part	Reject
221.9	Auckland Grammar School (AGS) c/- Sarah Burgess	Delete the 1.2m side yard standard	FS12 K Vernon – Oppose in part	Reject
224.10	Hume Architects Ltd c/ - Chris Hume	Opposes 1.2m side yard	FS12 K Vernon – Oppose in part	Reject
228.9	The University of Auckland c/- Sarah Burgess	Delete the 1.2m side yard standard	FS12 K Vernon – Oppose in part	Reject
230.2	Natasha Markham	Amend D18.6.1.3.1 and reduce the side yard to 1 metre to provide greater consistency.		Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
249.21	Keith Vernon	Increase the Side yard figure to 1.5m	FS5 Mark Crosbie, Heidi Crosbie, and Adeuz Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Reject

32.1 PC26 proposes that the SCA provisions prevail over the underlying zone controls with respect to side yards. PC26 is not proposing any changes to the minimum width of side yards. PC26 seeks the addition of wording to the yard standard (D18.6.1.3 Yards) – to further clarify situations in which the yard standards apply.

32.2 The submissions seek the following:

- the removal of the 1.2 metre minimum side yard requirement for Isthmus A properties – proposing that it should be 1 metre instead (26.2, 139.2, 150.8, 154.2, 161.2, 219.9, 224.10, 228.9, 230.2)
- removal of the entire side yard rule (127.6, 128.6)
- more generous side boundary controls (141.2)

32.3 The reasons provided in the submissions include:

**32.4 Sub – theme: The removal of the 1.2 metre minimum side yard requirement for Isthmus A properties – proposing that it should be 1 metre instead**

- Submission point 26.2 from Elisabeth Sullivan seeks to remove the side yard rule because it is not appropriate for all Special Character Areas and in some cases it would be better to use the underlying zone provisions.
- Submission point 139.2 from Anna Dales recommends that the side yard rule be deleted because she is unaware of what potential effect is being managed by adding 200mm to the side yard setback.
- Submission point 150.8 from B Dayal suggests that the side yard/setback makes little positive contribution to the building’s relationship to the street
- Submission point 154.2 from Anna Breckon – the proposed change would diminish the viability of building housing of a size and quality commensurate with the high land values in our suburb, particularly on the many sites that are small/narrow/irregular shaped
- Submission point 161.2 from Anthony Chapman requests removal of the 1.2m set back as this is excessive for certain areas in particular Ponsonby/Grey Lynn
- Submission point 219.9 from Mark Crosbie, Heidi Crosbie, and Adeux Trustee Limited request the deletion of the side yard standard and for reversion of the underlying zone side yard setback as SCAR sites are characterised by existing

closely-built dwellings

- Submission point 224.10 from Chris Hume states that Special Character Area Overlay areas should be no more restrictive than the underlying zone of 1.0m
- Submission point 228.9 from The University of Auckland requests the deletion of the side yard standard and for reversion of the underlying zone side yard setback as SCAR sites are characterised by existing closely-built dwellings
- Submission point 230.2 from Natasha Markham the side yard of 1.2m does little to support special character as many of the existing older homes are built much closer to the boundary. Reducing the minimum side yard would bring this rule in line with the single house zone, thus providing further clarity and consistency

### **32.5 Sub – theme: Removal of the entire side yard rule**

- Submission point 127.6 from John Dillon and submission point 128.6 from Peter and Sarah Wren request removal of the entire side yard rule because in many cases side yards within Special Character Areas are less than 1m (which is the main underlying standard). Imposing a 1.2m yard is inconsistent with the new stated purpose of the rule and has nothing to do with streetscape. A standard side yard approach as per the underlying zone is adequate for most situations and this will not impact on streetscape.

### **32.6 The analysis and discussion are addressed in the sub themes below**

- **The removal of the 1.2 metre minimum side yard requirement for Isthmus A properties – proposing that it should be 1 metre instead (26.2, 139.2, 150.8, 154.2, 161.2, 219.9, 224.10, 228.9, 230.2)**
  - The SCAR seeks to retain and manage the character of traditional residential neighbourhoods by enhancing existing traditional buildings, retaining intact groups of character buildings and requiring compatible new building infill and additions that do not replicate older styles and construction methods, but reinforce the streetscape character in particular.
  - It is acknowledged that within the Special Character Area Overlay there are properties that have been recently built and do not have any apparent “special character”. These are managed (in terms of bulk and location in particular) by the overlay so that the character of the area as a whole is cohesive. What happens on individual properties affects the collective area. Therefore new buildings and additions to existing buildings are to be designed in a way that reflect and contribute positively to the special character values of the area.
- **Removal of the entire side yard rule (127.6, 128.6)**
  - The current side yard standard in D18.6.3 (1.2m) is more enabling than the equivalent development standards in:
  - The underlying open space zones (3m – 6m yard depending on the adjacent zone); and
  - The underlying Special Purpose Healthcare Facilities and Hospital zone (3m yard)
  - The removal of this standard and reliance on the underlying zone yard standards (where they apply) would result in adverse effects on the special character values of special character areas. This is also not consistent with

the purpose of PC 26 of clarifying the relationship between the SCAR Overlay and underlying zone provisions.

### Recommendations on Submissions

32.7 For the reasons discussed above, I recommend that **submission points 26.2, 139.2, 150.8, 154.2, 161.2, 219.9, 224.10, 228.9, 230.2, 127.6 and 128.6 be rejected.**

32.8 There are no further amendments to PPC 26 associated with this recommendation in **Appendix 1.**

## 33. Theme 23: Submissions on D18.6.1.3 Rear Yard

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
6.2	Neale Jackson	Retain a 3m rear yard set back to ensure density is restricted		Reject
7.2	Graham William Arthur Bush and Norma Ann Bush	Reinstate a rear yard of 3m	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Reject
35.2	Heritage Landscapes Attn : Amanda McMullin	Back yard to be kept at 3m minimum	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose FS15 Housing New Zealand Corporation – Oppose	Reject
36.1	Romily Properties Mt Eden Limited	Accept the plan modification		Accept
51.3	Janet Digby	Oppose the change to the rear yard from 3m to 1m	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Reject

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planners Recommendation</b>
56.3	Charles Laurence Digby	Opposed to changing the 3m boundary to just 1m	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Reject
70.4	Lyndsay and Lianne Brock	Request that the 3m rear yard measurement be retained		Reject
73.3	Catherine Spencer	Maintain the current 3m boundary for rear yard setback	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Reject
84.3	Lambert Hoogeveen	Re-instate the rear yard set-back of 3m	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Reject
88.2	Passion Fruit Trust	The more restrictive rear yard setback be used	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Reject
89.3	Kathy Prentice	Retain the Single House zone rear yard control of 3m	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Reject

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planners Recommendation</b>
102.2	M.Carol Scott	Retain rear yard setbacks at 3m	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Reject
121.3	Darcy McNicoll	Retain the 3m rear yard	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Reject
122.3	Robyn McNicoll	Retain the 3m rear yard	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Reject
124.3	Stephen John Mills	Retain the 3m rear yard		Reject
127.5	John Dillon c/- David Wren	Support removal of rear yard	FS12 K Vernon – Oppose in part	Accept
128.5	Peter and Sarah Wren c/- David Wren	Support removal of rear yard	FS12 K Vernon – Oppose in part	Accept
129.3	Gretta McLeay	Retain the 3m rear yard		Reject
142.3	Somersby Trust C/- Craig Moriarity - Haines Planning Consultants Limited	Seeks a 10m minimum rear yard setback for those sites within the Special Character Area Overlay: Isthmus B2 which adjoin Cornwall Park (and its Open Space zones)	FS15 Housing New Zealand Corporation – Oppose	Reject
149.2	Philip John Mayo	Retain the 3m rear yard		Reject
151.3	Bronwyn Hayes	Retain 3m rear yard	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose	Reject



Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
			FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	
153.2	Michael Neil Hayes	Retain 3m rear yard	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Reject
159.5	Dinah Holman	Rear yards be restored to 3m		Reject
160.4	Helen Louise Phillips-Hill	Oppose changes to the rear yard setback		Reject
162.3	Kirsty Gillon, Buchanan House Trust c/- Grant Gillon	Retain 3m rear yard	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Reject
169.3	Mary and Jonathan Mason	Retain 3m rear yard		Reject
173.3	John Childs c/- John Childs Consultants Limited	Include the rear yards of 3m in Table 18.6.1.3	FS3 Colin Hardacre - Support	Reject
176.3	Margot Jane McRae	Rear yard building setback should be 3 metres		Reject
184.5	Denny Boothe	The 3m back yard provision of the Special character overlay standards should remain		Reject
202.3	Sue Cooper, Remuera Heritage	Opposes the intention to reduce the requirement for sufficient space to be provided in rear yards in order to separate housing and ancillary buildings from the rear boundary of a site	FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose FS17 R & M Donaldson – Oppose	Reject
203.3	Sally Hughes, Character Coalition	Opposes the intention to reduce the requirement for sufficient space to be provided in rear yards in order to separate housing and ancillary buildings from the rear boundary of a site	FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose	Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
			FS17 R & M Donaldson - Oppose	
207.2	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	Retain the 3m rear yard setback	FS12 K Vernon – Support in part & Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose FS17 R & M Donaldson – Oppose	Reject
218.2	Leighton Haliday	Retain 3m rear yard setback		Reject
219.8	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Supports the deletion of the 3m rear yard and the reversion to the underlying zone rear yard setback	FS12 K Vernon – Oppose in part	Accept
221.8	Auckland Grammar School (AGS) c/- Sarah Burgess	Supports the deletion of the 3m rear yard	FS12 K Vernon – Oppose in part	Accept
222.5	Rachael and Jonathan Sinclair	Support the removal of the 3m rear yard requirement	FS12 K Vernon – Oppose in part & Support in part	Accept
227.3	Eden Park Neighbours' Assoc c/- Mark Donnelly	Oppose the reduction in the rear yard from 3m to 1m	FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose FS17 R & M Donaldson – Oppose	Reject
228.8	The University of Auckland c/- Sarah Burgess	Supports the deletion of the 3m rear yard	FS12 K Vernon – Oppose in part	Accept
233.2	Birkenhead Residents Associations	Retain the 3m rear yard setback requirement	FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose FS17 R & M Donaldson - Oppose	Reject
239.4	Marian Kohler	Amend D18.6.1.3 - Yards to reinstate 3m setback standard for rear yards		Reject
241.2	Patricia Grinlinton	Rear boundary setback should remain at 3m		Reject
243.3	Michael Fitzpatrick	Retain current rule of 3m setback for rear yards in SCAO		Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
244.3	Julie Raddon Raddon	Retain current rule of 3m setback for rear yards in SCAO		Reject
247.5	Grey Lynn Residents Association c/- Tania Fleur Mace	Do not replace the Special Character overlay rule relating to rear yards with the corresponding underlying zone rule. Instead, retain the existing 3-metre rear yard rule in the Special Character overlay and stipulate that this rule should apply rather than the underlying zone rule where the underlying zone is Single House	FS15 Housing New Zealand Corporation – Oppose FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Oppose FS17 R & M Donaldson – Oppose	Reject
249.22	Keith Vernon	Do not support total deletion of the Rear Yard provision from the Table. A Rear yard should be retained in the Table. A figure of 1m is proposed	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited - Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Reject

33.1 PC26 proposes that the SCA provisions prevail over the underlying zone controls with respect to yards. PC26 proposes the deletion of the rear yard setback of 3 metres and is not proposing any changes to the minimum widths of front and side yards.

33.2 The submissions seek the following:

- Oppose the proposed removal of the rear yard setback provisions (6.2, 7.2, 21.4, 34.4, 35.2, 70.4, 84.3, 89.3, 102.2, 122.3, 129.3, 149.2, 153.2, 159.5, 173.3, 184.5, 202.3, 203.3, 207.2, 207.8, 218.2, 233.2, 239.4, 241.2, 247.5, 266.3, 51.3, 56.3, 121.3, 124.3, 151.3, 162.3, 176.3 and 244.3)
- Support the proposed removal of the rear yard setback provisions (36.1, 127.5, 128.5, 219.8, 221.8, 222.5 and 228.8)

33.3 The reasons provided in the submissions are discussed in the subthemes below:

**33.4 Sub – theme: Submissions requesting that the 3 metre rear yard setback is retained:**

- Submission point 6.2 from Neale Jackson believes it is appropriate to have a 3 metre set back to ensure density is restricted. In the heritage area density has been low historically and should remain so.
- Submission point 21.4 from Martin Evans states that the rear yard is still required for ambiance reasons to be keeping in the Special Character Area.

- Submission point 34.4 from William Wu requests that the 3 metre rear yard setback be retained because the current provisions are adequate.
- Submission point 35.2 Amanda McMullin Yard may not be visible from the road but the scale and relationship of the dwelling to the landscape is part of heritage character.
- Submission point 70.4 Lyndsay and Lianne Brock the deletion of the 3m rear yard requirement will add pressure for buildings to go to the maximum permitted height and bulk. This will detrimentally affect cohesion of streetscapes and the historical built character of the area.
- Submission point 84.3 Lambert Hoogeveen 1m in the underlying zone provisions is not enough for a heritage 1 neighbourhood. What makes a Residential 1 neighbourhood attractive and gives it its character is the feeling of open space, both front and back. It also prevents shading of one property on to another.
- Submission point 89.3 Kathy Prentice removal of the 3m rear yard provision will result in the original fronts of heritage houses being dwarfed and dominated by large rear and side developments. This will allow a form of facadism and is not genuine heritage protection.
- Submission point 129.3 Gretta McLeay – reducing the rear yard buffer would allow additional buildings and these could be closer to neighbouring properties. They also often have a streetscape/heritage character impact even if at rear.
- Submission point 149.2 Philip John Mayo – many of the sites in particular in the Isthmus A zone are 300 metres or less and are sites close to the street frontage so the back yard becomes the only space for outdoor living and having buildings 1 metre from the rear boundary of an adjoining site would reduce the vital and aural amenity of the yard.
- Submission point 153.2 Michael Hayes – retention and protection of character and heritage are not served by adopting development rules from the equivalent underlying single house zone rule, where the underlying rule is less stringent – rear setback is an example.
- Submission point 160.4 from Helen Phillips-Hill - detrimental to maintaining our heritage built landscape and threaten neighbours with unwanted impacts.
- Submission point 173.3 John Childs – the provisions are confusing and the table should add a rear yard rule being 1 metre for convenience and to avoid confusion. This would ensure front site rear yards and rear lot yards have a clear dimension. The proposed changes will not enable social, economic and cultural wellbeing. Is otherwise contrary to the purposes and provisions of the Act and other relevant planning documents. (appears to be contradictory 1m v 3m)
- Submission point 184.5 Denny Boothe – the 3m rear yard rule of the Special Character zone should not be deleted and should prevail because the accumulated backyard planted areas are important to our natural heritage – the gully leading down to the bay, in the case of the streets in my area of Parnell.
- Submission point 202.3 from Remuera Heritage and submission point 203.3 from Character Coalition oppose the reduction in the requirement for sufficient space to

be provided in the rear yards in order to separate housing and ancillary buildings from the rear boundary of a site. Retaining the current 3m setback will maintain character and amenity values in the area. Having rear yards of only 1m will reduce the privacy, tree cover, landscaping, views and general amenity of neighbours and neighbourhoods.

- Submission point 207.2 South Epsom Planning Group Inc – this space is required to separate housing and ancillary buildings from the rear boundary of sites. The separation distance is required in maintaining important character and amenity values in the area. Removing this would reduce privacy, tree cover, views and general amenity of adjoining owners and neighbourhoods.
- Submission point 207.8 from South Epsom Planning Group requests that the provisions be changed to include the 3m rear yard as this contributes to maintaining special character values. The SCA Overlay is not concerned only with streetscape and front yards, rear yards are also important.
- Submission point 218.2 Leighton Haliday - currently with a 3m rear boundary restrictions houses are aligned – sharing morning sun and retaining privacy from a common sight line. The proposed changes will result in loss of sunlight and privacy for all.
- Submission point 233.2 Birkenhead Residents Association – the changes will encourage more intensive use of smaller sections. Result in loss of amenity value e.g. shading and loss of sunlight, loss of space, loss of privacy. It encourages development/redevelopment that will intensify land use on sites of all sizes. It will increase the ease of building 2 storey housing.
- Submission point 239.4 Leys Institute Library – this reduction is out of keeping with the traditional older SCAs where houses were built close to the front boundary with more spacious back yards
- Submission point 241.2 Patricia Grinlinton – this would mean that any potential new building on the property at the rear would come right up to the back yard boundary fence. In terms of visual impact, daylight shading and amenity/quality of life this proposal is unfair and unacceptable.
- Submission point 247.5 Grey Lynn Residents Association (Tania Mace) We feel that the 3m rear yard rule should be retained as this will provide a better living environment for residents in Special Character Overlay areas with an underlying Single House Zoning.
- Submission point 266.3 from Iain Rea states that back yard areas and how houses relate to each other are as much a part of the special heritage area as the buildings themselves. Back yards should not be the same as every other boundary.

**33.5 Sub – theme: Submissions requesting that the 3 metre rear yard setback is retained due to the detrimental impact its exclusion will have in areas of Devonport:**

- Submission points 51.3, 56.3, 121.3, 124.3, 151.3, 162.3, 176.3 and 244.3 consider that reducing the current rear yard setback will have a detrimental impact in areas of Devonport where sections near corner junctions have rear yards adjacent to side yards. By allowing the Special Character Overlay to predominate

it puts neighbours in heritage areas at a disadvantage from those in the adjacent Single House zone without an overlay. These neighbours will be affected by more encroachments into their side and rear privacy. The size and scale of more development to the side and rear of houses in the SCA will add visual bulk that will detract from the character features of the area. PC26 will result in the original fronts of heritage houses being dwarfed and dominated by large rear and side developments. This will allow a form of facadism and is not genuine heritage protection. Further the changes will add detrimentally to the impervious areas of dwellings.

**33.6 Sub – theme: Submissions supporting the proposed removal of the rear yard setback provisions:**

- Submission point 110.13 from KTW Systems LP proposed provisions better reflect existing development patterns and the development in rear yards does not impact on streetscape values.
- Submission point 127.5 from Rear yards are not a matter which needs to be managed in the SCA Overlay where the focus is on the relationship of built form to the streetscape environment.
- Submission point 219.8 from Mark Crosbie, Heidi Crosbie, and Adeux Trustee Limited, submission point 228.8 from The University of Auckland and submission point 221.8 from Auckland Grammar School support the deletion of the 3m rear yard and the reversion to the underlying zone rear yard setback.
- Submission point 257.14 supports the removal of the rear yard standard given that rear yards are not a matter which needs to be managed in the SCA overlay, where the focus is on the relationship of built form to the streetscape environment.

**Analysis and discussion**

33.7 The analysis and discussion are addressed under the sub-themes below:

**33.8 Submissions request that the 3 metre rear yard setback is retained:**

Plan Change 26 proposes the removal of the rear yard requirement from D18.6.1.6; and states that the underlying zone yard standards apply for all other yards. Currently the rear yard standard in D18.6.3 is more restrictive than the equivalent in the underlying residential zones (1m) and potentially more enabling than the equivalent rear yard standard in the underlying Open Space Conservation and Open Space Informal Recreation zones, depending on the zoning of the adjacent site.

The important elements of character are protected by front and side yard setback requirements, the Special Character Area Overlay is concerned only with safeguarding the features which contribute to streetscape amenity value and the special character values of the area. A rear yard requirement is not as appropriately linked to the retention of special character values of the area as a front or side yard requirement is and therefore would not achieve the intended purpose of the SCA overlay.

**33.9 Submissions request that the 3 metre rear yard setback is retained due to the detrimental impact its exclusion will have in areas of Devonport:**

As stated above the Special Character Area Overlay is concerned only with those features which contribute to the streetscape appearance of the area; or the relationship of a building with the streetscape.

The provisions set in the AUP for the management of “special character” are broad. PC26 amends the yard controls so that they more appropriately reflect the special character values of the areas to which they relate. The resource consent process takes individual cases into account by assessing context and considering site characteristics. Any redevelopment of properties within the Special Character Area Overlay would be assessed in relation to the surrounding context. The overlay therefore manages potential development.

### **33.10 Submissions supporting the proposed removal of the rear yard setback provisions:**

I agree with the reasons outlined by submitters 110.13, 127.5, 219.8, 228.8, 221.8 and 257.14 and note the support of these submission points and therefore recommend that they be accepted.

### **Recommendations on Submissions**

33.11 For the reasons discussed above, I recommend that **submission points 36.1, 127.5, 128.5, 219.8, 221.8, 222.5 and 228.8** be accepted, **and submission points 6.2, 7.2, 21.4, 34.4, 35.2, 51.3, 56.3, 70.4, 84.3, 89.3, 102.2, 121.3, 122.3, 124.3, 129.3, 149.2, 151.3, 153.2, 159.5, 162.3, 173.3, 176.3, 184.5, 202.3, 203.3, 207.2, 218.2, 233.2, 239.4, 241.2, 244.3, 247.5 and 266.3** be rejected.

33.12 There are no further amendments to PPC 26 associated with this recommendation in **Appendix 1.**

## **34. Theme 24: Submissions on D18.6.1.4 Building Coverage**

34.1 PC26 proposes to add a purpose statement to the Special Character Building Coverage standard. The standard is not proposed to be changed from what is currently operative.

34.2 The intention of PC 26 is to make it clear when to apply the underlying zone version of the standard or the special character version of the standard. The intention is also to make it easier to calculate the building coverage area limits under the special character overlay so people can retain and/or develop their properties in accordance with the existing special character values of the area and their respective streets.

34.3 The submissions on the proposed plan change to the Special Character Overlay Area Building Coverage Standard are broken down into 3 sub themes:

- those who support the plan change to building coverage;
- those who accept the plan change and suggest modifications or changes;
- those who oppose the plan change and/or want it declined.

### Sub-theme: Support

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
110.14	KTW Systems LP c/- Rachel Dimery	Retain D18.6.1.4 - Building coverage as notified		Accept
123.8	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1.4 Building Coverage		Accept

34.4 A summary of the relief sought by the submitters is contained in the above table.

34.5 Reasons given in the submissions include:

- Neither submitter provided any reason as to why they support the proposed plan change to building coverage (110.4, 123.8).

### Analysis and discussion

34.6 Submitters 110 & 123 are supportive of the purpose of PC 26 to building coverage. This is supported as the intention of the plan change is to have the SCAR overlay version of the standard prevailing over the underlying zone version of the standard. This will avoid any confusion about which standard to apply.

### Sub-theme: Oppose

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
70.5	Lyndsay and Lianne Brock	Do not support 40% building coverage as contained in Plan Change 26		Reject
77.4	Christopher and Louise Johnstone	Building coverage should not be increased		Reject
186.3	Tom Ang	Oppose the increases in building coverage - D18.6.1.4		Reject
200.3	Wendy Gray	Oppose the increases in building coverage - D18.6.1.4		Reject
224.12	Hume Architects Ltd c/ - Chris Hume	Opposes purpose statement for building coverage rule	FS12 K Vernon – Oppose in part	Reject

34.7 A summary of the relief sought by the submitters is contained in the above table.

34.8 Reasons given in the submissions include:

- ‘Plan change 26 increases maximum building coverage for properties with areas of 300 to 500sq.m. from 35% to 40%, without the constraints provided in control flexibility provisions contained In the Special Character overlay. These provisions are a vital component in retaining historic character and preserving design features’ (70.5)



- ‘The proposed new standards are greater than allowed for in the Unitary Plan and permissible modifications to residential buildings in the areas specified should be no greater or no less than they are currently since this would make a mockery of the Special Character Areas Overlay’(77.4)
- ‘it is unacceptable to allow even small increases in building coverage and impervious area’ and that ‘existing thresholds for Special Character Areas should be kept’. (186.3, 200.3)
- Oppose the addition of the purpose statement and the standard in general stating that ‘The site area to coverage relationships do not acknowledge the majority of sites in the Special Character Area overlays and are too prescriptive’ and the table should be amended (224.12)

### Analysis and discussion

34.9 Submission points 70.5, 77.4, 186.3 & 200.3 in opposition to the plan change, are not supported, because the reasoning in their respective submissions appear to indicate that the submitter is unclear:

- of the intention behind the plan change; or
- that the underlying zonings version of the standard is to be applied with equal weighting along with the Special Character version of the standard, meaning two sets of the same standard with possible differing coverage limits are to apply; or
- that this plan change to the standard does not enable building coverages different to what is currently operative.

Their concerns are either incorrect, out of scope, or can be addressed in an assessment of environmental effects at resource consent stage.

34.10 Submitter 224 states ‘*The table should be amended to be more equitable with less stages and relate to the Underlying Zone*’. This is not supported because the Special Character Area Overlay Building Coverage table had originally been devised to be reflective of the variance of site sizes covered by the overlay, and the development patterns under the overlay. This will ensure new development will achieve the objectives of the overlay.

34.11 Submission point 224.12 opposes the inclusion of the purpose statement. this is not supported for the same reasons outlined in the analysis and discussion under Theme 17. Submissions on Purpose Statements. This is a technical issue that PC 26 seeks to rectify in how the overlay should be referencing the corresponding assessment criteria of the underlying zone version of the standard.

### Sub-theme: Amend

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
132.2	Michael and Jennifer Ballantyne	Request less restrictive building coverage thresholds - Up to 200m2: 55 percent of net site area; 200m2 - 500m2: 55 percent of the first 200m2 + 45% of the next 300m2; 500m2 and above: 43% of first 500m2, 35% of any additional m2		Reject
141.2	Susan and John Moody	Request more generous building coverage at greater than 30%		Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
149.3	Philip John Mayo	Increase building coverage from 45% to 50%		Reject
173.4	John Childs c/- John Childs Consultants Limited	Adjust the Building Coverage rule for sites over 1000 sqm - D18.6.1.4 to 35%	FS3 Colin Hardacre - Support	Reject
176.4	Margot Jane McRae	Building Coverage on 300m-500m sites should be 35%.		Reject
184.3	Denny Boothe	Site coverage of the Single House zone should prevail.		Reject
207.9	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	Change text for building coverage in accordance with submission	FS12 K Vernon – Support in part and Oppose in part	Reject
219.10	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Opposes the retention of the building coverage provisions being based on arbitrary thresholds relating to site areas. Suggests new coverage limits, formulas and re wording	FS12 K Vernon – Oppose in part	Reject
221.10	Auckland Grammar School (AGS) c/- Sarah Burgess	Opposes the retention of the building coverage provisions being based on arbitrary thresholds relating to site areas. Suggests new coverage limits, formulas and re wording	FS12 K Vernon – Oppose in part	Reject
224.13	Hume Architects Ltd c/ - Chris Hume	Opposes Overlay building coverage thresholds. The table should be amended to be more equitable with less stages and relate to the underlying zone	FS12 K Vernon – Oppose in part	Reject
228.1	The University of Auckland c/- Sarah Burgess	Opposes the retention of the building coverage provisions being based on arbitrary thresholds relating to site areas. Suggests new coverage limits, formulas and re wording	FS12 K Vernon – Oppose in part	Reject
249.24	Keith Vernon	Amend Table D18.6.1.4.1 - Building Coverage to read; 500m2 to 1500m2 - coverage 35% of net site area & Greater than 1500m2 - coverage 25% of net site area		Reject
258.5	Parnell Heritage Inc c/- Julie M Hill	Amend the activity table to reflect the most restrictive criteria for building coverage from either the single house zone rules or the special character rules	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Reject

34.12 A summary of the relief sought by the submitters is contained in the above table.

34.13 Reasons given in the submissions include:

- Oppose the retention of the building coverage rules as the rules are based on arbitrary thresholds relating to site areas. For sites that are marginally over their threshold there is a loss of up to 20+ percent permitted building coverage which substantially affects the ability to develop or rebuild a site appropriately for the scale of the property (132.2)
- 'Isthmus A 45%, increase to 50% as many of the houses on smaller sites already occupy 50% of the site which means that if you rebuild an existing lean-to it requires dispensation (149.3)'
- The Special Character Area Overlay building coverage standard unfairly discriminates against larger sites in the overlay because it 'will give rise to unnecessary unintended planning consequences not related to the control of actual and potential adverse environmental effects and which will not be commensurate with site size' (173.4)
- This encourages and promotes the building of larger houses and extensions on small sites (176.4)
- The Single House Zone version of standard should prevail (184.3) yet further on in the submission the submitter then states that 'where there are corresponding provisions, such as site coverage, heights, maximum impervious areas, the most restrictive individual conditions on building should prevail in order to protect the natural and built heritage of the area and amenity values of immediate neighbours'(184.6)
- Proposes adding text to the standard along with suggested changes to the coverage limits of the standard (207.9)
- There could be losses of 5-10% permitted building coverage. Propose the use of 'the legacy District Plan – Isthmus Section Residential 1 zone 'formula' for calculating permitted building coverage, and that it be applied solely 'to Isthmus A sites' in the overlay. Also proposed revised coverage limits to the Special Character Area Overlay building coverage standard. The proposed changes sought are considered to be appropriate as they reflect that the pattern of subdivision which has sites that range in size. Typically, smaller sites have greater building coverage and having standards that respond better to each site, allows for reasonable use of a site' (219.10 & 221.10 & 228.10)
- Opposes the change as 'the site areas to coverage relationships do not acknowledge the majority of sites in the special character areas overlay and are to prescriptive' and also suggests 'the table should be amended to be more equitable and with less stages and relate to the underlying zone' (224.13)
- 'The break point for larger sites is set too low' and proposes amending the building coverage table for sites with sizes between '500m<sup>2</sup> to 1500m<sup>2</sup> - coverage 35% of net site area' and sites 'Greater than 1500m<sup>2</sup> - coverage 25% of net site area' (249.24)

### **Analysis and discussion**

34.14 Within chapter D18, Building Coverages, Landscaped areas and Impervious Areas are intended to work together on individual sites to manage the building bulk, impervious areas and pervious/landscaped areas. The coverage minimums and maximums in special character differ from the underlying zone versions to be reflective of the traditional building bulk and locations of special character area developments. A key feature of special character areas is that on smaller sites, buildings tend to be larger, relative to the size of site, with smaller areas of landscaping and impervious areas. At the other end of the spectrum, on larger sites, buildings tend to be smaller relative to the site with larger areas of landscaping and appropriate impervious areas.

34.15 This is an important distinction that differentiates the special character versions of these standards from the underlying zone versions of the standard. The underlying zones takes a more uniform approach which does not consider special character values and attributes.

34.16 The Table below shows what is currently operative with equal weighting and what is proposed in regard to the building coverage standard:

<b>Single House Zone (currently operative)</b>	<b>Special Character Overlay (currently operative)</b>												
Maximum Building Coverage = 35% of net site area (H3.6.10)	<p>D18.6.1.4</p> <table border="1"> <thead> <tr> <th>Site area</th> <th>Building coverage</th> </tr> </thead> <tbody> <tr> <td>Up to 200m<sup>2</sup></td> <td>55 per cent of the net site area</td> </tr> <tr> <td>200m<sup>2</sup> – 300m<sup>2</sup></td> <td>45 per cent of the net site area</td> </tr> <tr> <td>300m<sup>2</sup> – 500m<sup>2</sup></td> <td>40 per cent of the net site area</td> </tr> <tr> <td>500m<sup>2</sup> – 1,000m<sup>2</sup></td> <td>35 per cent of the net site area</td> </tr> <tr> <td>Greater than 1,000m<sup>2</sup></td> <td>25 per cent of the net site area</td> </tr> </tbody> </table>	Site area	Building coverage	Up to 200m <sup>2</sup>	55 per cent of the net site area	200m <sup>2</sup> – 300m <sup>2</sup>	45 per cent of the net site area	300m <sup>2</sup> – 500m <sup>2</sup>	40 per cent of the net site area	500m <sup>2</sup> – 1,000m <sup>2</sup>	35 per cent of the net site area	Greater than 1,000m <sup>2</sup>	25 per cent of the net site area
Site area	Building coverage												
Up to 200m <sup>2</sup>	55 per cent of the net site area												
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Greater than 1,000m <sup>2</sup>	25 per cent of the net site area												
<b>Proposed changes to Special Character Overlay version of the standard</b>													
	<table border="1"> <thead> <tr> <th>Site area</th> <th>Building coverage</th> </tr> </thead> <tbody> <tr> <td>Up to 200m<sup>2</sup></td> <td>55 per cent of the net site area</td> </tr> <tr> <td>200m<sup>2</sup> – 300m<sup>2</sup></td> <td>45 per cent of the net site area</td> </tr> <tr> <td>300m<sup>2</sup> – 500m<sup>2</sup></td> <td>40 per cent of the net site area</td> </tr> <tr> <td>500m<sup>2</sup> – 1,000m<sup>2</sup></td> <td>35 per cent of the net site area</td> </tr> <tr> <td>Greater than 1,000m<sup>2</sup></td> <td>25 per cent of the net site area</td> </tr> </tbody> </table> <p>The only change to the standard is the addition of a purpose statement which explains the intent and desired outcome of the standard.</p>	Site area	Building coverage	Up to 200m <sup>2</sup>	55 per cent of the net site area	200m <sup>2</sup> – 300m <sup>2</sup>	45 per cent of the net site area	300m <sup>2</sup> – 500m <sup>2</sup>	40 per cent of the net site area	500m <sup>2</sup> – 1,000m <sup>2</sup>	35 per cent of the net site area	Greater than 1,000m <sup>2</sup>	25 per cent of the net site area
Site area	Building coverage												
Up to 200m <sup>2</sup>	55 per cent of the net site area												
200m <sup>2</sup> – 300m <sup>2</sup>	45 per cent of the net site area												
300m <sup>2</sup> – 500m <sup>2</sup>	40 per cent of the net site area												
500m <sup>2</sup> – 1,000m <sup>2</sup>	35 per cent of the net site area												
Greater than 1,000m <sup>2</sup>	25 per cent of the net site area												

34.17 Submission points 132.2, 141.2, 149.3, 173.4, 176.4, 184.3, 207.9, 219.10, 221.10, 228.1, 249.24 & 258.5 are not supported, because the reasoning in their respective submissions appear to indicate that the submitter either:

- does not understand that the intent behind the plan change;
- is not aware that the coverage limits for the standard are not up for scrutiny and review;
- is not aware that the underlying zonings version of the standard is to be applied with equal weighting along with the Special Character version of the standard, meaning two sets of the same standard with possible differing coverage limits are to apply;
- is of the view that this plan change to the standard will enable building coverages different from what is currently operative.

There is no evidence in the s.32 report to suggest that the coverage limits in the table and the purpose statement are incorrect, and so their concerns are either incorrect, out of scope, or can be addressed at resource consent stage.

34.18 Following is a table showing the number of parcels covered by the SCAR overlay and the building coverage standard relevant to the size of the parcel

Site area	# of parcels under SCAR overlay	% of parcels under SCAR overlay	Building coverage
Up to 200m <sup>2</sup>	1475	7%	55 % of net site area
200m <sup>2</sup> – 300m <sup>2</sup>	1281	6%	45 % of net site area
300m <sup>2</sup> – 500m <sup>2</sup>	5088	24%	40 % of net site area
500m <sup>2</sup> – 1,000m <sup>2</sup>	10332	49%	35 % of net site area
Greater than 1,000m <sup>2</sup>	2930	14%	25 % of net site area
Total:	21106	100%	

- 34.19 Submitter 249 states *'the break point for larger sites is set too low. In the SCA larger sites up to say 1500m<sup>2</sup> are relatively common'*. The submitter proposes the following coverage limits:

500m <sup>2</sup> – 1,500m <sup>2</sup>	35 % of net site area
Greater than 1,500m <sup>2</sup>	25 % of net site area

The table above shows that 49% of all sites covered by the overlay have site areas between 500m<sup>2</sup> – 1,000m<sup>2</sup>. Only 14% of sites covered by the overlay are in excess of 1000m<sup>2</sup> in area which is not relatively common.

- 34.20 Changing the coverage limits is not supported because this is out of scope of the plan change. Furthermore, the coverage limits proposed by submitter 249 will not be aligned with the proposed purpose of the standard which indicates the smaller the site, the larger to the building footprint; the larger the site, the smaller the building footprint. Also, sites over 1200m<sup>2</sup> have the potential to be subdivided thus enabling larger building footprints which could result in perverse outcomes not aligned with special character.
- 34.21 Submitter 184 is of the view that *'the existing Single House (SH) Zone provisions such as ... maximum site coverage and other standards, as a package, support... heritage'*. (184.3) This is not supported because the underlying zone versions of the standards are general and don't have the extra criterion in the assessment criteria to consider effects on special character. Furthermore, the concerns raised by the submitter would be addressed through the resource consent process, as all building removals in the Special Character overlay require resource consent.

## Recommendations on Submissions

- 34.22 For the reasons discussed above, I recommend that **submission points 110.14 and 123.8 be accepted**, and **submissions points 70.5, 77.4, 132.2, 141.2, 149.3, 173.4, 176.4, 184.3, 186.3, 200.3, 207.9, 219.10, 221.10, 224.12, 224.13, 228.1, 249.24 and 258.5 be rejected**.

34.23 There are no further amendments to PPC 26 associated with this recommendation in **Appendix 1**.

## 35. Theme 25: Submissions on D18.6.1.5 Landscape Area

35.1 PC26 proposes to add a purpose statement to the SCAR Landscape Area standard. The standard is not proposed to be changed from what is currently operative.

35.2 The intent of the plan change is to make it clear for people to know when to apply the underlying zone version of the standard or the special character version of the standard. This is a technical fix to the plan. The intent is also to make it easier to calculate the landscaped areas coverage minimums under SCAR so people can retain and/or develop their properties in accordance with the existing special character values of the area and their respective streets.

35.3 The submissions on the proposed plan change to the Special Character Overlay Area Landscape Area Standard are broken down into 3 sub themes:

- those who support the plan change to Landscape Area;
- those who accept the plan change and suggest modifications or changes;
- those who oppose the plan change and/or want it declined.

### Sub-theme: Support

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
123.9	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1.5 Landscaping		Accept

35.4 A summary of the relief sought by the submitters is contained in the above table.

35.5 Reasons given in the submissions include:

- The submitter did not provide any reason as to why they support the proposed plan change to Landscaped Area (123.9)

### Analysis and discussion

35.6 Submitter 123 is supportive of the purpose of the plan change to Landscaped Area. This is supported in its intention to have the SCAR overlay version of the standard prevailing over the underlying zone version of the standard which will address the issues with the dual standard application and any confusion about which standard to apply.

### Sub-theme: Oppose

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
68.4	Darren Pang	Oppose changes to landscaped area		Reject
252.4	Brendan Kell	Oppose changes to D18.6.1.5 Landscaped area		Reject

35.8 A summary of the relief sought by the submitters is contained in the above table

35.9 Reasons given in the submissions include:

- Highlighted this specific standard but had not provided any specific reasoning as to why they expressed opposition to this particular standard (68.4 & 252.4)

### Analysis and discussion

35.10 Submission points 68.4 & 252.4 in opposition to the plan change, are not supported. Neither submitter has provided any reasoning about why this standard should not be supported. Analysis of their submissions reveals that their concerns are either incorrect, out of scope, or can be addressed at resource consent stage.

### Sub-theme: Amend

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
45.2	Peter Stone	Landscaped area needs to be strengthened in terms of retaining significant trees which would need to be identified in the relevant areas	FS15 Housing New Zealand Corporation - Oppose	Reject
77.5	Christopher and Louise Johnstone	Landscaped area should not be increased		Reject
173.5	John Childs c/- John Childs Consultants Limited	Adjust the Landscaped Area rule - D18.6.15 to 40% for sites over 1000msq	FS3 Colin Hardacre – Support	Reject
178.4	KCH Trust and Ifwersen Family Trust c/- Bianca Tree, Minter Ellison Rudd Watts	Allow the amendments to the landscaped area standard D18.6.1.5 subject to removal of purpose statement	FS12 K Vernon – Oppose in part	Reject
219.11	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Opposes the retention of the landscaped area provisions being based on coverage minimum relating to site areas for Isthmus A sites. Suggests new coverage minimums, formulas and re wording	FS12 K Vernon – Oppose in part	Reject
221.11	Auckland Grammar School (AGS) c/- Sarah Burgess	Opposes the retention of the landscaped area provisions being based on coverage minimums relating to site areas for Isthmus A sites. Suggests new coverage minimums, formulas and re wording	FS12 K Vernon – Oppose in part	Reject
224.14	Hume Architects	Opposes Overlay Landscape Area coverage minimums. The table should	FS12 K Vernon – Oppose in part	Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
	Ltd c/ - Chris Hume	be amended to be more equitable with less stages and relate to the underlying zone		
228.11	The University of Auckland c/- Sarah Burgess	Opposes the retention of the landscaped area provisions being based on coverage minimums relating to site areas for Isthmus A sites. Suggests new coverage minimums, formulas and re wording	FS12 K Vernon – Oppose in part	Reject
249.25	Keith Vernon	Amend D18.6.1.5 - Landscaped area by deleting " and trees" from the purpose statement	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support	Reject
249.26	Keith Vernon	Amend Table D18.6.1.5.1 - Landscaped Area, so that the "break point" for larger sites should be 1500m2. That is; 500m2 to 1500m2 - 40% of net site area & Greater than 1500m2 - 50% of net site area		Reject
250.3	Southern Cross Hospitals Limited c/- Bianca Tree	That the amendments to the landscaped area standard D18.6.1.5 be allowed if purpose statement is removed		Reject
258.6	Parnell Heritage Inc c/- Julie M Hill	Amend the activity table to reflect the most restrictive criteria for landscaped area from either the single house zone rules or the special character rules	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Reject

35.11 A summary of the relief sought by the submitters is contained in the above table.

35.12 Reasons given in the submissions include:

- The standard should be strengthened in terms of retaining significant trees but provided no reasoning about why (45.2)
- 'The proposed new standards are greater than allowed for in the Unitary Plan and permissible modifications to residential buildings in the areas specified should be no greater or no less than they are currently since this would make a mockery of the Special Character Areas Overlay' (77.5)
- Two submitters support the plan change as it relates to Landscaped Area provided the purpose statement be removed. Submitter 250 explains that the addition of the purpose statement 'is inconsistent with the relevant objectives and policies and framework of the Unitary Plan'. Submitter 178 is of the view that the purpose standard creates more uncertainty, rather than clarifying the intent of the standard (178.4)



- Oppose the retention of the Landscaped Area coverage provisions as the rules are based on arbitrary limits relating to site areas. Their submissions specified that the standard should apply to 'Isthmus A' sites and they also proposed a mathematical formula for calculating permitted landscaped area coverage. They also proposed revised coverage minimums to the Special Character Area Overlay landscaped area standard. The reasoning behind their submissions were that 'the proposed changes sought are considered to be appropriate as they reflect that the pattern of subdivision which has sites that range in size' (219.11, 221.11, 228.11)
- Opposes the change as 'the site areas to coverage relationships do not acknowledge the majority of sites in the special character areas overlay and are to prescriptive' and also suggests 'the table should be amended to be more equitable and with less stages and relate to the underlying zone'(224.14)
- Many of the above submitters including 249 & 173, proposed adjusting the text and proposing new coverage minimums for the standard.
- Proposes that 'the activity table reflect the most restrictive criteria for ... landscaped area, from either the single house zone rules or the special character rules'(258.6)

### Analysis and discussion

- 35.13 Building Coverages, Landscaped areas and Impervious Areas are intended to work together on individual sites to manage the building bulk, impervious areas and pervious/landscaped areas. The coverage minimums and maximums in the special character overlay differ from the underlying zone versions because they need to be reflective of the traditional building bulk and locations of special character area developments.
- 35.14 A key feature of special character areas is that on smaller sites, there will be smaller areas of landscaping and impervious areas while buildings tend to be larger, relative to the size of site. At the other end of the spectrum, on larger sites, landscaping tends to occupy more of the land with building bulk reducing in size relative to the size of the site and impervious areas are appropriate in size, to the development.
- 35.15 The site area/building size relationship is an important distinction that differentiates the special character versions of these standards from the underlying zone versions of the standard. The underlying zones takes a more uniform approach which does not consider special character values and attributes.
- 35.16 Table showing what is currently operative with equal weighting and what is proposed in regard to the Landscaped area standard:

Single House Zone (currently operative)	Special Character Overlay (currently operative)										
Landscaped Area = 40% of net site area (H3.6.11)	D18.6.1.5 The front yard must comprise at least 50% landscaped area										
	<table border="1"> <thead> <tr> <th>Site area</th> <th>Landscaped area</th> </tr> </thead> <tbody> <tr> <td>Up to 200m<sup>2</sup></td> <td>28 per cent of the net site area</td> </tr> <tr> <td>200m<sup>2</sup> – 500m<sup>2</sup></td> <td>33 per cent of the net site area</td> </tr> <tr> <td>500m<sup>2</sup> – 1,000m<sup>2</sup></td> <td>40 per cent of the net site area</td> </tr> <tr> <td>Greater than 1,000m<sup>2</sup></td> <td>50 per cent of the net site area</td> </tr> </tbody> </table>	Site area	Landscaped area	Up to 200m <sup>2</sup>	28 per cent of the net site area	200m <sup>2</sup> – 500m <sup>2</sup>	33 per cent of the net site area	500m <sup>2</sup> – 1,000m <sup>2</sup>	40 per cent of the net site area	Greater than 1,000m <sup>2</sup>	50 per cent of the net site area
	Site area	Landscaped area									
	Up to 200m <sup>2</sup>	28 per cent of the net site area									
	200m <sup>2</sup> – 500m <sup>2</sup>	33 per cent of the net site area									
	500m <sup>2</sup> – 1,000m <sup>2</sup>	40 per cent of the net site area									
Greater than 1,000m <sup>2</sup>	50 per cent of the net site area										
<b>Proposed changes to Special Character Overlay Chapter</b>											

- The front yard must comprise at least 50% landscaped area

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

The only change to the standard is the addition of a purpose statement which explains the intent and desired outcome of the standard.

35.17 With regards to submitter 45, the purpose statement refers to landscaped character and trees which is seeking to perpetuate the leafy streetscapes of Special Character Areas. General tree protection was removed from the RMA in 2012 and councils were required to identify significant notable trees for protection. The suggested 'strengthening' of the landscaped area standard to include significant trees is not supported because this would be inefficient and result in duplication of controls as the AUP manages its significant trees by way of D13 Notable trees overlay and lists them within its Notable Tree Schedule.

35.18 Submission points 77.5, 173.5, 219.11, 221.11, 224.14, 228.11, 249.25, 249.26 & 258.6 either seek amendments to:

- change the coverage minimums of the Landscaped Area table;
- alter and/or add to the wording of the Landscaped Area standard;
- alter and/or add to the wording of the Landscaped Area purpose statement;

These submissions raise points that are considered to have been addressed by PC26 by making it clear which provisions apply, or are beyond the scope of PC26 by seeking amendments to provisions which have not been changed.

35.19 There is no evidence in the s.32 report to suggest that the landscape coverage minimums in the table and the purpose statement is incorrect, and as such their concerns are either incorrect in their assertions, out of scope, or can be addressed at resource consent stage.

35.20 Submission points 178.4 and 250.3 opposing the inclusion of the purpose statement with the standard, are not supported for the same reasons outlined in the analysis and discussion under Theme 17. Submissions on Purpose Statements. This is a technical issue that the plan change seeks to rectify in how the overlay should be referencing the corresponding assessment criteria of the underlying zone version of the standard.

### Recommendations on Submissions

35.21 For the reasons discussed above, I recommend that **submission point 123.9 be accepted** and that **submissions points 45.2, 68.4, 77.5, 173.5, 178.4, 219.11, 221.11, 224.14, 228.11, 249.25, 249.26, 250.3, 252.4 and 258.6** be rejected.

35.22 There are no further amendments to PPC 26 associated with this recommendation in **Appendix 1**.

## 36. Theme 26: Submissions on D18.6.1.6 Maximum Impervious Area

- 36.1 PC26 proposes to make changes the Special Character Maximum Paved Area Standard. The changes are:
- The word 'Paved' is to be substituted with 'Impervious';
  - The word 'Net' is proposed to be deleted;
  - A purpose statement is proposed to be added;
  - PC26 proposes that the "paved" area is added to the "building coverage" area to produce an "impervious area" figure. The figures themselves have not changed.
- These coverage limits already exist in the AUP, and the plan change seeks to align the SCAR version of the standard to the underlying zone version of the standard so that if applicable, the underlying zone version can be replaced.
- 36.2 The intent of the plan change is to make it clear for people to know when to apply the underlying zone version of the standard or the special character version of the standard.
- 36.3 The submissions on the proposed plan change to the Special Character Overlay Area Maximum Paved Area Standard are broken down into 3 sub themes:
- those who support the plan change to Maximum Paved Area;
  - those who accept the plan change and suggest modifications or changes;
  - those who oppose the plan change and/or want it declined.

### Sub-theme: Support

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
21.5	Martin Evans	Support wording changes from "paved" to "impervious" for Rule D18.6.1.6 - Maximum impervious area		Accept
70.6	Lyndsay and Lianne Brock	Support the new definition 'maximum impervious area'		Accept
110.15	KTW Systems LP c/- Rachel Dimery	Retain D18.6.1.6 Maximum impervious area as notified		Accept
123.10	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1.6 Maximum impervious area		Accept

145.4	Patrick Reddington and Letitia Reddington	Support paved areas		Accept
204.3	Mount St Johns Residents' Group Inc c/- Catherine Peters	Support the clarification of the overlay in relation to zoning for impervious areas		Accept
222.6	Rachael and Jonathan Sinclair	Support the increase in impervious surface in the Overlay	FS12 K Vernon – Oppose in part and Support in part	Accept

36.4 A summary of the relief sought by the submitters is contained in the above table.

36.5 Reasons given in the submissions include:

- We support the new definition 'maximum impervious area' as it includes rooves as well as sealed areas, and will thereby avoid misinterpretation when consent applications are sought (70.6)
- The provision as proposed appropriately reflect existing development patterns and legacy development standards for the Birkenhead area (60% impervious area for sites 500m<sup>2</sup> – 1,000m<sup>2</sup>) (110.15)
- The amendment from 'maximum paved area', and its replacement with 'maximum impervious area' is supported as it appropriately recognises that some paved areas can be impervious' (123.10)
- We support the clarification of the overlay in relation to zoning for impervious areas. We note that the total impervious area now takes into account the area of the building as well as paving, decks, driveways etc. This is a sensible clarification of this requirement. (204.3)
- Standard D18.6.1.6 - support the increase in impervious surface in the Overlay.(222.6)
- Submission points 21.5, 145.4 did not provide any reasons of support

### Analysis and discussion

36.6 Five submitters (110, 123, 145, 204 & 222) are supportive of the purpose of the plan change in its intention to have the special character overlay version of the standard prevailing over the underlying zone version of the standard which will address the confusion of which rule to apply. Two more submitters (21 & 70) specifically supported the change of the wording from 'paved' to 'impervious'.

### Sub-theme: Oppose

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
7.3	Graham William Arthur Bush and Norma Ann Bush	Oppose changes to impervious area	FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose FS5 Mark Crosbie, Heidi Crosbie and	Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
			Adeux Trustee Limited – Oppose	
21.6	Martin Evans	Oppose changes to Rule D18.6.1.6 - Maximum impervious area		Reject
34.5	William Wu	Decline the plan modification in respect of H3.6.9 - Maximum impervious area		Reject
35.3	Heritage Landscapes Attn : Amanda McMullin	Maximum impermeable area to be kept at existing % of site		Reject
70.7	Lyndsay and Lianne Brock	Do not support the percentages included in the plan change tables (for maximum impervious area)		Reject
137.2	Robyn Gandell	137.2 No increase in impervious areas		Reject
184.4	Denny Boothe	Maximum impervious area of the Single House zone standards should prevail		Reject
186.4	Tom Ang	Oppose increase in maximum impervious areas - D18.6.1.6		Reject
200.4	Wendy Gray	Oppose increase in maximum impervious areas - D18.6.1.6		Reject
248.4	Jacqui Goldingham	Opposed to changes to paved areas		Reject

36.7 A summary of the relief sought by the submitters is contained in the above table.

36.8 Reasons given in the submissions include:

- For sites up to 200m<sup>2</sup> up to 72% of the site can be covered with impervious surfaces (7.3)
- Concerned about the impacts of stormwater runoff and there not being enough pervious area onsite and suggest smaller percentages of impervious surfaces along with the use of stormwater treatment devices (21.6)
- The current provisions are good enough and no need for any changes (34.5)
- Opposes a perceived reduction to the maximum paved impervious area and seeks that the original percentages as listed under the SCAR's maximum paved area be retained. (It is not clear if the submitter is aware that the underlying zonings version of the standard is to be applied with equal weighting along with the Special Character version of the standard to sites covered by the overlay. Also, it is not clear if the submitter is aware that the proposed SCAR Maximum Impervious Area standard percentages includes the percentages of the maximum paved area and percentages of maximum building coverage) (35.3)
- Supports a new 'definition' of maximum impervious area, (none provided) but they do not support the percentages proposed as they are concerned 'about the pressure it could exert to encourage heightening of buildings' (70.7)
- Interprets that the coverage limits in the table are changing and has raised concerns of increased flooding effects as a result (137.2)
- The provisions of the Single House Zone 'in general protect heritage ... more fully than the narrower special character provisions' (184.4)

- Objects to a perceived increases in the maximum impervious area coverage limits because ‘with already tightly placed houses, with changes in climate (see NIWA reports), loss of urban trees leading to loss of ecosystem resilience (to point to but three issues), it is unacceptable to allow even small increases in building coverage and impervious area’. however, it is not clear if they are aware that there are no changes proposed to the coverage limits only that the underlying zone version of the standard will not be required to be considered should the plan change become operative (186.4 & 200.4)

## Analysis and discussion

- 36.9 As discussed in sections 33.14 and 34.12, within chapter D18, Building Coverages, Landscaped areas and Impervious Areas are intended to work together on individual sites to manage the building bulk, impervious areas and pervious/landscaped areas. The coverage minimums and maximums in the special character overlay differ from the underlying zone versions because they need to be reflective of the traditional building bulk and locations of special character area developments. A key feature of special character areas is that on smaller sites, there will be smaller areas of landscaping and impervious areas while buildings tend to be larger, relative to the size of site.
- 36.10 At the other end of the spectrum, on larger sites, special character is exemplified by having larger landscaped areas with trees occupying more of the land with building bulk reducing in size relative to the size of the site and impervious areas are appropriate in size, to the development.
- 36.11 The site area/building size/landscape area/impervious area relationship is an important distinction that differentiates the special character versions of these standards from the underlying zone versions of the standard. The underlying zones takes a more uniform approach which does not consider special character values and attributes.
- 36.12 Submission point 7.3, in opposition to the plan change, is not supported because a distinctive feature of small sites in special character areas is that there will be smaller areas of landscaping and impervious areas while buildings tend to be larger, relative to the size of site. The submitter appears to consider that on smaller sites impervious surfaces calculated will be more than is currently provided for in the underlying zone and the special character overlay. The following table shows the coverage calculations for all types of site sizes. Please note that landscaped area coverage percentages are the minimum coverage percentages to be met, while building coverage and impervious areas percentages are maximums.

Currently Operative with equal weighting				
	Single House Zone (% total includes Building coverage)	SCAR		
Site Area	H3.6.9. Maximum Impervious Area	D18.6.1.4. Building Coverage	D18.6.1.5. (Minimum) Landscaped Areas	D18.6.1.6. Paved Areas
Up to 200m <sup>2</sup>	60%	55%	28%	17%
200m <sup>2</sup> – 300m <sup>2</sup>	60%	45%	33%	20%
300m <sup>2</sup> – 500m <sup>2</sup>	60%	40%	33%	20%

500m <sup>2</sup> – 1,000m <sup>2</sup>	60%	35%	40%	25%
Greater than 1,000m <sup>2</sup>	60%	25%	50%	25%
	<b>Proposed</b>			
<b>Site Area</b>	<b>D18.6.1.4. Building Coverage (Maximum)</b>	<b>D18.6.1.5. (Minimum) Landscaped Areas</b>	<b>D18.6.1.6. Impervious Areas (% Total Includes Building Coverage) (Maximum)</b>	<b>Impervious Areas (% Total Excluding Building Coverage) (Maximum)</b>
Up to 200m <sup>2</sup>	55%	28%	47% 72%	17%
200m <sup>2</sup> – 300m <sup>2</sup>	45%	33%	20% 65%	20%
300m <sup>2</sup> – 500m <sup>2</sup>	40%	33%	20% 65%	20%
500m <sup>2</sup> – 1,000m <sup>2</sup>	35%	40%	25% 60%	25%
Greater than 1,000m <sup>2</sup>	25%	50%	25% 50%	25%

36.13 The coverage metrics seek to retain the physical attributes that define, contribute and support the special character of areas, including the relationship of built form to landscape qualities and open spaces.

36.14 Submission points 68.4 & 252.4 in opposition to the plan change, are not supported, neither submitter has provided any reasoning as to why this standard should not be supported. Analysis of their submissions suggests that their concerns may be based on an incorrect assumption and is out of scope, or can be addressed at resource consent stage.

36.15 Submission points 21.6, 34.5, 35.3, 70.7, 137.2, 186.4, 200.4 & 248.4 either seek amendments to:

- change the coverage limits of the Maximum Impervious Area table;
- alter and/or add to the wording of the Maximum Impervious Area standard;
- alter and/or add to the wording of the Maximum Impervious Area purpose statement;

36.16 None of these submission points are supported, because the reasoning in their respective submissions appear to indicate that the submitter is unclear:

- about the intent behind the plan change;
- that the coverage limits for the standard are not up for scrutiny and review;
- that the coverage limits for the standard are not changing from what is currently operative under SCAR;
- that the underlying zonings version of the standard is to be applied with equal weighting along with the Special Character version of the standard, meaning two sets of the same standard with possible differing coverage limits are to apply;
- that this plan change to the standard will enable Maximum Impervious Area coverage limits different from what is currently operative.

36.17 There is no evidence in the s.32 report to suggest that the impervious surfaces coverage limits in the table and the purpose statement is incorrect, and as such their concerns are either incorrect in their assertions, out of scope, or can be addressed at resource consent stage.

36.18 Submitter 184 is of the view that '*the existing Single House (SH) Zone provisions such as ... maximum site coverage and other standards, as a package, support... heritage*'. This is not supported because the underlying zone versions of the standards are general and don't have the extra criteria in the assessment criteria to consider effects on special character. Furthermore, the concerns raised by the submitter would be addressed by way of the resource consent process, as all building removals in the special character overlay require consent.

**Sub-theme: Amend**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
21.7	Martin Evans	The current percentages of impermeable area be reduced by at least 25% to mitigate for climate change rainfall intensity and peak flows (currently estimated to increase by at least 10% due to climate change) and to further reduce costs of upgrading the current stormwater management system	FS15 Housing New Zealand Corporation - Oppose	Reject
21.8	Martin Evans	The existing allowance for impermeable area needs to be further qualified to require on site treatment prior to discharge		Reject
129.4	Gretta McLeay	Question the permeable surface change in definition, as unclear what the impact is		Reject
173.6	John Childs c/- John Childs Consultants Limited	173.6 Adjust the Impervious surfaces rule - D18.6.1.6 to 60% for sites over 1000msq	FS3 Colin Hardacre – Support FS12 K Vernon – Oppose in part	Reject
178.5	KCH Trust and Ifwersen Family Trust c/- Bianca Tree, Minter Ellison Rudd Watts	Allow the amendments to the maximum impervious area standard D18.6.1.6 subject to removal of purpose statement		Reject
219.12	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Submitter opposes the retention of the impervious area provisions being based on coverage limits relating to site areas. Suggests new coverage limits and re wording	FS12 K Vernon – Oppose in part	Reject
221.12	Auckland Grammar School (AGS) c/- Sarah Burgess	Opposes the retention of the impervious area provisions being based on coverage limits relating to site areas. Suggests new coverage limits and re wording	FS12 K Vernon – Oppose in part	Reject
224.15	Hume Architects Ltd c/ - Chris Hume	Opposes Overlay Maximum Impervious Area coverage limits. The table should be amended to be more equitable with less stages and relate to the underlying zone	FS12 K Vernon – Oppose in part	Reject
228.12	The University of Auckland c/-	Opposes the retention of the impervious area provisions being based on coverage limits relating to site areas.	FS12 K Vernon – Oppose in part	Reject



	Sarah Burgess	Suggests new coverage limits and re wording		
249.27	Keith Vernon	Amend Table D18.6.1.6.1 - Maximum Impervious Area, so that the "break point" for larger sites should be 1500m <sup>2</sup> . That is; 500m <sup>2</sup> to 1500m <sup>2</sup> - 60% of net site area Greater than 1500m <sup>2</sup> - 50% of net site area		Reject
250.4	Southern Cross Hospitals Limited c/- Bianca Tree	That the amendments to the maximum impervious area standard D18.6.1.6 be allowed subject to the removal of the purpose statement		Reject

36.19 A summary of the relief sought by the submitters is contained in the above table.

36.20 Reasons given in the submissions include:

- Question the permeable surface change in definition, as unclear what the impact is'. Stay with the original rules. (It is not clear if the submitter is aware that the underlying zonings version of the standard is to be applied with equal weighting along with the Special Character version of the standard to sites covered by the overlay) (129.4)
- Suggests a less restrictive coverage limit for sites over 1000m<sup>2</sup> because the standard unfairly discriminates against larger sites in the overlay (173.6)
- The purpose standard creates more uncertainty, rather than clarifying the intent of the standard (178.5)
- Opposes the retention of the maximum impervious Area coverage provisions as they state the rules are based on arbitrary coverage limits relating to site areas. Their submissions specified that the standard should apply to 'Isthmus A' sites. and they also proposed a new way to calculate impervious area coverage. They also proposed revised coverage limits to the Special Character Area Overlay impervious area coverage standard. The reasoning behind their submissions were that 'the proposed changes sought are considered to be appropriate as they reflect that the pattern of subdivision which has sites that range in size' (219.11, 219.12, 221.12, 228.12)
- Opposes the change as 'the site areas to coverage relationships do not acknowledge the majority of sites in the special character areas overlay and are to prescriptive' and also suggests 'the table should be amended to be more equitable and with less stages and relate to the underlying zone' (224.15)
- The break point for larger sites should be 1500m<sup>2</sup> - suggests new coverage limits (249.27).
- Support the plan change as it relates to Maximum Impervious Area, provided the purpose statement be removed. The addition of the purpose statement 'is inconsistent with the relevant objectives and policies and framework of the Unitary Plan' (250.4)

### Analysis and discussion

36.21 Submission points 21.7, 21.8, 129.4, 173.6, 219.12, 221.12, 224.15, 228.12 & 249.27 either seek amendments to:

- change the coverage limits of the Maximum Impervious Area table;
- alter and/or add to the wording of the Maximum Impervious Area standard;
- alter and/or add to the wording of the Maximum Impervious Area purpose statement.

- 36.22 None of these submission points are supported, because the reasoning in their respective submissions appear to indicate that the submitter either:
- does not understand that the intent behind the plan change;
  - is not aware that the coverage limits for the standard are not up for scrutiny and review;
  - is not aware that the coverage limits for the standard are not changing from what is currently operative under SCAR;
  - is not aware that the underlying zonings version of the standard is to be applied with equal weighting along with the Special Character version of the standard, meaning two sets of the same standard with possible differing coverage limits are to apply;
  - is of the view that this plan change to the standard will enable Maximum Impervious Area coverage limits different from what is currently operative.
- 36.23 There is no evidence in the s.32 report to suggest that the coverage limits in the table and the purpose statement is incorrect, and as such their concerns are either incorrect, out of scope, or can be addressed at resource consent stage.
- 36.24 Those submission points (178.5, 250.4) opposing the inclusion of the purpose statement with the standard, is not supported for the same reasons outlined in the analysis and discussion under Theme 17 Submissions on Purpose Statements, paragraphs 26.13, 26.14, 26.15. This is a technical issue that the plan change seeks to rectify in how the overlay should be referencing the corresponding assessment criterion of the underlying zone version of the standard.

### Recommendations on Submissions

- 36.25 For the reasons discussed above, I recommend that **submissions points 21.5, 70.6, 110.15, 123.10, 145.4, 204.3, and 222.6 be accepted** and that **submissions points 7.3, 21.6, 21.7, 21.8, 34.5, 35.3, 70.7, 129.4, 137.2, 173.6, 178.5, 184.4, 186.4, 200.4, 219.12, 221.12, 224.15, 228.12, 248.4 and 249.27** be rejected.
- 36.26 There are no further amendments to PPC 26 associated with this recommendation in **Appendix 1**.

## 37. Theme 27: Submissions on D18.6.1.7 Fences and Walls

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
3.1	Glen Marsh	Delete the restriction on front and side fences		Reject
3.2	Glen Marsh	Enable a higher fence for reasons such as privacy, wind protection and aesthetics		Reject
21.9	Martin Evans	Oppose the rule change to restricting the fence height in the front to only 1.2 metres - 1.5m or 1.6m height is more appropriate	FS15 Housing New Zealand Corporation – Support in part	Reject
21.10	Martin Evans	Object to a 2-metre height along the sides and rear of properties as it is too high - fence height be amended to 1.8m	FS6 Auckland Grammar School – Oppose FS5 Mark Crosbie, Heidi	Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
			Crosbie and Adeux Trustee Limited FS7 The University of Auckland – Oppose FS15 Housing New Zealand Corporation – Oppose	
26.4	Elisabeth Sullivan	Support reinstating max fence height of 2m for rear yard		Reject
34.6	William Wu	Decline the plan modification in respect of H3.6.12 - Front, side and rear fences and walls		Reject
35.4	Heritage Landscapes Attn : Amanda McMullin	Fences and walls - Support proposed changes to wording and support the existing rules limiting the height of fences and walls.		Reject
38.2	Peter Lucas	For the fence rules, define the front of beach side houses (i.e. fronting the beach) as the front		Reject
41.1	Christine Major	Decline the plan modification relating to fences and walls		Reject
44.2	Jennifer Anne Clark	Opposed to the requirement for front fences to be limited to 1.2m in height. The requirement for front fence height to be up to the discretion of owners, to the previous maximum of 1.8m.		Reject
44.3	Jennifer Anne Clark	I would support an amendment that says the fence should be in keeping with the style of the house		Reject
46.2	Vinod Vyas	To make families secure, fences on all sides should be considered high enough to keep intruders away e.g. 2m on all sides		Reject
52.2	Christina Chua	Enable properties which are nearer to the road to have the option of higher fences for better privacy		Reject
67.2	Brendan Christopher Kell	Oppose the proposed 1.2m height allowance for fencing which would destroy any privacy and security to our side and back yard outdoor living areas		Reject
68.3	Darren Pang	1.2m in height for fences and walls - unreasonable requirement as that height provides no privacy and no security, especially families with young children and dogs		Reject
69.2	Ying Chen	Fencing and walls 1.2m in height - unreasonable requirement as that height provides no privacy and no security		Reject
74.2	Dean Tony Turner	Remove fence height restrictions		Reject
76.2	Dame Denise L'Estrange-Corbet	Decline the plan modification in respect of fence and wall heights		Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
96.6	Colin and Jocelyn Weatherall Attn: David Wren	Amend the controls for fences and walls by only limiting the height on corner sites to the shorter frontage, and defining the front facade as the one facing the shorter frontage of the site	FS12 K Vernon – Oppose in part FS23 Remuera Heritage Inc – Oppose	Reject
97.6	Peter Ng Attn: David Wren	Amend the controls for fences and walls by only limiting the height on corner sites to the shorter frontage, and defining the front facade as the one facing the shorter frontage of the site	FS12 K Vernon – Oppose in part FS15 Housing New Zealand Corporation – Support in part	Reject
110.16	KTW Systems LP c/- Rachel Dimery	Retain D18.6.1.7 - Fences and walls as notified		Accept
114.2	Graeme Cummings	Opposed to the imposition of the 1.2m front fencing restriction		Reject
115.4	David Barber	Do not allow new fences that are deemed to be not in character with the area		Reject
117.2	Victoria Toon	Do not apply the proposed plan change to replacement fencing		Reject
117.3	Victoria Toon	Increase the 1.2m fence height, which is too low and not practical		Reject
123.11	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1.7 Fences and walls		Accept
127.7	John Dillon c/- David Wren	Amend fencing rules to allow a 2m high fence on front boundaries of corner sites	FS12 K Vernon – Oppose in part sites	Reject
128.7	Peter and Sarah Wren c/- David Wren	Amend fencing rules to allow a 2m high fence on front boundaries of corner sites	FS12 K Vernon – Oppose in part sites	Reject
141.4	Susan and John Moody	Request fencing to be 1.4m		Reject
145.5	Patrick Reddington and Letitia Reddington	Support fences and walls		Accept
149.4	Philip John Mayo	Increase side yard fencing in front of façade to 2m		Reject
150.9	B Dayal c/- Vijay Lala - Tattico Limited	Amend purpose statement of D18.6.1.7 - Fences and walls	FS12 K Vernon – Oppose in part	Accept
150.10	B Dayal c/- Vijay Lala - Tattico Limited	Amend D18.6.1.7 - Fences and walls - change wording to remove the 1.2m side fence in front of façade in accordance with the submission	FS12 K Vernon – Oppose in part	Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
154.3	Mrs Anna Lomas Breckon	Amend the height of fences within the front yard to 1.8m if 50% visually open		Reject
154.4	Mrs Anna Lomas Breckon	Amend all fences within the side and rear yards should be allowed to be 2 metres high		Reject
155.2	Alan Stokes	There should not be an exact height for fences/walls specified (front boundary) Instead, the height of fences/walls should be similar to other fences/walls in the streetscape		Reject
156.2	Brent Swain	Oppose 1.2 metre height for front and side fences at the front of the house. Front fencing to be at height of 1.5m maximum, side fencing at front of house at height 1.8 maximum. Fencing at the front of the house to be in keeping with the house		Reject
158.2	Robert G Felix	Amend rule D18.6.1.7 - Fences and walls to limit back yard fences to 1.7 or 1.8 metres, not 2.0 metres		Reject
161.3	Anthony Chapman	Support allowing 2m high fences	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support	Accept
166.2	John Andrew Silva	Amend the fence heights to about 2m		Reject
166.3	John Andrew Silva	Apply more appropriate fence height to Hill Park, Manurewa		Reject
178.6	KCH Trust and Ifwersen Family Trust c/- Bianca Tree, Minter Ellison Rudd Watts	Allow the amendments to the fences, walls and other structures standard D18.6.1.7 subject to removal of purpose statement	FS12 K Vernon – Oppose in part	Accept
182.3	Michael Snowden c/- Philip Brown - Campbell Brown Planning	That standard D18.6.1.7 be amended so that a fence up to 2m high is enabled on one front boundary of a corner site	FS12 K Vernon – Oppose in part	Reject
199.2	Western Bays Community Group Inc	Amend Rule D18.6.1.7 to include the words “and other structures” wherever they are struck out in the text of PC26		Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
	c/- Bryan Bates			
202.4	Sue Cooper, Remuera Heritage	Retain the maximum heights for fencing from a house to the rear yard at a 1.8m maximum not 2m		Reject
204.5	Mount St Johns Residents' Group Inc c/- Catherine Peters	Retain the current options for the 1.8 metre high front fence rule		Reject
209.2	John and Sarah Walker	Fencing rules should be as per single house zone		Reject
219.2	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Support the proposed inclusion of these activity statuses, as they provide clarity (A5A) and (A5B) (Activity statuses – fencing) in Table D18.4.1	FS12 K Vernon – Oppose in part	Accept
219.13	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Amend the Purpose Statement for D18.6.1.7 Fences and walls to add reference to providing privacy for rear yards and outdoor spaces	FS12 K Vernon – Oppose in part	Reject
219.14	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Objects to corner sites being treated as having two front facades which would be subject to a 1.2m high fence height. Provides a diagram showing suggested 50% at 1.8m height	FS12 K Vernon – Oppose in part	Reject
219.15	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Request a diagram of fence heights be inserted as per the submission	FS12 K Vernon – Oppose in part	Reject
220.3	Roman Catholic Bishop of the Diocese of Auckland c/- Michael Campbell	Amend Standard D18.6.1.7 Fences and walls so that a fence up to 2m high is enabled on one front boundary of a corner site	FS12 K Vernon – Oppose in part	Reject
221.13	Auckland Grammar School (AGS) c/- Sarah Burgess	Objects to corner sites being treated as having two front facades which would be subject to a 1.2m high fence height. Provides a diagram showing suggested 50% at 1.8m height	FS12 K Vernon – Oppose in part	Reject
221.14	Auckland Grammar School (AGS) c/- Sarah Burgess	Reword Purpose statement for fences and walls	FS12 K Vernon – Oppose in part	Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
221.15	Auckland Grammar School (AGS) c/- Sarah Burgess	Insert a new diagram of fence heights. Submitter has supplied one	FS12 K Vernon – Oppose in part	Reject
221.16	Auckland Grammar School (AGS) c/- Sarah Burgess	Change fences and walls standard wording as per submission	FS12 K Vernon – Oppose in part	Reject
224.16	Hume Architects Ltd c/ - Chris Hume	Opposes Overlay Fences and Walls. Underlying zoning fencing should apply	FS12 K Vernon – Oppose in part	Reject
225.2	Dirk Hudig	Amend Rule D18.6.1.7 to include the words “and other structures” wherever they are struck out in the text of PC26		Reject
226.2	Herne Bay Residents Association Incorporated c/- Dirk Hudig and Don Mathieson	Amend Rule D18.6.1.7 to include the words “and other structures” wherever they are struck out in the text of PC26.		Reject
228.2	The University of Auckland c/- Sarah Burgess	Supports the proposed inclusion of the activity statuses - (A5A) and (A5B) (Activity statuses – fencing) in Table D18.4.1	FS12 K Vernon – Oppose in part	Accept
228.13	The University of Auckland c/- Sarah Burgess	Objects to corner sites being treated as having two front facades which would be subject to a 1.2m high fence height. Provides a diagram showing suggested 50% at 1.8m height	FS12 K Vernon – Oppose in part	Reject
228.14	The University of Auckland c/- Sarah Burgess	Reword Purpose statement for fences and walls	FS12 K Vernon – Oppose in part	Reject
228.15	The University of Auckland c/- Sarah Burgess	Insert a new diagram of fence heights. Submitter has supplied one	FS12 K Vernon – Oppose in part	Reject
228.16	The University of Auckland c/- Sarah Burgess	Change fences and walls standard wording as per submission	FS12 K Vernon – Oppose in part	Reject
231.2	Tom Rowe	Adjust the maximum height of front fences and fences forward of front façade to 1.4m high		Reject
239.5	Marian Kohler	Reinstate "other structures" in D18.6.1.7 - Fences and walls		Reject
240.2	The St Mary's Bay Association	Amend rule D18.6.1.7 - Fences and walls to include the words "and other structures" wherever they are struck out	FS12 K Vernon – Support in part	Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
	Inc c/- David Abbott	in the text of PC26	and Oppose in part	
248.5	Jacqui Goldingham	Opposed to changes to fences		Reject
249.28	Keith Vernon	Amend the title D18.6.1.7 – Fences (and) walls (and other structures) to “Front, side and rear fences and walls” for consistency with underlying zone standards	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support	Reject
249.29	Keith Vernon	Amend the proposed Purpose Statement for D18.6.1.7 - Fences and walls by adding “.and to allow for a reasonable level of privacy and security”	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support	
249.30	Keith Vernon	Amend the height for fences and walls in D18.6.1.7 - Fences and walls (1)(a) and (b) to 1.8m		Reject
249.31	Keith Vernon	Amend sub-clause (b) of D18.6.1.7 - Fences and walls to remove the confusion particularly in respect of fences between the house and side boundary and forward of the front façade of the house	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support	Reject
249.32	Keith Vernon	Use the defined term "dwelling" instead of the undefined term "house" in D18.6.1.7 - Fences and walls	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support	Reject



Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
250.5	Southern Cross Hospitals Limited c/- Bianca Tree	That the amendments to the fences, walls and other structures standard D18.6.1.7 be allowed		Reject
254.2	Jeanette Heilbronn	Retain 2m fencing height if the fence is not solid and allows the house to be viewed from the street. Side fences should just have 2 m height		Reject
255.2	Tunncliffe Investment Limited and Tunncliffe Glass Family Trust c/- Kenneth Tunncliffe and Esther Glass	Maintain the fence height at 1.8m to allow for both privacy and animal control		Accept
257.15	Housing New Zealand c/- Alex Devine	Support the proposed amendments to Standard 'D18.6.1.7 Fences and walls', where amendments have been proposed to those aspects of the standard which set height limits for rear and side fences	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc - Oppose	Reject
264.2	Debbie Holdsworth	Increase the height threshold for fences and walls to 1.5m		Reject
272.3	Diana Renker	That the fencing provisions of the heritage zone apply wherever there is interface with the single house zone sites, at 70, 76, 80, 90 & 92 Stanley Point Road		Reject
272.4	Diana Renker	That maximum fence heights for side fences be 1.2m, forward of the front face line of abutting homes, e.g. 92 and 94 Stanley Point Rd		Reject
272.5	Diana Renker	That all ROW side fences be limited to 1.2m within 5m of the front boundary, to allow for improved legibility of the special character zone from the street and to contribute to improved safety outcomes for pedestrians and other road users		Reject
273.2	Robin Rive	Swimming pool fences should be built at least 1m away from climbable structures		Reject

## Analysis and discussion

- 37.1 PC26 proposes that the SCA provisions prevail over the underlying zone controls with respect to fences and walls. PC26 seeks changes to the wording in the fences, walls and other structures standard (D18.6.1.7. Fences, walls and other structures) – the purpose of this amendment is to further clarify situations in which the fences and wall standards apply. The amendments will ensure that fences and walls will only

require resource consents under the SCA Residential overlay provisions where they may affect special character values (due to their height and/or location).

The proposed amendments are as follows:

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

##### Purpose:

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

37.2 The submissions seek the following:

- decline the proposed amendments to D18.6.1.7 (3.1, 3.2, 21.9, 44.2, 44.3, 46.2, 52.2, 67.2, 68.3, 69.2, 76.2, 114.2, 115.4, 117.2, 117.3, 141.4, 149.4, 154.3, 154.4, 155.2, 156.2, 158.2, 204.5, 209.2, 224.16, 239.5, 248.5, 255.2, 264.2)
- support the proposed amendments to D18.6.1.7 (110.16, 123.11, 145.5, 150.9, 161.3, 178.6, 219.2, 228.2, 229.2 and 257.15)
- further amendments requested to D18.6.1.7 (21.0, 38.2, 41.1, 74.2, 96.6, 127.7, 128.7, 150.1, 166.2, 166.3, 182.3, 199.2, 202.4, 220.3, 231.2, 231.2, 249.28, 249.29, 249.3, 249.31, 249.32, 250.5, 254.2, 272.3, 272.4, 272.5, 273.2)

37.3 The reasons provided in the submissions are discussed in the sub-themes below:

#### **37.4 Sub – theme: Decline the proposed changes due to safety, security and privacy**

- Submission points 3.2, 21.9, 44.2, 44.3, 46.2, 52.2, 68.3, 69.2, 76.2, 141.4, 149.4, 150.10, 154.3, 154.4, 156.2, 166.3, 204.5, 209.2, 231.2, 249.30, 254.2, 255.2 and 272.5 oppose the proposed changes as the submitters believe the lower fence height restrictions would result in a loss of privacy and security for residents. The submitters listed here propose that higher provisions are maintained to allow both privacy and animal control within individual properties.

**37.5 Sub – theme: Decline the proposed changes due to existing fence heights and heritage styles**

- Submission points 3.1, 38.2, 41.1, 74.2, 115.4, 117.2, 117.3, 166.2, 231.2, 155.2, 166.3 and 264.2 oppose the proposed changes due to the ample precedent of existing fences in their residential areas higher than the proposed 1.2 metre height that would not keep with the historic values and would de-value the heritage features of the different areas. These submitters also suggest that height provisions be informed by existing fences and walls.

**37.6 Sub – theme: Submissions requesting the reinstatement of the wording “other structures” to the provisions**

- Submission points 117.3, 199.2, 225.2, 226.2 and 240.2 seek the following relief:
  - to retain the words “and other structures” because there are structures other than fences and walls which can adversely affect the amenities of neighbouring properties.
  - These submission points also discuss the history of the provision from the IHP through to the PAUP, they also suggest that an adequate explanation was not provided for in the s32 evaluation report.

**37.7 Sub – theme: Submissions supporting the proposed changes to D18.6.1.7**

- Submission points 110.16, 123.11, 145.5, 150.9, 161.3, 178.6, 219.2, 221.2 and 228.2 and 257.15 support the proposed changes to D18.6.1.7 as these changes appropriately enable the purpose of the SCA Overlay. I agree with the reasons outlined by these submitters and note the support of these submission points and therefore recommend that they be accepted.

**37.8 Sub – theme: Further amendments suggested**

- Submission points 21.10, 158.2, 202.4 and 272.3 suggest an amendment to the height restrictions for sides and rear of property as 2m height is too high. Submitters suggest lower heights to avoid adverse effects on neighbouring properties.
- Submission points 96.6, 97.6, 127.7, 128.7, 182.3 and 220.3 generally accept the proposed plan change with requested amendments. It is the submitters’ reasoning that amendments are required because the rule does not sufficiently allow for corner sites where there were typically higher fences along the long front boundary. It is submitted that the rule be amended to allow a 2m high fence along the longer front boundary of corner sites.
- Submission points from K Vernon Support with amendments:
  - 249.28 change the title to “*Front, side and rear fences and walls*” for consistency with underlying zone standards.
  - 249.32 The defined term “dwelling” should be used rather than the undefined “house”.
  - 249.31 the wording of sub-clause (b) is somewhat confusing particularly in respect of fences between the house and side boundary and forward of the front façade of the house. It requires some rewording.
- Submission points from submitters 219, 221 and 228:

- 219.13, 221.13 and 228.13 request the removal of wording “between the house and the side boundary” from D18.6.1.7(1)(b) as this would result in privacy and security issues
- 219.14, 221.14 and 228.14 seek the inclusion of a purpose statement for standard D18.6.1.7 which references the new rules privacy provisions for rear yards and outdoor spaces
- 219.15, 221.15 and 228.15 the inclusion of the following words “provide privacy for dwellings and particularly rear outdoor areas where this would avoid significantly obscuring the visibility of the dwelling from the streetscape” and “minimise visual dominance effects to immediate neighbours and the street”
- Submission point 272.3 requests that amendments be made that the fencing provisions of the heritage zone apply wherever there is interface with the single house zone sites (specifically at properties located on 70, 76, 80, 90 & 92 Stanley Point Road)
- Submission point 273.2 requests that fences enclosing pools be built at least 1 metre away from the structure, rather than the fence be built more than 2m above ground level. This would ensure that both health, safety and H3.6.12 would be adhered to.

### **37.9 The analysis and discussion are addressed in the sub-themes below:**

#### **Decline the proposed changes due to safety, security and privacy**

The purpose of the SCA overlay is to manage the protection, maintenance or enhancement of particular values associated with an area or resource. The overlay is not concerned with privacy and visual dominance, addressing these matters is not consistent with the purpose of the overlay or PC 26 and would not effectively manage change and maintenance of buildings in areas subject to the SCA Overlay.

I do not support the reasoning provided by these submitters. The purpose of the SCA overlay is to manage the protection, maintenance or enhancement of particular values associated with an area or resource. The current standard D18.6.1.7 restricts the maximum height of fences, walls and other structures on all boundaries of a site to 1.2m. The proposed changes to this standard in PC 26, in particular the fencing controls, will more appropriately align with the objective of retaining the physical attributes that define, contribute and support the special character of areas, including streetscape qualities and cohesiveness. It is more important to manage the height of fences and walls on the front boundaries of sites, and the portions of side boundaries closest to the front in order to meet the objective of retaining the streetscape qualities and cohesiveness of special character areas. The increase of the height restrictions on side and rear yards from 1.2m to 2m will allow for increased security and privacy on properties whilst also enabling the purpose of the SCA overlay.

#### **Decline the proposed changes due to existing fence heights and styles**

Inappropriate fencing can have adverse effects on the special character values of an area. The particular focus in PC26 related to walls and fences on the front boundary of a site and side boundaries where they are adjacent to the street. The standard D18.6.1.7 as it currently exists is triggering unnecessary consent requirements. Fencing of up to 2m in height on the rear and side boundary (where it is not adjacent to the street) is not considered to adversely affect special character values, in particular

the streetscape values of an area. As set out in the s32 report 5.6.1 and 5.6.2 addressing this issue is important in order to achieve the purpose of PC26 and the objectives of the SCA Overlay.

Implementing the proposed changes to D18.6.1.7 would reduce the consenting and application costs associated with triggering unnecessary resource consents as a result of the 1.2m height limit for fences and walls on all boundaries. Instead this threshold is targeted to the parts of sites where it most appropriately relates to the values of special character areas, and therefore meeting the objective of retaining the streetscape qualities and cohesiveness of special character areas. Given this I recommend that these submission points be rejected.

### **Submissions supporting the proposed changes to D18.6.1.7**

I agree with the reasons outlined by these submitters and note the support of these submission points and therefore recommend that they be accepted.

### **Further amendments suggested**

I do not support the amendments requested by these submitters. The changes proposed to D18.6.1.7 by PC26 seek to clarify which development standards in D18.6.1 take precedence over any equivalent standards in the underlying zones. The standard has been amended to the effect that fences constructed between the front facades of houses and the street are limited to 1.2m in height but can be up to 2m in height elsewhere on a site.

The amendments will implement the objectives B5.3.1 of the AUP by ensuring that the fencing provisions of the SCA Residential overlay maintain and enhance the special character values of the area and to avoid, remedy or mitigate the adverse effects of development.

The amendments will result in provisions that are clearer and therefore will assist with consistent implementation. The current proposed amendments will ensure that fences and walls will only require resource consent under the SCA Residential overlay provisions where they may affect special character values (due to their height and/or location). The amendments to Development Standard D18.6.1.7 will more appropriately target this rule to the effects of proposed development on special character values. This will also have the benefit of reducing the uncertainty and ambiguity associated with the status quo, and the attendant social and cultural costs.

### **Recommendations on Submissions**

37.10 For the reasons discussed above, I recommend that **submission points 110.16, 123.11, 145.5, 150.9, 161.3, 178.6, 219.2, 221.2, 228.2 and 257.15 be accepted**, and that **submission points 3.1, 3.2, 21.9, 44.2, 44.3, 46.2, 52.2, 67.2, 68.3, 69.2, 76.2, 114.2, 115.4, 117.2, 117.3, 141.4, 149.4, 154.3, 154.4, 155.2, 156.2, 158.2, 204.5, 209.2, 224.16, 239.5, 248.5, 255.2, 264.2, 21.0, 38.2, 41.1, 74.2, 96.6, 127.7, 128.7, 150.1, 166.2, 166.3, 182.3, 199.2, 202.4, 220.3, 231.2, 231.2, 249.28, 249.29, 249.3, 249.31, 249.32, 250.5, 254.2, 272.3, 272.4, 272.5 and 273.2 be rejected**.

37.11 There are no further amendments to PPC 26 associated with this recommendation in **Appendix 1**.

## 38. Theme 28: Submissions on D18.8 Assessment – Restricted Discretionary Activities, D18.8.1 Matters of Discretion and D18.8.2 Assessment Criteria

### Sub theme: D18.8.1 Matters of Discretion & D18.8.2 Assessment Criteria

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
123.13	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	123.13 Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to Section 18.8 Assessment - Restricted discretionary activities		Accept

38.1 PC26 proposes to add a cross reference to the matters of discretion and assessment criteria for the standard or equivalent standard in the underlying zone.

38.2 A summary of the relief sought by the submitters is contained in the above table:

38.3 Reasons given in the submissions include:

- Supports changes to Section 18.8 Assessment – Restricted discretionary activities. The intent of PC26 which is to make it clear that certain planning provisions of the Special Character Areas Overlay prevail over the corresponding provisions of the underlying residential zones, is supported. In this respect, the need under the AUP to comply with both the underlying zone provisions and those of the SCAO results in lack of certainty, and the need for unnecessary resource consent applications. The proposed changes will provide a clear hierarchy of the status of the planning provisions. The need to comply with two sets of controls (overlay and underlying zone) has significant cost over benefit, is neither practical nor necessary and has the potential to result in difference of interpretation by the Council and applicants (123.13)

### Analysis and discussion

38.4 The only change proposed to D18.8 is to insert a cross reference to the matters of discretion and assessment criteria for the standard (or equivalent standard) in the underlying zone. This is supported by the submitter.

38.5 This will enable matters relating to adjacent neighbours amenity values to be taken into account.

## Sub theme: Matters of Discretion

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
199.4	Western Bays Community Group Inc c/- Bryan Bates	Amend Rule D18.8.2.1(4)(c) by adding - "while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/building to allow repairs, maintenance and painting.		Reject
225.4	Dirk Hudig	Amend Rule D18.8.2.1(4)(c) by adding - "while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/building to allow repairs, maintenance and painting.		Reject
240.3	The St Mary's Bay Association Inc c/- David Abbott	Amend rule D18.8.2.1(4)(c) - Assessment criteria by adding " while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/building to allow repairs, maintenance and painting".	FS12 K Vernon – Support in part and Oppose in part	Reject
240.4	The St Mary's Bay Association Inc c/- David Abbott	Amend rule D18.8.2.1(4) - Assessment criteria by adding (c) Maintaining a building service space of not less than 1200mm between the walls of existing or proposed dwelling/building on adjacent sites regardless of the location of the intervening site boundary"	FS12 K Vernon – Support in part and Oppose in part	Reject
257.16	Housing New Zealand c/- Alex Devine	The proposed amendments to the matters of discretion (Chapter D18.8.1.1(c)) do better align with the intent of the Environment Court Declaration Decision.		Accept

38.6 PC26 proposes to add a cross reference to the relevant matters of discretion and assessment criteria for the standard or equivalent standard in the underlying zone.

38.7 A summary of the relief sought by the submitters is contained in the above table.

38.8 Reasons given in the submissions include:

- The matter of discretion which the WBCG/Association requests be added to Rule D18.8.1.1(3) is to ensure that any infringement of the side yard standard includes the consideration of whether the façade of an adjoining dwelling/building can continue to be maintained (repairs, maintenance and painting) in the event that the infringement is granted consent. This is a simple matter that has been in the previous legacy Auckland District Plan and previous Auckland District Schemes for at least 40 years. No infringement should be considered without a full assessment of its effect on the maintenance and amenity of the closest façade/wall of an adjacent house/building (199.4, 225.4, 240.3)
- The proposed amendments to the matters of discretion (Chapter D18.8.1.1(c)) and the assessment criteria (Chapter D18.8.2.1(4)(b)) do better align with the intent of the Environment Court Declaration Decision, which found that the provisions of the underlying zones are a relevant consideration for resource consent applications relating to development in the SCA Overlay. Housing New

Zealand is therefore supportive of amendments to the SCA Overlay which we consider are consistent with the Environment Court Declaration Decision (257.16)

### Analysis and discussion

38.9 The proposed change includes a cross-reference to the relevant matters of discretion for the standard in the underlying zone.

38.10 For buildings that do not comply with Standard H3.6.8 Yards, the following are relevant in H3.8.1 Matters of discretion:

- (a) any policy which is relevant to the standard;
- (b) the purpose of the standard;
- (c) the effects of the infringement of the standard;
- (e) the effects on the amenity of neighbouring sites;
- (g) the characteristics of the development;

38.11 Although the existing criteria are not as specific as that requested by the submitters, they would enable consideration of maintaining sufficient space for maintenance purposes. At the very least, this could be an outcome of achieving other matters e.g. space between buildings to maintain sunlight access and to minimise visual dominance. As an example, Policy H3.3(2)(b) “requires development to be of a height and bulk and have sufficient setbacks and landscaped areas to maintain an existing suburban built character or achieve the planned suburban built character of predominantly one to two storey dwellings within a generally spacious setting”. Policy H3.3(4) “requires the height, bulk and location of development to maintain a reasonable level of sunlight access and privacy and to minimise visual dominance effects to the adjoining sites”. Both of these policies and the associated standard result in space between buildings which indirectly enables repairs, maintenance and painting.

### Sub theme: Assessment Criteria 4(b)

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
249.34	Keith Vernon	Support the proposed addition of D18.8.2.1(4)(b) in D18.8 Assessment - Restricted discretionary activities		Accept
257.17	Housing New Zealand c/- Alex Devine	Support the proposed amendments to the assessment criteria (Chapter D18.8.2.1(4)(b))	FS12 K Vernon - Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc - Oppose	Accept

38.12 A summary of the relief sought by the submitters is contained in the above table.

38.13 Reasons given in the submissions include:

- Proposed addition of D18.8.2.1 (4) (b) is supported (249.34)
- The proposed amendments to the matters of discretion (Chapter D18.8.1.1(c)) and the assessment criteria (Chapter D18.8.2.1(4)(b)) do better align with the intent of the Environment Court Declaration Decision, which found that the provisions of the underlying zones are a relevant consideration for resource



consent applications relating to development in the SCA Overlay. Housing New Zealand is therefore supportive of amendments to the SCA Overlay which we consider are consistent with the Environment Court Declaration Decision (257.17)

### Analysis and discussion

38.14 The proposed change includes a cross-reference to the relevant assessment criteria for the standard in the underlying zone. This is supported by the above submitters.

#### Sub theme: New Assessment Criteria 4(c) etc

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
150.11	B Dayal c/- Vijay Lala - Tattico Limited	Amend D18.8.2.1 - Assessment Criteria - by adding reference to the relevant assessment criteria for the standard (or equivalent standard) in the underlying zone	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS17 R & M Donaldson - Support	Accept
153.4	Michael Neil Hayes	Criteria for discretion and assessment should be specific to the dominant rules for the area and criteria for other zones should not be used in consideration of applications		Reject
227.4	Eden Park Neighbours' Assoc c/- Mark Donnelly	Add an assessment criteria to allow for property security issues to be taken into consideration		Accept in part
239.6	Marian Kohler	Limit D18.8.2.1(3)(c) - Assessment criteria to criteria which do not permit more density or intensification		Accept in part
247.4	Grey Lynn Residents Association c/- Tania Fleur Mace	Include consideration of amenity values of neighbouring sites when assessing consent applications within the Special Character overlay	FS2 BA Trusties Limited – Oppose FS15 Housing New Zealand Corporation – Oppose	Accept

38.15 A summary of the relief sought by the submitters is contained in the above table.

38.16 Reasons given in the submissions include:

- The requested addition to the assessment criteria for the Special Character Area Overlay – Residential will enable structures within the front yard which are consistent with the existing character of the streetscape. A number of residential areas within the region can be defined by development patterns which include structures within the front yard. The inclusion of this criteria enables the development of structures within the front yard where it is considered to be consistent with the existing streetscape character (150.11)
- In support of the requested matter of discretion set out above, the WBCG/Association requests that the following assessment criterion is added to Rule D18.8.2.1(4) as follows: (c) Maintaining a building services space of not less

than 1200mm between the walls of existing or proposed dwelling/buildings on adjacent sites regardless of the location of the intervening site boundary. This is a simple matter that has been in the previous legacy Auckland District Plan and previous Auckland District Schemes for at least 40 years. No infringement should be considered without a full assessment of its effect on the maintenance and amenity of the closest façade/wall of an adjacent house/building (199.4, 225.4, 240.4)

- We understand the intention of the Special Character rule (fences), however are concerned that it needs to take account of property security issues. Both in the restricted discretion and assessment. In cases in our area, the fence heights have increased to 1.8m over the years, often based on security and littering issues. Our understanding is that in cases where a group of properties already have existing heights greater than 1.2m, that would be taken into account as there would be little to no streetscape impact of an additional property having a greater than 1.2m height. However, as with front yard rules, this could maybe be spelt put more clearly. However we would suggest an assessment criteria be established to allow for property security issues to be taken into consideration (227.4)
- We note that there is no mention of amenity values of neighbouring sites in Plan Change 26. We believe that it is vital that amenity values of neighbouring sites are considered especially given that there is a more generous building envelope within the Special Character overlay than the Single House zone. Furthermore, house sites in Grey Lynn's Special Character overlay areas are small by comparison to many other Single House zoned areas in Auckland so the effects of alterations or additions on neighbours' amenity values are likely to be much greater within the Special Character overlay than within the Single House zone. We ask that Plan Change 26 includes consideration of amenity values of neighbouring sites (247.4)

### **Analysis and discussion**

38.17 D18.8.2.1 Special Character Areas Overlay – Residential is proposed to be amended by including reference to “the matters of discretion for the standard (or equivalent standard) in the underlying zone. This is as per the submitters (150.11) request.

38.18 As discussed above, PC26 cross references the relevant standard (or equivalent standard) in the underlying zone. This is an efficient way of utilising existing matters of discretion and assessment criteria. The infringement of a height standard under either the Special Character Areas Overlay or underlying Single House zone (as an example) will have the same or similar potential effects.

38.19 Objective H3.2 (3) in the Single House zone states:

*(3) Development provides quality on-site residential amenity for residents and for adjoining sites and the street.*

38.20 Policy H3.3(3) in the Single House zone states:

*(3) Encourage development to achieve attractive and safe streets and public open spaces including by:*

*(a) providing for passive surveillance*

*(b) optimising front yard landscaping*

*(c) minimising visual dominance of garage doors*

38.21 In my opinion both the above objective and policy which are referenced in the assessment criteria provide sufficient scope for property security issues to be taken into consideration.

38.22 The matters of discretion and assessment criteria do not refer to the extent of intensification or increase in residential density. They deal with the effects of proposed development that seek to infringe standards. More than one dwelling per site (other than the conversion of a principal dwelling) is a non-complying activity. There are no assessment criteria for non-complying activities. They are assessed against the relevant objectives and policies of the Unitary Plan.

38.23 The cross reference to the matters of discretion for the standard (or equivalent standard) in the underlying zone does capture the amenity values of neighbouring sites. For example, the Single House zones' "Matters of Discretion and Assessment Criteria" include:

***H3.8.1. Matters of discretion***

*(e) the effects on the amenity of neighbouring sites;*

***H3.8.2. Assessment criteria (refers to the relevant policies, including)***

*(2) Require development to:*

*(a) be of a height, bulk and form that maintains and is in keeping with the character and amenity values of the established residential neighbourhood;*

*(4) Require the height, bulk and location of development to maintain a reasonable level of sunlight access and privacy and to minimise visual dominance effects to the adjoining sites.*

**Sub theme: Specific Matters of Discretion and Assessment Criteria**

38.24 A summary of the relief sought by the submitters is contained in the above table.

38.25 Reasons given in the submissions include:

- The special character area overlay should provide greater protection for heritage and character than zones not designated as having special character. Retention and protection of character and heritage are not served by adopting development rules from the equivalent underlying single house zone rule, where the underlying rule is less stringent (rear setback as an example), or by setting more relaxed rules where the underlying rule actually provides greater protection for character and heritage (side yard height to boundary as an example). Criteria for discretion and assessment should be specific to the dominant rules for the area and criteria for other zones should not be used in consideration of applications, lest a simple avenue for circumventing the letter and intention of the dominant rules would remain as a 'loophole' for 'character-insensitive' developments (153.4)

**Analysis and discussion**

38.26 The only change proposed by PC 26 to E38.8.2.6 Subdivision of sites identified in the Special Character Area overlay – Residential and Business, is the insertion of clause (3) which clarifies that the minimum net site areas controls in table E38.2.6.1 "take precedence" over Table E38.8.2.3.1. There are no proposed changes to the respective

minimum net site areas. These were all derived from the legacy District Plans and are operative in the AUP.

### Recommendations on Submissions

38.27 For the reasons discussed above, I recommend that **submission points 123.13, 249.34, 247.4, 257.16 and 257.17 be accepted**, that submission points **150.11, 227.4 and 239.6 be accepted in part** and that **submission points 153.4, 199.4, 225.4, 240.4 and 240.5 be rejected**.

38.28 There are no further amendments to PPC 26 associated with this recommendation in **Appendix 1**.

## 39. Theme 29: Submissions on E38. Subdivision - Urban

39.1 PC26 proposes to clarify that the minimum net site areas in the Special Character Area Overlay – Residential and Business takes precedence over those in the Auckland – wide Suburban – Urban controls (Table E38.8.2.3.1).

### Sub – theme: Support Changes

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
123.14	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	Adopt the amendments to standard E38 Urban Subdivision as notified		Accept
204.2	Mount St Johns Residents' Group Inc c/- Catherine Peters	Strongly support the clarification of isthmus zoning C2A and B1 zonings (Refer table E38.8.2.6.1 – Special Character Areas Overlay – residential and Business Subdivision Controls). This refers specifically to the 1000 square metre 'minimum net site area		Accept
219.16	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	Supports overlay subdivision rules prevailing but clarity required on activity status	FS12 K Vernon – Oppose in part	Accept
221.17	Auckland Grammar School (AGS) c/- Sarah Burgess	Supports overlay subdivision rules prevailing but requires clarity on activity status	FS12 K Vernon – Oppose in part	Accept
228.17	The University of Auckland c/- Sarah Burgess	Supports overlay subdivision rules prevailing but requires clarity on activity status	FS12 K Vernon – Oppose in part	Accept
249.35	Keith Vernon	Support the proposed addition of E38.8.2.6 (3) to Subdivision		Accept

39.2 A summary of the relief sought by the submitters is contained in the above table.

39.3 Reasons given in the submissions include:

- The amendment to Section E38 Urban Subdivision is supported as it clarifies that the 450m<sup>2</sup> standard applies to all subdivision including where the parent site is greater than 1ha (123.14)
- We note this zoning (CA2 & B1) began as an initiative of the owners of land surrounding Mount St John who sought to preserve the character of the area, and views and sightlines to the cone. We support reinforcement of this zoning (204.2)
- Supports the proposed inclusion of this clause as it clarifies that the minimum site areas for the SCAR sites should take precedence over the underlying zone, however it remains unclear which activity statuses under Table E38.4.2 should be applied to a proposal for subdivision of a SCAR site (219.16, 221.17, 228.17)
- The proposed addition of E38.8.2.6 (3) is acceptable (249.35)

### Analysis and discussion

39.4 The above submitters all support the proposed change to E38.8.2.6 Subdivision of sites identified in the Special Character Areas overlay – Residential and Business. This change clarifies the AUP to explain that the minimum net site area controls with Table E238.8.2.6.1 Special Character Areas Overlay – Residential and Business take precedence over Table E38.8.2.3.1 – Minimum net site areas for subdivisions (parent sites less than 1 hectare).

### Sub – theme: Oppose Changes

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
45.5	Peter Stone	It would be against the spirit and concept of the Special Areas concerned to permit smaller subdivisions (than 600 sqm)		Reject
95.2	Adam and Sue Berry	Oppose that larger sites be subdivided or that a home can only be rebuilt on quarter of a larger site or smaller part of a half site as per Building Coverage allowed in Table D18.6.1.4		Reject
103.3	Rosemary McElroy	Keep minimum site size at 1000sqm		Reject
149.5	Philip John Mayo	Reject amendments to subdivision in SCAR. Minimum lot size for underlying zoning should prevail i.e. retain 600 sqm		Reject
241.3	Patricia Grinlinton	Retain the minimum net site area at 600 sqm		Reject

243.4	Michael Fitzpatrick	Retain SHZ standard of 600m <sup>2</sup> minimum lot size	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Reject
244.4	Julie Raddon Raddon	Retain SHZ standard of 600m <sup>2</sup> minimum lot size		Reject
257.11	Housing New Zealand c/- Alex Devine	Oppose the newly proposed text at E38.8.2.6(3), in relation to subdivision controls specific to the SCA Overlay	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group Inc - Oppose	Reject
269.1	Brian Wood	269.1 Opposes the proposed reduction in minimum section size from 750m <sup>2</sup> to 600m <sup>2</sup>		Reject

39.5 A summary of the relief sought by the submitters is contained in the above table.

39.6 Reasons given in the submissions include:

- Many sections are in the 600 to 850sqm range. It would be against the spirit and concept of the special areas concerned to permit smaller subdivisions certainly <600 sqm because this effectively alters that whole concept and appearances of the areas concerned (45.5)
- The special feature of Herne Bay area is that people live on larger sections with family homes built in proportion to the section. We oppose that larger sites be subdivided or that a home can only be rebuilt on quarter of a larger site or smaller part of a half site as per Building Coverage allowed in table D18.6.1.4 (95.2)
- Recommend that the special character of Arney Road continue to be recognized as valuable to Auckland and that the status quo as a character area be retained. I believe that tall, mature trees are able to be preserved largely because of the rule that land cannot be subdivided under 1000 square metres to accommodate more than one dwelling (103.3)
- Reject whole amendment, in particular, Isthmus A 400 m<sup>2</sup>. As stated above the purpose of the single house zone is to maintain and enhance the amenity values of established neighbourhoods and neighbourhood character. Reducing the minimum site area required from 600 square metres is reducing the amenity and neighbourhood character and is contrary to the objectives and policies and special character statements of the Plan. The Unitary Plan has identified areas for future growth and sought to preserve established character in the special character areas and reducing the requirement would only diminish and character and amenity. Retain 600m<sup>2</sup> minimum net site area for single house zone (149.5)
- Object to the proposed reduction of the standard minimum lot size to 450 sqm under the Single House zone rules. This change would have detrimental consequences for me in terms of what can be built on my next door property. The

implications are loss of visual impact, daylight shading, loss of amenity and thus quality of life (241.3)

- It is proposed that the minimum lot size specified in the Special Character Overlay: North Shore Area A, being 450m<sup>2</sup>, will prevail over the underlying zoning: Single House Zone minimum lot size being 600m<sup>2</sup>. This will have a significant visual impact from the street and/or neighbouring properties, and will detract from the enjoyment of neighbours property and reduce the amount of private green space in areas characterised not only by the houses but also the many beautiful gardens and mature trees (243.4, 244.4)
- Housing New Zealand opposes any amendments which seek to incorporate / duplicate underlying zone provisions within the SCA Overlay provisions (257.11)
- As a owner and resident of 6 Hillcrest Grove Manurewa I wish to object to the proposed reduction in minimum section size from 750m<sup>2</sup> to 600m<sup>2</sup>. The special character of this suburb (single dwelling, abundance of native bush, abundance of well established trees etc) will be potentially badly affected by this proposed change (269.1)

### Analysis and discussion

39.7 The only change proposed by PC 26 to E38.8.2.6 Subdivision of sites identified in the Special Character Area overlay – Residential and Business, is the insertion of clause (3) which clarifies that the minimum net site areas controls in table E38.2.6.1 “take precedence” over Table E38.8.2.3.1. There are no proposed changes to the respective minimum net site areas. These were all derived from the legacy District Plans’ subdivision controls. These are operative in the AUP.

### Sub – theme: “Take Precedence” v “Replace”

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
96.8	Colin and Jocelyn Weatherall Attn: David Wren	Amend E38.8.2.6 Subdivision by replacing the words "takes precedence" with "replace"	FS5 Mark Crosbie, Heidi Crosbie, and Adeux Trustee Limited – Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS17 R & M Donaldson – Support	Reject

97.8	Peter Ng Attn: David Wren	Amend E38.8.2.6 Subdivision by replacing the words "takes precedence" with "replace"	FS5 Mark Crosbie, Heidi Crosbie and Adeux Trustee Limited – Support FS6 Auckland Grammar School – Support FS7 The University of Auckland – Support FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS17 R & M Donaldson – Support FS18 Andrew Body and Karen Paterson as trustees of Galalea trust - Support	Reject
127.9	John Dillon c/- David Wren	Amend the clause 'take precedence' in E38.8.2.6 Subdivision by inserting the word 'replace'	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS17 R & M Donaldson – Support FS18 Andrew Body and Karen Paterson as trustees of Galalea Trust - Support	Reject
128.9	Peter and Sarah Wren c/- David Wren	Amend the clause 'take precedence' in E38.8.2.6 Subdivision by inserting the word 'replace'	FS12 K Vernon – Oppose in part FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS17 R & M Donaldson – Support FS18 Andrew Body and Karen Paterson as trustees of Galalea Trust - Support	Reject

39.8 A summary of the relief sought by the submitters is contained in the above table.

39.9 Reasons given in the submissions include:

- The use of the term 'take precedence' in this clause is unclear and will lead to further confusion and interpretative difficulties. Precedence puts one thing ahead of another. This therefore does not mean that the underlying activities rules will cease to apply, but simply that the SCA activity rules take precedence (96.8, 97.8, 127.9, 128.9)



## Analysis and discussion

39.10 The reason for the use of the words ‘replace’ and to take ‘precedence’ is related to the different sections of the Special Character Overlay and underlying zone chapters.

39.11 Activities as they are listed in the Special Character Overlay Activity Table are to take ‘precedence’ over the corresponding activities as listed in the underlying zoning activity tables. This is because the corresponding activities (as they are listed in both chapters) are not worded exactly the same. Therefore, the activities listed in the Special Character Overlay Activity Table do not replace them. The activities listed in the Special Character Overlay Activity Table have more weight, so a hierarchy is at play, thus, the use of the word ‘precedence’.

39.12 The standards in the Special Character Overlay are to ‘replace’ the corresponding standards of the underlying zoning as they effectively supersede those standards.

39.13 For E38.8.2.6 Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business the use of the term “takes precedence” is correct as there is not a direct like for like replacement (i.e. one standard does not directly replace another).

### Sub – theme: Site Specific Matters

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
71.2	Shamal Charan	Amend D18 Subdivision to enable ability to build minor dwelling at 106 Grande Vue Road, Manurewa		Accept in part
75.1	Wendy and Bruce Hadden	Retain the right to subdivide down to 600 sqm in the Special Character area (Victoria Ave, Remuera)		Reject
85.3	Joanna Keane	Enable the section (5 Quadrant Road, Onehunga) to be subdivided		Reject

39.14 A summary of the relief sought by the submitters is contained in the above table.

39.15 Reasons given in the submissions include:

- Want the authority (ability) to build minor dwelling or subdivide (71.2)
- In the Special Character Area in which we live, 100 Victoria Avenue Remuera, the right will remain to subdivide land of over 1,200 square metres. That is, can subdivide down to 600 square metres (75.1)
- Prior to the recent Unitary Plan, my property of 1050 sqm was able to be subdivided for 2 sections. Ask that the heritage status remain on the dwelling & that the section can be subdivided (85.3)

## Analysis and discussion

39.16 The site area and zoning of the respective properties are:

Property	Zoning	SCA Overlay	Area (sqm)	Minimum Net Site Area (under either zone or overlay – most restrictive)
106 Grande Vue Road, Hill Park Manurewa	Single House	General Hill Park	764	600
100 Victoria Avenue, Remuera	Single House	Remuera – Isthmus B1	1251	1000
5 Quadrant Road, Onehunga	Single House	Residential Early Road Links	1057	600

39.17 As discussed above, under the sub-theme “Oppose Changes” there are no proposed changes under PC26 to the respective minimum net site area. Any changes from the approach under the former legacy district plans occurred as a result of the preparation of the Auckland Unitary Plan.

39.18 106 Grande Vue Road already has the right to build a minor dwelling if the associated development standards are met. These are permitted activities in the Single House zone but the Special Character Areas Overlay does make any new building a restricted discretionary activity. The property is not large enough to subdivide.

39.19 100 Victoria Avenue, Remuera is zoned Single House zone and the Isthmus B1 minimum net site area standards apply. The requires a minimum net site area of 1000sqm. Therefore the site is too small to accommodate a complying second lot.

39.20 5 Quadrant Road, Onehunga is likewise zoned Single House zone. It has an area of 1057 sqm and the “Residential – Early Road Links Special Character Areas overlay applies. This has a minimum net site area of 600 sqm for subdivision (under the Single House zoning).

#### Sub – theme: Land Use/Subdivision

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
150.12	B Dayal c/- Vijay Lala - Tattico Limited	Amend E38.8.2.6 - Subdivision - add wording - min lot sizes not appropriate when considering a joint land-use and subdivision application	FS12 K Vernon – Oppose in part	Accept in part

39.21 A summary of the relief sought by the submitters is contained in the above table.

39.22 Reasons given in the submissions include:

- The requested change ensures sites can be developed and subdivided as enabled by the plan. Applying a net site area control is not considered appropriate when considering a joint land-use and subdivision application. Development and subdivision deemed to be appropriate through a joint land-use and subdivision application should not be required to meet minimum net site area control as the character, amenity and urban design effects of any such application will have been comprehensively addressed through the land use component of the resource consent (150.12)

## Analysis and discussion

39.23 Under Table E38.4.2 Activity table – Subdivision in residential zones, subdivision in accordance with an approved land use resource consent complying with Standard E38.8.2.1 is a restricted discretionary activity. This allows a joint land-use and subdivision application to not meet minimum net site area control. The relevant matter of discretion is “the effect of the design and layout of sites to achieve the purposes of the zone or zones and to provide safe legible and convenient access to a legal road” (E38.12.1. (7). The relevant assessment criteria includes “the effect of the design and layout of the proposed sites created and whether the design and layout of the proposed sites created result in new or increased non-compliance with Auckland – wide and zone rules” (E38.12.2 (6).

### Sub – theme: Minimum Lot Sizes – Hillpark

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
180.2	Glen Frost, Hillpark Resident's Association	Add to Table E38.8.2.4.1 Subdivision of sites identified in the Subdivision Variation Control to be updated to include Hillpark / Manurewa with 750sqm minimum lot size		Reject

39.24 A summary of the relief sought by the submitters is contained in the above table.

39.25 Reasons given in the submissions include:

- Would like Table E38.8.2.4.1 Subdivision of sites identified in the Subdivision Variation Control to be updated to include Hillpark, Manurewa with 750 sqm minimum lot size as we believe it was left off in error. This is an important control when considered alongside the Special Character statement (pattern of subdivision, native bush cover, balance of built and natural environments etc) (180.2)

## Analysis and discussion

39.26 Hillpark is not listed in Table E38.8.2.6.2.1 Special Character Area Overlay – Residential and Business controls. Neither does Hillpark feature in Table E38.8.2.4.1 Subdivision of sites identified in the Subdivision Variation Control. Therefore the minimum net site areas specified in the underlying zone apply. In Hillpark under Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare, this is 600 sqm. These minimum net site areas were confirmed through the Unitary Plan process and are operative in the AUP.

### Sub – theme: Isthmus A

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
239.2	Marian Kohler	239.2 Amend E38.8.2.6.1 by deleting Isthmus A SCAO residential properties in SH zone from Table E38.8.2.6.1, or alternatively amend E38.8.2.6(3) to state that Isthmus A SCAO residential properties in SH zone are not included in Table 38.8.2.6.1		Reject

39.27 A summary of the relief sought by the submitters is contained in the above table.

39.28 Reasons given in the submissions include:

- Reduction of net min site from 600 sqm to 400 sqm by the operation of the overlay taking precedence amounts to removal of a fundamental cornerstone and amenity of SHZ;
- No relevance maintenance, enhancement or amenity value is produced by increasing the subdivision potential in Isthmus A;
- Isthmus A is characterized by having a variety of larger sites. Further subdivision with new infill housing would destroy or detract from existing character;
- Most other SCAO categories have not had minimum vacant site reduced below 600 sqm e.g. Isthmus B, although often these categories of SCA are intermingled within a locality;
- Adverse effects of this specific part of PC26 Affect too many people and are too major to justify inclusion in its current form (239.2)

### Analysis and discussion

39.29 As discussed above under Sub-theme Oppose Changes, PC26 does not alter the minimum lots sizes.

39.30 The legacy minimum lot size for Isthmus A (formerly named the Residential 1 zone) under the Auckland Isthmus District Plan was 400 sqm or 500 sqm where a site did not comply with the shape factor. This is operative in the AUP.

### Sub – theme: Isthmus B2

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
246.2	Nyo Ban Liong & Henny Widijanti Sawang	Amend the minimum net site area for Isthmus B2 from 600 sqm to 400 sqm		Reject

39.31 A summary of the relief sought by the submitters is contained in the above table.

39.32 Reasons given in the submissions include:

- Reducing the minimum net site area allows subdivision of land which allows additional houses to be built in established suburbs;
- Live on the corner of the street and there is land at the back of the property is easy and will not impact on the character of the area. A tastefully designed single storey dwelling will tie in well aesthetically with the street (246.2)

### Analysis and discussion

39.33 As discussed above under Sub-theme Oppose, PC26 does not alter the minimum lots sizes.

39.34 The legacy minimum lot size for Isthmus B2 (formerly named the Residential 2b zone) under the Auckland Isthmus District Plan was 600 sqm. This is operative in the AUP.

### Recommendations on Submissions

39.35 For the reasons discussed above, I recommend that **submission points 123.14, 204.2, 219.16, 221.17, 228.17 and 249.35 be accepted**, that **submission points 71.2 and 150.12 be accepted in part** and that **submission points 45.5, 75.1, 85.3, 95.2, 96.8, 97.8, 103.3, 127.9, 128.9, 149.5, 180.2, 239.2, 241.3, 243.4, 244.4, 246.2, 257.11 and 269.1 be rejected**.

39.36 There are no further amendments to PPC 26 associated with this recommendation in **Appendix 1**.

## 40. Theme 30: Submissions on further or other relief

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
96.9	Colin and Jocelyn Weatherall Attn: David Wren	Any alternative and additional changes to PC26 that would provide for the matters set out in this submission	FS12 K Vernon – Oppose in part	Accepted in part
96.10	Colin and Jocelyn Weatherall Attn: David Wren	Any other consequential or alternative amendments arising from these changes	FS12 K Vernon – Oppose in part	Accepted in part
97.9	Peter Ng Attn: David Wren	Any alternative and additional changes to PC26 that would provide for the matters set out in this submission	FS12 K Vernon – Oppose in part	Accepted in part
97.10	Peter Ng Attn: David Wren	Any other consequential or alternative amendments arising from these changes	FS12 K Vernon – Oppose in part	Accepted in part
110.5	KTW Systems LP c/- Rachel Dimery	Provide further, consequential or alternative relief as may be necessary, desirable, or appropriate to give effect to the decision sought		Accepted in part
123.16	V H Bull c/- Gael McKitterick 4Sight	Adopt any other such relief, including additions, deletions, consequential amendments or alternative relief necessary to give effect to these submissions as a result of the matters		Accepted in part

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planners Recommendation</b>
	Consulting Limited	raised		
127.10	John Dillon c/- David Wren	Any alternative and additional changes to PC26 that would provide for the matters set out in this submission and any other consequential or alternative amendments arising from these changes	FS12 K Vernon – Oppose in part	Accepted in part
128.10	Peter and Sarah Wren c/- David Wren	Any alternative and additional changes to PC26 that would provide for the matters set out in this submission and any other consequential or alternative amendments arising from these changes	FS12 K Vernon – Oppose in part	Accepted in part
146.4	Z Energy Limited BP Oil NZ Limited Mobil Oil NZ Limited c/- Gael McKitterick - 4Sight Consulting Limited	Adopt any other such relief, including additions, deletions, consequential amendments or alternative relief necessary to give effect to these submissions as a result of the matters raised		Accepted in part
150.13	B Dayal c/- Vijay Lala - Tattico Limited	Any other consequential amendments that are necessary to give effect to the matters raised in this submission	FS12 K Vernon – Oppose in part	Accepted in part
170.8	Joe Martin	Any alternative and additional changes to PC26 that would provide for the matters set out in this submission		Accepted in part
170.9	Joe Martin	Any other consequential or alternative amendments arising from these changes		Accepted in part
173.7	John Childs c/- John Childs Consultants Limited	Any further or consequential relief in accordance with the reasons for this submission	FS3 Colin Hardacre - Support	Accepted in part
178.7	KCH Trust and Ifwersen Family Trust c/- Bianca Tree, Minter Ellison Rudd Watts	Such relief and/or amendments to the Plan Change as may be necessary to address the Trustees' concerns, as outlined above	FS12 K Vernon – Oppose in part	Accept in part
182.4	Michael Snowden c/- Philip Brown - Campbell Brown Planning	Such other amendments to the provisions of the AUP as may be necessary to give effect to the relief sought in this submission	FS12 K Vernon – Oppose in part	Accept in part
219.17	Mark Crosbie, Heid	Such further or other consequential or alternative relief as may be necessary	FS12 K Vernon – Oppose in part	Accept in part

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planners Recommendation</b>
	Crosbie and Adeux Trustee Limited	to fully give effect to the matters raised and relief sought in this submission		
220.4	Roman Catholic Bishop of the Diocese of Auckland c/- Michael Campbell	Such other amendments to the provisions of the AUP as may be necessary to give effect to the relief sought in this submission	FS12 K Vernon – Oppose in part	Accept in part
221.18	Auckland Grammar School (AGS) c/- Sarah Burgess	Such further or other consequential or alternative relief as may be necessary to fully give effect to the matters raised and relief sought in this submission	FS12 K Vernon – Oppose in part	Accept in part
228.18	The University of Auckland c/- Sarah Burgess	Such further or other consequential or alternative relief as may be necessary to fully give effect to the matters raised and relief sought in this submission	FS12 K Vernon – Oppose in part	Accept in part
234.5	The Ascot Hospital and Clinics Limited c/- Anthony Blomfield	Such alternative relief that addresses the issues raised in this submission		Accept in part
236.3	Samson Corporation Ltd and Sterling Nominees Ltd (Samson) c/- J A Brown	Any other further amendments necessary to give effect to the intent of this submission		Accept in part
238.3	Andrew Body and Karen Paterson (Galatea) c/- J A Brown	Any other further amendments necessary to give effect to the intent of this submission		Accept in part
245.4	R & M Donaldson c/- J A Brown	Any other amendments necessary to address the matters raised in this submission		Accept in part
249.36	Keith Vernon	Make changes and amendments to the Auckland Unitary Plan / Proposed Plan Change 26 as required to address the above submission points		Accept in part
249.37	Keith Vernon	Make such other amendments to the Auckland Unitary Plan as are necessary or appropriate as a consequence of the primary relief sought		Accept in part
250.6	Southern Cross Hospitals Limited c/- Bianca Tree	Such relief and/or amendments to the Plan Change as may be necessary to address Southern Cross' concerns, as outlined in their submission		Accept in part

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
257.6	Housing New Zealand c/- Alex Devine	Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out in this submission	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS22 South Epsom Planning Group - Oppose	Accept in part

40.1 A summary of the relief sought by the submitters is contained in the above table.

40.2 The reasons provided in the submissions include:

- The submissions all provide scope for “such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out in the submissions;
- The reasons provided are all attached to other submissions points that seek specific changes.

### Analysis and discussion

40.3 No alternative or additional changes to PC26 have been necessary to meet the relief sought in the above submissions. All recommended changes are within the relief specified in the submissions.

40.4 As some changes are recommended to the provisions, it is appropriate that the above group of submissions are accepted in part, rather than rejected.

### Recommendations on Submissions

40.5 For the reasons discussed above, I recommend that **submission points 96.9, 96.10, 97.9, 97.10, 110.5, 123.16, 127.10, 128.10, 146.4, 150.13, 170.8, 170.9, 173.7, 178.7, 182.4, 219.17, 220.4, 221.18, 228.18, 234.5, 236.3, 238.3, 245.4, 249.36, 249.37, 250.6 and 257.6 be accepted in part.**

40.6 There are no further amendments to PPC 26 associated with this recommendation in **Appendix 1.**

## 41. Theme 31: Submissions on other methods

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
49.7	Wing Cheuk Chan	Consider financial compensation to current owners while their applications for further development are restricted by the new rules	FS21 Lim Che Cheung Chan – Support	Reject
63.3	Teresa Lyndsay	The Plan Changes should incorporate a provision to assist home owners to maintain their houses and preserve		Reject



Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
	Marene Davis	their character		
95.3	Adam and Sue Berry	Can Auckland Council reserve some areas with homes built in proportion to section sizes as a unique liveable part of Auckland City landscape	FS15 Housing New Zealand Corporation - Oppose	Accept in part

41.1 PC26 does not propose any “other methods”. Section B1 – Issues of Regional Significance of the Unitary Plan contains a summary of methods to implement the regional policy statement (Table B1.6.1). This contains both statutory and non-statutory methods.

41.2 A summary of the relief sought by the submitters is contained in the above table.

41.3 The reasons provided in the submissions include:

- 22A St Andrews Road is a property that was built in the 1990s that has a plaster external and again do not have any historical special character. This property can be easily seen from the roadside which makes up part of the street view. Proposed PC 26 discriminates against those existing house owners who have not yet the rebuilt/redeveloped of their properties (49.7);
- Retaining the Special Character of the 7 Railway Houses on Station Road Papatoetoe of which mine is one. I have long felt that the SCA overlay did not protect these homes enough. I am concerned that they may be demolished rather than preserved. Would be very distressed to see the Railway homes demolished and replaced by apartments and that is my fear with the proposed changes to the Unitary Plan (63.3)
- If this part of Herne Bay area is designated as high density; the landscape and surrounding area would change dramatically and would of course need more council upkeep, and the area would no longer be a desirable place to live for locals who have moved in for the home sizes, sections, landscapes and surroundings to bring up families, and of course would not be worth the upkeep, if the overall value of the house, and living in the area has been taken away. Would like the Auckland Council to reconsider not including Herne Bay or this part of Herne Bay into the proposed plan change 26 but keep this area as a unique part of Auckland (95.3)

## Analysis and discussion

### Financial Compensation

41.4 Section 85 of the RMA provides that *an interest in land shall be deemed not to be taken or injuriously affected by reason of any provision in a plan unless otherwise provided for in this Act*. This means compensation is not normally payable in respect of heritage restrictions. However, a landowner may challenge a provision or proposed provision which *would render that interest in land incapable of reasonable use*.

41.5 The term reasonable use *includes the use or potential use of the land for any activity whose actual or potential effects on any aspect of the environment or on any person other than the applicant would not be significant*. This is likely to include any permitted activity in the AUP.

- 41.6 If a provision is challenged, the Environment Court must determine whether the provision renders any land incapable of reasonable use and places an unfair and unreasonable burden on any person having an interest in the land. If so, the Court may direct the local authority to modify, delete, or replace the provision.
- 41.7 If land is required for a public work, then financial compensation is payable under the Public Works Act 1981.
- 41.8 As PC26 does not render any land incapable of reasonable use or place an unfair and unreasonable burden on any person, or require land for a public work, no financial compensation is payable.

### **Assisting Home Owners to Maintain their Houses and Preserve the Character**

- 41.9 There are grants available to assist home owners to maintain their homes, but these are targeted at historic heritage places and areas. For example: Auckland Council has a Regional Environment and Natural Heritage Grants Programme. This aims to support the protection, restoration or enhancement of Auckland's environment, with a focus on our most significant natural heritage areas.
- 41.10 These funds are dedicated to funding projects that are recognised as regionally significant in the heritage schedules of the Auckland Unitary Plan, including:
- historic heritage places and areas
  - sites of significance to Mana Whenua
  - notable trees
  - contributing places within a special character area.

### **Unique liveable part of Auckland City landscape**

- 41.11 The Auckland Unitary Plan does manage the unique parts of Auckland's built and natural landscape. This is via the overlay method. Three examples of managing Auckland's built heritage/landscape are the Historic Heritage, Historic Heritage Area's and Special Character Areas overlays.
- 41.12 Scheduled historic heritage places have been evaluated and meet the heritage significance criteria and thresholds set out in the Regional Policy Statement (Chapter B5.2). A historic heritage place may include: cultural landscapes, buildings, structures, monuments, gardens and plantings, archaeological sites and features, traditional sites, sacred places, townscapes, streetscapes and settlements.
- 41.13 Historic Heritage Areas are groupings of interrelated, but not necessarily contiguous places or features that collectively meet the Category A or B criteria. Historic Heritage Areas may include both contributing and non-contributing sites or features, places individually scheduled as Category A or B places, and notable trees.
- 41.14 The Special Character Areas Overlay – Residential and Business seeks to retain and manage the special character values of specific residential and business areas identified as having collective and cohesive values, importance, relevance and interest to the communities within the locality and wider Auckland region.

## Recommendations on Submissions

41.15 For the reasons discussed above, I recommend that **submission point 95.3 be accepted in part**, and that **submission points 49.7 and 63.3 be rejected**.

41.16 There are no further amendments to PPC 26 associated with this recommendation in **Appendix 1**.

## 42. Theme 32: Submissions on other matters

### Sub – theme: Heritage Concepts

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
257.12	Housing New Zealand c/- Alex Devine	Oppose any amendments which seek to introduce heritage concepts within the SCA Overlay provisions, including the newly proposed 'purpose statement' for Standard 'D18.6.1.3 Yards'. Housing New Zealand	FS12 K Vernon – Oppose in part FS13 Southern Cross Hospitals Limited – Support FS16 Samson Corporation Ltd and Sterling Nominees Ltd – Support FS217 R & M Donaldson – Support FS18 Andrew Body and Karen Paterson as trustees of Galatea Trust – Support FS22 South Epsom Planning Group Inc - Oppose	Accept in part

42.1 This section of the report contains a wide range of “other matters” raised in submissions that lie outside the previous themes. It also includes matters that are considered to be “out of scope” of the plan change.

42.2 A summary of the relief sought by the submitters is contained in the above table.

42.3 The reasons provided in the submissions include:

- The Council has also sought to make amendments to the SCA Overlay, which once again seek to introduce the concept of Special Character as a heritage matter, rather than an amenity matter. For example, a definition for the purpose of the Yard control is proposed in the Plan Change as being “to retain the historical built character of the streetscape...”. Notwithstanding that a ‘purpose statement’ has no clear role in the statutory interpretation of the Rule, it effectively introduces ‘objectives’ to the Rule (which are not consistent to the Objectives of the SCA Overlay itself)

- These amendments to the SCA Overlay are made despite the recent decision of the Environment Court in *Housing New Zealand Corporation v Auckland Council* which confirmed that Special Character was a section 7(c) RMA amenity issue, not a section 6(f) RMA heritage protection matter, meaning that the underlying premise of the SCA Overlay is not to require protection of existing special character buildings, but to encourage development which was in keeping with the special character amenity values defined for that area.

### Analysis and discussion

42.4 Proposed Plan Change 26 amends D18.6.1.3 Yards by adding the following Purpose Statement:

*D18.6.1.3 Yards Purpose: to retain the historical built character of the streetscape by managing the setback and the relationship of the building to the street.*

42.5 It is acknowledged that the Special Character Areas Overlay is a section 7(c) matter and not a section 6(f) matter.

42.6 The above approach was accepted by Auckland Council in its decisions report on the recommendations by the Auckland Unitary Plan Independent Hearings Panel (19 August 2016).

*The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 010/029/030/079 (Special character and pre 1944), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 12.2. (note paragraph 12.2 dealt with the deletion of the objective that provides for management of heritage values in the Regional Policy Statement)*

42.7 The use of the term “historical” in the above context refers to history or past events (i.e. from the past). It does not mean that the area to which the Special Character Area Overlay has been applied is “historic heritage” (i.e. important heritage). Rather, the built character of the streetscape is a result of historical development.

### Sub – theme: Double garages

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
17.2	Kimberley McLean	Allow the building of double garages where appropriate, and not a blanket rule of no double garaging		Accept

42.8 A summary of the relief sought by the submitters is contained in the above table.

42.9 The reasons provided in the submissions include:

- Selbourne Street is becoming an incredibly busy street, not only due to school pick ups and drop offs, but also now with the parking regulations/restrictions around surrounding areas. People from outside the area are now parking all day along Selbourne Street. I would like the council to consider, where appropriate, to allow the build of double garages, as long as it does not compete with the heritage factor/home on the street (17.2).

## Analysis and discussion

42.10 PC26 does not specifically exclude double car garages. Garages must comply with the relevant standards including yards and site coverage. External alterations or additions to a building and the construction of a new building or relocation of a building are a restricted discretionary activity.

### Sub – theme: Existing Agreements

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
43.2	Frank William Frazer and Mary Catherine Frazer	The following clause should be inserted. "Where the Council has entered into a specific agreement with a property owner relating to a property, the provisions of the agreement shall prevail over the requirements of the Special Character Overlay"		Reject

42.11 A summary of the relief sought by the submitters is contained in the above table.

42.12 Reasons given in the submissions include:

- Where an individual agreement relating to a property has been made with Council, this agreement must prevail over the requirements of the Special Character Overlay (43.2)

## Analysis and discussion

42.13 The submitters property at 122 Ladies Mile, Ellerslie is zoned Single House zone and has a Special Character Area overlay. The property was subject to PC 163 (an Auckland City Council Plan Change). As a result of an appeal there was agreement with the Auckland City Council that "the Council will agree not to pursue its position that your property should be subject to the demolition or removal control and advise the Court accordingly".

42.14 The Unitary Plan is not the appropriate location for agreements to be recorded. If an Environment Court consent order results in changes to any map or text then these are undertaken as part of the inclusion of Court ordered amendments to a planning document under Clause 16 of the First Schedule of the RMA.

### Sub – theme: Implementation and Enforcement

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
45.3	Peter Stone	Concerns regarding implementation , oversight and enforcement and the Proposed Plan does not detail if there are any moves to strengthen oversight and so on		Accept in part

42.15 A summary of the relief sought by the submitters is contained in the above table.

42.16 Reasons given in the submissions include:

- Whilst the aim of the proposal is clear and generally good, there are aspects that are unclear and not supported in the current form as presented and it is on those points that clarification is needed (45.3)

### Analysis and discussion

42.17 It is acknowledged that implementation and enforcement (where there are areas of non-compliance) is an important aspect of resource management.

42.18 Auckland Council has a regulatory compliance team in the Regulatory Service Department. This team is able to respond to any complaints or breaches (if they are brought to their attention) of non-compliance with resource consent or Building Act matters.

### Sub – theme: Controlled Activities

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
45.4	Peter Stone	Clarify that there are no controlled activities		Accept

42.19 A summary of the relief sought by the submitters is contained in the above table.

42.20 Reasons given in the submissions include:

- Whilst the aim of the proposal is clear and generally good, there are aspects that are unclear and not supported in the current form as presented and it is on those points that clarification is needed (45.3)

### Analysis and discussion

42.21 Under the RMA – section 87A, there are six activity classes – permitted, controlled, restricted discretionary, discretionary, non-complying and prohibited.

42.22 D18.7 Assessment – controlled activities, states “there are no controlled activities”. This means there are no activities with the status of a “controlled activity”. It doesn’t mean that activities are not managed.

### Sub – theme: Open Space

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
45.6	Peter Stone	Oppose removal of open spaces		Accept in part

42.23 A summary of the relief sought by the submitters is contained in the above table.

42.24 Reasons given in the submissions include:

- No reasons are given to the loss of this land to recreational use (45.3)

## Analysis and discussion

42.25 Attachment 2 to the PC26 Section 32 report contains “Open Space: Conservation and Informal Recreation zoned sites to be removed from SCA Overlay – Residential”. There were 12 land parcels in total. There is no proposed “loss” of open space zoned land under PC26.

42.26 The SCAR overlay is proposed to be removed from these properties, but the maps were never produced to be included as part of the plan change. This therefore cannot be progressed as part of the PC26 process. As a result, there is an inconsistency between the plan change maps and the section 32 report.

42.27 The council will need to remove the SCAR overlay from these properties as part of a subsequent plan change. In the meantime the SCAR overlay continues to apply.

### Sub – theme: Chimneys (demolition)

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
46.3	Vinod Vyas	Most of the chimneys in such old houses are posing danger. These should be allowed to demolished by licensed builder without consent	FS15 Housing New Zealand Corporation – Support in part FS20 Heritage New Zealand Pouhere Taongā - Oppose	Reject

42.28 A summary of the relief sought by the submitters is contained in the above table.

42.29 Reasons given in the submissions include:

- Most of the chimney’s in such old houses are posing danger (46.3)

## Analysis and discussion

42.30 The removal of a chimney from a dwelling in the Special Character Overlay Area falls into the category of “external alterations or additions to a building on all sites in the Special Character Areas Overlay – Residential or Special Character Areas Overlay – General (with a residential zoning) and is a Restricted Discretionary activity.

42.31 Chimneys are an important part of the character of some areas (e.g. where there are early villas or late Victorian villa’s in particular) and it is appropriate that their removal is subject to a resource consent process so that the effects can properly be assessed.

### Sub – theme: Shower & toilet facilities

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
46.4	Vinod Vyas	Allow the addition of shower and toilet areas without need of consent. The number can be restricted to number of bed rooms		Reject

42.32 A summary of the relief sought by the submitters is contained in the above table.

42.33 Reasons given in the submissions include:

- (no reasons are provided)

### **Analysis and discussion**

42.34 Neither the Special Character Overlay Area, nor PC26 affect the installation of shower and toilet facilities. A consent will however be required under the Building Act.

42.35 The purpose of the Building Act 2004 is to:

*(a) to provide for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards for buildings to ensure that—*

*(i) people who use buildings can do so safely and without endangering their health; and*

*(ii) buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them; and*

*(iii) people who use a building can escape from the building if it is on fire; and*

*(iv) buildings are designed, constructed, and able to be used in ways that promote sustainable development:*

*(b) to promote the accountability of owners, designers, builders, and building consent authorities who have responsibilities for ensuring that building work complies with the building code.*

### **Sub – theme: Rules Relating to Renovations and New Dwellings**

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planners Recommendation</b>
55.2	Wong Liu Shueng	Clarify the rules applying to renovations and the building of new dwellings		Accept

42.36 A summary of the relief sought by the submitters is contained in the above table.

42.37 Reasons given in the submissions include:

- It is noted how developers have pushed the boundaries between houses, and as land become more and more scarce, extra guidelines need to be clear (55.2)

### **Analysis and discussion**

42.38 Under the Special Character Area Overlay – Residential and General, external alterations or additions to a building are a restricted discretionary activity. The construction of a new building or relocation of a building onto a site is likewise a restricted discretionary activity.

42.39 Plan Change 26 does not alter the activity status.



### Sub – theme: Infrastructure

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
57.2	Jae Ellis	Backdate and clarify that the overlay priorities also apply to all recent and future infrastructure development in the same way as for residential	FS15 Housing New Zealand Corporation – Support in part	Reject

42.40 A summary of the relief sought by the submitters is contained in the above table.

42.41 Reasons given in the submissions include:

- I specifically bought into an area which had a heritage overlay expecting that any developments or changes would be clearly sympathetic to the area and the character protected. To find that Watercare easily obtained approval to build a pumping plant with 10m high vents in local parks, tunnel over 1km under heritage homes and also install four 10m high vents directly outside my house in a heritage area was shocking. The character and heritage overlay obviously afforded no protection at all to the streetscape, built environment, visual or air quality of the oldest suburb in Auckland. I believe it is only logical that the overlay should also be prioritised over infrastructure developments to ensure Auckland's heritage and character areas are afforded more protection from proposed development or changes from infrastructure companies that do not appear to currently have to take into consideration the impact on the overall character of an area (57.2)

### Analysis and discussion

42.42 It is accepted that infrastructure should be compatible with special character areas. Auckland Council's heritage team advises that historically some street upgrades have not been undertaken or designed to be compatible with the character of the area. The Special Character Area Overlay only applies within parcel boundaries and is therefore outside the road reserve. Minor infrastructure upgrades are also permitted activities. Separate infrastructure design guidance is therefore required. The Auckland Design Manual or Auckland Transport's Code of Practice would be an appropriate location for this design guidance. This is however not a matter that can be addressed under PC26.

### Sub – theme: St Marys Bay beachwater quality project

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
57.3	Jae Ellis	Revisit the decision for the St Marys Bay - Masefield Beach Water Quality Improvement Project		Reject

42.43 A summary of the relief sought by the submitters is contained in the above table.

42.44 Reasons given in the submissions include:

- (same reasons as above)

## Analysis and discussion

42.45 Improving water quality is a high priority for Auckland Council and one of the first major projects that will deliver significant results is the combined sewer and stormwater network at St Mary's Bay and Masefield Beach. The project will reconfigure the existing combined sewer and stormwater network.

42.46 This project will move the stormwater outlet from its current location directly on the beach to the edge of a channel under the harbour bridge, where the strong current will disperse the stormwater and highly diluted wastewater overflows much more efficiently.

42.47 The project is designed to integrate with long-term network improvement plans being developed by Healthy Waters and Watercare, which will further reduce combined sewer overflows and improve water quality. The project is unrelated to and will not be affected by PC26.

### Sub – theme: School zones

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
62.2	Hui Chen	Don't change the school zones & single house zone		Reject

42.48 A summary of the relief sought by the submitters is contained in the above table.

42.49 Reasons given in the submissions include:

- House is located in the Single House zone (and the above school zones) (62.2)

## Analysis and discussion

42.50 School zones are not determined by the AUP or under the RMA 1991. The Education Act 1989 specifies the purpose of enrolment schemes (or school zones) and how they operate. No changes to the Single House zone are proposed under PC26.

### Sub – theme: Railway houses – Station Road, Papatoetoe

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
63.2	Teresa Lyndsay Marene Davis	Provide further protection and maintenance for the 7 Railway Houses at Station Road Papatoetoe and a restriction on high density housing on the land occupied by the houses		Reject

42.51 A summary of the relief sought by the submitters is contained in the above table.

42.52 Reasons given in the submissions include:

- I have long felt that the SCA overlay did not protect these homes enough. I am concerned that they may be demolished rather than preserved (63.2)

## Analysis and discussion

42.53 The seven properties located at 1-19 Station Road, Papatoetoe are zoned Single House zone. They are also subject to the Special Character Area Overlay – Residential Station Road, Papatoetoe.



42.54 Under D18. Special Character Areas Overlay – Residential and Business, the total demolition or substantial demolition (exceeding 30 per cent or more, by area, of wall elevations and roof areas) is a restricted discretionary activity. A resource consent would therefore be required.

42.55 Assistance to owners of dwellings in “Special Character Overlay Areas” is discussed under Theme 32: Submissions on other methods (paragraph).

### Sub – theme: Density

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
69.3	Ying Chen	Special Character Areas Overlay provides no flexible density requirements, which is contradictory to housing affordability		Reject

42.56 A summary of the relief sought by the submitters is contained in the above table.

42.57 Reasons given in the submissions include:

- Contradictory to housing affordability (69.3)

## Analysis and discussion

42.58 The purpose of the Special Character Area overlay is to “retain and manage the special character values of specific residential and business areas identified as having collective and cohesive values, importance, relevance and interest to the communities within the localities and wider Auckland region”. It does not preclude intensification if this can be undertaken in a manner that supports the identified special character, although it is recognised that it will limit the degree of intensification that can be achieved.

42.59 There are other opportunities elsewhere in the Auckland region for greater residential densities and potentially more affordable housing. For example, the Mixed Housing Suburban, Mixed Housing Urban and Terraced Housing and Apartment Building zones

all have no density restrictions. There is also the ability to develop minor dwellings and/or convert a principal dwelling into a maximum of two dwellings in the Rural and Coastal Settlement zone and Single House zone and minor dwellings in the Large Lot zone.

**Sub – theme: 5 Quadrant Road, Onehunga**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
85.2	Joanna Keane	Retain heritage status on dwelling (at 5 Quadrant Road, Onehunga)		Accept in part

42.60 A summary of the relief sought by the submitters is contained in the above table.

42.61 Reasons given in the submissions include:

- Bought the property in 1983 when it had zoning for 3 townhouses. It is only property in the area that hasn't been subdivided. Want to retain the ability to subdivide into two sections, without losing the integrity of the heritage home and streetscape (for the front property) and retaining it as a Special Character Area (85.2)

**Analysis and discussion**

42.62 5 Quadrant Road, Onehunga is zoned Single House zone and has a Special Character Area Overlay – Residential Early Road Links. The property has an area of 1057 sqm.

42.63 The minimum net site area for subdivision involving parent sites of less than 1 ha is 600 sqm in the Single House zone. There is no lesser area for the Special Character Area Overlay – Residential Early Road Links.



42.64 The property was zone Residential 1 Under the Auckland Isthmus District Plan 1999 (see map above). The minimum site area was 400 sqm (gross site area for front, corner and thorough sites and net site area for rear sites). PC26 has not altered the subdivision standards that now apply to this site under the AUP.

**Sub – theme: Thames Street, Mt Eden**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
86.2	Patrick Noel Joseph Griffin	Leave the street (Thames Street, Mt Eden) as it is - if people own the property it should be their right to make changes as they see fit		Reject

42.65 A summary of the relief sought by the submitters is contained in the above table.

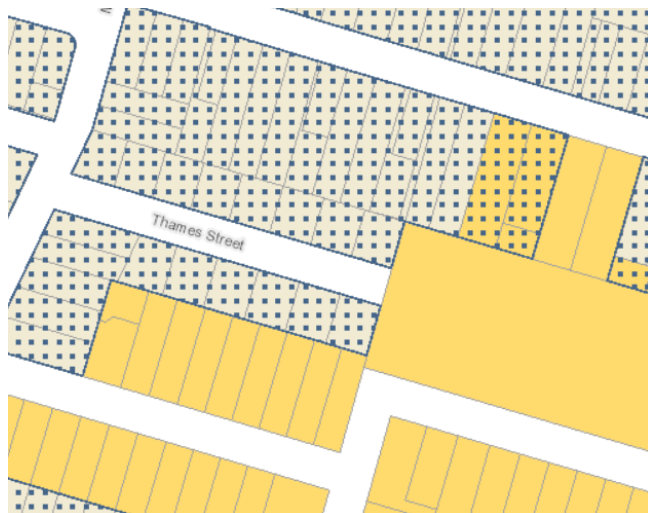
42.66 Reasons given in the submissions include:

- If people own the property it should be their right to make changes as they see fit (86.2)

**Analysis and discussion**

42.67 The properties in Thames Street, Balmoral (see map below) are zoned Residential - Single House zone and have a Special Character Area Overlay – (General Balmoral Tram Suburb East). The street is therefore already subject to the Special Character Area Overlay provisions.

42.68 PC26 seeks to clarify which provisions apply where there are corresponding provisions in the Special Character Areas Overlay and the underlying zone.



## Sub – theme: Effects on neighbours

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
88.3	Passion Fruit Trust	The plan (change) needs to take into account the effects of development on neighbours as well as on streetscape	FS15 Housing New Zealand Corporation – Oppose	Accept
202.5	Sue Cooper, Remuera Heritage	Plan needs to take into account the effects of development on neighbours as well as on streetscape		Accept
203.4	Sally Hughes, Character Coalition	Plan needs to take into account the effects of development on neighbours as well as on streetscape		Accept
216.2	Don Huse	SCAR provisions to ensure any house alterations or new-builds will not adversely affect the amenity and value of any other properties included in the applicable special character area		Accept
216.5	Don Huse	Want “cast-iron” assurance that the amenity and value of our house (and all others located in the special character areas) is fully protected by PC26		Accept in part
218.4	Leighton Haliday	Protect sunlight access and privacy		Accept

42.69 A summary of the relief sought by the submitters is contained in the above table.

42.70 Reasons given in the submissions include:

- When special character and heritage houses were built in the 19th and early 20th centuries, privacy was much easier to maintain. Then there was significantly less light, air and noise pollution from radio, television, music, technology, outdoor living, recreational facilities and traffic. We want to retain respect for our neighbours and social and community wellbeing in the 21st century. These are now universally acknowledged as being of primary importance to a healthy society. The more restrictive requirements should apply regarding rules, standards and provisions which affect these environmental factors in our communities (88.3, 202.5, 203.4)
- Want “cast-iron” assurance that the amenity and value of our house (and all others located in the special character areas) is fully protected by PC26. To the extent that this is achieved by PC 26, we support it (216.2, 216.5)
- Larger houses are looming over others, destroying the unique nature of our environment, stealing sunlight and privacy (218.4).

### Analysis and discussion

42.71 PC26 proposes to include a cross reference to the matters of discretion for the standard (or equivalent standard) in the underlying zone and the relevant assessment criteria for the standard (or equivalent standard) in the underlying zone. This includes the following matters of discretion:

- (a) any policy which is relevant to the standard;
- (b) the purpose of the standard;
- (c) the effects of the infringement of the standard; (underlining added for emphasis)
- (d) the effects on the rural and coastal character of the zone;
- (e) the effects on the amenity of neighbouring sites;
- (f) the effects of any special or unusual characteristic of the site which is relevant to the standard;
- (g) the characteristics of the development;
- (h) any other matters specifically listed for the standard; and
- (i) where more than one standard will be infringed, the effects of all infringements

42.72 It also includes the following assessment criteria (cross referenced to policies):

- (1) Require an intensity of development that is compatible with either the existing suburban built character where this is to be maintained or the planned suburban built character of predominantly one to two storey dwellings.
- (2) Require development to:
  - (a) be of a height, bulk and form that maintains and is in keeping with the character and amenity values of the established residential neighbourhood; or
  - (b) be of a height and bulk and have sufficient setbacks and landscaped areas to maintain an existing suburban built character or achieve the planned suburban built character of predominantly one to two storey dwellings within a generally spacious setting.
- (4) Require the height, bulk and location of development to maintain a reasonable level of sunlight access and privacy and to minimise visual dominance effects to the adjoining sites.

42.73 Therefore under PC26 there is a requirement to take into account the effects of proposed development on the amenity values of neighbouring sites. This includes sunlight access, privacy, and visual dominance.

**Sub – theme: Demolition**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
88.4	Passion Fruit Trust	We do not support anything which will make special character and heritage buildings more easily able to be demolished and special character areas to be eroded		Accept in part

42.74 A summary of the relief sought by the submitters is contained in the above table.

42.75 Reasons given in the submissions include:

- The SCAR Overlay is less restrictive in allowing anyone wanting to develop their property greater freedom to do so. It is not clear how the proposed change will assist owners who want to protect the character and amenity of the Special Character Area where the Single House Zone also applies. It allows more lenient rules about heights and yards, which will lead to much greater density, bulk and heights to the side and rear of properties (88.4)

## Analysis and discussion

42.76 PC26 does not alter the activity status for the demolition of buildings or substantial demolition. It retains its status as a restricted discretionary activity. The standards and assessment criteria are not proposed to be amended by PC26.

### Sub – theme: Schedule 15

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
90.1	Sharyn Qu	The characters/styles outlined in the Schedule 15 Special Character Schedule Statements and Maps for Princes Avenue special area are inaccurate - therefore, the overlay rules should not take precedent	FS4 Sharyn Qu – Support	Reject

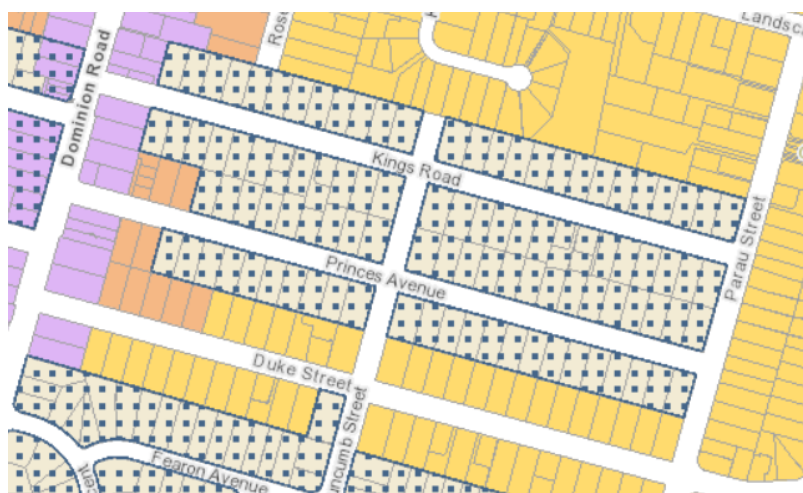
42.77 A summary of the relief sought by the submitters is contained in the above table.

42.78 Reasons given in the submissions include:

- It is very unreasonable and confusing that the developments on our street are assessed against the Council’s Special Character Area Statement which does not truly correspond to the characters of the street (90.1)

## Analysis and discussion

42.79 The properties in Princes Avenue (see map below) are in the Special Character Overlay Area – Residential Kings Road and Princes Avenue.



42.80 The submitter has not outlined which parts of the Special Character Area Statement are incorrect. With all Special Character Areas, there will be some individual dwellings that do not “fit” the character statement. This is discussed under Theme 6: Submissions on the overlay and zone relationship.

42.81 Schedule 15 - Special Character Area Statement for the above area states:

### **Description:**



The overlay area is located in Mount Roskill, and includes properties along both sides of Kings Road and Princes Avenue from the intersection with Parau Street to the rear of properties fronting Dominion Road. This area was subdivided in 1910 and demonstrates a coherent early 20<sup>th</sup> century residential area within the former Mount Roskill Borough. The extent of the area is shown on the special character area map above.

**15.1.7.9.2. Summary of special character values**

**Historical:**

The overlay area is of significance because it demonstrates the ongoing residential expansion across the isthmus in relation to the extension of the electric tram network in the 1920s. This was a key period of residential expansion within the former Mount Roskill Borough, particularly in the area to the north of Mount Albert Road.

Subdivided in 1910, these streets form part of one of the earlier subdivisions close to Dominion Road. Sections in Kings Road, Princes Avenue and Duke Street were formed as part of a subdivision described as the Town of Edendale Extension No.8. Residential expansion during the 1920s was facilitated by government lending through State Advances Corporation loans, which encouraged the subdivision of suburban land and resulted in a rapid increase in development on the outskirts of Auckland City. Development was also enabled with the progressive extension of the electric tram line along Dominion Road to Mount Albert Road, where it had reached by 1930.

...

**Physical and visual qualities:**

The overlay area is significant for its physical and visual qualities because it comprises a significant grouping of inter-war style houses constructed within a relatively short period. The houses collectively demonstrate important developments in New Zealand residential architecture; the inter-war period saw a shift to the Californian bungalow as the predominant detached housing type.

....

**Sub – theme: D18.6 Standards & D18.7 Assessments**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
90.4	Sharyn Qu	Clarify what are “D18.6 Standards” and “D18.7 Assessments” and how are they applied	FS4 Sharyn Qu – Support	Accept in part

42.82 A summary of the relief sought by the submitters is contained in the above table.

42.83 Reasons given in the submissions include:

- I found the “D18.6 Standards” is very useless and meaningless. It is far easier to comply to numbers and areas requirement, but it does not mean a consistent character value is met. I think there should be one sets of standards i.e. the Single House Zone standards, to keep it simple. The SCA overlay should focus on the architectural and design aspects of the proposal. (90.4)

## Analysis and discussion

42.84 The submitter seeks clarification regarding what are D18.6 Standards and D18.7 Assessment. D18.6 contains the development standards (or rules) for the Special Purpose Area Overlay while D18.7 contains the matters of discretion and assessment criteria for controlled activities, if there were any controlled activities (which there are not).

### Sub – theme: D18.6 Rear Sites

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
91.3	Raymond Johnston	The amendments do not outline or address what is considered as the front or side of a rear site		Accept in part

42.85 A summary of the relief sought by the submitters is contained in the above table.

42.86 Reasons given in the submissions include:

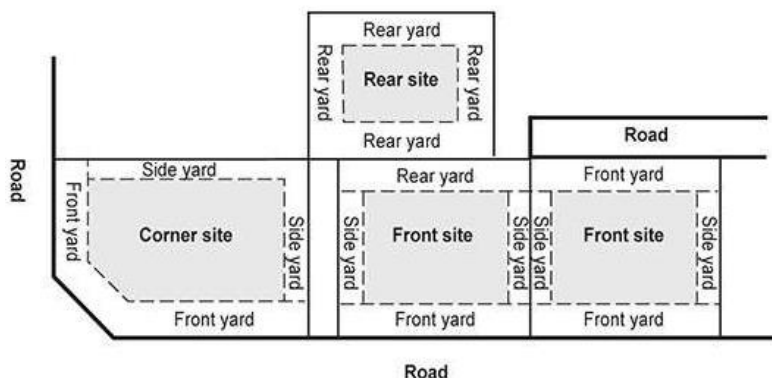
- In our case vehicular access and indeed visibility of the house is from the 'side' of the house and not the 'front' (as defined as the wall facing the roadway, which is otherwise obscured by a front property in our case) (91.3)

## Analysis and discussion

42.87 The submitter owns the property at 5 Council Terrace, Northcote Point. It is a rear site.



42.88 Rear sites do not have front or side yards, just a rear yard as portrayed on the Unitary Plan diagram (in Chapter J: Definitions section) below:



42.89 Refer to the comments under Theme 19 – Submissions on D18.6.1.2 Height in Relation to Boundary, as this addresses the importance of rear sites.

### Sub – theme: Rebuilding a Home in Herne Bay

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
95.1	Adam and Sue Berry	A home in the Herne Bay area should be able to be rebuilt in the exact same style it was originally and be rebuilt in proportion to the section size if it were destroyed		Accept

42.90 A summary of the relief sought by the submitters is contained in the above table.

42.91 Reasons given in the submissions include:

- The homes built in Herne Bay were built for the landscape and to fit in with the unique surrounding area, which is why people move into the area. (95.1)

### Analysis and discussion

42.92 If an existing house was destroyed it has existing use rights under Section 10 of the RMA. For existing use rights to apply, the building must have been lawfully established, the effects of the use must be the same or similar in character, intensity and scale and the use must not have been discontinued for a continuous period of more than 12 months.

42.93 In addition to the above, the proposed Special Character Area Overlay contains standards that replicate the built form that provides the area to which it has been applied with its character. These standards along with the Character Statement and Assessment Criteria would enable a new house to be built in the same or similar style as the original dwellings in the area.

### Sub – theme: Suitable Restriction on Two Storey Houses

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
102.3	M.Carol Scott	Apply suitable greater restriction on two-storey houses, e.g. larger yards	FS5 Mark Crosbie, Heidi Crosbie, and Adeux Trustee Limited – Oppose FS6 Auckland Grammar School – Oppose FS7 The University of Auckland – Oppose	Reject

42.94 A summary of the relief sought by the submitters is contained in the above table.

42.95 Reasons given in the submissions include:

- PPC 26's intentions seem to be weighted on the side of those who wish to develop or redevelop their properties in these special areas, rather than assisting owners who wish to protect the character/heritage features of their homes (102.3)

### Analysis and discussion

42.96 The standards managing two storey dwellings include building height, height in relation to boundary (HIRTB) and yards.

42.97 The HIRTB standard in particular has the effect of reducing the height of buildings the closer they are to side and rear boundaries. The distinction in the HIRTB standard between sites with a frontage of less than 15m and those with a frontage greater than 15m reflects the higher stud height of buildings such as villas which were traditionally built on smaller, narrower sites.

42.98 The intention behind PC26 is to clarify which standards apply, so that the special character values are retained.

### Sub – theme: Business Special Character Area Overlay

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
108.2	Gull NZ Ltd C/- Tracy Hayson, Hayson Knell Ltd	Apply the business special character overlay to business zoned land, - not residential		Accept

42.99 A summary of the relief sought by the submitters is contained in the above table.

42.100 Reasons given in the submissions include:

- The site at 66 Vauxhall Road (and nearby sites) are zoned Business-Neighbourhood Centre. The Special Character Areas Overlay that applies to these

sites is a Residential overlay (as identified on the AUP planning maps). The rules for the overlay are at odds with the business zoning of the site and the intended use of the land. Where a Special Character Areas Overlay applies to Business zoned sites it is more appropriate to apply the Business character overlay provisions (D18.6). The dominant weighting can then be applied to the Business Character Overlay rules, over the zone provisions. This acknowledges the commercial use of land has different characteristics than residential use in form and function. For example, site coverage, impermeable surfaces and landscaping provisions should reflect the commercial development of the sites (108.2)

**Analysis and discussion**

42.101 66 Vauxhall Road, Devonport is zoned Business – Neighbourhood Centre zone (see map below). The site is subject to a number of overlays including the Special Character Area Overlay – Residential and Business – Residential North Shore Devonport and Stanley Point.



42.102 Refer to the discussion under Theme 12: Submissions on D18.1 Background, as this discusses the same issue.

**Sub – theme: 5 Palmerston Road**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
110.3	KTW Systems LP c/- Rachel Dimery	Enable appropriate development at 5 Palmerston Road		Reject

42.103 A summary of the relief sought by the submitters is contained in the above table.

42.104 Reasons given in the submissions include:

- PC26 does not effectively ensure that an appropriate level of development can occur on the property at 5 Palmerston Road and on other neighbouring properties, having regard to the special character of the neighbourhood. The rule and standards framework should distinguish between rear sites and those fronting the street (110.3)

## Analysis and discussion

42.1055 Palmerston Road, Birkenhead is a rear site of 1093 sqm. It is zoned Single House zone and has a Special Character Area Overlay – Residential and Business – Residential North Shore Birkenhead Point (North Shore Area C). An existing dwelling occupies the majority of the site.

42.106 The Single House zone and the Special Character Area Overlay – North Shore Area C both have a minimum net site area per dwelling of 600 sqm. Therefore, regardless of the presence of the overlay, the development potential of the site is one dwelling. There is opportunity under the Single House zone for minor dwellings (a permitted activity) and the conversion of a principal dwelling (existing as at 30 September 2013) into a maximum of two dwellings (also a permitted activity). These would be subject to the provisions of the Special Character Area Overlay, under which a new building is a restricted discretionary activity.



42.107 In my opinion, given the zoning of the site and the presence of the Special Character Area Overlay, appropriate development is already provided for.

### Sub – theme: Special Housing Area

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
157.2	Roy Koshy	Applications on the special housing area need to be considered on a case by case basis with a focus on development.		Reject

42.108 A summary of the relief sought by the submitters is contained in the above table.

42.109 Reasons given in the submissions include:

- The unitary plan was introduced to build more housing due to the acute shortage. Special character homes are mainly in the central Auckland area, where there is a real need for more dwellings (157.2)

## Analysis and discussion

42.110 In terms of residential capacity, the Auckland Plan 2050 “has a minimum target of 408,300 dwellings over the next 30 years to provide sufficient feasible development capacity. There are approximately 550,000 residential dwellings in Auckland. The Auckland Unitary Plan enables capacity for approximately one million additional residential dwellings. Only some of this capacity will be realised each decade to meet Auckland’s growth”.

42.111 There is also the ability in the Single House zone (the predominant residential zone underlying the Special Character Overlay Area – residential) for the conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings and minor dwellings.

42.112 The purpose of the Special Character Area overlay is to “retain and manage the special character values of specific residential and business areas identified as having collective and cohesive values, importance, relevance and interest to the communities within the localities and wider Auckland region”.

42.113 The AUP therefore provides significant opportunities for additional residential development. These opportunities have taken into account other objectives such as retaining/appropriately managing the special character values of specific residential and business areas.

### Sub – theme: Multi-storey Apartment or Commercial Buildings

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
216.3	Don Huse	That no multi-storey apartment or commercial buildings can in any circumstances be built in (or immediately adjacent to) the applicable special character area		Reject

42.114 A summary of the relief sought by the submitters is contained in the above table.

42.115 Reasons given in the submissions include:

- Want “cast-iron” assurance that the amenity and value of our house (and all others located in the special character areas) is fully protected by PC26. To the extent that this is achieved by PC 26, we support it (216.3)

## Analysis and discussion

42.116 Multi-storey apartment buildings are not provided for under the Single House zone and Special Character Area Overlay – Residential. The height standard limits buildings to two storeys. New buildings are a restricted discretionary activity.

42.117 The Single House zone does provide for a range of commercial uses – e.g. dairies up to 100 sqm gross floor area, restaurants and cafes, services stations on arterial roads, offices within the Centre Fringe Office Control, care centres, education facilities and healthcare facilities. The majority of these require a resource consent. In many situations, the Single House zone and Special Character Overlay Area – Residential, abut higher density residential or business zones. There could therefore be apartments

and/or commercial uses abutting the zone. For example, along Ponsonby Road, College Hill Road, Jervois Road.

42.118 As apartment buildings and commercial uses are not prohibited activities, there is the ability for an applicant to apply for a resource consent. In that regard, there is no absolute assurance that such activities will not be granted resource consent.

**Sub – theme: Integrated Residential Development Provisions**

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planners Recommendation</b>
233.5	Birkenhead Residents Associations	Request Council add clarification as to the purpose of the Integrated Residential Development provision		Accept in part

42.119 A summary of the relief sought by the submitters is contained in the above table.

42.120 Reasons given in the submissions include:

- We note the recent application for a development at 2 Tizard Road, Birkenhead exploits a loophole in the Integrated Residential Developments provision. It has allowed a proposal for an extreme case of an out character development in a single dwelling area to be put to consultation with local residents. It is inappropriate for Residents to spend their own time and money in trying to uphold Council’s Unitary Plan especially for a proposed development so out of keeping with it (233.5)

**Analysis and discussion**

42.121 Integrated residential developments are a discretionary activity in the Single House zone. They are defined in the Unitary Plan as:

***Integrated residential development***

*A residential development on sites greater than 2,000m2 which includes supporting communal facilities such as recreation and leisure facilities, supported residential care, welfare and medical facilities (inclusive of hospital care), and other non-residential activities accessory to the primary residential use. For the avoidance of doubt this would include a retirement village.*

42.122 As Integrated Residential Developments are not a prohibited activity, an applicant is entitled to apply for a resource consent.

42.123 The site at 2 Tizard Road is zoned Single House zone, has an area of 1056 sqm but does not have Special Character Area Overlay – Residential.



## Sub – theme: Subjective terms

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
233.7	Birkenhead Residents Associations	Remove the following subjective terms and replace with those that can be defined consistently & introduce objective terminology with solid definitions not open to interpretation : 1. “maintain the relationship of built form”; 2. “reasonable” level of sunlight access; 3. “minimise visual dominance” effects		Reject

42.124 A summary of the relief sought by the submitters is contained in the above table.

42.125 Reasons given in the submissions include:

- This style of terminology is open to different interpretations by different planning officers, developers and their lawyers. Use of these terms will lead to inconsistent application. Different interpretations will enable “creep” in their application over time. This will lead to a diminishing of the amenity value of Special Character Areas. (233.7)

### Analysis and discussion

42.126 All three terms – “maintain the relationship of built form”, “reasonable” and “minimise visual dominance” are in the Purpose Statement for Building Height which is proposed to be added to D18.6.1.1 Building Height.

42.127 Purpose Statements do not carry any statutory weight (unlike objectives, policies and standards) but in the Auckland Unitary Plan they are intended to outline the purpose behind a particular standard – in this case, building height.

42.128 I acknowledge that the term “maintain the relationship of built form to the street...” is the language of the AUP and could be open to interpretation.

42.129 The Environment Court has determined through caselaw what is “reasonable” or unreasonable (e.g. *Golf (2012) Limited v Thames-Coromandel District Council* [2019] NZEnvC 112 (24 June 2019). Reference to reasonable or unreasonable is also in the RMA (e.g. Section 16 – Duty to avoid unreasonable noise). What is either reasonable or unreasonable often depends on the context and the objectives and policies of the plan (i.e. what the plan is trying to achieve).

42.130 Visual dominance is a readily understood term, both within the planning, urban design, landscape architecture and architecture professions and by members of the public. The word “minimise” is not defined so would take its commonly understood meaning which is to “reduce something to the smallest possible amount or degree”.

42.131 Therefore, while the above terms do contain an element of jargon, in my opinion, they can be readily understood by the general public and plan users.

## Sub – theme: Special Character Area – Residential & the Healthcare Facility Zone

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
234.2	The Ascot Hospital and Clinics Limited c/- Anthony Blomfield	That PC26 be amended to provide an exclusion to the standards of the SCAR overlay in D18.6.1 for land which is subject to the Special Purpose – Healthcare Facility and Hospital zone as per the submission	FS20 Heritage New Zealand Pouhere Taongā - Oppose	Accept
234.3	The Ascot Hospital and Clinics Limited c/- Anthony Blomfield	That PC26 be amended to provide an exclusion to the standards of the SCAR overlay in D18.6.1 for the landholdings owned by Ascot and the land at 92 Mountain Road by including a new rule as per the submission	FS20 Heritage New Zealand Pouhere Taongā - Oppose	Accept in part
234.4	The Ascot Hospital and Clinics Limited c/- Anthony Blomfield	As an alternative, and less preferred outcome, that PC26 be amended to require the standards of the SCAR overlay and of the Special Purpose – Healthcare Facility and Hospital Zone to apply with equal weighting as per the submission	FS20 Heritage New Zealand Pouhere Taongā - Oppose	Accept in part

42.132 A summary of the relief sought by the submitters is contained in the above table.

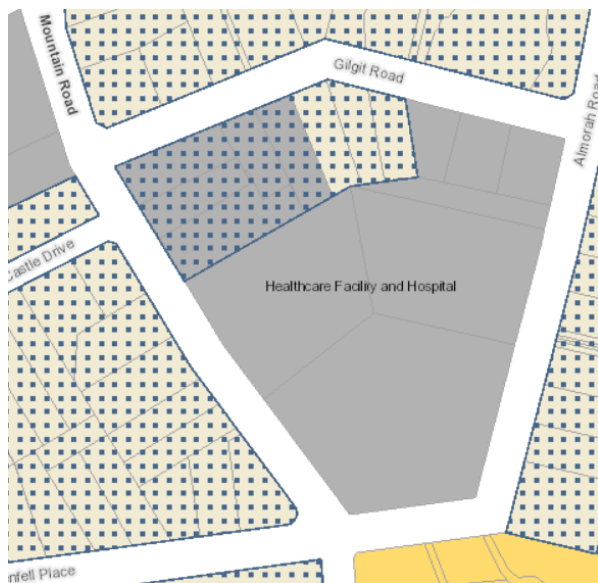
42.133 Reasons given in the submissions include:

- The provisions of the Healthcare zone seek to enable healthcare facilities and hospital activities to occur in a manner that makes efficient use of constrained land resources, and to manage the adverse effects of such activities on neighbouring land with a 'sensitive' land use. The standards of the Healthcare zone, in particular, provide for the optimisation of sites (which are a scarce resource) with more permissive controls in respect of height and impervious surfaces.
- The Healthcare zone (which applies to a very limited number of sites) provides for, encourages, and enables hospitals and healthcare facilities to meet the health and wellbeing needs of the community, which is particularly important for a growing city as increasing numbers of people rely on these facilities to meet their needs and provide for their social, economic and cultural wellbeing
- The Healthcare zone specifies that the zone standards are to be applied across multiple contiguous sites which collectively comprise a healthcare facility. The 'primary' Mercy Hospital site and the 'associated landholdings' are therefore collectively treated as a single 'site' for the purposes of applying the zone standards, which significantly affects how impervious surfaces are calculated across the sites (for example)
- The land owned by Ascot and the property at 92 Mountain Road (between Ascot's landholdings at 90 and 94 Mountain Road) are the only land parcels which are subject to the SCAR overlay with an underlying Healthcare zone. These land parcels comprise 0.03% of the total land (in terms of area) which is subject to the SCAR overlay in the AUP. Therefore, the relationship between the SCAR overlay and the Healthcare zone is unique to Ascot's landholdings (and 92 Mountain Road), and does not affect any other landholding in Auckland.

- The effect of PC26 will be to give precedence to the standards (and other provisions) of Chapter D18, which were originally crafted to manage the effects of built development on special character values. PC26 attempts to 'graft' other purposes to the standards to address other effects such as visual dominance and access to sunlight, to avoid a situation where such effects would not otherwise be considered in the event a proposal infringed the standards of the SCAR overlay (and those of the underlying zone)
- PC26 does not seek to tailor the standards of the SCAR overlay further where the overlay applies to land with an underlying zone other than a residential zone
- For land in the Healthcare zone, the amendments proposed by PC26 will create a significant level of uncertainty as to the manner in which the contrasting development standards of the SCAR overlay and the Healthcare zone are to be applied, and as to what scale of development is appropriate for the specific landholdings
- The effect of PC26, as proposed, will therefore have unintended consequences for land within the Healthcare zone and SCAR overlay (234.2, 232.3, 232.4)

### Analysis and discussion

42.134 The Unitary Plan GIS viewer shows that a portion of the Ascot healthcare facility is subject to the Special Character Area Overlay – Residential and Business – Residential Isthmus B as shown on the map below.



42.135 D18.4 Activity table contains two activity tables – D18.4.1 – Residential and D18.4.2 – Business.

42.136 D18.6 Standards has two components - “D18.6.1 Standards for buildings in the Special Character Area Overlay – Residential and in the Special Character Areas Overlay – General (with a residential zoning)” & “D18.6.2 Standards for buildings in the Special Character Areas Overlay – General (with a business zoning)”.

42.137 There are no standards applicable where the zoning is Special Purpose: Healthcare Facility and Hospital zone. The residential zone standards therefore apply.

42.138 The table below provides a comparison between the standards of the Special Purpose Healthcare Facility and Hospital zone and those that would apply under PC26.

Standard	SP – Healthcare Facility and Hospital zone	Proposed Plan Change 26
Height	16m (sites with a total site area of up to 4ha)	8m
Height in relation to boundary	Adjacent zone h1rb applies	Underlying zone applies where frontage is greater than 15m
Yards	Front – 3m Side and rear – 3m	Front – average of the existing setbacks of dwellings on adjacent sites (3 either side) Side 1.2m
Coverage	n/a	Sites greater than 1000 sqm = 25% of the site
Maximum impervious area	80%	50% (sites greater than 1000 sqm)

42.139 The Special Purpose Healthcare Facility and Hospital zone therefore envisages and provides for higher and bulkier buildings.

42.140 Land zoned Special Purpose – Healthcare Facility and Hospital zone is a limited resource. It represents 165ha out of 9094 ha of the total zoned land in the Auckland region (or 1.8% (excluding roads, general coastal marine, marinas etc). The RPS under B2.1 Issues, notes that “Auckland’s growing population increases demand for housing, employment, business, infrastructure, social facilities and services.

42.141 The RPS contains the following relevant objectives and policies

### **B2.8. Social facilities**

#### **B2.8.1. Objectives**

*(1) Social facilities that meet the needs of people and communities, including enabling them to provide for their social, economic and cultural well-being and their health and safety.*

#### **B2.8.2. Policies**

*(2) Enable the provision of social facilities to meet the diverse demographic and cultural needs of people and communities.*

*(3) Enable intensive use and development of existing and new social facility sites.*

### **B5.3. Special character**

#### **B5.3.1. Objectives**

*(2) The character and amenity values of identified special character areas are maintained and enhanced.*

#### **B5.3.2. Policies**

*(1) Identify special character areas to maintain and enhance the character and amenity values of places that reflect patterns of settlement, development, building style and/or streetscape quality over time.*

*(4) Maintain and enhance the character and amenity values of identified special character areas by all of the following:*

*(a) requiring new buildings and additions and modifications to existing buildings to maintain and enhance the special character of the area;*

*(b) restricting the demolition of buildings and destruction of features that*

*define, add to or support the special character of the area;*  
*(c) maintaining and enhancing the relationship between the built form, streetscape, vegetation, landscape and open space that define, add to or support the character of the area; and*  
*(d) avoiding, remedying or mitigating the cumulative effect of the loss or degradation of identified special character values.*

42.142 There are clearly competing objectives and policies, as evidence above. Given the limited resources available for healthcare facilities and their importance to communities for their wellbeing, in my opinion an exception should be made to exclude the land zoned Special Purpose Healthcare and Hospital zone from the SCAR provisions. The submitters first relief sought “that PC26 be amended to provide an exclusion to the standards of the SCAR overlay in D18.6.1 for land which is subject to the Special Purpose – Healthcare Facility and Hospital zone’ is the recommended option.

42.143 Proposed Plan Change 21 – Southern Cross Hospital (Private) also addresses a similar issue. A decision on that plan change is imminent.

**Sub – theme: Out of Scope Topics**

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planners Recommendation</b>
103.2	Rosemary McElroy	Protect mature trees	FS15 Housing New Zealand Corporation - Oppose	Reject
110.2	KTW Systems LP c/- Rachel Dimery	Provide for the preservation of views from a dwelling at 5 Palmerston Road and amenity values on this site		Reject
115.2	David Barber	Require a resource consent for the trimming or felling of trees over 8m		Reject
115.3	David Barber	Provide greater control for signage outside residential properties		Reject
152.2	Marilyn Elvin	Request future plan change to address increased traffic congestion and # of vehicles per owner		Reject

249.13	Keith Vernon	Amend the definition of building in accordance with the submission	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Reject
249.14	Keith Vernon	Amend the definition of height in accordance with the submission	FS8 Peter Ng – Oppose FS9 Peter and Sarah Wren – Oppose FS10 John Dillon – Oppose FS11 Colin and Jocelyn Weatherall - Oppose	Reject

42.144 A summary of the relief sought by the submitters is contained in the above table.

42.145 Reasons given in the submissions include:

- I believe that tall, mature trees are able to be preserved largely because of the rule that land cannot be subdivided under 1000 square metres to accommodate more than one dwelling (103.2)
- The provisions of Proposed Plan Change 26 do not appropriately protect the views and amenity value enjoyed at 5 Palmerston Road from future development of neighbouring properties (110.2)
- Would like to see protection of trees, particularly natives over a certain height. Already in past few years since the Unitary Plan has become in force our district of Hillpark has lost a great many big trees simply felled or badly hacked with apparent permission from this Council simply for trivial reasons such as the small branches/leaves falling on their children while playing (115.2)
- There are many examples of large signs put outside residential properties advertising home businesses operating within (115.3)
- There has been so much redevelopment of Auckland City suburban sites that the streets are congested with cars parking in the street because there is not sufficient area on the site of multi dwellings for all the vehicles of those who dwell there (152.2)
- The effectiveness of the Height and HIRB standards is dependent on the definitions of Building and Height, particularly the number of exclusions and the limitations on those exclusions. The issue is that there are too many exclusion and the limiting parameters on those exclusions are inadequate. A number of amendments are required to tighten-up these definitions to ensure the purpose and application of the standards is not unduly compromised. This is particularly relevant to Special Character areas (249.13, 249.14)

### Analysis and discussion

42.146 The above submissions all raise matters that are not part of the plan change and are considered to be out of scope. These include matters relating to trees, the protection of views, control of signage, traffic congestion, the number of vehicles per owner and definitions. Refer to Section 8 of this report for a fuller discussion of scope.

## Recommendations on Submissions

42.147 For the reasons discussed above, I recommend that **submissions points 17.2, 45.4, 55.2, 88.3, 95.1, 108.2, 202.5, 203.4, 216.2, 218.4 and 234.2 be accepted, submission points 45.3, 45.6, 85.2, 88.4, 90.4, 91.3, 216.5, 233.5, 234.3, 234.4 and 257.12 be accepted in part, and submission points 43.2, 46.3, 46.4, 57.2, 57.3, 62.2, 63.2, 69.3, 86.2, 90.1, 102.3, 103.2, 110.3, 110.2, 110.3, 115.2, 115.3, 152.2, 157.2, 216.3, 233.7, 249.13 and 249.14 be rejected.**

42.148 Further amendments to PPC 26 associated with this recommendation are in **Appendix 1**.

## 43. Conclusions

43.1 Submissions have been received in support of, and in opposition to PC26.

43.2 Having considered all of the submissions and reviewed all relevant statutory and non-statutory documents, **We recommend that Plan Change 26 should be approved**, subject to the amendments to the text of the AUP as set out in **Appendix 1** to this report.

43.3 The adoption of PC26, with its recommended amendments:

- is the most appropriate way to achieve the overall purpose of the Resource Management Act 1991;
- is consistent with the Auckland Unitary Plan (Operative in part) Regional Policy Statement; and
- is consistent with the Auckland Plan.

## 44 Recommendations

44.1 That, the Hearing Commissioners accept or reject submissions (and associated further submissions) in full or in part as outlined in this report.

44.2 That, as a result of the recommendations on the submissions, the AUP is amended by the changes proposed by PC16 as set out in **Appendix 1** to this report.

## 45. Signatories

	<b>Name and title of signatories</b>
Lead Report Authors	Tony Reidy, Principal Planner, Auckland-wide Planning Ciarán Power, Planner, Auckland-wide Planning Teuila Young, Planner, Auckland-wide Planning
Reviewer / Approver	Eryn Shields, Team Leader, Auckland-wide Planning Jenny Fuller, Acting Manager, Auckland-wide Planning





**ATTACHMENT 1**  
**AMENDMENTS RECOMMENDED**



## Appendix 1 – Proposed Amendments Resulting From Consideration of Submissions

### Explanatory note

This appendix sets out the content of Plan Change 26 – Clarifying the relationship Between the Special Character Areas Overlay and underlying Zone Provisions Within the Auckland Unitary Plan (Operative in part).

Amendments proposed in the notified plan change are shown in black text in underline and ~~strikethrough~~. The use of ‘...’ indicates that there is more text, but it is not being changed.

Amendments proposed in the Hearing Report are shown in red underline and ~~strikethrough~~. Text which was proposed to be inserted in the notified plan change and is recommended to be removed in the Hearing Report is shown in red underline and ~~strikethrough~~.

### D18. Special Character Areas Overlay – Residential and Business

#### D18.1 Background

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

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

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

Special character areas are provided for as follows:

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

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

The following areas...

## D18.2 Objectives

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

## D18.3 Policies

### *Special Character Areas Overlay - Residential*

- (3) Require all development and redevelopment to have regard and respond positively to the identified special character values and context of the area as identified in the special character area statement.
- (4) .....

## D18.4 Activity table

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

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

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

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

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

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

Activity		Activity status
<b>Development</b>		
(A1)	Restoration and repair to a building on all sites in the Special Character Areas Overlay–Residential or the Special Character Areas Overlay - General (with a residential zoning)	P
(A2)	Minor alterations to the rear of a building on all sites in the Special Character Area Overlay – Residential or Special Character Areas Overlay - General (with a residential	P

	zoning) where works to the building use the same design and materials to the existing building	
(A3)	Total demolition or substantial demolition (exceeding 30 per cent or more, by area, of wall elevations and roof areas) of a building, or the removal of a building (excluding accessory buildings), or the relocation of a building within the site on: (a) all sites in all the following Special Character Areas Overlay - Residential: (i) Special Character Area Overlay – Residential: Isthmus A; (ii) Special Character Areas Overlay – Residential: Pukehana Avenue; (iii) Special Character Area Overlay – General: Hill Park (those sites with a residential zone); and (iv) Special Character Area Overlay – General: Puhoi (those sites with a residential zone); and (b) all other sites identified as subject to demolition, removal or relocation rules as shown in the maps in the Special Character Areas Overlay Statements.	RD
(A4)	External alterations or additions to a building on all sites in the Special Character Areas Overlay–Residential or Special Character Areas Overlay - General (with a residential zoning), <u>except as provided for by Standard D18.4.1 (A2).</u>	RD
(A5)	Construction of a new building or relocation of a building onto a site on all sites in the Special Character Area Overlay–Residential or Special Character Areas Overlay - General (those sites with a residential zone)	RD
<u>(A5A)</u>	<u>New fences and walls, and alterations to existing fences and walls that comply with Standard D18.6.1.7(1)</u>	<u>P</u>
<u>(A5B)</u>	<u>New fences and walls and alterations to existing fences and walls that do not comply with Standard D18.6.1.7(1)</u>	<u>RD</u>

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

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

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

Activity		Activity status
<b>Development</b>		
Special Character Areas Overlay – Business with identified character defining buildings		
(A6)	External redecoration and repair to a character defining building	P
(A7)	....	
Special Character Areas Overlay – Business with no identified character defining or character supporting buildings <u>and Special Character Areas Overlay – General (with a business zoning)</u>		
(A8)	External redecoration and repair of a building in the Special Character Areas Overlay – Business with no identified character defining or character-supporting buildings	P
(A9)	....	

#### **D18.5 Notification**

- (5) Any application for resource consent for an activity listed in Table D18.4.1 or Table D18.4.2 will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (6) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

#### **D18.6 Standards**

##### **D18.6.1 Standards for buildings in the Special Character Areas Overlay - Residential and in the Special Character Areas Overlay – General (with a residential zoning)**

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

- Building coverage
- Maximum impervious area
- Landscaped area or Landscaping
- Fences and walls

(c) Notwithstanding D18.6.1(b), the development standards within D18.6.1 do not apply to land with an underlying Special Purpose – Healthcare Facility and Hospital zone. For the avoidance of doubt, only the development standards of the underlying Special Purpose – Healthcare Facility and Hospital zone apply.

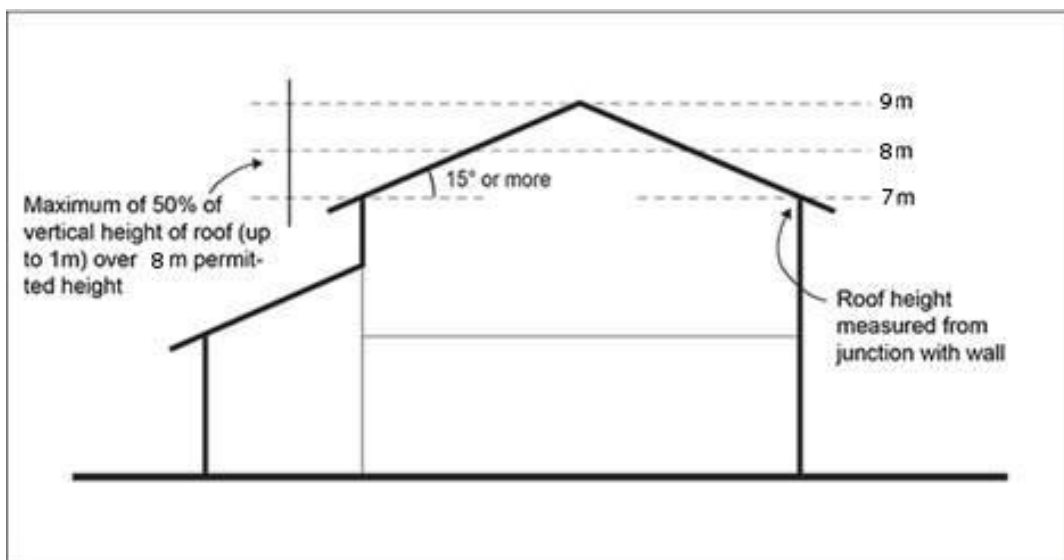
### D18.6.1.1 Building height

Purpose: to manage the height of buildings to:

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

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

**(1) Figure D18.6.1.1.1 Building height in the Special Character Areas Overlay - Residential**



### D18.6.1.2 Height in relation to boundary

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

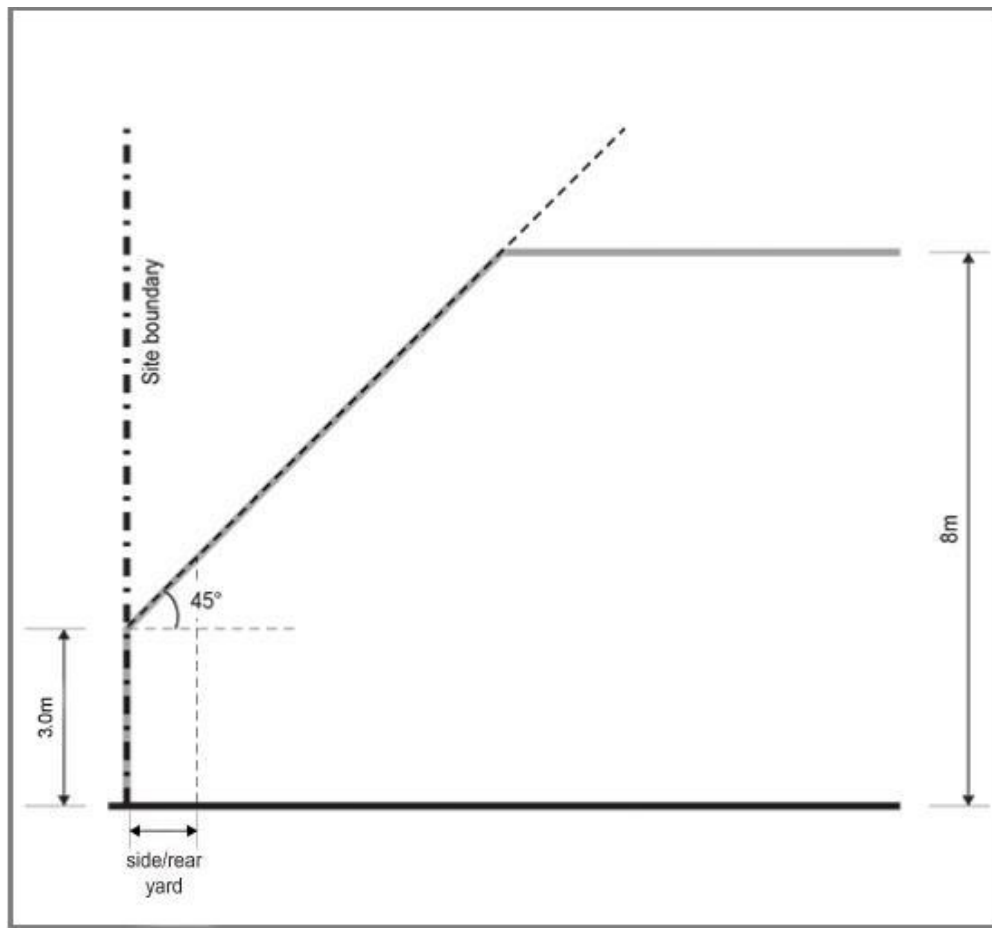
- retain the character of the streetscape;
- enable a built form that reflects the identified character of the area; and
- maintain a reasonable level of sunlight access and minimise visual dominance effects.

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

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

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

**Figure D18.6.1.2.1 Height in relation to boundary**



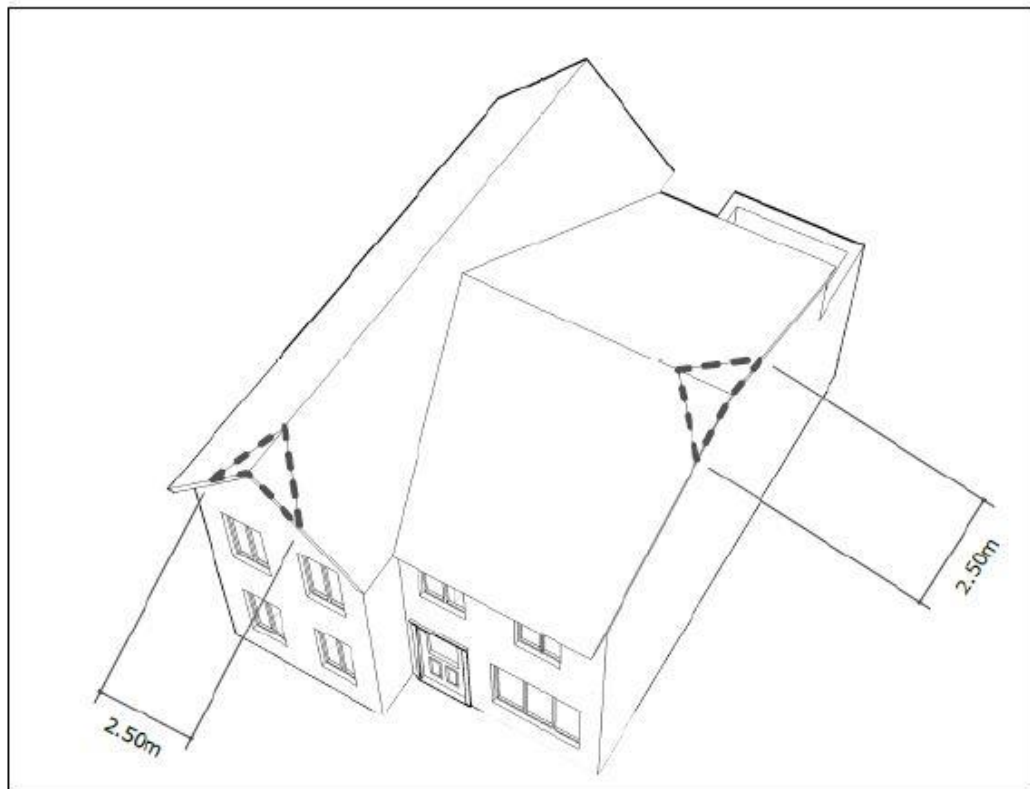
(2) The underlying zone height in relation to boundary standard applies where:

- a) The site has a frontage length of 15m or greater; or
- b) The site is a rear site.



- (3) Standard D18.6.1.2(1) above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
- (4) Where the boundary forms part of a legal right of way, entrance strip, or access site, Standard D18.6.1.2(1) applies from the farthest boundary of the legal right of way, entrance strip, access site or pedestrian accessway.
- (5) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:
- (a) no greater than 1.5m<sup>2</sup> in area and no greater than 1m in height; and
  - (b) no greater than 2.5m cumulatively in length measured along the edge of the roof.

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



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

**D18.6.1.3 Yards**

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

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

**(2) Table D18.6.1.3.1 Yards**

Yard	Minimum depth
(2) Front	(3) The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject site or six sites on one side of the subject site
(4) Side	(5) 1.2m
(6) Rear	(7) 3m

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

**D18.6.1.4 Building coverage**

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

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

**(6) Table D18.6.1.4.1 Building coverage in the Special Character Areas Overlay – Residential**

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

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

### D18.6.1.5 Landscaped area

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

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

**(8) Table D18.6.1.5.1 Landscaped area in the Special Character Areas Overlay – Residential**

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

- (9)
- (10) The front yard must comprise at least 50 per cent landscaped area.
- (11) Where a site is within the Rural and Coastal Settlement zone, Standard D18.6.1.5. Landscaped area does not apply.

### D18.6.1.6 Maximum paved impervious area

Purpose:

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

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

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

Site area	Paved <u>Impervious</u> area
Up to 200m <sup>2</sup>	<del>47</del> <u>72</u> per cent of the <del>net</del> site area
200m <sup>2</sup> – 500m <sup>2</sup>	<del>29</del> <u>65</u> per cent of the <del>net</del> site area
500m <sup>2</sup> – 1,000m <sup>2</sup>	<del>25</del> <u>60</u> per cent of the <del>net</del> site area
Greater than 1,000m <sup>2</sup>	<del>25</del> <u>50</u> per cent of the <del>net</del> site area

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

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

Purpose:

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

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

.....

#### **D18.7 Assessment – controlled activities**

There are no controlled activities in this section.

#### **D18.8 Assessment – Restricted discretionary activities**

##### **D18.8.1 Matters of discretion**

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

##### **D18.8.1.1 Special Character Areas Overlay - Residential**

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

- (a) the effects....
- (2) For external alterations or additions to buildings; or for the construction of a new building or the relocation of a building onto a site:
  - (a) the effects....
- (3) For an infringement of the any of the standards listed in Standard D18.6.1 Standards for buildings in the Special Character Areas Overlay – Residential:
  - (b) the effects of the infringement of the standard on the streetscape and special character context as outlined in the special character area statement; and

Note 1

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

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

**D18.8.1.2 Special Character Business Areas**

.....

**D18.8.2 Assessment criteria**

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

**D18.8.2.1 Special Character Areas Overlay – Residential**

- (15) For the total demolition or substantial demolition (exceeding 30 per cent or more, by area, of wall elevations and roof areas); or the removal of a building (excluding accessory buildings) from a site; or the relocation of a building within the site:
  - (a)...
- (16) For external alterations and additions to a building:
  - (e) Policies D18.3(1) to (7);
  - (f) .....

(17) For the construction of a new building or relocation of a building onto a site:

(g) Policies D18.3(1) to (7);

(h) for all areas...

(18) For an infringement of any of the standards listed in Standard D18.6.1 Standards for buildings in the Special Character Areas Overlay – Residential:

(i) Policies D18.3(1) to (7).

(j) the relevant assessment criteria for the standard (or equivalent standard) in the underlying zone.

### **D18.8.2.2 Special Character Areas Overlay - Business**

(19) For the total .....

### **D18.9 Special information requirements**

There are no special information requirements in this section.

## **E38. Subdivision - Urban**

### **E38.1. Introduction**

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

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

...

### **E38.8. Standards for subdivisions in residential zones**

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

...

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

(1) Proposed sites identified in the Special Character Areas Overlay – Residential and Business must comply with the minimum net site area in Table E38.8.2.6.1 Special Character Overlay – Residential and Business subdivision controls.

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

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

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

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

**GIS viewer (i.e planning maps)**

**Amend the GIS viewer so that the business zoned sites within the Overlay – Residential: North Shore – Devonport and Stanly Point refer to:**

- **Special Character Areas Overlay - General**





**ATTACHMENT 2**  
**QUALIFICATIONS AND EXPERIENCE**



## Appendix 2 – Tony Reidy - Qualifications and experience

### CAREER SUMMARY

<b>Date</b>	<b>Employer</b>	<b>Position</b>
May 2019 – present	Auckland Council	Principal Planner
November 2010 – April 2019	Auckland Council	Team Leader – Auckland – wide Planning (formerly the Unitary Plan team) (2010 – 2018)
January 2007 – October 2010	North Shore City Council	Team Leader – Built Environment
(2000-2007)	North Shore City Council	Senior Environmental Policy Advisor
(1996 – 2000)	North Shore City Council	Strategic Planner
December 1988 – January 1995	Taupo District Council	Planner – Policy
August 1985 – November 1988	Taupo Borough Council	Town Planning Assistant

### QUALIFICATIONS

**1995:** Queensland University of Technology, Masters of Urban Design (Built Environment)

**1981-1984:** Auckland University, Bachelor of Town Planning

## Appendix 2 – Ciarán Power - Qualifications and experience

### CAREER SUMMARY

Date	Employer	Position
May 2019 - present	Auckland Council	Planner
April 2018 – May 2019	Auckland Council	Intermediate Planner - Central Resource consents
April 2016 – April 2018	Ashcroft Homes	Planning and Subdivision Management Manager
April 2015 – March 2016	Auckland Council	Subdivision Advisor - Northern Resource consents team
September 2013 – March 2015	Auckland Council	Planner – Subdivision Team - Northern Resource consents
April 2013 – September 2013	Auckland Council	Planning Information Advisor - Northern Resource consents

### QUALIFICATIONS

**2010:** Masters in Regional and Urban Planning (MRUP) - University College Dublin

**2006- 2009:** BA in Geography, Planning & Environmental Policy - University College Dublin

## Appendix 2 – Teuila Young - Qualifications and experience

### CAREER SUMMARY

<b>Date</b>	<b>Employer</b>	<b>Position</b>
March 2018 – August 2019	Auckland Council – Plans and Places	Planning Technician
September 2019 - Present	Auckland Council – Plans and Places	Planner

### QUALIFICATIONS

- Bachelor of Science – Geography (University of Auckland)



**ATTACHMENT 3**  
**SECTION 32 EVALUATION REPORT**





# Proposed Plan Change 26 to the Auckland Unitary Plan

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

**SECTION 32  
EVALUATION REPORT**

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## 1. Introduction

This report is prepared as part of the evaluation required by Section 32 of the Resource Management Act 1991 (**RMA**) for Proposed Plan Change 26 (**PPC 26**) to the Auckland Unitary Plan (Operative in Part) (**AUP**).

PPC 26 proposes a series of amendments to Chapters D18 and E38 of the AUP and is, in part, a response to the Environment Court's Declarations in respect of *Auckland Council v Budden* (**Declaration proceedings**)<sup>1</sup> regarding the relationship between the Special Character Areas Overlay – Residential (**SCA Residential**) and the Single House zone (**SHZ**).

The Court's decisions on the Declaration proceedings determined that the provisions of the SCA Residential overlay did not act as a 'replacement package', prevailing over the provisions of the underlying SHZ zone. Rather, that all provisions (objectives, policies and rules) relevant to an activity must be applied.

There are a number of instances where there are equivalent provisions (activities and standards) in both the Special Character Areas (**SCA**) overlay and the underlying zones, which is resulting in conflict and inconsistency between each set of (zone and overlay) provisions. This is causing uncertainty and unnecessary complexity in terms of processing resource consent applications; and most fundamentally means the SCA overlay is not achieving its objectives.

PPC 26 is focussed on addressing the relationship between the SCA Residential overlay, the Special Character Areas – General (**SCA General**) overlay (insofar as it relates to residential zoned land) (together **SCA Overlay**) and the relevant underlying zones that apply within the SCA overlay. This report assesses the extent to which potentially competing rules should take precedence over the other, or if both should continue to apply as per the Environment Court's findings in the Declaration proceedings.

PPC 26 clarifies that where there are equivalent provisions (such as development standards) in the underlying zone and in the SCA overlay, that the provision in the SCA Residential Overlay will take precedence over those equivalent provisions within the underlying zone. The Plan Change also makes some amendments to some of the development standards in the SCA overlay to ensure that they are appropriately tailored to the special character values in the areas to which they relate.

In addition, the matters of discretion and assessment criteria within the SCA Residential now include a cross reference to those within the underlying zones. This is to ensure that those effects considered for infringement of standards within the underlying zones are also considered within the SCA overlay.

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<sup>1</sup> Auckland Council v Budden [2017] NZEnvC 209 ('interim decision') issued 19 December 2017. The decision was further clarified in the Court's second interim decision issued on 23 January 2018 as Auckland Council v Budden (No 2) [2018] NZEnvC 003 ('second decision') and in the third decision issued on 15 March 2018 Auckland Council v Budden (No 3) [2018] NZEnvC 030 ('third decision').

By way of overview, the issues that PPC 26 seeks to address relate to the following:

- a) Clarifying the way in which the activity rules in D18.4.1 should relate to activity rules in the relevant underlying zones;
- b) Confirming which development standards in D18.6.1 take precedence over any equivalent standards in the underlying zones;
- c) Amending the height in relation to boundary (**HIRTB**), yard, coverage, and fencing controls in D18.6.1 so that they more appropriately reflect the special character values of the areas to which they relate.
- d) Adding a cross reference within the matters of discretion and assessment criteria (in D18.8) to the underlying zone.
- e) Clarifying the appropriate minimum net site area requirement that should apply to the subdivision of sites in certain parts of the SCA Residential overlay;
- f) Confirming the applicability of rules in Chapter D18 to sites with a residential zoning in the SCA General overlay;

## 1.1 The Special Character Areas Overlay

The SCA overlay is one of a series of overlays in the AUP that seek to manage the protection, maintenance or enhancement of particular values associated with an area or resource.<sup>2</sup> The SCA overlay is identified on the planning maps and the provisions that apply to areas within the SCA overlay are predominantly in Chapter D18 of the AUP. Provisions that relate to the SCA overlay are also included in Chapter E38 Subdivision – Urban; Chapter E23 – Signs; and E26 – Infrastructure.

The SCA overlay gives effect to the objectives and policies in B5.3 of the RPS. These objectives and policies set out the manner in which special character areas are identified and managed in the AUP. There are three ‘types’ of special character areas:

- Special Character Areas – Business
- Special Character Areas – Residential
- Special Character Areas – General

Details of the specific special character areas within each of the above groups are set out in the introduction to Chapter D18 and are contained within Schedule 15.

Sites in the Special Character Areas – Business (**SCA Business**) overlay generally have a business zoning, but also include a limited number of sites in the Open Space and Residential zones. The predominant underlying zone in the SCA Residential overlay is the Single House zone, while the zoning of land in the Special Character Areas – General (**SCA General**) overlay can be a mix of residential and business. Further details in relation to the underlying zoning of land in the SCA overlay is set out later in this report and in **Attachment 1**.

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<sup>2</sup> AUP Standard A1.6.2

## Chapter D18 Special Character Areas Overlay – Residential and Business

The stated purpose of the SCA Overlay (within D18.1) is to retain and manage the special character values of specific areas identified as having collective and cohesive values, importance, relevance and interest to the communities within the locality and wider Auckland region. Standards have been placed on the development and demolition of buildings to manage change in these areas.

Section D18.2 sets out the objectives of the SCA overlay; these objectives seek to maintain and enhance the special character values of special character areas as identified in the Special Character Area Statements (included in Schedule 15 to the AUP);<sup>3</sup> retain the physical attributes that define, contribute to, or support the special character of the area;<sup>4</sup> and avoid, remedy or mitigate the adverse effects of subdivision, use and development on the identified special character values of the area.

Within D18.3, policies are grouped into those that apply to SCA Residential areas; and those that apply to SCA Business areas. The policies variously relate to (among other matters) maintaining and enhancing built form in respect of new buildings, additions and alterations;<sup>5</sup> discouraging the demolition or removal of buildings that contribute to the continuity or coherence of special character areas;<sup>6</sup> and encouraging the ongoing maintenance of buildings.<sup>7</sup>

Chapter D18 includes two activity tables, being Table D18.4.1 SCA- Residential and Table D18.4.2 SCA - Business. The activity tables only manage development activities, and not land use activities. Table D18.4.1 sets out the activity status of development activities for sites within the SCA Residential overlay and sites in the SCA General overlay with a residential zoning. Table D18.4.2 sets out the activity status of development activities for sites in the SCA Business overlay and sites within the SCA Business overlay with a business zoning.

The development activities managed by the SCA overlay relate to the construction of new buildings (including the relocation of buildings onto sites in the overlay); the demolition of buildings (including the removal of buildings from sites) within certain sites in the SCA overlay; and additions and alterations to existing buildings. Restoration, repair, and minor alterations to buildings are enabled within the SCA overlay.

Section D18.6.1 sets out a series of standards that apply to sites in the SCA Residential overlay (the subject of PPC 26):

- Building height;
- Height in relation to boundary;
- Yards;
- Building coverage;
- Landscaped area;

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<sup>3</sup> AUP Objective D18.2(1)

<sup>4</sup> AUP Objective D18.2(2)

<sup>5</sup> AUP Policy D18.3(2)

<sup>6</sup> AUP Policy D18.3(3) and D18.3(11)

<sup>7</sup> AUP Policy D18.3(5) and D18.3(14)

- Maximum paved area; and
- Fences, walls and other structures.

While similar development standards in the underlying zones include statements that describe the intended purpose of the development standards, the SCA overlay provisions do not include such purpose statements. There are no specific standards in Chapter D18 that apply within the SCA Business overlay. All activities listed in Table D18.4.2 must instead comply with the standards for the zone in which they are located, unless otherwise specified.<sup>8</sup>

Remaining provisions in Chapter D18 set out the matters of discretion for the SCA Residential overlay and the SCA Business overlay;<sup>9</sup> and related assessment criteria.<sup>10</sup> Chapter D18 does not specify any special information requirements.<sup>11</sup> The matters of discretion and assessment criteria for the SCA Overlay – Residential are specific to development activities such as demolition, alterations and additions and infringements to development standards. The matters of discretion and assessment criteria therefore do not relate to broader matters such as neighbours amenity, and the purpose of the standard, as specified in the matters of discretion in the residential zones.

### **Chapter E38 Subdivision – Urban**

Policy E38.3 (30) seeks to maintain the distinctive pattern of subdivision as identified in the character statements for special character areas. The subdivision of sites identified in the Special Character Areas Overlay – Residential and Business that complies with Standard E38.8.2.6 is a restricted discretionary activity.<sup>12</sup> Subdivision of sites that does not comply with E38.8.2.6 is a non-complying activity.<sup>13</sup>

Standard E38.8.2.6 states that sites within the sub-areas of the SCA overlay listed in Table E38.8.2.6.1 must comply with the minimum net site area requirements set out in that table. Sites that are not within the listed sub-areas must comply with the minimum net site area for that site's zone in Table E38.8.2.3.1 (which sets out the minimum net site area for vacant proposed sites in the Residential zones). Depending on which SCA sub-area a site is located in, and what the underlying zone is, the minimum lot size requirement for the specified SCA sub-areas may be less than, equivalent to, or greater than, the minimum lot size requirement for the underlying zone. Further details are set out in Section 5.8.

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<sup>8</sup> AUP Standard D18.6.2

<sup>9</sup> AUP Standard D18.8.1

<sup>10</sup> AUP Standard D18.8.2

<sup>11</sup> AUP Standard D18.9

<sup>12</sup> AUP Activity Table E38.4.2(A24)

<sup>13</sup> AUP Activity Table E38.4.2(A25)

## 1.2 The Auckland Unitary Plan (Operative in Part)

The AUP was made operative in part on 15 November 2016. The AUP has provisions and rules across a range of overlays, Auckland-wide rules, zones, and precincts, which can all apply to a proposed activity.

Of specific relevance to PPC 26 are the provisions that relate to the SCA Residential overlay and the SCA General overlay; and their relationship to the provisions in the underlying zones.

The general rules in Chapter C of the AUP set out how these different parts of the AUP work together.

Standard C1.6(1) states that:

*The overall activity status of a proposal will be determined on the basis of all rules which apply to the proposal, including any rule which creates a relevant exception to other rules.*

Standard C1.6(2) addresses the overall activity status of a proposal:

*Subject to Rule C1.6(4), the overall activity status of a proposal is that of the most restrictive rule which applies to the proposal.*

In circumstances where a precinct rule manages an activity that is also managed in a zone or an Auckland-wide rule, Standard C1.6(4) states that the activity status in the precinct takes precedence over the activity status in the zone or Auckland-wide rules, whether it is more or less restrictive.

Standard C1.6(3) states that the activity status of an activity in an overlay takes precedence over the activity status of that activity in a precinct. However, Chapter C does not specify whether an overlay provision takes precedence over a zone or Auckland-wide provision in circumstances where the overlay either manages an activity that is also managed in the underlying zone; or where the overlay includes a development standard that is also included in the underlying zone.

Within the AUP (Operative in Part) there are certain overlaps between the SCA Residential overlay and its underlying zones, in particular the Single House zone (**SHZ**). The SHZ is the most predominant zone within the SCA Residential overlay.

## 1.3 The Independent Hearings Pane (IHP) Hearings

During the AUP IHP Hearings, Council's intention was that the SCA Residential overlay provisions take precedence over the underlying zone provisions, in instances where both the SCA Residential overlay and the underlying zone contain a rule relating to the same issue (e.g. a height in relation to boundary control). This was reflected in the Council's closing position through the IHP Hearings process.

Council's position was also that the standards varied for different special character areas. For example, the underlying zone height in relation to boundary rules applied, *except* in



areas such as Isthmus A and C1, where the more enabling control applied. Standards for yards, building coverage, landscaped area and paved surfaces also varied for the different special character areas to reflect different subdivision and development patterns.

Council's tailored approach was amended through the IHP recommendations, and the standards were generalised across the SCA Residential; particularly the HIRB control for example. Ultimately, there was a lack of clarity about the status of the overlay and chapter C generally, and how the corresponding underlying zone standards should apply. The Council subsequently sought a Declaration to seek clarity on the interpretation of the provisions.

## 1.4 The Declarations

### Declarations Sought

In July 2017 Auckland Council sought the following three declarations (Declarations A, B and C) under section 311 of the RMA regarding the interpretation of the relationship of overlays with other provisions of the AUP, most specifically the relationship between the Residential – Single House Zone and the Special Character Areas Overlay – Residential. Those declarations sought:

1. That in cases where the AUP does not contain any specific provisions that set out the relationship between provisions in an overlay and other parts of the plan, the provisions within an overlay shall take precedence over corresponding provisions within other sections of the AUP which similarly control the land use addressed by overlay provisions. **(Declaration A)**;
2. That in the context of the height in relation to boundary (**HIRTB**) standards in the overlay and the SHZ, the Council is properly carrying out its statutory functions by requiring resource consent for activities that infringe the HIRTB standards in the overlay provisions only, and not the SHZ, regardless of whether the proposed activity infringes the SHZ standard **(Declaration B)**; and
3. That where a restricted discretionary activity infringes a rule or standard in the overlay, the Council is properly carrying out its statutory functions by limiting its discretion to those matters prescribed in the overlay, rather than applying any broader discretion and assessment criteria as may be prescribed for restricted discretionary activities in the zone or general rules **(Declaration C)**.

During the course of proceedings, Council withdrew the request for Declaration A (in October 2017) but continued to pursue Declarations B and C. Auckland Council then invited the court to make one declaration in different terms to those set out in the original declarations, as follows:

*Where a proposed activity is on a site located within both the Residential – Single House zone (SHZ) and the Special Character Areas Overlay – Residential (SCAR) of the partly operative Auckland Unitary Plan (AUP) and requires a resource consent for a restricted discretionary activity in accordance with Activity Table D18.4.1 or, due to the infringement of a SCAR development standard pursuant to Rule C1.9(2):*

- (a) *It is a separate reason for resource consent pursuant to C1.9(2) if the same activity infringes a SHZ development standard.*

### **Decisions of the Court**

The court issued a series of three decisions on these matters; an interim decision on 19 December 2017;<sup>14</sup> the second interim decision on 23 January 2018;<sup>15</sup> and the third decision on 15 March 2018.<sup>16</sup> The decisions were as follows:

- **First Interim Decision: Auckland Council v Budden [2017] NZEnvC 209**

In the first interim decision, the court found that the SCA Residential overlay does not have the effect of cancelling out SHZ performance standards. The court did not issue a declaration on the matters raised, noting that it would be addressed in a subsequent decision.

- **Second Interim Decision: Auckland Council v Budden [2018] NZEnvC 003**

The second interim decision set out a timetable for submissions on a revised form of wording for the declaration and made directions for the council to report back to the court on its findings of the analysis that the council had commenced into the relationship of various overlays and underlying zones.

- **Third Decision: Auckland Council v Budden [2018] NZEnvC 030**

The third decision found the following:

*Where a proposed activity:*

*(a) is on a site located within both the Residential - Single House zone ("SHZ") and the Special Character Areas Overlay - Residential ("SCAR") of the partly operative Auckland Unitary Plan ("AUP"); and*

*(b) is classed as a restricted discretionary activity either under Activity Table 018.4.1 or, due to its non-compliance with a SHZ or SCAR development standard, under Rule C1 .9(2)-*

*then the relevant SHZ, SCAR and General Rules (and any relevant objectives and policies)*

*apply, in the processing and determination of any resource consent application for the proposed activity, without the SCAR rules prevailing over or cancelling out other rules.*

The Third Decision also instructed the council to file an updating memorandum on its progress of the analysis of the overlay and zone provisions by 27 July 2018. The council provided a draft version of the report (Auckland Unitary Plan Overlays Analysis<sup>17</sup>) setting out its findings in relation to this analysis to the court on 27 July 2018.

## **1.5 Key Issues arising from the Declarations**

The Declaration proceedings found that the current situation in the AUP is that all provisions in the zone(s), relevant overlay(s) (if any), and relevant precinct(s) (if any) that apply to a site

<sup>14</sup> *Auckland Council v Budden* [2017] NZEnvC 209

<sup>15</sup> *Auckland Council v Budden* [2018] NZEnvC 003

<sup>16</sup> *Auckland Council v Budden* [2018] NZEnvC 030

<sup>17</sup> Auckland Unitary Plan Overlays Analysis; December 2018. ISBN 978-1-98-856470-8 (Print)

are relevant in respect of a proposed activity; along with any relevant Auckland wide and general rules.

The Council began applying both sets of rules when the first interim decision was received. The 'incorrect' approach had been applied to consents issued between 1 December 2016 and 19 December 2017. In August 2018, it was identified that this issue potentially affected around 430 resource consents, largely for additions or alterations to an existing house in the SCA Residential. Of these, 137 properties had already received building consent and may have started work when they were notified of the potential issue with their resource consent. Some of the consent holders are required to reapply for resource consent. The council has notified all the affected consent holders and has waived the processing fees for the new consent applications.

Notwithstanding, the new approach resulting in particular issues in respect of the interrelationship between the SCA Residential Overlay and the underlying zones. The approach of two sets of provisions applying may be appropriate in some circumstances, such as objectives and policies, and matters of discretion and assessment criteria, or different activities and standards. However, the problem arises when two potentially conflicting rules (in the form of activities and standards), with differing activity statuses or metrics, apply to the same activity; for example, two height in relation to boundary controls for the same development.

This is resulting in unnecessary complexities and time costs for plan users, particularly with respect to processing resource consent applications, as there is no clarity which metric or activity status should take precedence. Most fundamentally, the situation means that the SCA - Residential does not function as it was intended, as there is no clarity regarding the relationship of this with the corresponding activities and metrics of the underlying zones.

This situation is not considered to meet the purpose of the RMA for the following reasons:

- a) There is uncertainty as to which provisions should take precedence (if at all) in circumstances where there are equivalent rules (activities and standards) in the SCA overlay and the underlying zone. This has the potential to result in unanticipated effects on the environment, or the management of effects on the environment in a manner that is not correctly aligned to the purpose of the SCA overlay and/or the underlying zone;
- b) The uncertainty that arises from the current situation may compromise the overall social wellbeing of communities affected by the SCA overlay due to the uncertainty of environmental outcomes that may arise; and
- c) In addition, the current situation may compromise overall economic wellbeing by triggering unnecessary resource consent requirements, and/or resulting in unnecessary delays or complexities in the processing of resource consent applications.

## 1.6 Overview of Proposed Plan Change 26

The purpose of PPC 26 is to clarify the interrelationship between the SCA overlay and its underlying zones. This is considered to be the most appropriate way of achieving the purpose of the RMA for the following reasons:

- a) Specifying the relationship between equivalent rules in the SCA overlay and the relevant underlying zones will ensure that the correct rules are applied in order to avoid, remedy or mitigate the adverse effects of activities on the environment; recognising that the SCA overlay and the underlying zone provisions may use equivalent rules to manage different issues.
- b) Ensuring that effects on the environment are appropriately managed may also contribute to overall social wellbeing as communities affected by the SCA overlay will have greater certainty as to the outcomes that can be anticipated in their neighbourhoods.
- c) Providing this specificity will also contribute to the overall economic wellbeing of the broader Auckland community by avoiding the need for unnecessarily triggering resource consent requirements as a result of plan provisions that are unclear or uncertain.

PPC 26 makes amendments to Chapter D18 and E38 in order to clarify the relationship between the provisions in these chapters and equivalent provisions in the underlying zones. As set out in further detail in **Section 5** this report, PPC 26 seeks to address a range of issues that relate to the interrelationship between the provisions that manage the SCA Residential overlay, residential zoned sites in the SCA General overlay; and the provisions that manage sites in the relevant underlying zones.

The analysis undertaken<sup>18</sup> identified issues across many overlays, but concluded that the issues with the SCA overlay and the underlying zones were most significant. Therefore, there may be other instances where the findings of *Budden* result in complexities between overlay and other provisions in the AUP, however PPC 26 is focussed solely on the relationship between the SCA Overlay and the underlying zones.

This will ensure that the controls in the SCA Overlay that are intended to maintain and enhance the special character values of the area are imposed. PPC 26 also refines some of the development standards in the SCA overlay, in order to better reflect its purpose. By way of overview PPC 26 makes the following amendments:

### Chapter D18

1. Amend the introductory text preceding Activity Table D18.4.1 Special Character Areas Overlay – Residential to state:
  - a) That Activity Table D18.4.1 does not apply to land use activities;
  - b) That the activity status of activities in Activity Table D18.4.1 takes precedence over the activity status of that activity in the underlying zone;

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<sup>18</sup> Auckland Unitary Plan Overlays Analysis; December 2018. ISBN 978-1-98-856470-8 (Print)

- c) That the activity status in the relevant zone applies to land use activities and to development activities that are not specified in Table D18.4.1; and
  - d) That all other relevant overlay, precinct and Auckland-wide rules apply unless otherwise specified.
2. Amend Activity Table D18.4.1 Special Character Areas Overlay – Residential to:
    - a) Insert a new activity rule to provide for the construction of new fences and walls, and alterations to fences and walls that comply with Standard D18.6.1.7(1) as a permitted activity; and
    - b) Insert a new activity rule to state that the construction of new fences and walls, or alterations to fences and walls, that do not comply with Standard D18.6.1.7(1) is a restricted discretionary activity.
  3. Amend D18.6.1 Standards for buildings in the Special Character Areas Overlay – Residential to:
    - a) Clarify that the development standards listed within D18.6.1 apply to all activities undertaken in the Special Character Areas Overlay – Residential, whether they are listed in Activity Table D18.4.1 or in the relevant zone; and
    - b) State that the following development standards in D18.6.1 prevail over the equivalent development standards in the underlying zone (except where otherwise specified):
      - building height
      - height in relation to boundary
      - yards
      - building coverage
      - maximum impervious area
      - landscaped area
      - fences and walls
  4. Include a purpose statement for the following development standards:
    - a) building height
    - b) height in relation to boundary
    - c) yards
    - d) building coverage
    - e) landscaped area
    - f) maximum impervious area
    - g) fences and walls
  5. Amend Standard D18.6.1.2 Height in relation to boundary to specify that:
    - a) The control (3m + 45 degree recession plane) only applies to sites with a frontage length of less than 15m;
    - b) The underlying zone height in relation to boundary standard applies:
      - To sites that have a frontage length of 15m or greater; or
      - Rear sites.
    - c) Standard D18.6.1.2 only applies to side and rear boundaries (not front boundaries)
    - d) Standard D18.6.1.2 does not apply to site boundaries with an existing common wall between two buildings on adjacent sites or where a common wall is proposed;

- e) Standard D18.6.1.2 applies from the farthest boundary of legal rights of way, entrance strips, access sites or pedestrian access ways; and
  - f) That gable ends, dormers or roofs may project beyond the recession plane in certain circumstances.
6. Delete the rear yard requirement from D18.6.1.3; and state that the underlying zone yard standards apply for all other yards.
  7. Amend the reference to 'maximum paved area' in D18.6.1.6 to 'maximum impervious area'; along with associated amendments to the maximum levels in Table D18.6.1.6.1.
  8. Amend the standard that relates to fences and walls in D18.6.1.7 to the effect that fences constructed between the front facades of houses and the street are limited to 1.2m in height, but can be up to 2m in height elsewhere on a site.
  9. Amend D18.8 to require an assessment of resource consents against the matters of discretion and assessment criteria set out in D18.8 as well as the matters of discretion and assessment criteria in the underlying zone (for infringements to equivalent standards only).

For clarity, PPC 26 does not propose any amendments to the following standards in Chapter D18:

- D18.2 Objectives
- D18.3 Policies
- Table D18.4.2 Activity table – Special Character Areas Overlay - Business
- D18.5 Notification
- D18.6.2 Standards for buildings in the Special Character Areas Overlay – Business
- D18.7 Assessment – controlled activities
- D18.9 Special Information Requirements

### **Chapter E38: Subdivision - Urban**

1. Amend Standard E38.8.2.6 to state that the minimum net site area standards in Table E38.8.2.6.1 prevail over the zone-specific standards in Table E38.8.2.3.1.

## **2. The Evaluation Approach**

Section 32 of the RMA requires that before adopting any objective, policy, rule or other method, the Council shall carry out an evaluation to examine:

- The extent to which each objective is the most appropriate way to achieve the purpose of the RMA,<sup>19</sup> and
- Whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objective.<sup>20</sup>

The evaluation must also take into account:

- The benefits and costs of policies, rules, or other methods;<sup>21</sup> and

<sup>19</sup> RMA s 32(1)(a)

<sup>20</sup> RMA s 32(1)(b)

- The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.<sup>22</sup>

As PPC 26 is making an amendment to the AUP, the assessment referred to in section 32(1)(b) (assessment of policies, rules and other methods) must relate to the provisions and objectives of the PPC 26; and the objectives of the AUP to the extent that they are relevant, and would remain if PPC 26 would take effect.<sup>23</sup>

An overview of the objectives (or purpose) of PPC 26 and an evaluation of the extent to which they are the most appropriate way to achieve the purpose of the RMA is set out in Section 32. Section 32 assesses the extent to which the proposed amendments to the provisions are the most appropriate way to achieve the purposes of PPC 26, and the AUP.

Section 32(1)(a) requires an evaluation report to examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA.

PPC 26 does not include any objectives to be included in the AUP, nor does it propose any amendments to any existing objectives in the AUP. Therefore, in accordance with section 32(6) of the RMA, 'objectives' in the sense of PPC 26 mean the purpose of the plan change.

The purpose of PPC 26 is to amend Chapters D18 and E38 in order to:

- a) ensure that the AUP appropriately specifies the relationship between the SCA overlay and the underlying zone provisions; and
- b) ensure that the development standards that apply to sites in the SCA overlay are most appropriately targeted to managing the special character values of the areas to which they relate.

The table below sets out an overview of the way in which PPC 26 has been evaluated. In accordance with section 32(6) of the RMA and for the purposes of this report:

- i. the 'proposal' means PPC 26;
- ii. the 'objectives' means the purpose of the proposal (as there are no objectives affected by, or proposed by, PPC 26); and
- iii. the 'provisions' means the rules and other methods of PPC 26. It is noted that no policies are affected by PPC 26.

Sections of this report	Evaluation Approach
<b>Section 3: Development of PPC 26</b>	<p>This part of the report outlines the methodology and development of PPC 26, including the information used and consultation undertaken in preparing PPC 26.</p> <p>This section includes a summary of all advice received from iwi authorities on PPC 26, and the response to the advice, including any provisions of the proposal that are intended to give effect to the advice (as required by section 32(4A)(a) and (b) of the RMA.</p>

<sup>21</sup> RMA s 32(2)(a)

<sup>22</sup> RMA s 32(2)(c)

<sup>23</sup> RMA s 32(3)

Sections of this report	Evaluation Approach
<b>Section 4: Statutory evaluation</b>	This part of the report evaluates the relevance of PPC 26 to Part 2 (sections 5-8) and other relevant parts / sections of the RMA.
<b>Section 5: Evaluation of provisions</b>	In accordance with sections 32(1)(b), (2) and (3) of the RMA, this section examines whether the provisions appropriately achieve the objectives of PPC 26 in relation to the relevant objectives of the AUP. The options are assessed by their efficiency and effectiveness, costs, benefits and risks to resolve the RMA issue.
<b>Section 6: Conclusion</b>	This part of the report concludes that PPC 26 is the most efficient, effective and appropriate means of addressing the resource management issues identified.

### 3. Development of PPC 26

#### 3.1 Methodology

Following the Environment Court's release of the Declarations, the Council decided to undertake a review of the interrelationship between the provisions of all of the overlays and the relevant underlying zones in order to identify the issues that may arise due to potential overlaps between provisions. Recognising the importance of the issue, the Council commenced this work in February 2018

The analysis identified issues across many overlays, but concluded that the issues with the SCA overlay and the underlying zones were among the most significant. This has resulted in unnecessary complexities and time costs for plan users, and more fundamentally, the SCA overlay provisions do not function as they were intended.

A project team was established in September 2018 to look at the options for addressing the identified issues relating to the SCA overlay. The first step was to identify the zoning of all sites in the SCA overlay in order to determine which zone provisions of the AUP needed to be reviewed alongside the provisions of the SCA overlay. Details of the zoning of land in the SCA overlay are set out in Attachment 1 to this report.

Following the determination of the relevant zones in the SCA overlay, a comparison of the activity rules and development standards in the zone and overlay provisions was undertaken, focusing on the land within the SCA Residential overlay and residential zoned sites in the SCA General overlay. The results of this analysis are set out in Section 5 to this report.

The project team focused on each of the individual issues identified as a result of the analysis to determine the most appropriate approach that should be taken to address each issue. This was completed through an assessment of the likelihood that the values were being managed appropriately by the existing provisions.

Once it was determined how best to address each of the issues (through ongoing s32 assessments), amendments to the relevant plan provisions were developed by the project



team. A report was presented to the Planning Committee on 6 November 2018 outlining the issues and the way that it was proposed to address them. The Planning Committee resolved to approve the development of PPC 26 to resolve the conflicts between the SCA Residential overlay and the underlying zones; and to delegate the approval of the final content of the plan change and accompanying section 32 evaluation report to a sub-committee prior to public notification.<sup>24</sup>

### 3.2 Development and evaluation of options

1. This section assesses the high-level options available to achieve the purpose of PPC 26. The options to address the individual provisions themselves are assessed in Section 5 of this report. The high-level options that are available are: Maintain the status quo in that all provisions relating to an activity (be they in the underlying zone or SCA overlay provisions) must apply to a proposed activity ('the Declaration approach')
2. Amend the AUP to stipulate that the SCA overlay provisions take precedence over any equivalent provision in the underlying zone provisions; either by:
  - a) Adding a rule to the SCA overlay provisions to clarify that the SCA overlay provisions prevail over any equivalent provisions in the underlying zone; or
  - b) Adding a rule to the SCA overlay provisions to clarify that the SCA overlay provisions prevail over any equivalent provisions in the underlying zone; and introduce the assessment criteria from the underlying zone that relate to assessing broader environmental effects into the SCA overlay provisions (such as effects on neighbours and stormwater); or
  - c) Adding a rule to the SCA overlay provisions to clarify that the SCA overlay provisions prevail over any equivalent provisions in the underlying zone; and reviewing (and amending as required) the development standards in the SCA overlay provisions to reflect the different characteristics of the SCA areas; or
  - d) Adding a rule to the SCA overlay provisions to clarify that the SCA overlay provisions prevail over any equivalent provisions in the underlying zone; and introducing tailored development standards to reflect the underlying site characteristics.
3. Undertake a wider review of the planning tools used to manage Special Character Areas and the spatial extent of the Overlay. This could include consideration of matters such as to whether a zone or precinct should be used to manage special character values, for example.

There are various advantages and disadvantages associated with each option are outlined in the table below.

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<sup>24</sup> Auckland Council Planning Committee Minutes 6 November 2018, page 6 (Resolution PLA/2018/109)

Option	Advantages	Disadvantages
1 – Status quo	<p>Maintaining the status quo will not require a plan change and will not result in the associated costs for the preparation and assessment of a plan change.</p> <p>The status quo approach relies on a case by case assessment of effects on the amenity values of neighbouring sites.</p>	<p>Maintaining the status quo will result in the SCA overlay not functioning as it was intended, particularly given the conflicts that exist between certain provisions in the SCA overlay and the underlying zones.</p> <p>This results in complexities and inefficiencies in assessing development proposals against two sets of corresponding rules, which in some cases may conflict. Of particular difficulty is the need to determine whether certain rules should take precedence over others, in the absence of clear direction in the AUP.</p>
Option 2 – Special Character overlay plan change (preferred)	<p>Implementing option 2 has the advantage of ensuring that the provisions in the SCA Overlay will function as intended, and will contribute to achieving the objectives in D18. Adopting this approach will align with the approach that the Council was seeking to achieve prior to the issue of the Declarations from the Environment Court.</p> <p>Option 2 will provide greater levels of clarity and certainty to plan users and those implementing the plan. This will avoid unnecessary consent requirements and assessment, reducing compliance costs for plan users and Council. The underlying zone still applies and will function as intended, where there are no equivalent overlay provisions.</p> <p>Finally, adopting option 2 provides the opportunity to ensure that the SCA development standards are appropriately tailored to managing the special character values of special character areas, and amending them if necessary.</p>	<p>Implementing option 2 will necessitate the preparation of a plan change. It may result in requests (via submissions) for the reconsideration of issues relating to the special character overlay in a more general sense.</p> <p>Implementing option 2 may also result in some provisions being more restrictive than they are under the status quo; however some provisions may be more enabling.</p>
Option 3 – wider review of special character management	Adopting option 3 provides additional time to reconsider the extent to which the SCA overlay is delivering the intended outcomes and may enable a comprehensive	Implementing option 3 would require a significant amount of resources which could have the effect of delaying the delivery of a solution to the issues identified by

Option	Advantages	Disadvantages
approach	approach that is further tailored to individual special character areas. Similar to option 2, option 3 would also provide a greater degree of clarity and certainty to plan users and those implementing the plan.	the Council after receiving the declarations from the Environment Court. Implementing option 3 would go beyond what is required to address the issues identified in this assessment. There are also potentially large costs (such as staff time, research and consultation) involved in adopting option 3.

Of these identified options, Option two is preferred. This option requires a plan change that would involve:

- Specifying where the SCA overlay prevails over the underlying zone provisions. Where there are equivalent standards (i.e. where there are standards relating to the same effect), then the standard in the overlay will be used in assessment.
- Refining some of the standards within the SCA overlay, based on the particular characteristics of the SCA areas. This is required because some of the standards in the SCA overlay are too general;
- Introducing matters of discretion relating to the effects on the amenity of neighbouring sites as a consideration of the SCA overlay. Currently the SCA overlay itself does not provide scope to consider effects on neighbours' amenity when standards are infringed.

It is also proposed to refine the standards to apply to particular site characteristics, to create consistency of terminology, and to improve consistency with the underlying zones. The specific provisions to be amended are addressed in the following sections of this report.

### 3.3 Risk of acting or not acting

Section 32(2)(c) of the RMA requires this evaluation to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. There is considered to be sufficient information about the technical issues being addressed through PPC 26 to proceed with the plan change.

This evaluation will continue to be refined in relation to any new information that may arise following notification, including during hearings on PPC 26 as required by Section 32AA.

### 3.4 Information Used

The following information has been used to inform the development of PPC 26:

1. The following chapters of the AUP:
  - a. Chapter B5 (RPS) – Historic heritage and special character
  - b. Chapter C1 General rules

- c. Chapter D18 – Special Character Areas Overlay – Residential and Business
  - d. Chapter E38 – Subdivision – Urban
  - e. Chapter H – Zones (various)
2. The following Declarations of the Environment Court:
- a. *Auckland Council v Budden* [2017] NZEnvC 209
  - b. *Auckland Council v Budden* [2018] NZEnvC 003
  - c. *Auckland Council v Budden* [2018] NZEnvC 030

### **3.5 Consultation**

In accordance with clause 3 of Schedule 1 of the RMA, during the preparation of a proposed policy statement or plan, the Council is required to consult with:

- a) the Minister for the Environment; and
- b) those other Ministers of the Crown who may be affected by the policy statement or plan; and
- c) local authorities who may be so affected; and
- d) the tangata whenua of the area who may be so affected, through iwi authorities; and
- e) any customary marine title group in the area.

A local authority may consult anyone else during the preparation of a proposed policy statement or plan.

#### **Summary of general consultation undertaken**

Engagement with the Council local boards was undertaken through the preparation of PPC 26. Memos were sent informing local board members about the preparation of the draft plan change and copies of the draft documents were sent to the planning leads of the affected local board. Officers also gave presentations to the local board chairs forum and cluster workshops (centralised meetings of local board members) in the different geographical areas (South, Central and North). At the request of the Orakei local board, a meeting was held to run through the detail of the plan change. Subsequently, comments were received generally supporting the plan change and pointing out specific concerns for the Orakei local board area. A meeting was held with representatives from the Waitemata local board who were also generally supportive of the plan change.

#### **Crown consultation**

The Minister for the Environment and Heritage NZ were sent a copy of the draft plan change and section 32 report on 29 January 2019 seeking comments.

No comments were received from the Minister for the Environment. Comments were received from Heritage NZ on 22 February 2019. Heritage NZ supports the intent of the plan change in providing clarity to how the Special Character Area Overlay and the underlying residential zone provisions are supposed to interact. However, they did question the method of using an overlay for the special character areas and commented on the proposed changes to the introduction to the activity table and the assessment criteria. As a result of this feedback, the draft plan change was amended to no longer change the introduction to the assessment criteria.

It is noted that no other local authorities are considered affected by the proposed plan change and there is no customary marine title group in the area.

### **Consultation with iwi authorities**

In October 2018 the Council sent a letter to the potentially affected iwi authorities informing them of the preparation of the draft plan change and providing details of who to contact if they had any questions. No feedback was received at that time. On 29 January 2019 the draft plan change and section 32 report was sent to the following iwi authorities seeking comments:

1. Te Rūnanga o Ngāti Whātua
2. Te Uri o Hau
3. Ngāti Manuhiri
4. Ngātiwai Trust Board
5. Ngāti Rehua
6. Te Kawerau a Maki
7. Ngāti Whātua o Kaipara
8. Ngāti Whātua Ōrākei
9. Ngāi Tai ki Tāmaki
10. Ngāti Tamaoho
11. Te Ahiwaru-Waiohua
12. Ngāti Te Ata
13. Te Ākitai Waiohua
14. Waikato-Tainui
15. Ngāti Paoa
16. Ngaati Whanaunga
17. Ngāti Maru
18. Ngāti Tamaterā
19. Te Patukirikiri

A meeting was held with a representative from Te Rūnanga o Ngāti Whātua on 19 February 2019 to go through the details of the plan change. The informal feedback from this meeting was that the draft plan change was supported.

Correspondence was also received from Te Ākitai Waiohua seeking assistance with participating in the plan change process given time constraints. The Council offered to have a meeting to go through the details of the plan change but this offer was not taken up.

No other feedback was received from the iwi authorities.

### **Declaration parties**

As noted in Section 1 of this report, PPC 26 is in part, a response to the Environment Court's Declarations in respect of *Auckland Council v Budden*. Given their involvement with that process and knowledge of the topic, the following parties to the declaration proceedings were sent a copy of the draft plan change and section 32 report on 29 January 2019 seeking comments.

- HC Trust, Ollerton Trust and J Farmer QC
- London Pacific Family Trust
- Ministry of Education, Minister for the Environment and Housing NZ Corporation
- Auckland International Airport Limited, Brookby Quarries Limited, Fulton Hogan Limited, Stevenson Group Limited, Winstone Aggregates (a division of Fletcher Concrete and Construction Limited)
- Wiri Oil Services Limited
- Suzanne Janissen

HC Trust, Ollerton Trust and J Farmer QC advised through their lawyer that they did not wish to provide any comment on the draft plan change.

A letter was received (through Ellis Gould Lawyers) from Housing New Zealand Corporation and the Ministry of Education. Below is an extract from that letter.

*“We respond as follows:*

- 1. In summary, whilst our Clients understand the rationale behind Auckland Council incorporating some of the residential zoning provisions within the Special Character Overlay, namely to create an Overlay which can operate as a standalone set of provisions which override the underlying zoning provisions, our Clients consider that the Proposed Plan Change as currently drafted is fundamentally flawed.*
- 2. That is because by incorporating provisions from the residential zones, for example, Building Height and Height in Relation Boundary, the Plan Change proposes development controls that are no longer in keeping with the objectives and policies of the Special Character Overlay, namely the streetscape qualities and cohesiveness (Objective D18.2(b)). This will then create attendant issues with processing consent applications. A similar issue arises with the proposal to make activities within the underlying zone subject to the Special Character Overlay development standards, irrespective of whether or not that activity has the potential to generate effects on streetscape character and amenity.*

*Thank you again for the opportunity to comment on the draft Proposed Plan Change. We are very happy to meet to discuss our concerns with the Proposed Plan Change should that assist”*

The Council sought a meeting with Housing New Zealand Corporation and the Ministry of Education to clarify the concerns raised given the general nature of the comments. Housing New Zealand Corporation and the Ministry of Education however did not have any availability to meet with the Council. No changes have been made to the proposed plan change or the s.32 evaluation report as a result of this correspondence.

No comments were from London Pacific Family Trust, the Minister for the Environment Auckland International Airport Limited, Brookby Quarries Limited, Fulton Hogan Limited, Stevenson Group Limited, Winstone Aggregates (a division of Fletcher Concrete and Construction Limited), Wiri Oil Services Limited or Suzanne Janissen.

## 4. Statutory evaluation under the RMA

A district plan should be designed in accordance with,<sup>25</sup> and assist the territorial authority to carry out – its functions<sup>26</sup> so as to achieve the purpose of the RMA.<sup>27</sup> When preparing its district plan a territorial authority must give effect to a national policy statement, New Zealand coastal policy statement, or regional policy statement.<sup>28</sup> A territorial authority must also:

- a) have regard to any management plans and strategies under any other Acts, and to any relevant entry on the New Zealand Heritage List and to various fisheries regulations (to the extent that they have a bearing on resource management issues in the region); and to consistency with plans and proposed plans of adjacent territorial authorities;<sup>29</sup>
- b) take into account any relevant planning document recognised by an iwi authority;<sup>30</sup> and
- c) not have regard to trade competition.<sup>31</sup>

The district plan must be prepared in accordance with any regulation.<sup>32</sup> In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect.<sup>33</sup>

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management is defined in the RMA as managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Overall it is considered that the purpose of PPC 26 is the most appropriate way to achieve the purpose of the RMA.

### 4.1 National Policy Statements

Territorial authorities are required to give effect to National Policy Statements (**NPS**). National policy statements are instruments issued under section 52(2) of the RMA and state

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<sup>25</sup> RMA s 74(1)

<sup>26</sup> As described in RMA s 31

<sup>27</sup> RMA ss 72 and 74(1)(b)

<sup>28</sup> RMA s 75(3)(a)-(c)

<sup>29</sup> RMA s 74(2)(b)

<sup>30</sup> RMA s 74(2A)

<sup>31</sup> RMA s 74(3)

<sup>32</sup> RMA s 74(1)(f)

<sup>33</sup> RMA s 76(3)

objectives and policies for matters of national significance. The following NPS are currently in effect:

- National Policy Statement on Urban Development Capacity (**NPS-UDC**)
- National Policy Statement for Freshwater Management (**NPS-FW**)
- National Policy Statement for Renewable Electricity Generation (**NPS-REG**)
- National Policy Statement on Electricity Transmission (**NPS-ET**)
- New Zealand Coastal Policy Statement (**NZCPS**)

Work is underway on a proposed National Policy Statement for Indigenous Biodiversity.

### **National Policy Statement on Urban Development Capacity**

The NPS-UDC sets out objectives and policies for ensuring that sufficient feasible development capacity for residential and business growth is provided for. It came into effect on 1 December 2016. It requires councils in high growth areas to produce a future development strategy which demonstrates that there will be sufficient, feasible development capacity in the medium and long term. The Auckland Region is identified as a high growth area.

The Auckland Plan 2050 sets out the long-term vision for how Auckland will grow and how challenges of high population growth will be met. A component of the Auckland Plan is Auckland's Development Strategy. The Development Strategy proposes a plan for how and where Auckland will grow, as well as where and when investment in planning and infrastructure will be needed. The Auckland Plan Development Strategy serves as Auckland's future development strategy as required under the NPS-UDC.

PPC 26 is focused on providing greater clarity about the way in which the provisions in the SCA Overlay relate to similar provisions in the underlying zones. The underlying zones and the spatial extent of the SCA Overlay are not changing through PPC 26. Notwithstanding, within Chapter E38 Subdivision – Urban, Table E38.8.2.6.1 provides for different minimum net site areas within certain areas of the SCA Overlay. It is considered that the majority of the identified areas within the SCA will benefit in terms of development capacity in comparison to the predominant underlying Residential: Single House Zone minimum site size of 600m<sup>2</sup>, and therefore affords these areas with a greater opportunity to subdivide.

### **National Policy Statement for Freshwater Management**

The NPS-FW provides direction on how regional councils should carry out their responsibilities under the RMA for managing fresh water. It came into effect on 1 August 2014, and amendments made in August 2017 took effect on 7 September 2017. The NPS-FW is not relevant to PPC 26 as the NPS-FW requires regional council to set objectives for the state of fresh water bodies in their regions and to set limits on resource use to meet these objectives, and that is not the subject of PPC 26.

### **National Policy Statement for Renewable Electricity Generation**

The NPS-REG seeks to drive a consistent approach to planning for renewable electricity generation in New Zealand. It gives clear government direction on the benefits of renewable electricity generation and requires all councils to make provision for it in their plans. It came



into effect on 13 May 2011. The NPS-REG applies to renewable electricity generation activities at any scale, including small and community-scale renewable generation activities.

PPC 26 is focussed on providing greater clarity about the interrelationship between the provisions in the SCA overlay and the underlying zones. None of the provisions in the SCA overlay specifically relate to renewable electricity generation activities. Provisions in Chapter E26 Infrastructure relate to renewable electricity generation activities. Accordingly, the NPS-REG is not relevant to PPC 26 because other provisions in the AUP manage renewable electricity generation activities and PPC 26 does not relate to those provisions.

### **National Policy Statement on Electricity Transmission**

The NPS-ET came into effect on 10 April 2008. It contains guidance for local authorities on how to recognise the national significance of the national grid in RMA planning documents and local decision-making.

PPC 26 is focussed on providing greater clarity about the interrelationship between the provisions in the SCA overlay and the underlying zones. None of the provisions in the SCA overlay specifically relate to providing for electricity transmission. Various other provisions in the AUP relate to providing for the national grid in the Auckland Region, including the National Grid Corridor Overlay. Accordingly, the NPS-ET is not relevant to PPC 26 because other provisions in the AUP manage matters relating to the National Grid and PPC 26 does not relate to those provisions.

### **New Zealand Coastal Policy Statement 2010**

The NZCPS guides local authorities in the day to day management of the coastal environment. Objectives in the NZCPS seek to safeguard the integrity, form, functioning and resilience of the coastal environment, and to sustain its ecosystems;<sup>34</sup> preserve the natural character of the coastal environment and protect natural features and landscape values;<sup>35</sup> and to take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in the management of the coastal environment.<sup>36</sup>

Other objectives seek to maintain and enhance public open space qualities and recreation opportunities of the coastal environment;<sup>37</sup> ensure that coastal hazard risks are managed (taking climate change into account);<sup>38</sup> enabling people and communities to provide for their social, economic and cultural wellbeing and their health and safety through subdivision use and development;<sup>39</sup> and ensuring that the management of the coastal environment recognises and provides for New Zealand's international obligations regarding the coastal environment.<sup>40</sup>

Parts of the SCA overlay may be within the coastal environment of Auckland and may contribute in part towards the amenity values of the coastal environment in those

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<sup>34</sup> NZCPS Objective 1

<sup>35</sup> NZCPS Objective 2

<sup>36</sup> NZCPS Objective 3

<sup>37</sup> NZCPS Objective 4

<sup>38</sup> NZCPS Objective 5

<sup>39</sup> NZCPS Objective 6

<sup>40</sup> NZCPS Objective 7

locations.<sup>41</sup>The AUP was recently made operative in part and the NZCPS has not been amended since that date. PPC 26 is focussed on improving the clarity about the relationship between the SCA overlay and the underlying zones. Accordingly, as PPC 26 is not proposing a shift to the way in which the coastal environment is managed, the NZCPS is not relevant to PPC 26.

## 4.2 National Environmental Standards

Territorial authorities are required to give effect to National Environmental Standards (**NES**). The following NES are currently in force as regulations:

- National Environmental Standards for Air Quality
- National Environmental Standard for Sources of Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standards for Electricity Transmission Activities
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
- National Environmental Standard on Plantation Forestry
- National Environmental Standard on Aquaculture (in the process of development)

PPC 26 has a narrow purpose and seeks to clarify the relationship between the SCA overlay provisions and the provisions in underlying zones. It proposes amendments that are largely technical in nature and does not seek to change the overall policy direction of the AUP. Consequently, PPC 26 will not result in any inconsistencies with the above NES.

## 4.3 Regional Policy Statement

Chapter B of the AUP sets out the Regional Policy Statement (**RPS**). Chapter B5.3 sets out the objectives and policies that relate to special character. The objectives seek to protect the historic heritage values of identified special character areas from inappropriate subdivision, use and development;<sup>42</sup> and to maintain and enhance the character and amenity values of identified special character areas.<sup>43</sup> It is noted that Objective B5.3.1 (1) was appealed by the Housing New Zealand Corporation (ENV-2016-AKL-000238).

A decision on this appeal was issued by the Environment Court on 11 August 2017, but this decision was appealed to the High Court both by Auckland Council and HNZN. The High Court issued its decision on 1 March 2018 and directed that the Environment Court reconsider its decision. The Environment Court's second decision on this appeal was issued on 28 September 2018.

Related policies in B5.3.2 seek to identify special character areas in accordance with stipulated criteria;<sup>44</sup> include those special character areas in Schedule 15 of the AUP;<sup>45</sup> and manage special character areas by:<sup>46</sup>

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<sup>41</sup> NZCPS Policy 1(f)

<sup>42</sup> AUP Objective B5.2.1(1)

<sup>43</sup> AUP Objective B5.3.1(2)

<sup>44</sup> AUP B5.3.2(1) and (2)

<sup>45</sup> AUP B5.3.2(3)

- a) Requiring new buildings, additions and modifications to existing buildings to maintain and enhance the special character of the area
- b) Restricting the demolition of buildings and destruction of features that define, add to, or support the special character of the area
- c) Maintaining and enhancing the relationship between the built form, streetscape, vegetation, landscape and open space that define, add to or support the character of the area
- d) Avoiding, remedying or mitigating the cumulative effect of the loss or degradation of identified special character values

PPC 26 seeks to clarify the relationship between the SCA overlay provisions (which give effect to the above RPS provisions) and the provisions in underlying zones. It proposes amendments that are largely technical in nature and does not seek to change the overall policy direction of the AUP. Consequently, PPC 26 will not result in any inconsistencies with the RPS.

#### **4.4 Management Plans and Strategies under other Acts**

##### **Hauraki Gulf Marine Park Act 2000**

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

PPC 26 has a narrow purpose and seeks to provide greater clarity as to how the SCA overlay provisions relate to the underlying zone provisions. PPC 26 is proposing amendments that are technical in nature and will not change the overall policy direction of the plan. Consequently PPC 26 is consistent with the purpose of HGMPA and section 6 of the RMA (recognition of the national significance of the Hauraki Gulf, and its islands).

##### **Waitākere Ranges Heritage Protection Act 2008**

The purpose of the Waitākere Ranges Heritage Protection Act 2008 (**WRHPA**) is to recognise the national, regional and local significance of the Waitākere Ranges heritage area and promote its protection and enhancement for present and future generations.

To achieve this, the WRHPA established the Waitākere Ranges area as a matter of national significance (s6 of the RMA) and defines its heritage features. Furthermore, it provides additional matters for the council and other parties to consider when making decision, exercising a power or carrying out its duty that relate to the heritage area.

No parts of the Waitakere Ranges area is in the SCA overlay.

##### **Local Government Act 2002**

Council's functions and powers are derived from the purpose of the Local Government Act 2002 (**LGA**). The LGA mandates the purpose, funding, and governance duties of the council. Additional responsibilities for Auckland Council are set out under the provisions of the Local

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<sup>46</sup> AUP B5.3.2(4)

Government (Auckland Council) Act 2009, including the requirement to prepare a spatial plan.

Section 12 of the LGA states that a local authority has full capacity to carry on or undertake any activity or business, do any, or enter into any transaction with full rights, powers and privileges subject to any other enactment and the general law.

PPC 26 is prepared under the RMA and overall is consistent with the LGA.

### **Local Government (Auckland Transitional Provisions) Act 2010**

The purpose of the Local Government (Auckland Transitional Provisions) Act 2010 (**LGATPA**) is to resolve further matters relating to the reorganisation of local government in Auckland begun under the Local Government (Tāmaki Makaurau Reorganisation) Act 2009 and continued under the Local Government (Auckland Council) Act 2009.

In s3 (2) (d) of the LGATPA it states this Act “provides a process for the development of the first combined planning document for Auckland Council under the RMA”.

Part 4 (sections 115-171) of the LGATPA outlines the process for development of the combined plan for Auckland Council. The development of the first combined plan followed the legislation set out in LGATPA, and the Hearings Panel (also known as IHP) was established under the LGATPA.

Although the AUP is now operative in part, and PPC 26 is prepared under the RMA, the purpose of the plan change is to address technical issues that have arisen from the development of the first combined plan process. Consequently, reference is made to the material developed in this process to support the proposed amendments included in PPC 26.

### **Auckland Plan**

The Auckland Plan 2012 informed the development of the AUP. The Auckland Plan was reviewed in 2018 and the Auckland Plan 2050 is now available. The plan sets out three key challenges Auckland will face over the next 30 years –high population growth and its various impacts, sharing prosperity across all Aucklanders' and reducing environmental degradation.

The plan is framed around six outcomes and a development strategy. The development strategy sets out how Auckland will grow and change over the next 30 years, including sequencing of growth and development.

The strategic directions in the Auckland Plan 2012 influenced the regional policy statement which the SCA overlay provisions give effect to. The amendments to Chapter D18 are technical in nature and do not change the way in which the AUP implements the strategic direction of the Auckland Plan 2012 or the Auckland Plan 2050.

## **4.5 New Zealand Heritage List / Rārangī Kōrero**

The Council is required to have regard to any relevant entry on the New Zealand Heritage List / Rārangī Kōrero (**NZHL/RK**) when preparing its district plan. The NZHL/RK is

maintained by Heritage New Zealand Pouhere Taonga and includes historic places, historic areas, wāhi tupuna, wāhi tapu, and wāhi tapu areas.

There may be listed historic places within the SCA overlay, and those places may also be included in the Historic Heritage Schedule, thereby being subject to the rules in the Historic Heritage Overlay. PPC 26 does not seek to amend the provisions of the Historic Heritage Overlay and therefore the NZHL/RK is not considered to be of relevance to PPC 26.

#### **4.6 Plans and proposed plans of adjacent territorial authorities**

Due to the limited technical focus of PPC 26 the plans and proposed plans of adjacent territorial authorities are not considered to be of relevance to PPC 26.

#### **4.7 Iwi authority planning documents**

An iwi management plan (**IMP**) is a term commonly applied to a resource management plan prepared by an iwi, iwi authority, rūnanga or hapū. IMPs are generally prepared as an expression of rangatiratanga to help iwi and hapū exercise their kaitiaki roles and responsibilities. IMPs are a written statement identifying important issues regarding the use of natural and physical resources in their area.

The RMA describes an iwi management plan as "...a relevant planning document recognised by an iwi authority and lodged with the council". IMPs must be taken into account when preparing or changing regional policy statements and regional and district plans (sections 61(2A)(a), 66(2A)(a), and 74(2A) of the RMA).

Council is aware that the following iwi authorities have an iwi management plan:

- Ngāti Whātua Ōrākei
- Te Kawerau-a-Maki • Ngāti Rehua • Ngāti Paoa
- Waikato – Tainui
- Ngāti Te Ata • Ngātiwai
- Ngāi Tai ki Tāmaki
- Te Uri o Hau

It is considered that the amendments to Chapter D18 proposed within PPC 26 are minor and will have little bearing on the IMPs listed above. PPC 26 does not seek to alter the current policy direction of the plan, and therefore the provisions will not change the degree to which the AUP addresses matters in an IMP.

## **5. Evaluation of Provisions**

Section 32(1)(b) requires an assessment to be undertaken as to whether the proposed provisions are the most appropriate way to achieve the objectives by—

- (i) identifying other reasonably practicable options for achieving the objectives; and

- (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
- (iii) summarising the reasons for deciding on the provisions;

As PPC 26 is amending the AUP, the above assessment must relate to the provisions and objectives of PPC 26, and the objectives of the AUP to the extent that they are relevant to PPC 26 and would remain if PPC 26 were to take effect.<sup>47</sup>

As assessment of the efficiency and effectiveness of the provisions in achieving the objectives must:

- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
  - (i) economic growth that are anticipated to be provided or reduced; and
  - (ii) employment that are anticipated to be provided or reduced; and
- (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
- (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

### **Scale and significance of the issues**

The Declaration proceedings focussed on the relationship between the provisions of the SCA Residential overlay and the SHZ. However the zones that are affected by the SCA overlay include a range of business, open space and residential zones.

There may be a number of circumstances where amendments may need to be made to the AUP to address inconsistencies between other overlays and zones. However, PPC 26 is focussed on addressing the relationship between the SCA Residential overlay, the SCA General overlay (insofar as it relates to residential zoned land), and the relevant underlying zones that apply within those overlays.

Given the court's findings that the relevant SHZ, SCA Residential overlay and General Rules (and any relevant objectives and policies) apply in the processing and determination of any resource consent application for the proposed activity, PPC 26 is focussed on:

- a. Identifying rules in the SCA Residential overlay, SCA General overlay and underlying zone provisions that:
  - i. Address the same land use activity; and
  - ii. Relate to the same or similar development standard;
- b. Assessing the extent to which one or the other of these 'competing' rules should take precedence over the other (or if both should continue to apply as per the court's findings); and

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<sup>47</sup> RMA s 32(3)

c. assessment matters

An analysis of the provisions of the SCA Residential overlay and SCA General overlay and the relevant underlying zones has identified issues relating to the following themes, which are outlined in more detail below:

- a. Table D18.4.1 Activity Table
- b. Applicability of standards to the Special Character Areas – General Overlay
- c. Development standards:
  - i. Standard D18.6.1.2 Height in relation to boundary;
  - ii. Yards;
  - iii. Coverage controls;
  - iv. Fences, walls and other structures;
- d. Assessment criteria; and
- e. Chapter H7: Open Space: Conservation and Informal Recreation zone.
- f. Chapter E38: Subdivision

Each issue is outlined and the options available to address each of the issues are set out in turn below. Each option is then evaluated as to whether it will meet the objectives of PPC 26, focussing on the matters outlined above.

## 5.1 Activity table D18.4.1

### 5.1.1 Overview

Activity Table D18.4.1 applies to the SCA Residential overlay, and sites in the SCA General overlay with a residential zoning. This activity table specifically manages the following *development* activities:

- a. Restoration and repair to buildings (permitted);<sup>48</sup>
- b. Minor alterations to the rear of buildings where those works use the same design and materials as the existing building (permitted);<sup>49</sup>
- c. External alterations or additions to buildings (restricted discretionary);<sup>50</sup>
- d. Total or substantial demolition of buildings (restricted discretionary);<sup>51</sup>
- e. Removal of buildings (excluding accessory buildings) (restricted discretionary);<sup>52</sup>
- f. Relocation of buildings within the site (restricted discretionary);<sup>53</sup>

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<sup>48</sup> AUP Table D18.4.1 Activity A1

<sup>49</sup> AUP Table D18.4.1 Activity A2

<sup>50</sup> AUP Table D18.4.1 Activity A4

<sup>51</sup> AUP Table D18.4.1 Activity A3, noting that this rule applies only to certain specified areas within the SCA Residential overlay

<sup>52</sup> AUP Table D18.4.1 Activity A3, noting that this rule applies only to certain specified areas within the SCA Residential overlay

- g. Construction of new buildings; or relocation of a building onto a site (restricted discretionary);<sup>54</sup>

Provisions in Chapter D18 stipulate that activities listed in Activity Table D18.4.1 must comply with the standards set out in section D18.6.<sup>55</sup> The provisions of the various underlying zones contain activity rules that relate to both *land uses* and *development*. A comparison of the development rules in D8.4.1 and the management of those development activities in the applicable underlying zones is set out in **Attachment 3**. Activity Table D18.4.1 does not manage *land use* activities.

The development rules in Activity Table D18.4.1 are more restrictive than the development rules in the underlying zones in relation to:

- the demolition, removal and relocation of buildings
- additions and alterations\*
- new buildings\*

\*New buildings and additions and alterations are a restricted discretionary activity under D18.4.1. New buildings in the underlying residential zones are the same activity status as the land use to which they relate.

In some cases this may mean that additions or the construction of new buildings may have an equivalent or more restrictive activity status than as set out in Activity Table D18.4.1.

In addition, within Chapter C1, Standard C1.6 relates to Overall activity status, and specifically Standard C1.6(2) states that the overall activity status of a proposal is the most restrictive rule which applies to a proposal.

### 5.1.2 Issue

The key issue to address in respect of the activities in Activity Table D18.4.1 and their relationship with the activities in the underlying zones is whether, in circumstances where the zone and overlay provisions both manage the same activity, the activity status within zone or overlay rule should prevail. Addressing this issue is important in order to achieve one of the fundamental purposes of PPC 26, which is to clarify the relationship between rules in the SCA overlay and the relevant underlying zones.

It is also necessary to address this issue to ensure that the objectives of the special character area are achieved, including maintaining and enhancing the special character values of special character areas, retaining the physical attributes that define, contribute or support the special character of the area, and avoiding, remedying or mitigating the adverse effects of development on special character areas (in particular associated with the construction of new buildings, demolition, and additions and alterations to buildings).

### 5.1.3 Options

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<sup>53</sup> AUP Table D18.4.1 Activity A3, noting that this rule applies only to certain specified areas within the SCA Residential overlay

<sup>54</sup> AUP Table D18.4.1 Activity A5

<sup>55</sup> AUP Rule D18.6.1



The following options are available to address this issue:

1. Amend the AUP to clarify that
  - Where the activity status of activities in Table D18.4.1 is different to the corresponding activity status in the underlying zone, then the activity status in D18.4.1 takes precedence over the activity status of that activity in the underlying zone;
  - The activity status of land use activities and development activities in the underlying zone applies to land use activities and development activities that are not specified in Table D18.4.1; and
  - All other relevant overlay, precinct, general and Auckland-wide rules apply unless otherwise specified in Chapter D18; or
2. Retain the status quo, where some activities are managed under both the zone provisions and the SCA overlay provisions and may have different activity statuses.

#### 5.1.4 Assessment of options

An assessment of the extent to which the options outlined above are the most appropriate way to achieve the objectives of PPC 26 (and the relevant objectives of the AUP) is set out in the table below.

	<b>Option 1</b>	<b>Option 2</b>
<b>Environmental costs and benefits</b>	<p>Amending the AUP to clarify that the rules in Activity Table D18.4.1 take precedence over any corresponding rules in the underlying zone will ensure that the environmental effects that the SCA overlay provisions will prevail. Specifically, this will ensure that additions and alterations, new buildings, and the demolition of buildings are managed in a manner that is commensurate to the special character values of the SCA overlay.</p> <p>The amendments outlined in Option 1 to clarify that the zone activity rules manage land use, and that other overlay, precinct and Auckland-wide rules apply will assist in achieving this clarity.</p> <p>This option will be consistent with the purpose of PPC 26, and with the relevant objectives and policies of the SCA overlay and the underlying zones.</p>	<p>If the status quo is retained, there is the potential for adverse environmental effects to arise in respect of the anticipated outcomes in the SCA overlay, and in the underlying zones in cases where both the zone and the overlay provisions contain rules that manage the same activity (but with different activity statuses).</p> <p>This option is considered to be inconsistent with the purpose of PPC 26, and the objectives and policies of the overlay and underlying zones.</p>
<b>Economic costs and benefits</b>	<p><u>Implementation</u></p> <p>If the SCA overlay activity rules managing the demolition and construction of new buildings, and additions and alterations to buildings apply instead of any equivalent</p>	<p><u>Implementation</u></p> <p>Continuing to apply both 'sets' of development activity rules in the SCA overlay and the underlying zone potentially results in greater consenting and compliance costs on applicants than those that would arise</p>

	<b>Option 1</b>	<b>Option 2</b>
	<p>activity rules in the underlying zone this could result in some savings in term of consenting and compliance costs because less plan provisions will be relevant for applications for these activities.</p> <p>In addition, there will be fewer matters to assess in respect of these applications, focussing only on the effect that the activities will have on the special character values of the area. This could result in economic benefits from a consent preparation and processing perspective both for consent applicants and the council (as the consenting authority).</p>	<p>under Option 1 due to the range of matters that need to be addressed in an application, and the matters that the council will then need to consider in its assessment of the application.</p> <p>This approach may also result in potentially greater costs in terms of resourcing required to process resource consent applications than would arise under Option 1 due to increased complexity.</p>
<b>Social and cultural costs and benefits</b>	<p>If the SCA overlay activity rules managing the demolition and construction of new buildings, and additions and alterations to buildings, this will result in social and cultural benefits in terms of the certainty that communities have that the special character values of the special character areas will continue to be managed in conjunction with the objectives of the SCA overlay.</p> <p>This is consistent with the purpose of PPC 26 and the objectives and policies of the SCA overlay and the underlying zones.</p>	<p>Continuing to apply both 'sets' of development activity rules in the SCA overlay and the underlying zones could result in social and cultural costs as the specific outcomes of the SCA Overlay may not be fully achieved.</p> <p>This option is considered to be inconsistent with the purpose of PPC 26, and the objectives and policies of the underlying zones.</p>

Given the purpose of the SCA overlay, amending the AUP so that the underlying zone activity statuses prevail over any equivalent activity rule in the SCA overlay is not an appropriate option because the purpose of the SCA overlay is to retain and manage the special character values of specific residential and business areas.

For the reasons outlined in the table above, it is considered that Option 1 is the most appropriate way in which to achieve the purpose of PPC 26 in relation to managing the relationship between activity rules in the SCA overlay and the underlying zones that manage the same development activities.

#### 5.1.5 Recommendation

Amend Standard D18.4 as follows (proposed amendments are shown as underline):

#### ***D18.4. Activity table***

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

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

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

Areas in the ...

## **5.2 Standards within D18.6.1**

### 5.2.1 Overview

The preamble to Activity Table D18.4.1 states that the rules in the table apply both to sites in the SCA Residential overlay, and to sites in the SCA General overlay that have a residential zone. The preamble also states that the rules in Activity Table D18.4.2 apply both to sites in the SCA Business overlay, and sites in the SCA General overlay that have a business zone.

D18.6.1 sets out the standards that apply to activities listed in Table D18.4.1. While this reference to D18.4.1 has the effect of applying all the development standards to sites with a residential zoning in the SCA General overlay as well as the SCA Residential overlay, the text of the development standards is not explicit that this is the case. This could lead to confusion regarding interpretation.

However, it is intended that the development standards in D18.6.1 apply to sites in the SCA Residential overlay, and to sites with a residential zoning in the SCA General overlay. The development standards in D18.6.1 all relate to maintaining and enhancing the character and amenity values of special character areas;<sup>56</sup> and retaining the physical attributes that define, contribute to, or support special character values of an area.<sup>57</sup>

### 5.2.2 Issue

Rule D18.4 (the preamble to activity table) states that Table D18.4.1 will apply to sites within the SCA General Overlay with a residential zoning. However, the text in the preamble to the development standards in D18.6.1 is not explicit that the *standards* also apply to residential zoned sites in the SCA General overlay as well as the SCA Residential overlay. This could lead to confusion over interpretation of which standards apply to those sites, i.e. those within D18.6.1 or the relevant underlying zone.

This does not meet the purpose of the SCA Overlay, which is to ensure that the development standards that apply to sites in the SCA overlay are managing the special character values of the areas to which they relate.

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<sup>56</sup> Objectives B5.3.1(2), D18.2(1)

<sup>57</sup> Objective D18.2(2)

### 5.2.3 Options

The following options are available to address this issue:

1. Retain the status quo; or
2. Amend the wording of the text in the preamble to the development standards in D18.6.1 to explicitly state that they apply to sites in the SCA Residential overlay and to residential zoned sites in the SCA General overlay.

### 5.2.4 Assessment of options

An assessment of the extent to which the options outlined above are the most appropriate way to achieve the objectives of PPC 26 (and the relevant objectives of the AUP) is set out in the table below.

	<b>Option 1 – status quo</b>	<b>Option 2 – amend development standards to explicitly state that they apply to sites in the SCA General overlay with a residential zone and SCA Residential overlay</b>
<b>Environmental costs and benefits</b>	<p>Retaining the status quo may, due to the potential for the existing development standards to be interpreted as not applying to sites in the SCA General overlay with a residential zoning, result in environmental outcomes in the SCA General areas that are not consistent with the special character values of those areas.</p> <p>This would be contrary to the objectives of maintaining and enhancing the special character values of these areas, and of avoiding, remedying and mitigating adverse effects of use and development on these special character areas.</p> <p>In addition, retaining the status quo would not achieve one of the purposes of PPC 26, which is to ensure that the development standards that apply to sites in the SCA overlay are most appropriately targeted to managing the special character values of the areas to which they relate.</p>	<p>Amending the development standards in D18.6.1 to be explicit that they all apply to sites in the SCA General overlay with a residential zoning should ensure that consistent environmental outcomes are commensurate to the special character values of these areas are being achieved.</p> <p>This would be consistent with the objectives of maintaining and enhancing the special character values of these areas, and of avoiding, remedying and mitigating adverse effects of use and development on these special character areas.</p> <p>In addition, amending D18.6.1 to be explicit that all standards apply would contribute towards achieving one of the purposes of PPC 26, which is to ensure that the development standards that apply to sites in the SCA overlay are most appropriately targeted to managing the special character values of the areas to which they relate.</p>
<b>Economic costs and benefits</b>	<p><u>Implementation costs</u></p> <p>Retaining the status quo may result in unnecessary implementation costs in terms of additional time required to interpret the provisions. It may also result in the failure to impose the correct standards in respect of proposed development, which could have flow on economic costs if</p>	<p><u>Implementation costs</u></p> <p>Amending the provisions as set out above should result in greater certainty about which standards apply in respect of proposed development on sites in the SCA General overlay. This is more efficient from an economic perspective due to the reduced costs associated with the</p>

	<b>Option 1 – status quo</b>	<b>Option 2 – amend development standards to explicitly state that they apply to sites in the SCA General overlay with a residential zone and SCA Residential overlay</b>
	additional consents are then required at a later date.	time spent interpreting the provisions (if there is uncertainty).
<b>Social and cultural costs and benefits</b>	Retaining the status quo may have the effect of uncertain outcomes for the communities within the SCA General overlay.	Implementing option 2 should result in greater levels of certainty about the environmental outcomes for areas within the SCA General overlay, which will be of benefit to those communities.

For the reasons outlined in the table above, it is considered that Option 2 is the most appropriate way in which to achieve the purpose of PPC 26 in relation to clearly specifying that the development standards in D18.6.1 apply to sites in the SCA Residential overlay as well as residential zoned sites in the SCA General overlay.

#### 5.2.5 Recommendation

Amend Standard D18.6.1 as follows:

**D18.6.1 Standards for buildings in the Special Character Areas Overlay – Residential and in the Special Character Areas Overlay – General (with a residential zoning)**

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

## 5.3 Standard D18.6.1.2 Height in relation to boundary

### 5.3.1 Overview

Standard D18.6.1.2 Height in relation to boundary (HIRTB) states that buildings must comply with a 3m + 45 degree recession plane control on all boundaries of a site (including front boundaries. This standard applies to all sites in the SCA Residential overlay (and to residential zoned sites in the SCA General overlay).

The purpose of Standard D18.6.1.2 is targeted to manage potential adverse effects on the particular built form characteristics of special character areas, from a streetscape perspective. The HIRTB standards in the underlying zones largely relate to managing shading, dominance and privacy on adjoining sites, and therefore have a neighbours' amenity related purpose.

Standard D18.6.1.2 differs from the HIRTB control in the underlying zones. **Attachment 4** sets out a comparison of the HIRTB standard in D18.6.1.2 to the HIRTB standards in the relevant underlying zones. The HIRTB standards in the underlying residential zones are either more restrictive than, or equivalent to, Standard D18.6.1.2. The more restrictive standard (2.5m + 45 degrees) applies within the Single House and Rural and Coastal Settlement zones. The Mixed Housing Urban zone has the same basic HIRTB standard as D18.6.1.2, but also has an alternative standard.

The HIRTB standards in the underlying residential zones only apply to side and rear boundaries, and not front boundaries as specified in the SCA Residential Overlay. The standards also set out certain exemptions from the primary HIRTB standard, as well as some provisions that clarify how the standard should apply in respect of access ways, rights of way, and entrance strips. No such provision is made in D18.6.1.2. It is not clear whether or not the exemptions outlined above as set out in the zone provisions would also apply in respect of developments on sites in the SCA Residential overlay, or on residential zoned sites in the SCA General overlay.

The matters of discretion and assessment criteria for the SCA Overlay – Residential are specific to development activities such as demolition, alterations and additions and infringements to development standards. This means that for infringements of the height in relation to boundary standard, discretion in the overlay is limited to the matters specified in the overlay, and not broader matters of discretion and assessment criteria such as consideration of neighbours' amenity, which is specified as a matter of discretion within the underlying residential zones.

### Traditional subdivision patterns within SCA Overlay

The SCA – Residential Overlay demonstrates traditional residential subdivision and development patterns typical of the mid-19<sup>th</sup> century through to the mid-20<sup>th</sup> century. Subdivision and development in the areas covered by this overlay generally occurred in three phases, each with a distinct character and clear beginning and end points marked by

shifts in transport technology and planning regulations and approaches. The majority of these development types are covered by the SCA overlay.

There were three clear phases of development, characteristics of which are shown in the table below, which are further detailed in **Attachment 5**:

Phase	Frontage width	Lot size	Areas
<b>FIRST PHASE 1860s-1880s</b>	Narrow Lot widths 10-12m	Small lot sizes (300- 400m <sup>2</sup> )	St Mary's Bay, Ponsonby, Freeman's Bay, Arch Hill, Eden Terrace, Parnell and Grafton
<b>SECOND PHASE 1880s- 1920</b>	12-15m	Larger lot sizes (450m <sup>2</sup> -600m <sup>2</sup> )	Grey Lynn, parts of Herne Bay, Kingsland, Mount Eden, Mount St John, parts of Balmoral, parts of Epsom, parts of Ellerslie and Otahuhu.
<b>THIRD PHASE 1920-1940</b>	15m-20m	750m <sup>2</sup> -1000m <sup>2</sup>	Parts of Balmoral, Sandringham, Avondale, parts of Ellerslie, and parts of Epsom.

#### Origins of the SCA – Residential Height in Relation to Boundary Control

The purpose of a more enabling HIRTB standard within the SCA overlay (when compared with the underlying Single House Zone, for example) is related to the historic patterns of development, particularly in the first and second phases of development described above, which include narrow site widths and dwellings in closer proximity to each other, in comparison to more recent patterns of development in residential zones (i.e. post 1920s).

At the time of Council's closing statement to the IHP, a more enabling HIRTB of 3m and 45 degrees was proposed to *specific* SCA Overlay areas, including Isthmus C1 and Isthmus A (with some exclusions). There was a similar (albeit slightly more sophisticated) HIRTB control applying to Devonport, between Ngataranga Bay and Seabreeze Road. The remainder of the SCA overlay relied on using the HIRTB standard of the underlying zone. The more permissive 3m + 45 degrees is intended to maintain the built form in particular the roof pitch associated with the more compact sites within traditional Victorian walking suburbs. Many of these sites are highly constrained, and in order achieve good outcomes for both design and character, special treatment with respect to HIRTB is justified.

Upon review of the character statements, it is evident that the development pattern across each of the character areas is not uniform and there are other parts of the overlay, other than Isthmus A, C1 or Devonport character areas that exhibit similar narrow sites and patterns of development. By way of example, Isthmus A includes not only early villas, but also transitional villas and bungalows and then interwar development with large lot sizes and an array of housing typologies.

### 5.3.2 Issue

The key issues to address in relation to the height in relation to boundary development standards are:

- Whether standard D18.6.1.2 should prevail over the equivalent height in relation to boundary standard in the underlying zone;
- Whether the 3m + 45 degree height in relation to boundary control in development standard D18.6.1.2 is appropriate to apply to **all** sites within the SCA Residential overlay and SCA General overlay with a residential zone, especially given the varying phases of development and lot sizes described above; or
- Whether the standard should only apply to specific areas or sites with particular characteristics (i.e. those with a narrow street frontage);
- To what extent the elements of the underlying zone height in relation to boundary standards that specify the boundaries to which the development standard should apply should be consistent with the overlay;
- To what extent the various exemptions to the rule should also be reflected in D18.6.1.2 (if that rule prevails over the underlying zone); and
- To what extent the matters of discretion and assessment criteria that relate to infringements of the height in relation to boundary standard in the underlying zone should also apply to infringements of D18.6.1.2 (if that rule prevails over the underlying zone).

Addressing these issues is important in order to achieve the purpose of PPC 26, which is to clarify the relationship between rules in the SCA overlay and the relevant underlying zones. It is also necessary to address this issue to ensure that the objectives of maintaining and enhancing the special character values of special character areas are achieved.

### 5.3.3 Options

The following options are available to address these issues:

1. Retain the status quo as outlined earlier in this report;
  - a) Standard D18.6.1.2 (3m + 45 degrees) applies as well as the height in relation to boundary development standards in the underlying zones (which may be more permissive or restrictive than D18.6.1.2);
  - b) Standard D18.6.1.2 applies to 'any' boundary of a site in the SCA Residential overlay, whereas the height in relation to boundary development standards in the underlying zones apply to various different boundaries (and generally do not apply to the road boundary of sites);
  - c) The height in relation to boundary development standards in the underlying residential zones provide for certain exemptions for dormer windows, gable end roofs, and common walls; and
  - d) The assessment criteria for infringements of the zone and overlay HIRTB standards are tailored to different matters.
2. Delete Standard D18.6.1.2 from the Chapter D18, leaving the underlying zone provisions to manage HIRTB.



3. Amend standard D18.6.1.2 in the following ways:
  - a) Insert a purpose statement for D18.6.1.2;
  - b) Clarify that the HIRTB standard in D18.6.1.2 (as amended) applies to side and rear boundaries of sites only;
  - c) Clarify that the underlying zone HIRTB control applies, except in the case of sites with certain characteristics – i.e. narrow frontages of less than 15m, where the SCA HIRTB control would apply.
  - d) Add the following exemptions to D18.6.1.2 (that currently existing in the underlying zones):
    - The HIRTB standard in D18.6.1.2 (as amended) does not apply where a common wall is located on the boundary;
    - The HIRTB standard in D18.6.1.2 (as amended) provides for an exemption for gable ends, dormers, and roofs;
    - The HIRTB standard in D18.6.1.2 (as amended) applies from the farthest boundary of legal rights of way, entrance strips or access sites; and
  - e) The matters of discretion and assessment criteria that relate to infringements of the zone HIRTB and the overlay HIRTB standards both apply.

#### 5.3.4 Assessment of options

An assessment of the extent to which each of the options outlined above is the most appropriate way to achieve the objectives of PPC 26 (and the relevant objectives of the AUP) is set out in the table below.

	<b>Option 1 – Status quo</b>	<b>Option 2 – Remove HIRTB standard from SCA Residential, underlying zone standards apply</b>	<b>Option 3 – Underlying zone standard applies except for sites with frontages of less than 15m, where an amended HIRTB standard applies</b>
<b>Environmental costs and benefits</b>	<p>Continuing to apply the status quo is likely to result in unexpected and unpredictable environmental outcomes as it is not clear which HIRTB standard should apply. This is not consistent with the purpose of PPC 26 of clarifying the relationship between the SCA Overlay and underlying zone provisions.</p> <p>If the underlying zone standard is given prevalence, this could result in adverse effects on the special character values of special character areas, and would result in outcomes that are unlikely to result in maintaining and enhancing the special character values of special character areas, nor retaining the built form of buildings in special character areas.</p> <p>Conversely if the HIRTB standard in D18.6.1.2 is given prevalence, this could result in increased adverse dominance and shading effects on neighbours (as the standard is generally more permissive than that in most of the underlying residential zones, which are the predominant zone in the SCA overlay).</p> <p>In addition, applying HIRTB from the front boundary of the site is inconsistent with the approach taken</p>	<p>Removing standard D18.6.1.2 and relying on the underlying zone HIRTB standards (where they apply) will assist in achieving greater certainty in respect of likely environmental outcomes.</p> <p>However the HIRTB standards in the underlying zone may not in all cases appropriately reflect the unique characteristics of certain special character areas, and in particular those areas that tend to have narrower frontages (and thus warrant a slightly more permissive HIRTB standard as is currently provided for in D18.6.1.2). Failure to provide for this approach could result in adverse effects on the special character values of these particular areas.</p>	<p>Implementing Option 3 will assist in achieving greater certainty in respect of likely environmental outcomes as it will be clear which HIRTB standard is intended to apply within the SCA overlay.</p> <p>Amending D18.6.1.2 such that the 3m + 45 degree HIRTB standard only applies to sites with frontage widths of less than 15m more appropriately targets the slightly more generous recession plane to those sites that reflect the closely packed, high-density development pattern of the earliest areas of the city.</p> <p>During earliest phase of development lot sizes tended to be small, ranging from under 300m<sup>2</sup> up to around 450m<sup>2</sup>. Lot widths tended to be narrow (around 10-12m) and resulted in higher density development with houses closely spaced to each other and the road.</p> <p>The next phase of development reflected slightly larger lots (450m<sup>2</sup> – 600m<sup>2</sup>, and slightly wider lot widths (between 12-15m). Houses typically occupied much of the width of the sites.</p> <p>Within the first and second phases of development the sites are highly constrained in terms of frontage</p>

	<b>Option 1 – Status quo</b>	<b>Option 2 – Remove HIRTB standard from SCA Residential, underlying zone standards apply</b>	<b>Option 3 – Underlying zone standard applies except for sites with frontages of less than 15m, where an amended HIRTB standard applies</b>
	<p>in the underlying zones (which use side and rear boundaries), and is not considered to contribute to the amenity of SCA areas given the height and front yard requirements of the overlay.</p>		<p>width. Therefore in order to achieve good outcomes both in terms of design and special character values, a slightly more permissive HIRTB standard is considered appropriate for these sites. An exception (to the underlying zone HIRTB control) should be triggered for these sites to recognise their unique circumstances and help retain their character qualities, and their impact on the streetscape and wider neighbourhood character.</p> <p>Tying the HIRB to a frontage width has a simplicity and ready justification that one general control across all SCA overlay areas, few of which are uniform, does not. Based on the various Character Statements and GIS information, a 15m frontage width determinant of HIRTB is proposed. It is acknowledged that this will not cover all of Isthmus A, C1 or Devonport areas; however, it is considered that the threshold would capture most of the key characteristics identified within the character statements.</p> <p>It considered that imposing a HIRTB control from the side and rear</p>

	<b>Option 1 – Status quo</b>	<b>Option 2 – Remove HIRTB standard from SCA Residential, underlying zone standards apply</b>	<b>Option 3 – Underlying zone standard applies except for sites with frontages of less than 15m, where an amended HIRTB standard applies</b>
			boundaries, and the existing height and front yard requirements, will sufficiently control amenity within the overlay from a streetscape perspective (and that a front boundary HIRTB control is unnecessary).
<b>Economic costs and benefits</b>	<p><u>Implementation</u></p> <p>Continuing to apply the status quo may result in unnecessary consenting and compliance costs on applicants due to the complexity, uncertainty, and ambiguity for Plan users as to which HIRTB standard should prevail, particularly in instances where the standards are different.</p> <p>This will also result in costs to the Council (and ratepayers) in relation to administering both sets of standards.</p>	<p><u>Implementation</u></p> <p>Removing standard D18.6.1.2 and relying on the underlying zone HIRTB standards (where they apply) will result in greater certainty in terms of the planning framework that applies to the affected sites.</p> <p>This should result in cost savings in terms of consenting and compliance, both to applicants, and to the Plan users in terms of implementing and monitoring delivery of outcomes of the AUP.</p>	<p><u>Implementation</u></p> <p>Implementing Option 3 will result in greater certainty in terms of the planning framework that applies to the affected sites.</p> <p>This should result in cost savings in terms of consenting and compliance, both to applicants, and to Plan users in terms of implementing the AUP.</p> <p><u>Development potential</u></p> <p>Amending D18.6.1.2 so that the 3m + 45 degree recession plane only applies to sites with a frontage length of 15m or less will result in a slight reduction in development potential as compared to the status quo for those sites that are in the SCA Residential overlay and have an underlying zoning with a HIRTB standard that is less permissive than 3m + 45 degrees.</p>
<b>Social and cultural costs and benefits</b>	Maintaining the status quo could result in social and cultural costs due to the uncertain outcomes that could	Removing standard D18.6.1.2 and relying on the underlying zone HIRTB standards (where they apply) could	Implementing Option 3 will result in an improvement from a social and cultural perspective due to the

	<b>Option 1 – Status quo</b>	<b>Option 2 – Remove HIRTB standard from SCA Residential, underlying zone standards apply</b>	<b>Option 3 – Underlying zone standard applies except for sites with frontages of less than 15m, where an amended HIRTB standard applies</b>
	<p>arise as a result of the conflicting standards in the AUP currently. Ambiguity also leads to a loss in confidence in the AUP and Council in general, and lack of confidence in the consenting process.</p> <p>Due to the uncertainty associated with the status quo, this option is less consistent with the purpose of PPC 26 and the objectives and policies of the SCA overlay than Options 2 and 3.</p>	<p>result in an improvement from a social and cultural perspective due to the increased certainty that would arise for communities within the SCA overlay.</p>	<p>increased certainty that would arise for communities within the SCA overlay.</p>

For the reasons outlined in the table above, it is considered that Option 3 is the most appropriate way in which to achieve the purpose of PPC 26 in relation to clarifying the way that HIRTB standards will apply to sites in the SCA Residential overlay, and sites with residential zoning in the SCA General overlay.

### 5.3.5 Recommendation

Amend D18.6.1.2 as follows:

#### **D18.1.1.1. Height in relation to boundary**

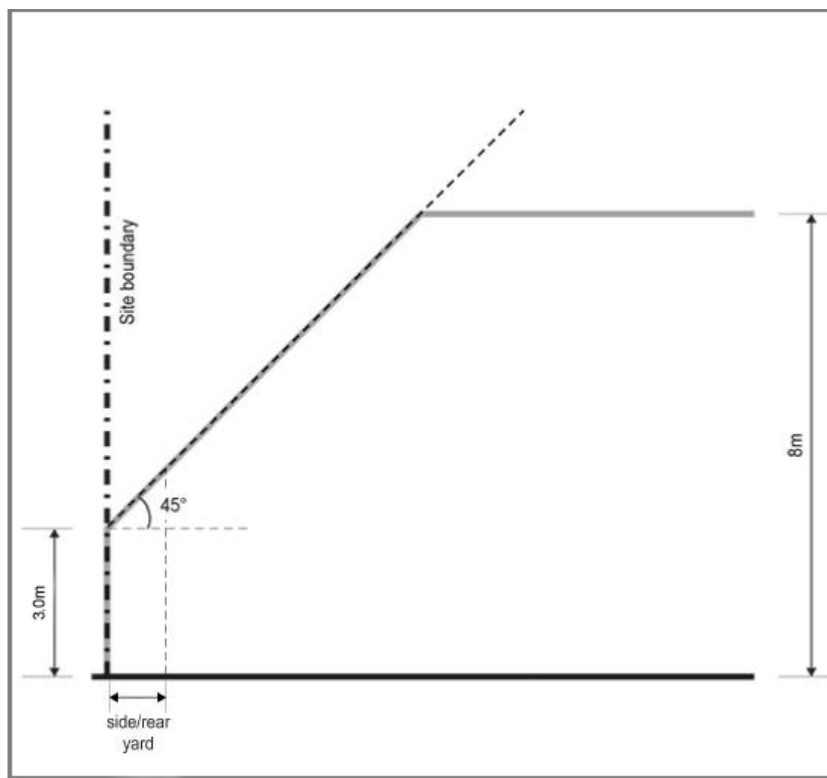
Purpose: to manage the height and bulk of buildings to:

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

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

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

**Figure D18.6.1.2.1 Height in relation to boundary**



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

- (b) The site has a frontage length of 15m or greater; or
- (c) The site is a rear site.

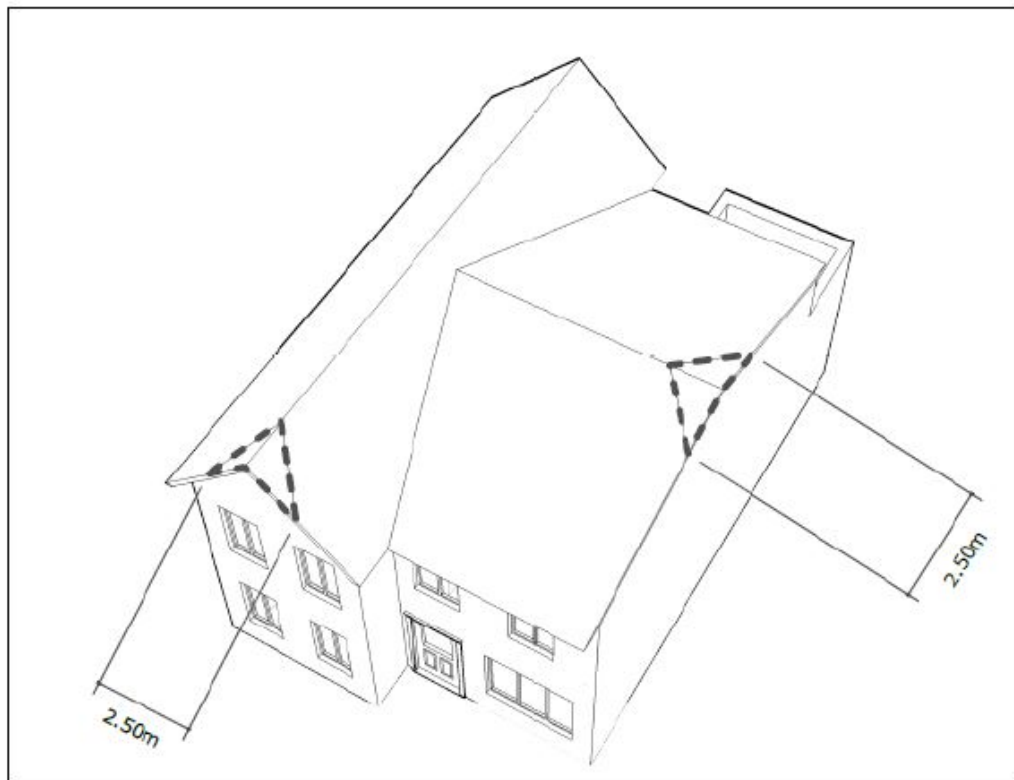
(4) Standard D18.6.1.2 (1) above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

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

(6) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:

- (a) no greater than 1.5m<sup>2</sup> in area and no greater than 1m in height; and
- (b) no greater than 2.5m cumulatively in length measured along the edge of the roof

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



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

## 5.4 Standard D18.6.1.3 Yards

### 5.4.1 Overview

Both Chapter D18 and the provisions in corresponding underlying zones contain development standards that relate to yards. Standard D18.6.1.3 sets out requirements for front, side, and rear boundary yards; whereas the provisions in most of the underlying zones also include requirements for riparian, lakeside, and coastal protection yards. The table in **Attachment 4** sets out a comparison of the yard standard in D18.6.1.3 to the yard standards in the relevant underlying zones.

The Single House and Mixed Housing Urban zones provide for an exemption from the requirement to provide a side yard if a common wall is proposed (but the other underlying zone provisions do not).

All of the underlying zone provisions set out requirements for riparian, lakeside and coastal protection yards, except that there are no lakeside protection yard standards in the Open Space zones.

Given that the front yard standard in D18.6.3 is based on the average setbacks of buildings on adjoining sites, it is not possible to state whether the front yard requirement in D18.6.1.3 is more restrictive, more enabling, or equivalent to, the front yard requirements in the underlying zones. The Open Space Community and Open Space Informal Recreation zones also have front yard requirements that are based on the setbacks of buildings on adjoining sites.

The side yard standard in D18.6.3 (1.2m) is:

- a) More restrictive than the equivalent development standard in the underlying residential zones (which require a 1m yard).
- b) More enabling than the equivalent development standards in:
  - a. The underlying open space zones (3m – 6m yard depending on the adjacent zone); and
  - b. The underlying Special Purpose Healthcare Facilities and Hospital zone (3m yard).

The rear yard standard in D18.6.3 (3m) is:

- a) More restrictive than the equivalent rear yard standard in the underlying residential zones (1m).
- b) Potentially more enabling than the equivalent rear yard standard in the underlying Open Space Conservation and Open Space Informal Recreation zones, depending on the zoning of the adjacent site;
- c) The same as the equivalent rear yard standard in the underlying Special Purpose – Healthcare Facilities and Hospital, Open Space Community, and Business zones (noting that the rear yard standards in the Open Space Community and Business zones are only triggered where certain zones adjoin these sites).



The table in **Attachment 4** sets out a comparison of the yard standard in D18.6.1.3 to the yard standards in the relevant underlying zones.

#### 5.4.2 Issue

The key issues to address in relation to yards are:

- Whether it is appropriate to maintain a requirement for a 3m rear yard in development standard D18.6.1.3 in the SCA Residential overlay provisions;
- Whether development standard D18.6.1.3 Yards in the SCA Residential overlay provisions should prevail over the equivalent yard rules in the underlying zones;
- Whether the requirements in the underlying zones for coastal, riparian, and lakeside yards should also apply to sites in the SCA Residential overlay; and
- To what extent the matters of discretion and assessment criteria that relate to infringements of the yard development standards in the underlying zone should also apply to infringements of D18.6.1.3 (if that rule does prevail over the underlying zone).

Addressing these issues is important in order to achieve the purposes of PPC 26 and the objectives of the SCA Overlay as outlined above. In particular, the yard control seeks to retain the relationship of built form to the street in special character areas, and as such form an important component in managing the effects of development in these areas.

#### 5.4.3 Options

The following options are available to address these issues:

1. Retain the status quo; or
2. Amend the AUP so that Development Standard D18.6.1.3 is deleted, and yard requirements are managed solely by the underlying zone; or
3. Amend the AUP such that the front and side yard requirements in Development Standard D18.6.1.3 prevail over the underlying zone, with the remaining yards managed by the underlying zone

#### 5.4.4 Assessment of options

An assessment of the extent to which each of the options outlined above is the most appropriate way to achieve the objectives of PPC 26 (and the relevant objectives of the AUP) is set out in the table below.

	<b>Option 1 – Status quo</b>	<b>Option 2 – Remove D18.6.1.3 and rely on underlying zone provisions</b>	<b>Option 3 – Front and side yard control in D18.6.1.3 prevails over zone, remaining yards managed by underlying zone</b>
<b>Environmental costs and benefits</b>	Continuing to apply the status quo is likely to result in unexpected and unpredictable	Removing D18.6.1.3 and relying on the yard standards in the underlying zone would	Implementing Option 3 will assist in achieving greater certainty in respect of likely

	<b>Option 1 – Status quo</b>	<b>Option 2 – Remove D18.6.1.3 and rely on underlying zone provisions</b>	<b>Option 3 – Front and side yard control in D18.6.1.3 prevails over zone, remaining yards managed by underlying zone</b>
	<p>environmental outcomes as it is not clear which yard standard should apply. This is not consistent with the purpose of PPC 26 of clarifying the relationship between the SCA Overlay and underlying zone provisions.</p> <p>If the underlying zone standard is given prevalence, this could result in adverse effects on the special character values of special character areas, particularly in relation to the front yard control. The setback of buildings from the street is a key characteristic of special character areas and often strongly relates to the period within which the area was developed.</p>	<p>assist in achieving greater certainty in respect of likely environmental outcomes. However, as addressed in respect of Option 1, relying on the underlying zone yard requirements would result in adverse effects on the special character values of special character areas, particularly in relation to the front yard control. The setback of buildings from the street is a key characteristic of special character areas and often strongly relates to the period within which the area was developed.</p>	<p>environmental outcomes as it will be clear which yard standard is intended to apply within the SCA overlay.</p> <p>In addition, a yard requirement will apply to the SCA overlay that is appropriately linked to the special character values of the areas. Most particularly, retaining a front yard requirement that is informed by the average setbacks of buildings on adjoining sites will assist to retain one of the key characteristics of special character areas.</p>
<b>Economic costs and benefits</b>	<p><u>Implementation</u></p> <p>Continuing to apply the status quo may result in unnecessary consenting and compliance costs on applicants due to the complexity, uncertainty, and ambiguity as to which yard standard should prevail, particularly in instances where the standards are different.</p> <p>This will also result in costs to the Council (and ratepayers) in relation to administering both sets of standards.</p>	<p><u>Implementation</u></p> <p>Removing standard D18.6.1.3 and relying on the underlying zone yard standards (where they apply) will result in greater certainty in terms of the planning framework that applies to the affected sites.</p> <p>This should result in cost savings in terms of consenting and compliance, both to applicants, and to the Council (and ratepayers) in terms of implementing the AUP.</p>	<p><u>Implementation</u></p> <p>Implementing Option 3 will result in greater certainty in terms of the planning framework that applies to the affected sites.</p> <p>This should result in cost savings in terms of consenting and compliance, both to applicants, and to the Council (and ratepayers) in terms of implementing the AUP.</p>
<b>Social and cultural costs and benefits</b>	<p>Maintaining the status quo could result in social and cultural costs due to the uncertain outcomes that could arise as a result of the conflicting</p>	<p>Removing standard D18.6.1.3 and relying on the underlying zone yard standards (where they apply) could result in an improvement from a</p>	<p>Implementing Option 3 will result in an improvement from a social and cultural perspective due to the increased certainty that</p>

	<b>Option 1 – Status quo</b>	<b>Option 2 – Remove D18.6.1.3 and rely on underlying zone provisions</b>	<b>Option 3 – Front and side yard control in D18.6.1.3 prevails over zone, remaining yards managed by underlying zone</b>
	standards in the AUP currently. Due to the uncertainty associated with the status quo, this option is less consistent with the purpose of PPC 26.	social and cultural perspective due to the increased certainty that would arise for communities within the SCA overlay.	would arise for communities within the SCA overlay.

For the reasons outlined in the table above, Option 3 is the most appropriate way in which to achieve the purpose of PPC 26 in relation to clarifying the way that yard standards will apply to sites in the SCA Residential overlay, and sites with residential zoning in the SCA General overlay.

#### 5.5.5 Recommendation

Amend D18.6.1.3 as follows:

#### **D18.6.1.3. Yards**

##### Purpose:

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

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

**Table D18.6.1.3.1 Yards**

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

- (2) Standard D18.6.1.3.1 above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

(3) The underlying zone yard standards apply for all other yards not specified within Table D18.6.1.3.1.

## **5.5 Building Coverage, Landscaped Area and Impervious Area**

### 5.5.1 Overview

Chapter D18 contains a development standard that relates to maximum building coverage, landscaped area and maximum paved area on a site. The coverage controls in Standards D18.6.1.4 (building coverage), D18.6.1.5 (landscaped area), and D18.6.1.6 (maximum paved area) are different in some instances to the building coverage controls in the relevant underlying zones, depending on the size of the site, and the underlying zone. In addition, Development Standard D18.6.1.6 stipulates a maximum paved area, whereas the underlying zones stipulate a maximum impervious surface area (which may comprise buildings and/or paved surface).

There are specific matters of discretion and assessment criteria in the underlying zones that relate to infringements of the coverage standards, and they are not reflected in the SCA overlay (which instead focuses on the impact of infringements only on special character values).

A comparison of the building coverage standard in D18.6.1.4, the landscaped area standard in D18.6.1.5 and the maximum paved area standard in D18.6.1.6 and the various underlying zones is set out in **Attachment 4**.

It is not currently clear in the AUP whether the standards in D18.6.1 should prevail over the relevant coverage standards in the underlying zone.

### 5.5.2 Issue

The issues to address in relation to these provisions are:

- Whether Development Standards D18.6.1.4, D18.6.1.5 and D18.6.1.6 should prevail over the equivalent coverage control standards in the underlying zones (where they exist);
- Whether it is appropriate to refer to 'maximum paved area' in D18.6.1.6 given that it is different to 'maximum impervious surface area' in the underlying zones; and
- Whether it is necessary to amend the matters of discretion and assessment criteria for infringements of these standards in Chapter D18 to reflect the matters of discretion and assessment criteria in the underlying zones.

As set out above in respect of the HIRTB and yard standards, addressing these issues is important in order to achieve the purposes of PPC 26 and the objectives of the SCA Overlay as outlined above. In particular, the coverage controls seek to retain the physical attributes that define, contribute and support the special character of areas, including the relationship of built form to landscape qualities and open spaces.

### 5.5.3 Options

The following options are available to address the issues outlined above:

1. Retain the status quo in that the development standards in D18.6.1.4; D18.6.1.5; and D18.6.1.6 continue to apply in addition to the equivalent standards in the relevant underlying zones; or
2. Amend the AUP so that the development standards in D18.6.1.4; D18.6.1.5; and D18.6.1.6 prevail over any equivalent standards in all underlying zones in the SCA Residential overlay and the SCA General overlay (with residential zoning); and
  - a) Development standard D18.6.1.6 is amended to refer to 'maximum impervious area', rather than 'maximum paved area', and to amend the related coverage limits to reflect the change in terminology; and
  - b) Development standard D18.6.1.6 is amended to change the reference from 'net site area' to 'site area', in order for consistency with the underlying zones impervious area calculations;
  - c) A purpose statement is inserted for all the coverage controls, and that reference is made in the purpose statement for D18.6.1.6 to the importance of the impervious surface control to manage stormwater runoff.
  - d) Create an exemption to in relation to the Residential: Rural and Coastal Settlement Zone for standards in D18.6.1.4; D18.6.1.5; and D18.6.1.6.

### 5.5.4 Assessment of options

An assessment of the extent to which each of the options outlined above is the most appropriate way to achieve the objectives of PPC 26 (and the relevant objectives of the AUP) is set out in the table below.

	Option 1 – Status quo	Option 2 – SCA Coverage standards prevail
<b>Environmental costs and benefits</b>	<p>Retaining the status quo is likely to result in unexpected and unpredictable environmental outcomes as it is not clear whether the coverage controls in Chapter D18.6.1 should apply, or if the underlying zone coverage controls should apply. This is not consistent with the purpose of PPC 26 of clarifying the relationship between the SCA Overlay and underlying zone provisions.</p> <p>If the underlying zone controls are given prevalence, this could result in adverse effects on the special character of areas in the SCA overlay, particularly where the underlying zone controls are more permissive than those in D18.6.1. The coverage controls in the SCA overlay have been tailored to reflect the special character values of the areas to which they relate and enabling greater amounts of building coverage or overall</p>	<p>Amending the AUP so that the development standards in D18.6.1 prevail over any equivalent standards in the underlying zone will have the benefit of increasing the level of certainty as to the environmental outcomes that should arise in these areas (as one set of standards would apply). Amending the term 'paved area' to 'impervious area' will also assist in greater clarity. These amendments will assist to meet one of the purposes of PPC 26, which is to clarify the relationship between rules in the SCA overlay and any equivalent rules in the underlying zones.</p> <p>Incorporating purpose statements for the coverage controls in D18.6.1 will clarify the intent of these standards and the environmental outcomes they are intended to achieve. This will assist in meeting the objective of avoiding, remedying or mitigating</p>

	Option 1 – Status quo	Option 2 – SCA Coverage standards prevail
	<p>impervious surface has the potential to adversely affect those values. This outcome would not reflect the objective of retaining the physical attributes that define, contribute or support the special character values of special character areas.</p> <p>There are circumstances where the coverage controls in D18.6.1 are more enabling than the coverage controls in the underlying zone. In general, for sites that have buildings on them and form part of the overall character of a special character area.</p> <p>The reference to 'net site area' is inconsistent with the calculation for impervious area within the underlying residential zones, which use 'site area' instead.</p>	<p>adverse effects on the special character values of these areas.</p> <p>Including a reference to the management of stormwater runoff in the purpose statement for D18.6.1.6 will ensure that this issue is addressed in the case of any infringements of this standard, which will be particularly important if the underlying zone standard no longer applies. This will assist to meet objectives in the AUP that relate to the management of stormwater, and water quality generally.</p> <p>It is considered more appropriate that Standard D18.6.1.6 is based on 'site area' rather than 'net site area', to improve consistency with the underlying residential zones, and to avoid adverse stormwater effects in terms of large impervious areas, such as access ways, being excluded from this calculation.</p> <p>The Rural and Coastal Settlement Zone is considered to be significantly different in character to the other residential zones, and it has significantly lower coverage controls due to the larger site sizes. It is therefore considered appropriate to exclude the Rural and Coastal Settlement Zone from the coverage controls within the SCA Overlay, as the Zone coverage controls are considered more appropriate in this instance.</p>
<b>Economic costs and benefits</b>	<p><u>Implementation</u></p> <p>Retaining the status quo may result in unnecessary implementation costs in terms of the time taken to determine whether, and which, development standard should prevail in the case of individual development proposals. It may also result in triggering unnecessary resource consents for infringements of controls that are not necessarily tailored to managing the values of the site to which they relate.</p>	<p><u>Implementation</u></p> <p>Amending the AUP as set out in option 2 above will contribute to greater plan clarity, and thus is expected to result in economic benefits in terms of the time taken to interpret the plan provisions and avoiding the unnecessary triggering of resource consents (along with the associated time and processing costs).</p> <p>In addition, ensuring that infringements of the paved impervious area standard address potential effects on the stormwater network could result in some benefits in terms of the costs associated with</p>

	Option 1 – Status quo	Option 2 – SCA Coverage standards prevail
		maintaining and operating the stormwater network (due to avoiding unnecessary loading of this network).
<b>Social and cultural costs and benefits</b>	Retaining the status quo is likely to have the effect of ongoing uncertainty as to outcomes for communities in the SCA Residential overlay, and for residential zoned sites in the SCA General overlay.	Amending the AUP as set out above for Option 2 will result in greater levels of certainty about the environmental outcomes for areas in the SCA Residential overlay, and for residential zoned sites in the SCA General overlay

For the reasons outlined in the table above, Option 2 is the most appropriate way in which to achieve the purpose of PPC 26 in relation to clarifying the way that coverage control standards will apply to sites in the SCA Residential overlay, and sites with residential zoning in the SCA General overlay.

#### 5.5.5 Recommendation

Amend Standard D18.6.1.4 Building Coverage as follows:

##### ***D18.6.1.4 Building coverage***

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

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

Amend Standard D18.6.1.5 Landscaped area as follows:

##### ***D18.6.1.5. Landscaped area***

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

- (1) *The minimum landscaped area for sites ...*
- (3) *Where a site is within the Rural and Coastal Settlement zone, Standard D18.6.1.5. Landscaped area does not apply.*

Amend Standard D18.6.1.6 Maximum paved area as follows:

##### ***D18.6.1.6. Maximum paved impervious area***

*Purpose:*

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

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

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

Site area	<u>Paved Impervious</u> area
Up to 200m <sup>2</sup>	<del>17</del> <u>72</u> per cent of the <del>net</del> site area
200m <sup>2</sup> – 500m <sup>2</sup>	<del>20</del> <u>65</u> per cent of the <del>net</del> site area
500m <sup>2</sup> – 1,000m <sup>2</sup>	<del>25</del> <u>60</u> per cent of the <del>net</del> site area
Greater than 1,000m <sup>2</sup>	<del>25</del> <u>50</u> per cent of the <del>net</del> site area

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

## Standard D18.6.1.7 Fences and walls

### 5.6.1 Overview

Standard D18.6.1.7 restricts the maximum height of ‘fences, walls and other structures’ on all boundaries of a site to 1.2m. There is no reference to fences or walls in Activity Table D18.4.1. This has resulted in the potential interpretation that fencing is a permitted activity in sites within the SCA Residential overlay and sites in the SCA General overlay with a residential zoning, irrespective of whether or not it meets the development standard.

While inappropriate fencing can have adverse effects on the special character values of an area, the particular focus relates to walls and fences on the front boundary of a site, and side boundaries where they are adjacent to the street.

The application of the 1.2m height limit on all fences and walls is triggering unnecessary consent requirements. Fencing of up to 2m in height on the rear and side boundary (where it is not adjacent to the street) is not considered to adversely affect special character values, in particular the streetscape values of an area.

### 5.6.2 Issue

The application of the 1.2m height limit on all fences and walls could trigger unnecessary consent requirements. Fencing of up to 2m in height on the rear and side boundary (where it is not adjacent to the street) is not considered to adversely affect special character values, in particular the streetscape values of an area.



As set out above in respect of the HIRTB, yard, and coverage standards, addressing these issues is important in order to achieve the purposes of PPC 26 and the objectives of the SCA Overlay as outlined above. In particular, the fencing control seeks to retain the physical attributes that define, contribute and support the special character of areas, including streetscape qualities and cohesiveness.

### 5.6.3 Options

The following options are available to address the issues in relation to fences and walls:

1. Retain the status quo as outlined earlier in this report; or
2. Amend Activity Table D18.4.1 to include fences and walls as a permitted activity where they comply with development standard D18.6.1.7 (and are a restricted discretionary activity where they do not comply with development standard D18.6.1.7); or
3. Amend Activity Table D18.4.1 to include fences and walls as a permitted activity where they comply with development standard D18.6.1.7 (and are a restricted discretionary activity where they do not comply with development standard D18.6.1.7); and amend Standard D18.6.1.7 to allow for fencing along rear boundaries and that portion of the side boundaries where it is not adjacent to the street (located behind the front façade of the dwelling on the site) of up to 2m.

### 5.6.4 Assessment of options

An assessment of the extent to which each of the options outlined above is the most appropriate way to achieve the objectives of PPC 26 (and the relevant objectives of the AUP) is set out in the table below.

	<b>Option 1 – Status quo</b>	<b>Option 2 – Amend activity table only</b>	<b>Option 3 – Amend activity table and development standard</b>
<b>Environmental costs and benefits</b>	<p>Maintaining the status quo will result in ongoing confusion and potential inconsistency in implementation, with the potential for some varying interpretations. This is likely to result in less certainty as to the environmental outcomes that will be achieved when applying the provisions.</p> <p>The objective of retaining the streetscape values of areas within the SCA overlay may not be achieved, especially when the absence of fencing within the activity</p>	<p>Amending Activity Table D18.4.1 to include a specific reference to fences and walls will clarify the plan provisions and ensure that they are implemented as intended. This will assist in greater certainty as to the environmental outcomes that are intended to be achieved.</p> <p>However, as per Option 1, not amending development standard D18.6.1.7 will mean that the unnecessary limitation on the height of fences and walls on side and rear boundaries is</p>	<p>As for option 2, amending Activity Table D18.4.1 to include a specific reference to fences and walls will clarify the plan provisions and ensure that they are implemented as intended. This will assist in greater certainty as to the environmental outcomes that are intended to be achieved.</p> <p>In addition, amending Development Standard D18.6.1.7 to allow for fencing of up to 2m in height along rear boundaries and the portion of side</p>

	<b>Option 1 – Status quo</b>	<b>Option 2 – Amend activity table only</b>	<b>Option 3 – Amend activity table and development standard</b>
	<p>table is interpreted to mean that all fencing is permitted.</p> <p>The existing 1.2m height limitation on fences and walls on side and rear boundaries is an unnecessary restriction given that it does not directly relate to the objective of retaining the physical attributes that define, support, or contribute to the special character values in the SCA overlay.</p>	<p>not addressed. This is not consistent with the objective of retaining the physical attributes that define, support, or contribute to the special character values in the SCA overlay.</p>	<p>boundaries where it is not adjacent to the street and located behind the front façade of the dwelling on the site) will more appropriately align with the objective of retaining the physical attributes that define, support, or contribute to the special character values in the SCA overlay. It is more important to manage the height of fences and walls on the front boundaries of sites, and the portions of side boundaries closes in order to meet the objective of retaining the streetscape qualities and cohesiveness of special character areas.</p>
<b>Economic costs and benefits</b>	<p><u>Implementation</u></p> <p>Continuing to apply the status quo may result in unnecessary consenting and compliance costs on applicants due to the complexity, uncertainty, and ambiguity as how the construction of fences and walls in special character areas is intended to be managed.</p> <p>The status quo may be triggering the requirement for unnecessary resource consent applications due to the uncertainty as to how they should be interpreted. In addition, unnecessary resource consent requirements may be triggered as a result of the 1.2m maximum height limit for fences and walls on all boundaries, which is managing an activity that is not known to have an impact on the values of</p>	<p><u>Implementation</u></p> <p>Amending Activity Table D18.4.1 to include a specific reference to fences and walls will have the benefit of reducing the costs associated with implementing an uncertain and ambiguous set of provisions. This would reduce the triggering of unnecessary resource consents (and therefore the attendant implementation and application costs).</p> <p>However, option 2 would not address the costs associated with triggering unnecessary resource consents as a result of the 1.2m maximum height limit for fences and walls on <i>all</i> boundaries, which is an activity that is not known to have an impact on the values of special character areas.</p>	<p><u>Implementation</u></p> <p>As for option 2, amending Activity Table D18.4.1 to include a specific reference to fences and walls will reduce the costs associated with implementing an uncertain and ambiguous set of provisions. This would reduce the triggering of unnecessary resource consents (and therefore the attendant implementation and application costs).</p> <p>In addition, implementing option 3 would reduce the consenting and application costs associated with triggering unnecessary resource consents as a result of the 1.2m height limit for fences and walls on all boundaries. Instead this threshold is tailored to the parts of sites where it most appropriately relates to</p>

	<b>Option 1 – Status quo</b>	<b>Option 2 – Amend activity table only</b>	<b>Option 3 – Amend activity table and development standard</b>
	special character areas.		the values of special character areas, and therefore meeting the objective of retaining the streetscape qualities and cohesiveness of special character areas.
<b>Social and cultural costs and benefits</b>	<p>Maintaining the status quo could result in social and cultural costs due to the uncertain outcomes that could arise as a result of the complexity, uncertainty, and ambiguity as to how the construction of fences and walls in special character areas is intended to be managed.</p> <p>Due to the uncertainty associated with the status quo, this option is less consistent with the purpose of PPC 26.</p>	<p>Amending Activity Table D18.4.1 to include a specific reference to fences and walls will have the benefit of clarifying the plan provisions to ensure that they are implemented as intended. This will reduce the uncertainty and ambiguity associated with the status quo, and the attendant social and cultural costs, so will be of some benefit.</p> <p>However, this option does not address the unnecessary limitation on the height of fences and walls on side and rear boundaries, and could result in some residual costs from unnecessary regulation of this issue.</p>	<p>As for option 2, amending Activity Table D18.4.1 to include a specific reference to fences and walls will clarify the plan provisions and ensure that they are implemented as intended. The additional amendments to Development Standard D18.6.1.7 will more appropriately target this rule to the impact on special character values. This will have the benefit of reducing the uncertainty and ambiguity associated with the status quo, and the attendant social and cultural costs.</p>

1. In conclusion, and in accordance with section 32(1)(b)(iii) of the RMA, implementing the proposed amendments under Option 3 is considered to be the most appropriate way to achieve the objectives of PPCX because:
  - a. The amendments will implement the objectives of the AUP by ensuring that the fencing provisions of the SCA Residential overlay maintain and enhance the special character values of the area and to avoid, remedy or mitigate the adverse effects of development (B5.3.1);
  - b. The amendments will result in provisions that are clearer and therefore will assist with consistent implementation; and
  - c. The amendments will ensure that fences and walls will only require resource consent under the SCA Residential overlay provisions where they may affect special character values (due to their height and/or location).

5.6.5 Recommendation

Amend Activity Table D18.4.1 as follows:

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

Activity		Activity status
<b>Development</b>		
<u>(AX)</u>	<u>New fences and walls, and alterations to fences and walls that comply with Standard D18.6.1.7(1)</u>	<u>P</u>
<u>(AXX)</u>	<u>New fences and walls and alterations to existing fences and walls that do not comply with Standard D18.6.1.7(1)</u>	<u>RD</u>

Amend Development Standard D18.6.1.7 as follows:

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

Purpose:

- to retain the boundary fences and walls that contribute to the character of the area and ensure that new fences and walls complement the existing character of the streetscape

(1) Fences and walls ~~and other structures~~, or any combination of these, in the Special Character Areas Overlay - Residential must not exceed a the height specified below, measured from ~~of 1.2m above~~ ground level.:

(a) On the front boundary or between the front façade of the house and the front boundary, 1.2m in height.

(b) On the side boundary of the front yard, or between the house and the side boundary, where the fence or wall is located forward of the front façade of the house, 1.2m in height.

(c) For the purposes of this standard, the front façade of the house means the front wall of the main portion of the house facing a street, and shall exclude bay windows, verandahs, stairs, attached garages and similar projecting features. Houses on corner sites have two front facades.

(d) On any other boundary or within any other yard not described above, 2m in height.

## 5.7 Open Space: Conservation and Informal Recreation Zones

### 5.7.1 Overview

There are number of sites in the SCA Residential Overlay that are also in the Open Space Conservation, and Informal Recreation zones. There are differences between the development controls in D18.6.1 and the corresponding development controls that apply to the underlying open space zones.

In general, the development controls in the SCA Residential overlay are more enabling of development than the corresponding development controls in the underlying Open Space Conservation and Informal Recreation zones, particularly in relation to the maximum height and the coverage controls. The differences are less pronounced for sites in the Open Space Community zone.

The SCA overlay manages the construction of, demolition of, and additions and alterations to, buildings in a more restrictive manner than the underlying open space zones. These activities are permitted in the underlying open space zones.

Details of the sites that are in the SCA Residential overlay and are in an Open Space zone are set out in the table below. Further details of these sites (including their location) are set out in **Attachment 2**.

### 5.7.2 Issue

The issue that needs to be addressed is whether it is appropriate for sites with an Open Space: Informal Recreation or Conservation zoning to be subject to the activity rules in D18.4.1 and the development controls in D18.6.1, or whether the underlying zone provisions should apply. Addressing this issue is important in order to achieve the purpose of PPC 26 and the objectives of both the SCA Overlay and the Open Space zones.

### 5.7.3 Options

The following options are available to address the issues outlined above:

1. Retain the status quo in that the activity rules and development standards in D18 for the SCA Residential overlay continue to apply in addition to the activity rules and development standards in the underlying open space zones; or
2. Amend the planning maps to remove the SCA Residential overlay from sites that are in the following zones:
  - a. Open Space Informal Recreation
  - b. Open Space Conservation; or
3. Amend the provisions of Chapter D18 to exempt development on sites in the following zones from any requirement to comply with the development standards in D18.6.1:
  - a. Open Space Informal Recreation
  - b. Open Space Conservation; or

#### 5.7.4 Assessment of options

An assessment of the extent to which each of the options outlined above is the most appropriate way to achieve the objectives of PPC 26 (and the relevant objectives of the AUP) is set out in the table below.

	<b>Option 1 (Status quo)</b>	<b>Option 2 (Spatial Approach)</b>	<b>Option 3 (Text Approach)</b>
<b>Environmental costs and benefits</b>	<p>Continuing to apply the status quo is likely to result in unexpected and unpredictable outcomes given that it is unclear as to which activity rules and development standards should apply. This is not consistent with the purpose of PPC 26 of clarifying the relationship between the SCA Overlay and the underlying zone provisions.</p> <p>These Open Space zones are not included within the SCA overlay in most scenarios, however there are a few instances (detailed in Attachment 2) where they are included within the SCA overlay. This creates an inconsistency across the region where some Open Space Zones are subject to the overlay provisions, and some are not.</p>	<p>The provisions of the SCA - Residential Overlay are primarily designed for residential sites with character dwellings.</p> <p>In contrast, the identified Open Space Zones are non-residential in nature and have an open space character. The Open Space Zones have significantly different development controls suited to the open space characteristics and use of the zones, particularly relating to coverage, height and yards (refer to Attachments 3 and 4 for a more detailed analysis).</p> <p>Therefore, it is considered that the SCA – Residential provisions are inappropriate to apply the Open space: Conservation and Informal Recreation zones.</p> <p>Excluding the few Open Space Zoned sites that are still within the Overlay creates greater consistency and certainty of application of the appropriate Zone provisions, given that the majority of Open Space zone sites are not included within the SCA Overlay.</p>	<p>As mentioned option 2, it is considered inappropriate to apply the SCA development standards to the Open Space: Informal Recreation and Conservation Zoned sites, given their fundamentally different characteristics and land use.</p> <p>Including these zones within the overlay is also considered inconsistent with the purpose of the SCA – Residential, which is primarily residential in nature.</p> <p>A text-based approach would still include the sites within the overlay but exempt them from development controls. This is considered contrary to the purpose of the overlay, however, and is therefore more appropriate to exclude the Open Space Zones spatially.</p>
<b>Economic costs and benefits</b>	<p><u>Implementation</u></p> <p>Continuing to apply the status quo may result in unnecessary consenting and compliance costs to applicants due to the complexity, uncertainty and ambiguity that may arise as to which activity rules and development standards should prevail, particularly in instances where the rules and standards are different.</p> <p>This will also result in costs to the Council (and ratepayers)</p>	<p>Removing the Open Space Zone sites from the Overlay will create more certainty in relation to consenting and compliance, as it is clear the base zone provisions will apply (and not the SCA provisions).</p> <p>This would reduce the triggering of unnecessary resource consents (and therefore the implementation and application costs).</p>	<p>Exempting the Open Space Zones through a text-based approach is more complex for applicants and adds to processing costs, than to exclude these zones from the overlay spatially.</p> <p>While this option would create more certainty than the status quo, it has more time and processing costs than Option 2 (spatial approach).</p>

	Option 1 (Status quo)	Option 2 (Spatial Approach)	Option 3 (Text Approach)
	in relation to administering both sets of standards.		
<b>Social and cultural costs and benefits</b>	<p>Maintaining the status quo could result in social and cultural costs due to the uncertain outcomes that could arise as a result of conflicting activity rules and development standards in the SCA Residential Overlay and the Open Space zones currently.</p> <p>Due to the uncertainty associated with the status quo, this option is less consistent with the purpose of PPC 26 and the objectives and policies of the SCA overlay and the Open Space zones.</p>	Removing the Open Space Zone sites from the overlay will reduce the uncertainty and ambiguity associated with the status quo, and the attendant social and cultural costs, so will be of some benefit.	This option will reduce the uncertainty and ambiguity associated with the status quo, and the attendant social and cultural costs, however to a lesser extent than Option 2.

#### 5.7.5 Recommendation

It is recommended to remove the identified Open Space: Conservation and Open Space: Informal Recreation sites from the SCA Overlay, so that they are not subject to the Overlay provisions.

Open Space Zone	SCA sub-area	Site details
Open Space Conservation zone	Residential Isthmus B	71 Almorah Road, Epsom
	Residential Isthmus C	16B Belvedere Street, Epsom
		28B Halifax Avenue, Epsom
		12 Warborough Avenue, Epsom
	Residential North Shore Birkenhead Point	R28 Palmerston Road, Birkenhead
Open Space Informal Recreation zone	Residential Helensville	Pt, Garfield Road, Helensville
	Residential Isthmus A	10A New Bond Street, Kingsland
	Residential Isthmus B	2 parcels at Tohunga Crescent, Parnell
		10 Bonnie Brae Road, Meadowbank
	Residential North Shore Devonport and Stanley Point	Access track between First Avenue and the CMA, Stanley Point
Access track between Second Avenue and the CMA, Stanley Point		

## 5.8 Chapter E38: Subdivision - Urban

### 5.8.1 Overview

Chapter 38 Subdivision - Urban includes specific provisions relating subdivision within Special Character Areas. Policy E38.3.30 specifically seeks to maintain the distinctive pattern of subdivision in Special Character Areas as identified in the character statements for those areas.

References to subdivision are also made in Chapter D18: objective D18.2 (2) seeks to retain the physical attributes that define, contribute to, or support the special character of an area, including its historical form of subdivision, and objective D18.2 (3) seeks to avoid, remedy or mitigate the adverse effects of subdivision (and development) on the identified special character values of the area. Related policies seek to ensure that subdivision (and other development) maintains the continuity and coherence of the special character values of the area; and responds positively to any distinctive pattern of subdivision.<sup>58</sup> There are no rules that relate to subdivision in Chapter D18.

Subdivision of sites in the Special Character Areas overlay that complies with the specific minimum net site area standards for Special Character Areas set out in rule E38.8.2.6 is a restricted discretionary activity.<sup>59</sup> Subdivision of sites in the Special Character Areas overlay that does not comply with the specific minimum net site area standards for the Special Character Areas is a non-complying activity.<sup>60</sup>

Standard E38.8.2.6 states that sites within the sub-areas of the SCA overlay listed in Table E38.8.2.6.1 must comply with the minimum net site area requirements set out in that table. Sites that are not within the listed sub-areas must comply with the minimum net site area for that site's zone in Table E38.8.2.3.1 (which sets out the minimum net site area for vacant proposed sites in the Residential zones).

The following table sets out the minimum net site area requirements for the Special Character Areas set out in rule E38.8.2.6 as compared to the minimum net site area in the applicable underlying residential zones set out in Table E38.8.2.3.1:

Special Character Areas Overlay - Sub area	Minimum net site area	Minimum net site area in applicable residential (E38.8.2.3.1) underlying zones	Number of parcels affected
Isthmus A	400m <sup>2</sup> or 500m <sup>2</sup> where the site does not comply with the shape factor	Mixed Housing Urban – 300m <sup>2</sup> *	9
		Single House – 600m <sup>2</sup> *	8258
Isthmus B1 and B3	1,000m <sup>2</sup>	Single House – 600m <sup>2</sup> *	5090
Isthmus B2	600m <sup>2</sup>		

<sup>58</sup> AUP Policy D18.3(2)

<sup>59</sup> AUP E38.4.2(A24)

<sup>60</sup> AUP E38.4.2(A25)



Special Character Areas Overlay - Sub area	Minimum net site area	Minimum net site area in applicable residential (E38.8.2.3.1) underlying zones	Number of parcels affected
Isthmus C1	400m <sup>2</sup> or 500m <sup>2</sup> where the site does not comply with the shape factor	Single House – 600m <sup>2</sup> *	474
Isthmus C2	600m <sup>2</sup>		
Isthmus C2a (refer to Figure E38.8.2.6)	1,000m <sup>2</sup> on sites identified in Figure E38.8.2.6		
North Shore Area A	450m <sup>2</sup>	Single House – 600m <sup>2</sup> *	4040
North Shore Area B	500m <sup>2</sup>		
North Shore Area C	600m <sup>2</sup>		

\* where the parent site is less than 1ha

### 5.8.2 Issue

The key issue to address in respect of subdivision is the whether the minimum net site area requirements for sites within the SCA Residential areas in Table E38.8.2.6.1 should prevail over the minimum net site area requirements for sites in residential zones set out in Table E38.8.2.3.1. Depending on which SCA sub-area a site is located in, and what the underlying zone is, the minimum lot size requirement for the specified SCA sub-areas may be less than, equivalent to, or greater than, the minimum lot size requirement for the underlying zone.

Addressing this issue is important in order to achieve one of the purposes of PPC 26, which is to clarify the relationship between rules in the SCA overlay and the relevant underlying zones. It is also necessary to address this issue to ensure that the objectives of maintaining and enhancing the special character values of special character areas.

### 5.8.3 Options

It is considered that the following options are available to address this issue:

1. Retain the status quo; or
2. Amend the AUP to state that the minimum net site area requirements for sites in the SCA Residential areas in Table E38.8.2.6.1 prevails over the minimum net site area requirements for sites in the underlying zones.

Given the purpose of the SCA overlay, amending the AUP so that the minimum net site area requirements for sites in the underlying zones prevails over the overlay-specific minimum net site area requirements in Table E38.8.2.6.1 is not an appropriate option. The overlay-specific minimum net site area requirements seek to retain the historical form of subdivision in these areas, which is consistent with objective D18.2 (2)(b).

#### 5.8.4 Assessment of options

An assessment of the extent to which each of the options outlined above is the most appropriate way to achieve the objectives of PPC 26 (and the relevant objectives of the AUP) is set out in the table below.

	<b>Option 1 – Status quo</b>	<b>Option 2 – SCA Residential overlay specific net site area requirements prevail over minimum net site area requirements in the underlying zone (preferred)</b>
<b>Environmental costs and benefits</b>	<p>Continuing to apply the status quo may result in unexpected environmental outcomes as it is not clear which minimum net site area requirements should be applied.</p> <p>If the underlying zone standards are given prevalence, this could result in adverse effects on the special character values of those special character areas where the specific minimum net site area requirements reflect the predominant subdivision pattern of the area.</p> <p>Conversely if the SCA Residential overlay specific minimum net site area requirements are given prevalence in implementation of the AUP, the special character values of those areas will be positively managed in a way that reflects the predominant subdivision of the area.</p> <p>Due to the uncertainty associated with the status quo, this option is less consistent with the purpose of PPC 26 and the objectives and policies of the SCA overlay, and the underlying zones than Option 2.</p>	<p>Amending the AUP to clarify that the specific minimum net site area standards set out in Table E38.8.2.6.1 for certain areas within the SCA Residential overlay prevail over the minimum net site area requirements for the underlying zone will result in a greater level of certainty that the predominant subdivision patterns in these areas will be maintained, thus contributing to the retention of the special character values of these areas.</p> <p>Subdivision pattern is one of the elements that informs the special character values of special character areas. The minimum net site area requirements in Table E38.8.2.6.1 reflect those historical subdivision patterns in the particular areas in the SCA overlay where the subdivision pattern is a particularly important element of the area's special character. Failure to recognise these subdivision patterns (and associated lot sizes) would not meet objective D18.2 (2)(b) of the AUP.</p> <p>This option will be consistent with the purpose of PPC 26, and with the relevant objectives and policies of the SCA overlay and the underlying zones.</p>
<b>Economic costs and benefits</b>	<p><u>Implementation</u></p> <p>Continuing to apply the status quo may result in unnecessary consenting and compliance costs on applicants due to the complexity, uncertainty, and ambiguity as to which minimum net site area standard should prevail, particularly in instances where the standards are different.</p> <p>This will also result in costs to the Council (and ratepayers) in relation to administering both sets of standards. Maintaining the status quo will not</p>	<p><u>Implementation</u></p> <p>Amending the AUP to clarify that the specific minimum net site area standards set out in Table E38.8.2.6.1 for certain areas within the SCA Residential overlay prevail over the minimum net site area requirements for the underlying zone will result in greater certainty in terms of the planning framework that applies to the affected sites.</p> <p>This should result in cost savings in terms of consenting and compliance, both to applicants, and to the Council</p>

	Option 1 – Status quo	Option 2 – SCA Residential overlay specific net site area requirements prevail over minimum net site area requirements in the underlying zone (preferred)
	<p>incur any costs associated with the preparation and processing of a plan change.</p> <p><u>Development potential</u></p> <p>There are potential economic costs to landowners if a particular standard is applied that results in reduced development potential on particular sites.</p> <p>Due to the uncertainty associated with the status quo, this option is less consistent with the purpose of PPC 26 and the objectives and policies of the SCA overlay than Option 2.</p>	<p>(and ratepayers) in terms of implementing the AUP.</p> <p><u>Development potential</u></p> <p>There are three potential scenarios that could arise in relation to the development potential (from a subdivision perspective) of sites within the SCA Residential overlay as a result of implementing this option.</p> <p>Firstly, there may be the perception that implementing this option will reduce the subdivision potential for those sites in the SCA Residential overlay areas listed in Table E38.8.2.6.1 where the minimum net site area in the table is more restrictive than the standard in the underlying zone.</p> <p>This may apply to sites that are in the Isthmus A SCA and the MHU zone; sites that are in the isthmus B1, B2 and B3 SCA and Single House zone; and sites in the Isthmus C2a SCA and the Single House zone.</p> <p>Overall, a low proportion of sites are potentially affected by this 'lost' development potential and is not considered to represent a significant loss in terms of development potential.</p> <p>Additionally, the minimum net site area requirements set out in Table E38.8.2.6.1 reflect the density limits and minimum lot requirements that applied to sites in the listed areas for a long period of time and were reflected in the legacy district plans. Implementing this option clarifies that the legacy plan approach continues to apply.</p> <p>Secondly, implementing option 2 could result in some increased development potential (from a subdivision perspective) for sites where the SCA Residential overlay minimum net site area requirement is more enabling (smaller than) than the underlying zone:</p> <ul style="list-style-type: none"> <li>- Isthmus A and the Single House zone</li> <li>- Isthmus C1 and the Single House zone</li> </ul>

	Option 1 – Status quo	Option 2 – SCA Residential overlay specific net site area requirements prevail over minimum net site area requirements in the underlying zone (preferred)
		<ul style="list-style-type: none"> <li>- North Shore Areas A and B and the Single House zone</li> </ul> <p>Finally, implementing this option will have no effect on the development potential (from a subdivision perspective) on sites that are within:</p> <ul style="list-style-type: none"> <li>- Isthmus B2 and the Single House zone</li> <li>- Isthmus C2 and the Single House zone</li> <li>- North Shore Area C and the Single House zone</li> </ul> <p>Notwithstanding the potential economic costs outlined above, it is considered that this option will be consistent with the purpose of PPC 26, and with the relevant objectives and policies of the SCA overlay as it will clarify that the specific SCA Residential overlay minimum net site area requirements will continue to apply in those areas where these standards were applied in the various legacy district plans.</p>
<b>Social and cultural costs and benefits</b>	<p>Maintaining the status quo could result in social and cultural costs due to the uncertain outcomes that could arise as a result of the conflicting standards in the AUP currently.</p> <p>Due to the uncertainty associated with the status quo, this option is less consistent with the purpose of PPC 26 and the objectives and policies of the SCA overlay than Option 2.</p>	<p>Amending the AUP to clarify that the specific minimum net site area standards set out in Table E38.8.2.6.1 for certain areas within the SCA Residential overlay prevail over the minimum net site area requirements for the underlying zone should contribute to social and cultural benefits due to increased certainty on the type of outcomes that can be expected in the communities within the SCA Residential overlay.</p> <p>This option will be consistent with the purpose of PPC 26, and with the relevant objectives and policies of the SCA overlay.</p>

For the reasons outlined in the table above, it is considered that Option 2 is the most appropriate way in which to achieve the purpose of PPC 26 in relation to clarifying the minimum net site area requirements that should apply to sites within the SCA Residential areas listed in Table 38.8.2.6.1.

#### 5.8.5 Recommendation

Amend Chapter E38 Standard E38.8.2.6 as follows:

- (1) *Proposed sites ...*

(2) *Proposed sites identified ...*

(3) *The minimum net site area controls within Table E38.8.2.6.1 take precedence over those within Table E38.8.2.3.1.*

## 6. Conclusion

PPC 26 seeks to amend Chapters D18 and E38 to clarify the relationship between the provisions that relate to the SCA Residential overlay and residential zoned sites in the SCA General overlay; and the provisions in the relevant underlying zones.

This evaluation report concludes that:

1. PPC 26 is consistent with the purpose of sustainable management in Section 5 and with the principles in Part 2 of the RMA;
2. PPC 26 will assist the council to carry out its functions set out in Sections 30 and 31 of the RMA;
3. Pursuant to section 75(3)(c) of the RMA, PPC 26 is consistent with the objectives and policies of the RPS; and
4. The proposed amendments to Chapters D18 and E38 are the most appropriate way to achieve the purpose of PPC 26, and the objectives of the AUP, having regard to their efficiency and effectiveness, costs and benefits.

## 7. Attachments

Attachment	Name of Attachment
A1	Details of the underlying zones of the SCA overlay
A2	Open Space: Conservation and Informal Recreation zones to be excluded from the SCA Overlay – Residential.
A3	Comparison of Development Activity Rules
A4	Comparison of Development Standards
A5	Traditional Subdivision Patterns in SCA Overlay – Residential
A6	Proposed Plan Change 26: Amendments to Chapter D18 & Chapter E38

## Attachment 1 – Details of the underlying zones of the SCA overlay

Underlying zones and number of parcels in the SCA Business Overlay

Underlying Zone(s)	Number of parcels	Percentage of total parcels in the SCA Business overlay
Business – Light Industry zone	7	0.43%
Business – Local Centre zone	295	17.93%
Business – Metropolitan Centre zone	100	6.08%
Business – Mixed Use zone	199	12.10%
Business – Neighbourhood Centre zone	8	0.49%
Business – Town Centre zone	994	60.43%
Open Space – Civic Spaces zone	1	0.06%
Open Space – Community zone	10	0.61%
Open Space – Informal Recreation zone	14	0.85%
Residential – Single House zone	1	0.06%
Residential – Terrace Housing and Apartment Buildings zone	16	0.97%
<b>Total</b>	<b>1645</b>	<b>100%</b>

Underlying zones and number of parcels in the SCA General Overlay

Underlying Zone(s)	Number of parcels	Percentage of total parcels in the SCA General overlay
Business – Mixed Use zone	14	0.83%
Business – Neighbourhood Centre zone	11	0.65%
Open Space – Informal Recreation zone	15	0.89%
Residential – Mixed Housing Suburban zone	8	0.47%
Residential – Rural and Coastal Settlement zone	13	0.77%
Residential – Single House zone	1624	96.38%
<b>TOTAL</b>	<b>1685</b>	<b>100%</b>

**Underlying zones and number of parcels in the SCA Residential Overlay**

<b>Underlying Zone(s)</b>	<b>Number of sites within zone</b>	<b>Percentage of total parcels in the SCA Residential overlay</b>
Business – Local Centre zone	5	0.03%
Business – Mixed Use zone	46	0.24%
Business – Neighbourhood Centre zone	30	0.15%
Business – Town Centre zone	3	0.02%
Open Space – Community zone	3	0.02%
Open Space – Conservation zone	7	0.04%
Open Space – Informal Recreation zone	12	0.06%
Residential – Mixed Housing Urban zone	9	0.05%
Residential – Single House zone	19242	99.38%
Special Purpose zone – Healthcare Facility and Hospital	5	0.03%
<b>TOTAL</b>	<b>19362</b>	<b>100%</b>

## Attachment 2 – Open Space: Conservation and Information Recreation Sites to be removed from SCA Overlay – Residential.

Open Space Zone	SCA sub-area	Site details
Open Space Conservation zone	Residential Isthmus B	71 Almorah Road, Epsom
	Residential Isthmus C	16B Belvedere Street, Epsom
		28B Halifax Avenue, Epsom
		12 Warborough Avenue, Epsom
Residential North Shore Birkenhead Point	R28 Palmerston Road, Birkenhead	
Open Space Informal Recreation zone	Residential Helensville	Pt, Garfield Road, Helensville
	Residential Isthmus A	10A New Bond Street, Kingsland
	Residential Isthmus B	2 parcels at Tohunga Crescent, Parnell
		10 Bonnie Brae Road, Meadowbank
	Residential North Shore Devonport and Stanley Point	Access track between First Avenue and the CMA, Stanley Point
		Access track between Second Avenue and the CMA, Stanley Point

### Comparison of Controls within D18 and The Open Space: Conservation and Informal Recreation Zones

#### *Height*

As set out above, standard D18.6.1.1 states that the maximum height of buildings in the SCA Residential overlay is 8m. There are certain exemptions for particular types of roof forms. The height limits that apply in the relevant underlying open space zones are as follows:

- Open Space Conservation – 4m
- Open Space Informal Recreation – 8m

The key point of difference is between the height limit that applies to sites in the SCA Residential overlay that are also in the Open Space Conservation zone. Given the uncertainty as to which development standards should prevail, there is the potential for development to occur on sites in the Open Space Conservation zone within the SCA Residential overlay to a height that could compromise the open space values of the site.



### *Height in relation to boundary*

As set out above, standard D18.6.1.2 sets out HIRTB requirements for sites in the SCA Residential overlay. For those sites that are also in the relevant underlying open space zones, Standard H7.11.2 (1) requires that the height in relation to boundary standard that applies in the adjoining zone shall apply to sites in the open space zone. If the adjoining zone does not specify a height in relation to boundary standard, standard H7.11.2 (2) states that *“the yard and/or setback standards that apply in the adjoining zone will apply to the boundary directly adjoining the open space boundary.”*

### *Yards*

As set out above, standard D18.6.1.3 sets out the yard requirements for sites in the SCA Residential overlay. Standard H7.11.3 sets out yard requirements for open space zoned sites. These are summarised in the table below.

<b>Yard</b>	<b>SCA Residential overlay</b>	<b>OS Community Zone</b>	<b>OS Informal Recreation Zone</b>	<b>OS Conservation Zone</b>
Front	Average of existing setbacks of dwellings on adjacent sites; either three on either side, or six on one side.	The average setback of buildings on adjacent front sites	5m or the average setback of buildings on adjacent front sites, whichever is lesser	5m
Side	1.2m	3m where the open space zone adjoins a residential zone	6m where the open space zone adjoins a residential zone, special purpose zone or the Future Urban Zone otherwise 3m No side and rear yards are required where the open space zone adjoins a business zone	
Rear	3m			

The open space zone provisions include requirements for riparian and coastal protection yards.

### *Coverage controls*

The coverage controls in D18.6.1 are generally more restrictive than the corresponding controls in the Open Space Informal Recreation and Conservation zones (see Attachment 4). The effect of this could be that a greater level of development could occur on these sites than would otherwise be provided for in the underlying zones and could compromise the open space values of these sites.

## *Fences*

Development standard D18.6.1.7 requires that fences, walls and other structures in the SCA Residential overlay must not exceed a height of 1.2m above ground level. There is no corresponding development standard limiting the height of fences in the underlying open space zones, but there are activity rules that state that:

- Fences on the front boundary that are more than 50 per cent transparent are a permitted activity,<sup>61</sup> and
- Fences on the front boundary that are less than 50 per cent transparent are a restricted discretionary activity.<sup>62</sup>

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<sup>61</sup> AUP Chapter H7, Table H7.9.1 Activity A42

<sup>62</sup> AUP Chapter H7, Table H7.9.1 Activity A43

### Attachment 3 – Comparison of Development Activity Rules

The table below sets out a comparison between the development rules in D18.4.1 that apply within the SCA Residential overlay and to residential zoned sites in the SCA General overlay; and development rules in the respective underlying zones.

D18.4.1 Activity Rule	Residential zones			Business Zones				Open Space zones			Special Purpose
	Single House	Mixed Housing Urban	Rural and Coastal Settlement	Local Centre	Mixed Use	Neighbourhood Centre	Town Centre	Community	Conservation	Informal Recreation	Healthcare Facility and Hospital
Demolition (total or substantial) – (RD)*	Permitted			Permitted				Permitted			Permitted
Removal of buildings - (RD)	Not specified			Not specified				Not specified			Not specified
Relocation of building within site – (RD)	Not specified			Not specified				Not specified			Not specified
External alterations and additions (RD)	Alterations to all buildings - Permitted (subject to standards)			Permitted under certain thresholds				P (subject to standards)			P under certain threshold
	Additions to dwellings - Permitted (subject to standards)										
	Additions to buildings that are not dwellings has the same activity status as that which applies to the land use activity			Restricted discretionary above threshold							RD over threshold
New buildings (RD)	Accessory buildings – P			Restricted discretionary				Accessory buildings – P			P under certain thresholds
	Otherwise same activity status and standards as apply to the land use activity							P (subject to standards)			RD over thresholds
Relocation of a building onto a site (RD)	Not specified			Not specified				Not specified			Not specified

\* only applies to certain specified parts of the SCA Residential and SCA General overlays as set out in D18.4.1(A3)

## Attachment 4 – Comparison of Development Standards

The tables below sets out a comparison between the development standards in D18.6.1 (which apply to sites in the SCA Residential overlay and residential zoned sites in the SCA General overlay); and development standards in respective underlying zones.

### Height in relation to boundary

	Overlay	Residential			Business				Open Space			Special Purpose	
		Single House	Mixed Housing Urban	Rural and Coastal Settlement	Local Centre	Mixed Use	Neighbourhood Centre	Town Centre	Community	Conservation	Informal Recreation	Healthcare Facility and Hospital	
Rule reference	D18.6.1.2	H3.6.7	H5.6.5.1	H2.6.6	H11.6.2	H13.6.2	H12.6.2	H10.6.2	H7.11.2			H25.6.2	
Standard	3m + 45 degrees	2.5m + 45 degrees	3m + 45 degrees	2.5m + 45 degrees	Depends on zoning of adjacent site – see Table in zone provisions				Relevant standard in adjoining zone if site is in another zone			Depends on zoning of adjacent site	
Alternative standard	No	No	Yes	No	No	No	No	No				No	No
Applicable boundary(ies)	Applies to any boundary	Side and rear boundaries	Side and rear boundaries	Side and rear boundaries	Zone boundary							Boundaries to zoned land	
Exemptions	No	Does not apply to boundaries with certain business and open space zones			No							No	
		Does not apply to common walls		Nil									
		Exemptions for gable end and dormer roofs											
Specificity about application to rights of way, entrance strips, or access sites.	No	Yes			Yes				No				

**Yard requirements**

		Residential			Business				Open Space			Special Purpose
	Overlay	Single House	Mixed Housing Urban	Rural and Coastal Settlement	Local Centre	Mixed Use	Neighbourhood Centre	Town Centre	Community	Conservation	Informal Recreation	Healthcare Facility and Hospital
Rule reference	D18.6.1.3	H3.6.8	H5.6.8	H2.6.7	H11.6.4	H13.6.5		H10.6.6	H7.11.3			H25.6.3
Front yard	Average of existing setbacks	3m	2.5m	5m	Nil				Average setback of buildings on adjacent front sites	5m	5m, or the average setback of buildings on adjacent front sites (lesser of the two)	3m
Side yard	1.2m	1m			3m <sup>^</sup>				3m if adjoins residential zone	3m or 6m depending on adjacent zone		3m
Rear yard	3m	1m			3m <sup>^</sup>							3m
Riparian yard	Nil	10m			10m				10m			5m
Coastal yard	Nil	10m*	10m*	20m*	25m*				10m	25m	10m	25m*
Lakeside yard	Nil	30m			30m				Nil			20m

\*or as otherwise specified in Appendix 6 Coastal protection yard

<sup>^</sup>only if site adjoins a residential zone or the Special Purpose – Māori Purpose Zone

Coverage controls

	Overlay	Residential			Business				Open Space			Special Purpose
		Single House	Mixed Housing Urban	Rural and Coastal Settlement	Local Centre	Mixed Use	Neighbourhood Centre	Town Centre	Community	Conservation	Informal Recreation	Healthcare Facility and Hospital
Maximum building coverage	55% - 25%*	35%	45%	20% or 200m <sup>2</sup> , whichever is lesser	Nil				50%	1%	10%	Nil
Minimum landscaped area - site	28% - 50%*	40%	35%	Nil	Nil				Nil			Nil
Minimum landscaped area – front yard	50%	50%		Nil	Nil				Nil			Nil
Maximum paved area <sup>^</sup>	17% - 25%*	Nil			Nil				Nil			Nil
Maximum impervious area of site	Nil	60%		35% or 1400m <sup>2</sup> , whichever is lesser	Nil				Depends on adjoining site's zone – from 70% to no limit	10% or 5000m <sup>2</sup> , whichever is lesser		80%
Maximum impervious area within riparian, lakeside, or coastal yard	Nil	10% of the area of the yard			10% <sup>#</sup>				Nil			Nil

\*depends on site size

<sup>^</sup>underlying zones don't have a maximum paved area standard – see maximum impervious surface standards

<sup>#</sup> riparian yards only

## **Attachment 5: TRADITIONAL SUBDIVISION AND DEVELOPMENT PATTERNS SPECIAL CHARACTER AREAS (SCA) - RESIDENTIAL**

The SCA – Residential demonstrates traditional residential subdivision and development patterns typical of the mid-19<sup>th</sup> century through to the mid-20<sup>th</sup> century. Subdivision and development in the areas covered by this overlay generally occurred in three phases, each with a distinct character and clear beginning and end points marked by shifts in transport technology and planning regulations and approaches.

### **FIRST PHASE 1860s-1880s**

The earliest subdivisions in the SCA-Residential began during the 1860s and continued to the 1880s. This phase of development and subdivision is characterized by small-scale and largely ad-hoc development of “the walking suburbs”. Areas that represent this phase of development include parts of St Mary’s Bay, Ponsonby, Freeman’s Bay, Arch Hill, Eden Terrace, Parnell and Grafton.

These areas were the original “walking suburbs” because their proximity to the city enabled access to employment before public transportation was widely available or affordable.

Subdivision and development in these areas was generally informal. Residential sections in the walking suburbs were often formed as part of a series of small subdivisions of original Crown grants, sometimes taking place over a number of decades. Lot sizes tended to be small, ranging from under 300m<sup>2</sup> up to around 450m<sup>2</sup>. Lot widths were narrow (around 10-12m) and resulted in higher density development with houses closely spaced to each other and the road.

Houses were generally built close to or on the front boundary with small set-backs of 0-3m. Where small setbacks existed, houses were generally open to the street, had low timber fences and may have included a small garden.

Housing types in these areas were predominantly one- and two-storey workers’ cottages and Victorian villas, with some variation and later in-fill development.

The road pattern generally followed an orthogonal grid, though there is some variation to take into account topography. Prior to the *Plans of Towns Regulation Act 1875*, there were no standard road widths, and therefore many roads in these areas tend to be narrow – some as narrow as 10m. Footpaths are also very narrow and there are generally no grass berms or street trees, resulting in a very urban character.

### **SECOND PHASE 1880s-1920**

The second phase of development began during the 1880s and continued through to the end of World War I. This phase is characterized by a significant increase in Auckland’s population and commensurate increase in demand for land and housing. This demand was met through the subdivision and development the small farms that once occupied the isthmus beyond the city centre suburbs. Unlike the first phase, subdivision and development during the second phase was more formal, guided by new regulations on road widths, lot sizes and land surveying.

Further driving development during this phase was the introduction of the tram service. Horse-drawn trams began operating in 1884 and electric trams were introduced 1902. Together with improvements to the road network, this phase marked a period of substantial residential growth. Areas that represent this phase of development include: Grey Lynn, parts of Herne Bay, Kingsland, Mount Eden, Mount St John, parts of Balmoral, parts of Epsom, parts of Ellerslie and Otahuhu.

Residential growth in these areas often occurred quickly, with large lots being subdivided and developed within a short period of time, sometimes speculatively. This type of development resulted in generous, more regular-sized lots and a cohesive architectural language.

During this phase of development, lot sizes were generally larger (usually 450m<sup>2</sup>-600m<sup>2</sup>), reflecting a more spacious suburban quality. Lot widths were also larger, usually 12-15m. Houses were located toward the front boundary, and typically occupied much of the width of their sites. Toward the end of this phase, some properties incorporated off-street parking, such as garaging or carports in the front or side yards.

Houses were constructed toward the front boundary, with setbacks ranging from 4-10m. As with the first phase, house were open to the street with low timber fences or basalt walls. Larger front yards provided opportunities landscaping. Well-vegetated gardens, with trees and shrubs were common.

Housing types in these areas were predominantly Victorian and Edwardian villas, including transitional villas and bungalows toward the end of this phase.

The road pattern generally followed an orthogonal grid, though there is some variation to take into account topography. In response to *Plans of Towns Regulations Act 1875*, street widths were standardized at 20m or 30m. Streets also included footpaths, grass berms and street trees, lending a much more suburban character to these areas.

### **THIRD PHASE 1920-1940**

The third phase of development began during the 1920s and continued until the outset of World War II. In 1926, the *Town Planning Act* introduced functional zoning to further prevent ad hoc growth. Although the electric tram service continued to be extended through the isthmus during this phase of development, suburban growth was largely characterized by an increased provision for private car ownership. Areas that represent this phase of development include parts of Balmoral, Sandringham, Avondale, parts of Ellerslie, and parts of Epsom.

Another key concept that emerged during this phase was the town planning movement, which was adopted from overseas and largely centred on the idea that the built environment could have a positive effect on the health and well-being of people. Out of this idea came the Garden Suburb, which focused on the health benefits of open spaces, sunlight and vegetation, and championed large lots, curvilinear street patterns, reserve land and recreational community facilities.



Lot sizes became increasingly irregular, but were often large, generally 750m<sup>2</sup>-1000m<sup>2</sup>, heralding the advent of the quarter-acre section. Likewise, lot widths were increasingly irregular, but generally averaged 15m-20m. New residential development during this phase often included garaging or carports in the side or backyards.

Generally, houses were still located toward the front of the property with 4-10m setbacks. Front boundary treatments became less formal, and landscaping (as opposed to fences or walls) emerged as a means of providing privacy. Many houses, however, still included a low timber fence, basalt wall or hedge. Large front yards provided ample space for gardens, including a wide variety of specimen trees, flowering bushes and structures, such as archways, pergolas and birdbaths.

The predominant housing type in these areas was the bungalow, however, there were also early state houses and exotic styles such as Spanish Mission, Art Deco and Moderne. There was also a revival of the English Cottage and Georgian styles. Houses were larger and less formally arranged, with increased glazing and connection to the outdoors. Increased extension of utilities throughout the isthmus meant that these houses were built to include amenities such as indoor plumbing and electricity.

The road pattern began to move away from the orthogonal grid and toward curvilinear streets and tree-lined avenues. Street widths continued to be standardized to 20m or 30m, and foot paths, grass berms and street trees were all key to the ideals of the Garden Suburb.

## **SOURCES**

Schedule 15: Special Character Schedule, Statements and Maps (section 15.1.1-15.1.5.1.12)

Special Character Areas Overlay – Residential: Isthmus A

Matthews, A. (2012.) *Residential 1 Zone Study*. Plan Change 163.



## **ATTACHMENT 4**

### **SUMMARY OF DECISIONS REQUESTED AND SUBMISSIONS**



**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
1	1.1	Mei Zheng and Xiaoyu Wang	fishyu12345@hotmail.com	Oppose the plan modification	1.1 Decline the plan modification
2	2.1	Louise Anne Malone	louisemalone2882@gmail.com	Support the plan modification	2.1 Accept the plan modification
3	3.1	Glen Marsh	glenmarsh7@hotmail.com		3.1 Delete the restriction on front and side fences
3	3.2	Glen Marsh	glenmarsh7@hotmail.com		3.2 Enable a higher fence for reasons such as privacy, wind protection and aesthetics
4	4.1	Eldon Roberts	Canadians@xtra.co.nz	Oppose the plan modification	4.1 Decline the plan modification
5	5.1	Camily Sun	sunzhuoyue888@gmail.com	Support the plan modification	5.1 Accept the plan modification
6	6.1	Neale Jackson	mnjackson@xtra.co.nz	Oppose the plan modification	6.1 Decline the plan modification
6	6.2	Neale Jackson	mnjackson@xtra.co.nz	Oppose the plan modification	6.2 Retain a 3m rear yard set back to ensure density is restricted
7	7.1	Graham William Arthur Bush and Norma Ann Bush	grahamwaBush@outlook.co.nz	Support the plan modification	7.1 Support the proposed change to building height
7	7.2	Graham William Arthur Bush and Norma Ann Bush	grahamwaBush@outlook.co.nz	Support the plan modification	7.2 Reinstate a rear yard of 3m
7	7.3	Graham William Arthur Bush and Norma Ann Bush	grahamwaBush@outlook.co.nz	Oppose the plan modification	7.3 Oppose changes to impervious area
8	8.1	Adonis Souloglou	adonis@souloglou.com	Accept the plan modification with amendments	8.1 Accept the plan modification with amendments to the height in relation to boundary control - retain the existing control

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
9	9.1	Raymond John Turner and Robin Anne Turner	rturner@xtra.co.nz	Support the plan modification	9.1 Accept the plan modification
10	10.1	John Mark Jones	mark.jones@ifm.com	Oppose the plan modification	10.1 Decline the plan modification
10	10.2	John Mark Jones	mark.jones@ifm.com	Oppose the plan modification	10.2 Oppose changes to height limits
11	11.1	Sherrie Ann Wallace	sherrie@xtra.co.nz	Amend the plan modification if it is not declined	11.1 Oppose the plan change
11	11.2	Sherrie Ann Wallace	sherrie@xtra.co.nz	Oppose the plan modification	11.2 Amend the plan change if it is not declined
12	12.1	Yuan Cheng	yuancheng38@hotmail.com	Oppose the plan modification	12.1 Decline the plan change
13	13.1	Sue Elgar	suemelgar@gmail.com	Oppose the plan modification	13.1 Decline the plan modification

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
13	13.2	Sue Elgar	suemelgar@gmail.com	Oppose the plan modification	13.2 Marama Avenue and Cecil Road should remain Residential 1- Heritage- Special character
14	14.1	Yanping Hu and Zhijian Li	dimon762k2@gmail.com	Support the plan modification	14.1 Accept the plan modification
14	14.2	Yanping Hu and Zhijian Li	dimon762k2@gmail.com	Support the plan modification	14.2 St Andrews Road does not have any special character
15	15.1	Steven Colson	34 Normans Hill Road Onehunga Auckland 1061	Accept the plan modification with amendments	15.1 Accept the plan modification with amendments
15	15.2	Steven Colson	34 Normans Hill Road Onehunga Auckland 1061	Accept the plan modification with amendments	15.2 Retain special character for Normans Hill Road (between 26-32 Normans Hill Road)
16	16.1	Natomi Family Trust Attn : John Brockies	john@walworth.co.nz	Oppose the plan modification	16.1 Decline the plan modification in respect of building height
17	17.1	Kimberley McLean	kimberley.mcl@gmail.com	Accept the plan modification with amendments	17.1 Accept the plan modification with amendments
17	17.2	Kimberley McLean	kimberley.mcl@gmail.com	Accept the plan modification with amendments	17.2 Allow the building of double garages where appropriate, and not a blanket rule of no double garaging

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
18	18.1	Tony Batterton	tony@evergreenpartners.co.nz	Support the plan modification	18.1 Accept the plan modification
18	18.2	Tony Batterton	tony@evergreenpartners.co.nz	Support the plan modification	18.2 Do not loosen or dilute the special character provisions
19	19.1	Zhiming Yang	zhmyang@gmail.com	Support the plan modification	19.1 Accept the plan modification
19	19.2	Zhiming Yang	zhmyang@gmail.com	Support the plan modification	19.2 Change the zoning of 89 King George Avenue to Mixed Housing Suburban
20	20.1	Amrit Jagayat	amrit@tssconsultantsltd.com	Accept the plan modification with amendments	20.1 Accept the plan modification with amendments
20	20.2	Amrit Jagayat	amrit@tssconsultantsltd.com	Accept the plan modification with amendments	20.2 Change zoning of 22 Hill Road, Hill Park to Mixed Housing Suburban or allow multiple lot subdivision
21	21.1	Martin Evans	maevans@actrix.co.nz	Amend the plan modification if it is not declined	21.1 Amend the plan modification if it is not declined
21	21.2	Martin Evans	maevans@actrix.co.nz	Amend the plan modification if it is not declined	21.2 Decline or amend Rule D18.6.1.1 - Building height
21	21.3	Martin Evans	maevans@actrix.co.nz	Amend the plan modification if it is not declined	21.3 Decline or amend Rule D18.6.1.2 - Height in relation to boundary
21	21.4	Martin Evans	maevans@actrix.co.nz	Amend the plan modification if it is not declined	21.4 Oppose changes to Rule D18.6.1.3 Yards



**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
21	21.5	Martin Evans	maevans@actrix.co.nz	Amend the plan modification if it is not declined	21.5 Support wording changes from "paved" to "impervious" for Rule D18.6.1.6 - Maximum impervious area
21	21.6	Martin Evans	maevans@actrix.co.nz	Amend the plan modification if it is not declined	21.6 Oppose changes to Rule D18.6.1.6 - Maximum impervious area
21	21.7	Martin Evans	maevans@actrix.co.nz	Amend the plan modification if it is not declined	21.7 The current percentages of impermeable area be reduced by at least 25% to mitigate for climate change rainfall intensity and peak flows (currently estimated to increase by at least 10% due to climate change) and to further reduce costs of upgrading the current stormwater management system
21	21.8	Martin Evans	maevans@actrix.co.nz	Amend the plan modification if it is not declined	21.8 The existing allowance for impermeable area needs to be further qualified to require on site treatment prior to discharge
21	21.9	Martin Evans	maevans@actrix.co.nz	Amend the plan modification if it is not declined	21.9 Oppose the rule change to restricting the fence height in the front to only 1.2 metres - 1.5m or 1.6m height is more appropriate
21	21.10	Martin Evans	maevans@actrix.co.nz	Amend the plan modification if it is not declined	21.10 Object to a 2-metre height along the sides and rear of properties as it is too high - fence height be amended to 1.8m
22	22.1	Rodger Anderson	rwa911ferry@gmail.com	Oppose the plan modification	22.1 Oppose the plan change
23	23.1	Bakers Delight New Lynn Shuangqian Huang	kevinye71@gmail.com	Oppose the plan modification	23.1 Decline the plan modification

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
24	24.1	Steven Lloyd Francis	stevengeorgie@gmail.com	Accept the plan modification with amendments	24.1 Accept the plan modification with amendments
24	24.2	Steven Lloyd Francis	stevengeorgie@gmail.com	Accept the plan modification with amendments	24.2 Amend the height-in-relation to boundary control to allow the 3m+45 control to apply to all additions/extensions to existing buildings
25	25.1	Johan Willem Barend van der Maas	bvdmaas@me.com	Oppose the plan modification	25.1 Decline the plan modification
25	25.2	Johan Willem Barend van der Maas	bvdmaas@me.com	Oppose the plan modification	25.2 Oppose the change that the 'special character area' overlay prevails over corresponding other provisions in the underlying zone
26	26.1	Elisabeth Sullivan	ersullivan@gmail.com	Accept the plan modification with amendments	26.1 Accept the plan modification with amendments
26	26.2	Elisabeth Sullivan	ersullivan@gmail.com	Accept the plan modification with amendments	26.2 Remove the requirement for 1.2m minimum side yard for Isthmus A properties, should be 1m
26	26.3	Elisabeth Sullivan	ersullivan@gmail.com	Accept the plan modification with amendments	26.3 Support reinstating max height to boundary of 3m for properties with frontages of less than 15m
26	26.4	Elisabeth Sullivan	ersullivan@gmail.com	Accept the plan modification with amendments	26.4 Support reinstating max fence height of 2m for rear yard
27	27.1	Ross George Stanley	rossgstanley@gmail.com	Oppose the plan modification	27.1 Decline the plan modification
28	28.1	Katrina King	kanddking@xtra.co.nz	Support the plan modification	28.1 Accept the plan modification

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
29	29.1	Liza Roberta Clark	liza.clark@uprealestate.co.nz	Oppose the plan modification	29.1 Decline the plan modification
30	30.1	Weimin Tan	tanweimin@vip.sina.com	Oppose the plan modification	30.1 Decline the plan modification
31	31.1	Robert Begg	robert@ontheboat.co.nz	Oppose the plan modification	31.1 Decline the proposed plan change
32	32.1	Colin Lucas	colinl@sellarbone.co.nz	Support the plan modification	32.1 Accept the plan modification
33	33.1	Peter Antony Radich	peter_radich@xtra.co.nz	Support the plan modification	33.1 Accept the plan modification
34	34.1	William Wu	williamwu01@yahoo.com	Oppose the plan modification	34.1 Decline the plan modification
34	34.2	William Wu	williamwu01@yahoo.com	Oppose the plan modification	34.2 Decline the plan modification in respect of H3.6.6 - Height
34	34.3	William Wu	williamwu01@yahoo.com	Oppose the plan modification	34.3 Decline the plan modification in respect of H3.6.7 - Height in relation to boundary
34	34.4	William Wu	williamwu01@yahoo.com	Oppose the plan modification	34.4 Decline the plan modification in respect of H3.6.8 - Yards
34	34.5	William Wu	williamwu01@yahoo.com	Oppose the plan modification	34.5 Decline the plan modification in respect of H3.6.9 - Maximum impervious area

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
34	34.6	William Wu	williamwu01@yahoo.com	Oppose the plan modification	34.6 Decline the plan modification in respect of H3.6.12 - Front, side and rear fences and walls
35	35.1	Heritage Landscapes Attn : Amanda McMullin	mandymc@xtra.co.nz	Accept the plan modification with amendments	35.1 Accept the plan modification with amendments
35	35.2	Heritage Landscapes Attn : Amanda McMullin	mandymc@xtra.co.nz	Accept the plan modification with amendments	35.2 Back yard to be kept at 3m minimum
35	35.3	Heritage Landscapes Attn : Amanda McMullin	mandymc@xtra.co.nz	Accept the plan modification with amendments	35.3 Maximum impermeable area to be kept at existing % of site
35	35.4	Heritage Landscapes Attn : Amanda McMullin	mandymc@xtra.co.nz	Accept the plan modification with amendments	35.4 Fences and walls - Support proposed changes to wording and support the existing rules limiting the height of fences and walls.
36	36.1	Romily Properties Mt Eden Limited	romilyholdings@xtra.co.nz	Support the plan modification	36.1 Accept the plan modification
37	37.1	Sheryll Diane Mitchell	sheryllm@xtra.co.nz	Accept the plan modification with amendments	37.1 Modify the proposed change so that it only applies to dwellings that are of special character within the affected zone
38	38.1	Peter Lucas	peterlucas@xtra.co.nz	Amend the plan modification if it is not declined	38.1 Amend the plan modification if it is not declined
38	38.2	Peter Lucas	peterlucas@xtra.co.nz	Amend the plan modification if it is not declined	38.2 For the fence rules, define the front of beach side houses (i.e. fronting the beach) as the front
39	39.1	Simon Angelo	simonangelo@gmail.com	Oppose the plan modification	39.1 Decline the plan modification

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
40	40.1	Andrew Cox	arcox@xtra.co.nz	Support the plan modification	40.1 Accept the plan modification
41	41.1	Christine Major	christinemajor25@gmail.com	Oppose the plan modification	41.1 Decline the plan modification relating to fences and walls
42	42.1	Ui Young Byun	brian.byun@aucklandcouncil.govt.nz	Oppose the plan modification	42.1 Decline the plan modification
43	43.1	Frank William Frazer and Mary Catherine Frazer	ffrazer7@outlook.com	Accept the plan modification with amendments	43.1 Accept the plan modification with amendments
43	43.2	Frank William Frazer and Mary Catherine Frazer	ffrazer7@outlook.com	Accept the plan modification with amendments	43.2 The following clause should be inserted. "Where the Council has entered into a specific Agreement with a property owner relating to a property, the provisions of the Agreement shall prevail over the requirements of the Special Character Overlay
44	44.1	Jennifer Anne Clark	Jennifer.Clark@xtra.co.nz	Accept the plan modification with amendments	44.1 Accept the plan modification with amendments
44	44.2	Jennifer Anne Clark	Jennifer.Clark@xtra.co.nz	Accept the plan modification with amendments	44.2 Opposed to the requirement for front fences to be limited to 1.2m in height. The requirement for front fence height to be up to the discretion of owners, to the previous maximum of 1.8m.
44	44.3	Jennifer Anne Clark	Jennifer.Clark@xtra.co.nz	Accept the plan modification with amendments	44.3 I would support an amendment that says the fence should be in keeping with the style of the house
45	45.1	Peter Stone	p.stone@auckland.ac.nz	Accept the plan modification with amendments	45.1 Accept the plan modification with amendments

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
45	45.2	Peter Stone	p.stone@auckland.ac.nz	Accept the plan modification with amendments	45.2 Landscaped area needs to be strengthened in terms of retaining significant trees which would need to be identified in the relevant areas
45	45.3	Peter Stone	p.stone@auckland.ac.nz	Accept the plan modification with amendments	45.3 Concerns regarding implementation , oversight and enforcement and the Proposed Plan does not detail if there are any moves to strengthen oversight and so on
45	45.4	Peter Stone	p.stone@auckland.ac.nz	Accept the plan modification with amendments	45.4 Clarify that there are no controlled activities
45	45.5	Peter Stone	p.stone@auckland.ac.nz	Accept the plan modification with amendments	45.5 It would be against the spirit and concept of the Special Areas concerned to permit smaller subdivisions (than 600 sqm)
45	45.6	Peter Stone	p.stone@auckland.ac.nz	Accept the plan modification with amendments	45.6 Oppose removal of open spaces
46	46.1	Vinod Vyas	vinodvyas@gmail.com	Accept the plan modification with amendments	46.1 Accept the plan modification with amendments
46	46.2	Vinod Vyas	vinodvyas@gmail.com	Accept the plan modification with amendments	46.2 To make families secure, fences on all sides should be considered high enough to keep intruders away e.g. 2m on all sides
46	46.3	Vinod Vyas	vinodvyas@gmail.com	Accept the plan modification with amendments	46.3 Most of the chimneys in such old houses are posing danger. These should be allowed to demolished by licensed builder without consent

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
46	46.4	Vinod Vyas	vinodvyas@gmail.com	Accept the plan modification with amendments	46.4 Allow the addition of shower and toilet areas without need of consent. The number can be restricted to number of bed rooms
47	47.1	Jamie Ward	stormy4720@hotmail.com	Accept the plan modification with amendments	47.1 Accept the plan modification with amendments
47	47.2	Jamie Ward	stormy4720@hotmail.com	Accept the plan modification with amendments	47.2 Support amendments that provide simplification, clarification and greater certainty to the current process
48	48.1	Melissa Anne Brown	brownma69@gmail.com	Oppose the plan modification	48.1 Decline the plan modification
48	48.2	Melissa Anne Brown	brownma69@gmail.com	Oppose the plan modification	48.2 Oppose the changes to the plan as they are unclear and would severely penalise us financially in the future
49	49.1	Wing Cheuk Chan	tohappyfaces@gmail.com	Amend the plan modification if it is not declined	49.1 Amend the plan modification if it is not declined
49	49.2	Wing Cheuk Chan	tohappyfaces@gmail.com	Amend the plan modification if it is not declined	49.2 Development criteria is inappropriately restrictive in a number of areas including height to boundary
49	49.3	Wing Cheuk Chan	tohappyfaces@gmail.com	Amend the plan modification if it is not declined	49.3 Special character zone (overlay) should not be applied to 26 St Andrews Road
49	49.4	Wing Cheuk Chan	tohappyfaces@gmail.com	Amend the plan modification if it is not declined	49.4 21 & 21A St Andrews Road do not have historical or special character

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
49	49.5	Wing Cheuk Chan	tohappyfaces@gmail.com	Amend the plan modification if it is not declined	49.5 19 & 19A and 17 7 17A St Andrews Road would not meet the minimum net site area of 66 sqm
49	49.6	Wing Cheuk Chan	tohappyfaces@gmail.com	Amend the plan modification if it is not declined	49.6 22A St Andrews Road is a property that was built in the 1990's and again does not have any historical special character
49	49.7	Wing Cheuk Chan	tohappyfaces@gmail.com	Amend the plan modification if it is not declined	49.7 Consider financial compensation to current owners while their applications for further development are restricted by the new rules
49	49.8	Wing Cheuk Chan	tohappyfaces@gmail.com	Amend the plan modification if it is not declined	49.8 Remove the special character zone overlay from 26 St Andrews road, as existing zoning already has more than adequate provision to protect the aesthetic and physical quality of the local area
50	50.1	Dr.Ralf Schnabel	ralf@schnabel.co.nz	Oppose the plan modification	50.1 Decline the proposed plan change
51	51.1	Janet Digby	login@levare.co.nz	Oppose the plan modification	51.1 Decline the plan modification
51	51.2	Janet Digby	login@levare.co.nz	Oppose the plan modification	51.2 Retain the current stricter height in relation to boundary control
51	51.3	Janet Digby	login@levare.co.nz	Oppose the plan modification	51.3 Oppose the change to the rear yard from 3m to 1m
52	52.1	Christina Chua	christina@firstcomm.tech	Accept the plan modification with amendments	52.1 Accept the plan modification with amendments



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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
52	52.2	Christina Chua	christina@firstcomm.tech	Accept the plan modification with amendments	52.2 Enable properties which are nearer to the road to have the option of higher fences for better privacy
53	53.1	Gerard Robert Murphy	gerardmurphy@xtra.co.nz	Support the plan modification	53.1 Accept the proposed plan change
54	54.1	Freemans Bay Residents Association David Alexander Alison	davidalison@xtra.co.nz	Support the plan modification	54.1 Accept the proposed plan change
55	55.1	Wong Liu Shueng	wongls@interculturalworks.co.nz		55.1 Retain the special character of Freemans Bay
55	55.2	Wong Liu Shueng	wongls@interculturalworks.co.nz		55.2 Clarify the rules applying to renovations and the building of new dwellings
55	55.3	Wong Liu Shueng	wongls@interculturalworks.co.nz		55.3 Maintain access to sunlight and air
56	56.1	Charles Laurence Digby	chas@levare.co.nz	Oppose the plan modification	56.1 Oppose the specific provisions identified
56	56.2	Charles Laurence Digby	chas@levare.co.nz	Oppose the plan modification	56.2 Retain current rules relating to height in relation to boundary
56	56.3	Charles Laurence Digby	chas@levare.co.nz	Oppose the plan modification	56.3 Opposed to changing the 3m boundary to just 1m
57	57.1	Jae Ellis	jaeartist98@gmail.com	Accept the plan modification with amendments	57.1 Accept the plan modification with amendments

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
57	57.2	Jae Ellis	jaeartist98@gmail.com	Accept the plan modification with amendments	57.2 Backdate and clarify that the overlay priorities also apply to all recent and future infrastructure development in the same way as for residential
57	57.3	Jae Ellis	jaeartist98@gmail.com	Accept the plan modification with amendments	57.3 Revisit the decision for the St Marys Bay - Masefield Beach Water Quality Improvement Project
58	58.1	Peter Ronald Harrison	peterh129@gmail.com	Support the plan modification	58.1 Accept the proposed plan change
59	59.1	Wayne Alexander Edward Knight	knightcentaurus@gmail.com	Support the plan modification	59.1 Accept the proposed plan change
60	60.1	William Andrew Tipping	will.tipping@mayneWetherell.com	Support the plan modification	60.1 Accept the proposed plan change
61	61.1	Mary Peters	mary@marypeters.co.nz	Support the plan modification	61.1 Accept the proposed plan change
62	62.1	Hui Chen	huichen0228@hotmail.com	Oppose the plan modification	62.1 Decline the plan modification
62	62.2	Hui Chen	huichen0228@hotmail.com	Oppose the plan modification	62.2 Don't change the school zones & single house zone
63	63.1	Teresa Lyndsay Marene Davis	teresa.davis@fisherpaykel.com	Accept the plan modification with amendments	63.1 Accept the plan modification with amendments
63	63.2	Teresa Lyndsay Marene Davis	teresa.davis@fisherpaykel.com	Accept the plan modification with amendments	63.2 Provide further protection and maintenance for the 7 Railway Houses at Station Road Papatoetoe and a restriction on high density housing on the land occupied by the houses

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
63	63.3	Teresa Lyndsay Marene Davis	teresa.davis@fisherpaykel.com	Accept the plan modification with amendments	63.3 The Plan Changes should incorporate a provision to assist home owners to maintain their houses and preserve their character
64	64.1	Ross Thorby	rmthorby@gmail.com	Support the plan modification	64.1 Accept the proposed plan change
65	65.1	Lesley Christiansen-Yule	les@thenzchef.co.nz	Support the plan modification	65.1 Accept the proposed plan change
66	66.1	Philip Yule	phil@voicebox.co.nz	Support the plan modification	66.1 Accept the proposed plan change
67	67.1	Brendan Christopher Kell	oliverschristmas@orcon.net.nz	Oppose the plan modification	67.1 Decline the plan modification
67	67.2	Brendan Christopher Kell	oliverschristmas@orcon.net.nz	Oppose the plan modification	67.2 Oppose the proposed 1.2m height allowance for fencing which would destroy any privacy and security to our side and back yard outdoor living areas
68	68.1	Darren Pang	pang_darren@yahoo.co.nz	Oppose the plan modification	68.1 Decline the plan modification
68	68.2	Darren Pang	pang_darren@yahoo.co.nz	Oppose the plan modification	68.2 Rules applying to site boundaries (yards) should be eased
68	68.3	Darren Pang	pang_darren@yahoo.co.nz	Oppose the plan modification	68.3 1.2m in height for fences and walls - unreasonable requirement as that height provides no privacy and no security, especially families with young children and dogs
68	68.4	Darren Pang	pang_darren@yahoo.co.nz	Oppose the plan modification	68.4 Oppose changes to landscaped area

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
68	68.5	Darren Pang	pang_darren@yahoo.co.nz	Oppose the plan modification	68.5 There is a necessity to reduce character protection. Defining Wairiki Road with Special Character Area Overlay was not right
69	69.1	Ying Chen	winonashchina@hotmail.com	Oppose the plan modification	69.1 Decline the plan modification
69	69.2	Ying Chen	winonashchina@hotmail.com	Oppose the plan modification	69.2 Fencing and walls 1.2m in height - unreasonable requirement as that height provides no privacy and no security
69	69.3	Ying Chen	winonashchina@hotmail.com	Oppose the plan modification	69.3 Special Character Areas Overlay provides no flexible density requirements, which is contradictory to housing affordability
70	70.1	Lyndsay and Lianne Brock	artist@kiwilink.co.nz	Oppose the plan modification	70.1 Do not support the provisions of PC 26 as it applies to yards, building coverage, height in relation to boundary, maximum impervious area & landscaped area or landscaping
70	70.2	Lyndsay and Lianne Brock	artist@kiwilink.co.nz	Oppose the plan modification	70.2 Do not support the proposed 15m frontage 'trigger' and ask that it be deleted
70	70.3	Lyndsay and Lianne Brock	artist@kiwilink.co.nz	Oppose the plan modification	70.3 Request that the current flexibility control of front yards be retained to ensure consistency of streetscapes
70	70.4	Lyndsay and Lianne Brock	artist@kiwilink.co.nz	Oppose the plan modification	70.4 Request that the 3m rear yard measurement be retained

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
70	70.5	Lyndsay and Lianne Brock	artist@kiwilink.co.nz	Oppose the plan modification	70.5 Do not support 40% building coverage as contained in Plan Change 26
70	70.6	Lyndsay and Lianne Brock	artist@kiwilink.co.nz	Oppose the plan modification	70.6 Support the new definition 'maximum impervious area'
70	70.7	Lyndsay and Lianne Brock	artist@kiwilink.co.nz	Oppose the plan modification	70.7 Do not support the percentages included in the plan change tables (for maximum impervious area)
70	70.8	Lyndsay and Lianne Brock	artist@kiwilink.co.nz	Oppose the plan modification	70.8 A full assessment of the cumulative effect of policies (height in relation to boundary, yards, coverage and maximum impervious area) contained in Plan Change 26 be provided to commissioners before a decision is finalised
70	70.9	Lyndsay and Lianne Brock	artist@kiwilink.co.nz	Oppose the plan modification	70.9 Request that Plan Change 26 be withdrawn and the Special Character Overlay be retained in its current form
71	71.1	Shamal Charan	ShamalCharan@hotmail.com	Accept the plan modification with amendments	71.1 Accept the plan change with amendments
71	71.2	Shamal Charan	ShamalCharan@hotmail.com	Accept the plan modification with amendments	71.2 Amend D18 Subdivision to enable ability to build minor dwelling at 106 Grande Vue Road, Manurewa
72	72.1	Fred Koke	fred.koke@gmail.com	Oppose the plan modification	72.1 Decline the plan modification
73	73.1	Catherine Spencer	cath_spencer@hotmail.com	Amend the plan modification if it is not declined	73.1 Amend the plan modification if it is not declined

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
73	73.2	Catherine Spencer	cath_spencer@hotmail.com	Amend the plan modification if it is not declined	73.2 Maintain the envelope (i.e. height in relation to boundary) based on a 3m vertical height and then a 45-degree incline for height in relation to boundary
73	73.3	Catherine Spencer	cath_spencer@hotmail.com	Amend the plan modification if it is not declined	73.3 Maintain the current 3m boundary for rear yard setback
74	74.1	Dean Tony Turner	deanturnerpm@gmail.com	Accept the plan modification with amendments	74.1 Accept the plan modification with amendments
74	74.2	Dean Tony Turner	deanturnerpm@gmail.com	Accept the plan modification with amendments	74.2 Remove fence height restrictions
74	74.3	Dean Tony Turner	deanturnerpm@gmail.com	Accept the plan modification with amendments	74.3 Ease yard requirement restrictions
75	75.1	Wendy and Bruce Hadden	bruce@hadden.co.nz>	Oppose the plan modification	75.1 Retain the right to subdivide down to 600 sqm in the Special Character area (Victoria Ave, Remuera)
76	76.1	Dame Denise L'Estrange-Corbet	denise@worldbrand.co.nz	Oppose the plan modification	76.1 Decline the plan modification
76	76.2	Dame Denise L'Estrange-Corbet	denise@worldbrand.co.nz	Oppose the plan modification	76.2 Decline the plan modification in respect of fence and wall heights
77	77.1	Christopher and Louise Johnstone	johnstone_associates@xtra.co.nz	Oppose the plan modification	77.1 Decline the plan modification
77	77.2	Christopher and Louise Johnstone	johnstone_associates@xtra.co.nz	Oppose the plan modification	77.2 Maximum height should not be increased

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
77	77.3	Christopher and Louise Johnstone	johnstone_associates@xtra.co.nz	Oppose the plan modification	77.3 Height to boundary should remain the same
77	77.4	Christopher and Louise Johnstone	johnstone_associates@xtra.co.nz	Oppose the plan modification	77.4 Building coverage should not be increased
77	77.5	Christopher and Louise Johnstone	johnstone_associates@xtra.co.nz	Oppose the plan modification	77.5 Landscaped area should not be increased
78	78.1	Lim Che Cheung Chan	wclctychan@gmail.com	Oppose the plan modification	78.1 Decline the plan modification
78	78.2	Lim Che Cheung Chan	wclctychan@gmail.com	Oppose the plan modification	78.2 Development criteria is inappropriately restrictive in a number of areas including height to boundary
78	78.3	Lim Che Cheung Chan	wclctychan@gmail.com	Oppose the plan modification	78.3 Special character zone (overlay) should not be applied to 26 St Andrews Road
78	78.4	Lim Che Cheung Chan	wclctychan@gmail.com	Oppose the plan modification	78.4 21 & 21A St Andrews Road do not have historical or special character
78	78.5	Lim Che Cheung Chan	wclctychan@gmail.com	Oppose the plan modification	78.5 19 & 19A and 17 & 17A St Andrews Road would not meet the minimum net site area of 66 sqm
78	78.6	Lim Che Cheung Chan	wclctychan@gmail.com	Oppose the plan modification	78.6 22A St Andrews Road is a property that was built in the 1990's and again does not have any historical special character

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
78	78.7	Lim Che Cheung Chan	wclctychan@gmail.com	Oppose the plan modification	78.7 Remove the special character zone overlay from 26 St Andrews Road, as existing zoning already has more than adequate provision to protect the aesthetic and physical quality of the local area
79	79.1	Janet Dickson	janet@dickson.co.nz	Accept the plan modification with amendments	79.1 Accept the plan modification with amendments
79	79.2	Janet Dickson	janet@dickson.co.nz	Accept the plan modification with amendments	79.2 Make provision to include Howick as soon as its Special Character Area Statement has been finalised to the satisfaction of the local people
79	79.3	Janet Dickson	janet@dickson.co.nz	Accept the plan modification with amendments	79.3 Amend Part D18.1 by removing the words "other than Howick"
79	79.4	Janet Dickson	janet@dickson.co.nz	Accept the plan modification with amendments	79.4 Expand the Special Character notation on the Planning Maps to include the areas identified on the attached plan
79	79.5	Janet Dickson	janet@dickson.co.nz	Accept the plan modification with amendments	79.5 Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted
79	79.6	Janet Dickson	janet@dickson.co.nz	Accept the plan modification with amendments	79.6 Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes
79	79.7	Janet Dickson	janet@dickson.co.nz	Accept the plan modification with amendments	79.7 Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes



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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
80	80.1	Philip Wood	philandvalw@xtra.co.nz	Oppose the plan modification	80.1 Decline the plan modification
81	81.1	Nicole Helen Joyce	tonnic2@yahoo.co.nz	Oppose the plan modification	81.1 Decline the plan modification
82	82.1	Stephen Hudson	Stephen.Hudson@macquarie.com	Support the plan modification	82.1 Support the objective of the change in clarifying the interaction of rules relating to Special Character Area Overlay and those zoned residential
82	82.2	Stephen Hudson	Stephen.Hudson@macquarie.com	Support the plan modification	82.2 Do not carve out existing resource consents from the change without proper consultation with affected parties where there is a material difference in outcomes were Change 26 to apply
83	83.1	David Roberton	Dave.Roberton@macquarie.com	Support the plan modification	82.1 Support the objective of the change in clarifying the interaction of rules relating to Special Character Area Overlay and those zoned residential
83	83.2	David Roberton	Dave.Roberton@macquarie.com	Support the plan modification	82.2 Do not carve out existing resource consents from the change without proper consultation with affected parties where there is a material difference in outcomes were Change 26 to apply
84	84.1	Lambert Hoogeveen	lamberth@mail.com	Accept the plan modification with amendments	84.1 Accept the plan modification with amendments
84	84.2	Lambert Hoogeveen	lamberth@mail.com	Accept the plan modification with amendments	84.2 Building height to be 8m without exceptions
84	84.3	Lambert Hoogeveen	lamberth@mail.com	Accept the plan modification with amendments	84.3 Re-instate the rear yard set-back of 3m

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
85	85.1	Joanna Keane	joannakeane230@gmail.com	Support the plan modification	85.1 Accept the proposed plan change
85	85.2	Joanna Keane	joannakeane230@gmail.com	Support the plan modification	85.2 Retain heritage status on dwelling (at 5 Quadrant Road, Onehunga)
85	85.3	Joanna Keane	joannakeane230@gmail.com	Support the plan modification	85.3 Enable the section (5 Quadrant Road, Onehunga) to be subdivided
86	86.1	Patrick Noel Joseph Griffin	griffinmt1952@gmail.com	Oppose the plan modification	86.1 Decline the plan modification
86	86.2	Patrick Noel Joseph Griffin	griffinmt1952@gmail.com	Oppose the plan modification	86.2 Leave the street (Thames Street, Mt Eden) as it is - if people own the property it should be their right to make changes as they see fit
87	87.1	Maria Poynter	maria.poynter@gmail.com	Support the plan modification	87.1 Accept the plan modification
88	88.1	Passion Fruit Trust	t.churton@xtra.co.nz		88.1 The more restrictive height to boundary measure be used
88	88.2	Passion Fruit Trust	t.churton@xtra.co.nz		88.2 The more restrictive rear yard setback be used
88	88.3	Passion Fruit Trust	t.churton@xtra.co.nz		88.3 The plan (change) needs to take into account the effects of development on neighbours as well as on streetscape

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
88	88.4	Passion Fruit Trust	t.churton@xtra.co.nz		88.4 We do not support anything which will make special character and heritage buildings more easily able to be demolished and special character areas to be eroded
88	88.5	Passion Fruit Trust	t.churton@xtra.co.nz		88.5 All neighbours in special character areas to be notified when there is development proposed on their boundary
89	89.1	Kathy Prentice	kat.pren@gmail.com	Oppose the plan modification	89.1 Decline the plan modification
89	89.2	Kathy Prentice	kat.pren@gmail.com	Oppose the plan modification	89.2 Retain the Single House zone height in relation to boundary control
89	89.3	Kathy Prentice	kat.pren@gmail.com	Oppose the plan modification	89.3 Retain the Single House zone rear yard control of 3m
90	90.1	Sharyn Qu	sharynqu@gmail.com	Oppose the plan modification	90.1 The characters/styles outlined in the Schedule 15 Special Character Schedule Statements and Maps for Princes Avenue special area are inaccurate - therefore, the overlay rules should not take precedent
90	90.2	Sharyn Qu	sharynqu@gmail.com	Oppose the plan modification	90.2 Council should put greater focus on the existing character of the individual houses and the immediate affected neighbours to determine which provisions of the SCA Overlay would prevail. This shouldn't be a one rule for all approach because every site and proposal are different
90	90.3	Sharyn Qu	sharynqu@gmail.com	Oppose the plan modification	90.3 My site (location not specified) should be removed from the overlay map

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
90	90.4	Sharyn Qu	sharynqu@gmail.com	Oppose the plan modification	90.4 Clarify what are "D18.6 Standards" and "D18.7 Assessments" and how are they applied
91	91.1	Raymond Johnston	tamariki@hotmail.com	Accept the plan modification with amendments	91.1 Accept the plan modification with amendments
91	91.2	Raymond Johnston	tamariki@hotmail.com	Accept the plan modification with amendments	91.2 The underlying (and presuming more restrictive) height in relation to boundary standard should not apply to a rear site - allow the 3.0m height in relation to boundary to also apply to rear sites
91	91.3	Raymond Johnston	tamariki@hotmail.com	Accept the plan modification with amendments	91.3 The amendments do not outline or address what is considered as the front or side of a rear site
92	92.1	Jenny Granville	jenny.j.granville@gmail.com	Support the plan modification	92.1 Accept the proposed plan change
93	93.1	Donald James Lyon Catherine Elizabeth Lyon and Professional Trustee Services Ltd	clyon@xtra.co.nz	Accept the plan modification with amendments	93.1 Accept the plan modification with amendments
93	93.2	Donald James Lyon Catherine Elizabeth Lyon and Professional Trustee Services Ltd	clyon@xtra.co.nz	Accept the plan modification with amendments	93.2 Remove Special Character Area Overlay from 42A Kitenui Avenue as the Overlay is inappropriate for this large rear site which already contains a four unit development
94	94.1	Stephen A Nielsen	sunjamr@earthlink.net	Accept the plan modification with amendments	94.1 Accept the plan modification with amendments
94	94.2	Stephen A Nielsen	sunjamr@earthlink.net	Accept the plan modification with amendments	94.2 Modify D18.4.1(A1) to say "Restoration and repair (including re-cladding) to a building on all sites in the Special Character Areas Overlay is a permitted activity"

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
95	95.1	Adam and Sue Berry	berry.adam@yahoo.co.nz	Oppose the plan modification	95.1 A home in the Herne Bay area should be able to be rebuilt in the exact same style it was originally and be rebuilt in proportion to the section size if it were destroyed
95	95.2	Adam and Sue Berry	berry.adam@yahoo.co.nz	Oppose the plan modification	95.2 Oppose that larger sites be subdivided or that a home can only be rebuilt on quarter of a larger site or smaller part of a half site as per Building Coverage allowed in table D18.6.1.4
95	95.3	Adam and Sue Berry	berry.adam@yahoo.co.nz	Oppose the plan modification	95.3 Can Auckland Council reserve some areas with homes built in proportion to section sizes as a unique liveable part of Auckland City landscape
95	95.4	Adam and Sue Berry	berry.adam@yahoo.co.nz	Oppose the plan modification	95.4 Reconsider not including Herne Bay or this part of Herne Bay into the proposed plan change 26 but keep this area as a unique part of Auckland district
96	96.1	Colin and Jocelyn Weatherall Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	96.1 Accept the plan modification with amendments
96	96.2	Colin and Jocelyn Weatherall Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	96.2 Replace the words "takes precedence over" with "replaces" in D18.4 Activity Table
96	96.3	Colin and Jocelyn Weatherall Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	96.3 Amend D18.6 Standards by adding the words All activities "that are listed as permitted, controlled or restricted discretionary activities".....
96	96.4	Colin and Jocelyn Weatherall Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	96.4 Delete the distinction in the height in relation to boundary control for sites less than or greater than 15m frontage, corner sites and rear sites

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
96	96.5	Colin and Jocelyn Weatherall Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	96.5 Delete the side and rear yard controls
96	96.6	Colin and Jocelyn Weatherall Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	96.6 Amend the controls for fences and walls by only limiting the height on corner sites to the shorter frontage, and defining the front fascade as the one facing the shorter frontage of the site
96	96.7	Colin and Jocelyn Weatherall Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	96.7 Amend the Matters of Discretion by including reference to any policy that is relevant, the purpose statement, the effects of the infringement, the effects on the amenity of neighbouring sites, the effects of any unusual characteristics of the site, characteristics of the development, any other matters and the effects of all infringements
96	96.8	Colin and Jocelyn Weatherall Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	96.8 Amend E38.8.2.6 Subdivision by replacing the words "takes precedence" with "replace"
96	96.9	Colin and Jocelyn Weatherall Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	96.9 Any alternative and additional changes to PC26 that would provide for the matters set out in this submission
96	96.1	Colin and Jocelyn Weatherall Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	96.10 Any other consequential or alternative amendments arising from these changes
96	96.11	Colin and Jocelyn Weatherall Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	96.11 Give consideration to inserting the overlay as a new zone rather than continuing with the zone and overlay combination, especially in respect of properties currently zoned residential
97	97.1	Peter Ng Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	97.1 Accept the plan modification with amendments

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
97	97.2	Peter Ng Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	97.2 Replace the words "takes precedence over" with "replaces" in D18.4 Activity Table
97	97.3	Peter Ng Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	97.3 Amend D18.6 Standards by adding the words All activities "that are listed as permitted, controlled or restricted discretionary activities".....
97	97.4	Peter Ng Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	97.4 Delete the distinction in the height in relation to boundary control for sites less than or greater than 15m frontage, corner sites and rear sites
97	97.5	Peter Ng Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	97.5 Delete the side and rear yard controls
97	97.6	Peter Ng Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	97.6 Amend the controls for fences and walls by only limiting the height on corner sites to the shorter frontage, and defining the front facade as the one facing the shorter frontage of the site
97	97.7	Peter Ng Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	97.7 Amend the Matters of Discretion by including reference to any policy that is relevant, the purpose statement, the effects of the infringement, the effects on the amenity of neighbouring sites, the effects of any unusual characteristics of the site, characteristics of the development, any other matters and the effects of all infringements
97	97.8	Peter Ng Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	97.8 Amend E38.8.2.6 Subdivision by replacing the words "takes precedence" with "replace"

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
97	97.9	Peter Ng Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	97.9 Any alternative and additional changes to PC26 that would provide for the matters set out in this submission
97	97.10	Peter Ng Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	97.10 Any other consequential or alternative amendments arising from these changes
97	97.11	Peter Ng Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	97.11 Give consideration to inserting the overlay as a new zone rather than continuing with the zone and overlay combination, especially in respect of properties currently zoned residential
98	98.1	Mary Helen Hare	51 Maungawhau Road Epsom Auckland 1023	Support the plan modification	98.1 Accept the proposed plan change
99	99.1	Isabella Huihana Tedcastle	114 Long Drive St St Heliers Auckland 1071	Oppose the plan modification	99.1 Decline the proposed plan change
100	100.1	Xiaoli Jing	dragon9988@gmail.com	Oppose the plan modification	100.1 Decline the plan modification
100	100.2	Xiaoli Jing	dragon9988@gmail.com	Oppose the plan modification	100.2 Change the zoning (of 130 Balmoral Road, Mt Eden) to Mixed Housing Urban and remove special character overlay to enable subdivision
101	101.1	Keen Trusts Partnership	keen.as@xtra.co.nz	Support the plan modification	101.1 Accept the plan change
102	102.1	M.Carol Scott	scottcc@xtra.co.nz	Oppose the plan modification	102.1 Decline the plan modification
102	102.2	M.Carol Scott	scottcc@xtra.co.nz	Oppose the plan modification	102.2 Retain rear yard setbacks at 3m



**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
102	102.3	M.Carol Scott	scottcc@xtra.co.nz	Oppose the plan modification	102.3 Apply suitable greater restriction on two-storey houses, e.g. larger yards
103	103.1	Rosemary McElroy	mike.posie@xtra.co.nz	Oppose the plan modification	103.1 The special character of Arney Road continue to be recognized as valuable to Auckland and that the status quo as a Character Area be retained
103	103.2	Rosemary McElroy	mike.posie@xtra.co.nz	Oppose the plan modification	103.2 Protect mature trees
103	103.3	Rosemary McElroy	mike.posie@xtra.co.nz	Oppose the plan modification	103.3 Keep minimum site size at 1000sqm
104	104.1	Praveen Bondili	praveentej1330@gmail.com	Support the plan modification	104.1 Accept the plan change
105	105.1	Neil Harnisch	21nehi21@gmail.com	Amend the plan modification if it is not declined	105.1 Amend the plan change If it is not declined
105	105.2	Neil Harnisch	21nehi21@gmail.com	Amend the plan modification if it is not declined	105.2 Mapping to show extent of SCAR overlay
105	105.3	Neil Harnisch	21nehi21@gmail.com	Amend the plan modification if it is not declined	105.3 Add Activity status legend to explain the significance of the letters "P", "RD" etc
106	106.1	Dougall Kraayvanger	dougallk@hotmail.com	Amend the plan modification if it is not declined	106.1 Amend the plan change if it is not declined
106	106.2	Dougall Kraayvanger	dougallk@hotmail.com	Amend the plan modification if it is not declined	106.2 Amend side and front yard setbacks to allow for close living and protection from uninvited public access

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
107	107.1	Robyn Rosemary Cameron	cameronrobyn@gmail.com	Oppose the plan modification	107.1 Decline the plan change
107	107.2	Robyn Rosemary Cameron	cameronrobyn@gmail.com	Oppose the plan modification	107.2 Decline the plan change in respect of D18.6.1 Standards
107	107.3	Robyn Rosemary Cameron	cameronrobyn@gmail.com	Oppose the plan modification	107.3 Decline the plan change in respect of D18.6.1.1 Building Heights
107	107.4	Robyn Rosemary Cameron	cameronrobyn@gmail.com	Oppose the plan modification	107.4 Decline the plan change in respect of D18.6.1.2 Height in Relation to Boundary
107	107.5	Robyn Rosemary Cameron	cameronrobyn@gmail.com	Oppose the plan modification	107.5 Decline the plan change in respect of D18.6.1.3 Yards
108	108.1	Gull NZ Ltd C/- Tracy Hayson, Hayson Knell Ltd	tracy@haysonknell.co.nz	Accept the plan modification with amendments	108.1 Accept the plan change with amendments
108	108.2	Gull NZ Ltd C/- Tracy Hayson, Hayson Knell Ltd	tracy@haysonknell.co.nz	Accept the plan modification with amendments	108.2 Apply the business special character overlay to business zoned land, - not residential
109	109.2	Abbie Blacktopp	Abbie.Blacktopp@anz.com		109.1 Provide further clarity, guidance and allowances are provided for properties that are not currently (and never have been) in line with the special character of the area that you (Council) are trying to preserve
110	110.1	KTW Systems LP c/- Rachel Dimery	Rachel@dimery.co.nz	Accept the plan modification with amendments	110.1 Accept the plan change with amendments

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
110	110.2	KTW Systems LP c/- Rachel Dimery	Rachel@dimery.co.nz	Accept the plan modification with amendments	110.2 Provide for the preservation of views from a dwelling at 5 Palmerston Road and amenity values on this site
110	110.3	KTW Systems LP c/- Rachel Dimery	Rachel@dimery.co.nz	Accept the plan modification with amendments	110.3 Enable appropriate development at 5 Palmerston Road
110	110.4	KTW Systems LP c/- Rachel Dimery	Rachel@dimery.co.nz	Accept the plan modification with amendments	110.4 Either include relevant objectives and policies in the overlay to address broader amenity values and other effects; or clarify that the objectives and policies of the underlying zone apply in addition to those in the Special Character Areas Overlay
110	110.5	KTW Systems LP c/- Rachel Dimery	Rachel@dimery.co.nz	Accept the plan modification with amendments	110.5 Provide further, consequential or alternative relief as may be necessary, desirable, or appropriate to give effect to the decision sought
110	110.6	KTW Systems LP c/- Rachel Dimery	Rachel@dimery.co.nz	Accept the plan modification with amendments	110.6 Amend the wording of preamble to Activity Table D18.4 (second paragraph) in accordance with the submission
110	110.7	KTW Systems LP c/- Rachel Dimery	Rachel@dimery.co.nz	Accept the plan modification with amendments	110.7 Retain the third paragraph under the heading D18.4 - Activity table
110	110.8	KTW Systems LP c/- Rachel Dimery	Rachel@dimery.co.nz	Accept the plan modification with amendments	110.8 Amend Activity Table (A5A) by deleting reference to compliance with Standard D18.6.1.7(1)
110	110.9	KTW Systems LP c/- Rachel Dimery	Rachel@dimery.co.nz	Accept the plan modification with amendments	110.9 Amend Activity Table (A5B) by deleting A5B in its entirety

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
110	110.10	KTW Systems LP c/- Rachel Dimery	Rachel@dimery.co.nz	Accept the plan modification with amendments	110.10 Retain D18.6.1 subclauses (a) and (b)
110	110.11	KTW Systems LP c/- Rachel Dimery	Rachel@dimery.co.nz	Accept the plan modification with amendments	110.11 Retain D18.6.1.1 - Building height as notified
110	110.12	KTW Systems LP c/- Rachel Dimery	Rachel@dimery.co.nz	Accept the plan modification with amendments	110.12 Amend D18.6.1.2(2) as per the submission
110	110.13	KTW Systems LP c/- Rachel Dimery	Rachel@dimery.co.nz	Accept the plan modification with amendments	110.13 Retain D18.6.1.3 - Yards as notified
110	110.14	KTW Systems LP c/- Rachel Dimery	Rachel@dimery.co.nz	Accept the plan modification with amendments	110.14 Retain D18.6.1.4 - Building coverage as notified
110	110.15	KTW Systems LP c/- Rachel Dimery	Rachel@dimery.co.nz	Accept the plan modification with amendments	110.15 Retain D18.6.1.6 Maximum impervious area as notified
110	110.16	KTW Systems LP c/- Rachel Dimery	Rachel@dimery.co.nz	Accept the plan modification with amendments	110.16 Retain D18.6.1.7 - Fences and walls as notified
110	110.17	KTW Systems LP c/- Rachel Dimery	Rachel@dimery.co.nz	Accept the plan modification with amendments	110.17 Retain D18.8.1.1 (3)(c) - Matters of Discretion
111	111.1	Alexander and Julia Cowdell	cowdellz@xtra.co.nz	Oppose the plan modification	111.1 Oppose SCAR Height in relation to boundary changes
111	111.2	Alexander and Julia Cowdell	cowdellz@xtra.co.nz	Oppose the plan modification	111.2 Plan 26, which seeks to change measurements, will have a detrimental effect on the quality of life of residents, not to mention the heritage value of properties. Building so close to boundaries inevitably means that issues of noise, sunlight and privacy can seriously impact neighbourly relations and mental health

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
112	112.1	Peter Desmond Withell	seg@xtra.co.nz	Support the plan modification	112.1 Accept the plan change
113	113.1	Sheng Yun Nie	effenie@hotmail.com	Support the plan modification	113.1 Accept the plan change
114	114.1	Graeme Cummings	cummings.graeme@gmail.com	Oppose the plan modification	114.1 Decline the plan change
114	114.2	Graeme Cummings	cummings.graeme@gmail.com	Oppose the plan modification	114.2 Opposed to the imposition of the 1.2m front fencing restriction
115	115.1	David Barber	david.barber@xtra.co.nz	Accept the plan modification with amendments	115.1 Accept the Plan Change with amendments
115	115.2	David Barber	david.barber@xtra.co.nz	Accept the plan modification with amendments	115.2 Require a resource consent for the trimming or felling of trees over 8m
115	115.3	David Barber	david.barber@xtra.co.nz	Accept the plan modification with amendments	115.3 Provide greater control for signage outside residential properties
115	115.4	David Barber	david.barber@xtra.co.nz	Accept the plan modification with amendments	115.4 Do not allow new fences that are deemed to be not in character with the area
116	116.1	Tricia Reade	tricia.reade@gmail.com	Support the plan modification	116.1 Accept the Plan Change
117	117.1	Victoria Toon	victoria.toon@gmail.com	Oppose the plan modification	117.1 Decline the plan change

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
117	117.2	Victoria Toon	victoria.toon@gmail.com	Oppose the plan modification	117.2 Do not apply the proposed plan change to replacement fencing
117	117.3	Victoria Toon	victoria.toon@gmail.com	Oppose the plan modification	117.3 Increase the 1.2m fence height, which is too low and not practical
118	118.1	Joanne Riha Crowley	jo.crowley@xtra.co.nz	Support the plan modification	118.1 Accept the plan change
119	119.1	Melanie Abernethy	melanie.abernethy003@gmail.com	Support the plan modification	119.1 Accept the plan change
120	120.1	Ken Chang	kenchang_08@yahoo.co.nz	Support the plan modification	120.1 Accept the plan change
121	121.1	Darcy McNicoll	darcymnicoll1@gmail.com	Oppose the plan modification	121.1 Decline the plan modification
121	121.2	Darcy McNicoll	darcymnicoll1@gmail.com	Oppose the plan modification	121.2 Retain the SHZ height in relation to boundary control
121	121.3	Darcy McNicoll	darcymnicoll1@gmail.com	Oppose the plan modification	121.3 Retain the 3m rear yard
121	121.4	Darcy McNicoll	darcymnicoll1@gmail.com	Oppose the plan modification	121.4 Decline the plan change in respect of D18.6.1 - Standards
121	121.5	Darcy McNicoll	darcymnicoll1@gmail.com	Oppose the plan modification	121.5 Decline the plan change in respect of D18.6.11 - Building height

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**Summary of Decisions Requested**

<b>Sub #</b>	<b>Sub Point</b>	<b>Submitter Name</b>	<b>Address for Service</b>	<b>Theme</b>	<b>Summary</b>
122	122.1	Robyn McNicoll	darcymcnicoll@xtra.co.nz	Oppose the plan modification	122.1 Decline the plan modification
122	122.2	Robyn McNicoll	darcymcnicoll@xtra.co.nz	Oppose the plan modification	122.2 Retain the SHZ height in relation to boundary control
122	122.3	Robyn McNicoll	darcymcnicoll@xtra.co.nz	Oppose the plan modification	122.3 Retain the 3m rear yard
122	122.4	Robyn McNicoll	darcymcnicoll@xtra.co.nz	Oppose the plan modification	122.4 Decline the plan change in respect of D18.6.1 - Standards
122	122.5	Robyn McNicoll	darcymcnicoll@xtra.co.nz	Oppose the plan modification	122.5 Decline the plan change in respect of D18.6.11 - Building height
123	123.1	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	gaelm@4sight.co.nz	Support the plan modification	123.1 Accept the plan change
123	123.2	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	gaelm@4sight.co.nz	Support the plan modification	123.2 Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18 Activity Table (Explanation)
123	123.3	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	gaelm@4sight.co.nz	Support the plan modification	123.3 Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to Table D18.4.1 Activity table

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**Summary of Decisions Requested**

<b>Sub #</b>	<b>Sub Point</b>	<b>Submitter Name</b>	<b>Address for Service</b>	<b>Theme</b>	<b>Summary</b>
123	123.4	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	gaelm@4sight.co.nz	Support the plan modification	123.4 Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1 Standards for Buildings in Special Character Areas Overlay
123	123.5	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	gaelm@4sight.co.nz	Support the plan modification	123.5 Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1.1 Building Height
123	123.6	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	gaelm@4sight.co.nz	Support the plan modification	123.6 Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1.2 Height in relation to boundary (except in relation to clauses 1A and 1B
123	123.7	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	gaelm@4sight.co.nz	Support the plan modification	123.7 Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1.3 Yards
123	123.8	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	gaelm@4sight.co.nz	Support the plan modification	123.8 Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1.4 Building Coverage
123	123.9	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	gaelm@4sight.co.nz	Support the plan modification	123.9 Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1.5 Landscaping



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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
123	123.10	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	gaelm@4sight.co.nz	Support the plan modification	123.10 Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1.6 Maximum impervious area
123	123.11	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	gaelm@4sight.co.nz	Support the plan modification	123.11 Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1.7 Fences and walls
123	123.12	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	gaelm@4sight.co.nz	Support the plan modification	123.12 Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.2 Standards for Buildings
123	123.13	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	gaelm@4sight.co.nz	Support the plan modification	123.13 Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to Section 18.8 Assessment - Restricted discretionary activities
123	123.14	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	gaelm@4sight.co.nz	Support the plan modification	123.14 Adopt the amendments to standard E38 Urban Subdivision as notified
123	123.15	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	gaelm@4sight.co.nz	Support the plan modification	123.15 Amend Standard D18.6.1.2 Height in Relation to Boundary by the deletion of clause (1a) and 1(b) so that all sites in the SCAO are required to comply with a 45 degree recession plane measured from a point 3m above the ground level along side and rear boundaries
123	123.16	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	gaelm@4sight.co.nz	Support the plan modification	123.16 Adopt any other such relief, including additions, deletions, consequential amendments or alternative relief necessary to give effect to these submissions as a result of the matters raised

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
124	124.1	Stephen John Mills	stephen.mills@shortlandchambers.co.nz	Oppose the plan modification	124.1 Decline the Plan Change
124	124.2	Stephen John Mills	stephen.mills@shortlandchambers.co.nz	Oppose the plan modification	124.2 Retain the SHZ HiRTB control
124	124.3	Stephen John Mills	stephen.mills@shortlandchambers.co.nz	Oppose the plan modification	124.3 Retain the 3m rear yard
125	125.1	David Duncan	ddxrh@mac.com	Support the plan modification	125.1 Accept the plan change
126	126.1	Graham Campbell Wall	graham@grahamwall.com	Support the plan modification	126.1 Accept the plan change
127	127.1	John Dillon c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	127.1 Accept the plan change
127	127.2	John Dillon c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	127.2 Amend D18.4 Activity table by amending the clause 'take precedence' to 'replace'
127	127.3	John Dillon c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	127.3 Amend D18.6.1. Standards paragraph (a) clause to relate to only permitted, controlled and restricted discretionary activities.
127	127.4	John Dillon c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	127.4 Remove the 15m trigger for HiRTB rule
127	127.5	John Dillon c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	127.5 Support removal of rear yard
127	127.6	John Dillon c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	127.6 Remove side yard rule

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
127	127.7	John Dillon c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	127.7 Amend fencing rules to allow a 2m high fence on front boundaries of corner sites
127	127.8	John Dillon c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	127.8 Do not support cross referencing of matters for discretion. These matters should be self contained within the overlay
127	127.9	John Dillon c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	127.9 Amend the clause 'take precedence' in E38.8.2.6 Subdivision by inserting the word 'replace'
127	127.11	John Dillon c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	127.10 Any alternative and additional changes to PC26 that would provide for the matters set out in this submission and any other consequential or alternative amendments arising from these changes
127	127.12	John Dillon c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	127.11 Give consideration to inserting the overlay as a new zone rather than continuing with the zone and overlay combination
128	128.1	Peter and Sarah Wren c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	128.1 Accept the plan change with amendments
128	128.2	Peter and Sarah Wren c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	128.2 Amend D18.4 Activity table by amending the clause 'take precedence' to 'replace'
128	128.3	Peter and Sarah Wren c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	128.3 Amend D18.6.1. Standards paragraph (a) clause to relate to only permitted, controlled and restricted discretionary activities.
128	128.4	Peter and Sarah Wren c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	128.4 Remove the 15m trigger for HiRTB rule

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
128	128.5	Peter and Sarah Wren c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	128.5 Support removal of rear yard
128	128.6	Peter and Sarah Wren c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	128.6 Remove side yard rule
128	128.7	Peter and Sarah Wren c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	128.7 Amend fencing rules to allow a 2m high fence on front boundaries of corner sites
128	128.8	Peter and Sarah Wren c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	128.8 Do not support cross referencing of matters for discretion. These matters should be self contained within the overlay
128	128.9	Peter and Sarah Wren c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	128.9 Amend the clause 'take precedence' in E38.8.2.6 Subdivision by inserting the word 'replace'
128	128.1	Peter and Sarah Wren c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	128.10 Any alternative and additional changes to PC26 that would provide for the matters set out in this submission and any other consequential or alternative amendments arising from these changes
128	128.11	Peter and Sarah Wren c/- David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	128.11 Give consideration to inserting the overlay as a new zone rather than continuing with the zone and overlay combination
129	129.1	Gretta McLeay	barrie.gretta@xtra.co.nz	Oppose the plan modification	129.1 Oppose relaxing the HiRTB for the front boundary
129	129.2	Gretta McLeay	barrie.gretta@xtra.co.nz	Oppose the plan modification	129.2 Oppose the reduced HiRTB control from 3m 45deg to 2.5m 45 deg

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
129	129.3	Gretta McLeay	barrie.gretta@xtra.co.nz	Oppose the plan modification	129.3 Retain the 3m rear yard
129	129.4	Gretta McLeay	barrie.gretta@xtra.co.nz	Oppose the plan modification	129.4 Question the permeable surface change in definition, as unclear what the impact is
130	130.1	Ross William Macdonald	ross@mhm.co.nz	Oppose the plan modification	130.1 Decline the plan change
130	130.2	Ross William Macdonald	ross@mhm.co.nz	Oppose the plan modification	130.1 Exempt this part of Remuera Rd (182 Remuera Road) from the overlay as adjoining apartment blocks are not of Special character
131	131.1	Alastair George McInnes Fletcher	alastairfletcher@yahoo.co.nz	Oppose the plan modification	131.1 Decline the Plan Change
131	131.2	Alastair George McInnes Fletcher	alastairfletcher@yahoo.co.nz	Oppose the plan modification	131.2 Request that the more restrictive HiRTB prevail
131	131.3	Alastair George McInnes Fletcher	alastairfletcher@yahoo.co.nz	Oppose the plan modification	131.3 Request that yards (proximity to the boundary) not be reduced
132	132.1	Michael and Jennifer Ballantyne	jen@theballantynes.co.nz	Accept the plan modification with amendments	132.1 Accept the plan change with amendments
132	132.2	Michael and Jennifer Ballantyne	jen@theballantynes.co.nz	Accept the plan modification with amendments	132.2 Request less restrictive building coverage thresholds - Up to 200m2: 55 percent of net site area; 200m2 - 500m2: 55 percent of the first 200m2 + 45% of the next 300m2; 500m2 and above: 43% of first 500m2, 35% of any additional m2
133	133.1	Steve Gareth Lewis	hayley_steve@hotmail.com	Amend the plan modification if it is not declined	133.1 Amend the plan modification if it is not declined

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
133	133.2	Steve Gareth Lewis	hayley_steve@hotmail.com	Amend the plan modification if it is not declined	133.2 Remove overlay from rear site
134	134.1	Ting Kwok Cheung and Man Ngo Johnson Cheung and Suet Fan Ma	tingkwokcheung@hotmail.com	Amend the plan modification if it is not declined	134.1 Amend the plan change if it is not declined
134	134.2	Ting Kwok Cheung and Man Ngo Johnson Cheung and Suet Fan Ma	tingkwokcheung@hotmail.com	Amend the plan modification if it is not declined	134.1 Remove the SCAR overlay from 56 Epsom Avenue & 90 Owens Road
135	135.1	Dr Rachel Harry	rharry@me.com	Support the plan modification	135.1 Accept the plan change
136	136.1	Kah Keng Low	keng.0921@hotmail.com	Oppose the plan modification	136.1 Decline the plan change
136	136.2	Kah Keng Low	keng.0921@hotmail.com	Oppose the plan modification	136.2 Decline changes to yards
136	136.3	Kah Keng Low	keng.0921@hotmail.com	Oppose the plan modification	136.3 Decline changes to additions & alterations
137	137.1	Robyn Gandell	robyngandell@gmail.com	Accept the plan modification with amendments	137.1 Accept the plan change with amendments
137	137.2	Robyn Gandell	robyngandell@gmail.com	Accept the plan modification with amendments	137.2 No increase in impervious areas
138	138.1	Lynne Butler and Trevor Lund	trevorlund@xtra.co.nz	Support the plan modification	138.1 Accept the plan change
139	139.1	Anna Dales	anna@dcs.gen.nz	Accept the plan modification with amendments	139.1 Accept the plan change with amendments

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
139	139.2	Anna Dales	anna@dcs.gen.nz	Accept the plan modification with amendments	139.2 Requests deletion of 1.2m side yard rule and leave as 1m
140	140.1	Amit Sood	amitsud012@yahoo.com	Support the plan modification	140.1 Accept the plan change
141	141.1	Susan and John Moody	moodyfive@yahoo.com	Oppose the plan modification	141.1 Decline the plan change
141	141.2	Susan and John Moody	moodyfive@yahoo.com	Oppose the plan modification	141.2 Request more generous building coverage at greater than 30%
141	141.3	Susan and John Moody	moodyfive@yahoo.com	Oppose the plan modification	141.3 Request more generous side boundary control
141	141.4	Susan and John Moody	moodyfive@yahoo.com	Oppose the plan modification	141.4 Request fencing to be 1.4m
142	142.1	Somersby Trust C/- Craig Moriarity - Haines Planning Consultants Limited	craig.moriarty@hainesplanning.co.nz	Accept the plan modification with amendments	142.1 Accept the plan modification with amendments
142	142.2	Somersby Trust C/- Craig Moriarity - Haines Planning Consultants Limited	craig.moriarty@hainesplanning.co.nz	Accept the plan modification with amendments	142.2 Seeks the rewording of the proposed 'Yard Purpose' D18.6.1.3 - Yards
142	142.3	Somersby Trust C/- Craig Moriarity - Haines Planning Consultants Limited	craig.moriarty@hainesplanning.co.nz	Accept the plan modification with amendments	142.3 Seeks a 10m minimum rear yard setback for those sites within the Special Character Area Overlay: Isthmus B2 which adjoin Cornwall Park (and its Open Space zones)
143	143.1	Nicola Campbell	nicola@spiritedleadership.co.nz	Support the plan modification	143.1 Accept the plan change

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
143	143.2	Nicola Campbell	nicola@spiritedleadership.co.nz	Support the plan modification	143.2 Would like the Special Character overlay and underlying zone provisions to also influence planning provisions, rules and regulations for future development of the HNZ Bayard St Property
144	144.1	Wendy Alison Harrex	wendyharrex@gmail.com	Support the plan modification	144.1 Accept the plan change
145	145.1	Patrick Reddington and Letitia Reddington	patandtish@gmail.com	Support the plan modification	145.1 Accept the plan change
145	145.2	Patrick Reddington and Letitia Reddington	patandtish@gmail.com	Support the plan modification	145.2 Support height in relation to boundary
145	145.3	Patrick Reddington and Letitia Reddington	patandtish@gmail.com	Support the plan modification	145.3 Support yards
145	145.4	Patrick Reddington and Letitia Reddington	patandtish@gmail.com	Support the plan modification	145.4 Support paved areas
145	145.5	Patrick Reddington and Letitia Reddington	patandtish@gmail.com	Support the plan modification	145.5 Support fences and walls
146	146.1	Z Energy Limited BP Oil NZ Limited Mobil Oil NZ Limited c/- Gael McKitterick - 4Sight Consulting Limited	gaelm@4sight.co.nz	Support the plan modification	146.1 Accept the plan change
146	146.2	Z Energy Limited BP Oil NZ Limited Mobil Oil NZ Limited c/- Gael McKitterick - 4Sight Consulting Limited	gaelm@4sight.co.nz	Support the plan modification	146.2 Adopt the amendments to standard D18 Activity Table (Explanation) as notified
146	146.3	Z Energy Limited BP Oil NZ Limited Mobil Oil NZ Limited c/- Gael McKitterick - 4Sight Consulting Limited	gaelm@4sight.co.nz	Support the plan modification	146.3 Adopt the amendments to standard D18.6.1 Standards for Buildings in Special Character Areas Overlay as notified



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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
146	146.4	Z Energy Limited BP Oil NZ Limited Mobil Oil NZ Limited c/- Gael McKitterick - 4Sight Consulting Limited	gaelm@4sight.co.nz	Support the plan modification	146.4 Adopt any other such relief, including additions, deletions, consequential amendments or alternative relief necessary to give effect to these submissions as a result of the matters raised
147	147.1	Annette Mason	silencealchemy@icloud.com		147.1 Support special consideration for historical character areas such as Ponsonby - important to ensure there is ongoing guidelines to retain the integrity of history into the future
148	148.1	Roger Henstock	r.nhenstock@xtra.co.nz	Support the plan modification	148.1 Accept the plan change
149	149.1	Philip John Mayo	mayop@xtra.co.nz	Oppose the plan modification	149.1 Decline the plan change
149	149.2	Philip John Mayo	mayop@xtra.co.nz	Oppose the plan modification	149.2 Retain the 3m rear yard
149	149.3	Philip John Mayo	mayop@xtra.co.nz	Oppose the plan modification	149.3 Increase building coverage from 45% to 50%
149	149.4	Philip John Mayo	mayop@xtra.co.nz	Oppose the plan modification	149.4 Increase side yard fencing in front of façade to 2m
149	149.5	Philip John Mayo	mayop@xtra.co.nz	Oppose the plan modification	149.5 Reject amendments to subdivision in SCAR. Minimum lot size for underlying zoning should prevail i.e. retain 600 sqm
150	150.1	B Dayal c/- Vijay Lala - Tattico Limited	vijay.lala@tattico.co.nz	Accept the plan modification with amendments	150.1 Accept the plan change with amendments

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
150	150.2	B Dayal c/- Vijay Lala - Tattico Limited	vijay.lala@tattico.co.nz	Accept the plan modification with amendments	150.2 Amend preamble to activity table - change wording as per submission
150	150.3	B Dayal c/- Vijay Lala - Tattico Limited	vijay.lala@tattico.co.nz	Accept the plan modification with amendments	150.3 Amend additions and alterations in D18.4.1 - Activity table - change wording to A2 as per submission
150	150.4	B Dayal c/- Vijay Lala - Tattico Limited	vijay.lala@tattico.co.nz	Accept the plan modification with amendments	150.4 Amend demolition controls in D18.4.1 - Activity table - change wording as per submission
150	150.5	B Dayal c/- Vijay Lala - Tattico Limited	vijay.lala@tattico.co.nz	Accept the plan modification with amendments	150.5 Amend additions and alterations in D18.4.1 - Activity table - change wording to A4 as per submission
150	150.6	B Dayal c/- Vijay Lala - Tattico Limited	vijay.lala@tattico.co.nz	Accept the plan modification with amendments	150.6 Amend purpose statement of building height in activity table - change wording as per submission
150	150.7	B Dayal c/- Vijay Lala - Tattico Limited	vijay.lala@tattico.co.nz	Accept the plan modification with amendments	150.7 Amend HiRTB in D18.6.1.2 - height in relation to boundary - change wording to delete 15m trigger
150	150.8	B Dayal c/- Vijay Lala - Tattico Limited	vijay.lala@tattico.co.nz	Accept the plan modification with amendments	150.8 Amend side yard setback to 1m in D18.6.1.3.1 - Yards
150	150.9	B Dayal c/- Vijay Lala - Tattico Limited	vijay.lala@tattico.co.nz	Accept the plan modification with amendments	150.9 Amend purpose statement of D18.6.1.7 - Fences and walls
150	150.10	B Dayal c/- Vijay Lala - Tattico Limited	vijay.lala@tattico.co.nz	Accept the plan modification with amendments	150.10 Amend D18.6.1.7 - Fences and walls - change wording to remove the 1.2m side fence in front of façade in accordance with the submission

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
150	150.11	B Dayal c/- Vijay Lala - Tattico Limited	vijay.lala@tattico.co.nz	Accept the plan modification with amendments	150.11 Amend D18.8.2.1 - Assessment Criteria - by adding reference to the relevant assessment criteria for the standard (or equivalent standard) in the underlying zone
150	150.12	B Dayal c/- Vijay Lala - Tattico Limited	vijay.lala@tattico.co.nz	Accept the plan modification with amendments	150.12 Amend E38.8.2.6 - Subdivision - add wording - min lot sizes not appropriate when considering a joint land-use and subdivision application
150	150.13	B Dayal c/- Vijay Lala - Tattico Limited	vijay.lala@tattico.co.nz	Accept the plan modification with amendments	150.13 Any other consequential amendments that are necessary to give effect to the matters raised in this submission
151	151.1	Bronwyn Hayes	bhayes12a@yahoo.co.nz	Oppose the plan modification	151.1 Decline the plan change
151	151.2	Bronwyn Hayes	bhayes12a@yahoo.co.nz	Oppose the plan modification	151.2 Retain the SCAO in heritage suburbs
151	151.3	Bronwyn Hayes	bhayes12a@yahoo.co.nz	Oppose the plan modification	151.3 Retain 3m rear yard
151	151.4	Bronwyn Hayes	bhayes12a@yahoo.co.nz	Oppose the plan modification	151.4 Retain the 3m 45 Hirtb
152	152.1	Marilyn Elvin	marilyn@elvin.co.nz		152.1 Support the standard of no more than 2 levels for a dwelling
152	152.2	Marilyn Elvin	marilyn@elvin.co.nz		152.2 Request future plan change to address increased traffic congestion and # of vehicles per owner

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
153	153.1	Michael Neil Hayes	mnhayes@gmail.com	Oppose the plan modification	153.1 Decline the plan change
153	153.2	Michael Neil Hayes	mnhayes@gmail.com	Oppose the plan modification	153.2 Retain 3m rear yard
153	153.3	Michael Neil Hayes	mnhayes@gmail.com	Oppose the plan modification	153.3 Retain 2.5m 45 Hirtb
153	153.4	Michael Neil Hayes	mnhayes@gmail.com	Oppose the plan modification	153.4 Criteria for discretion and assessment should be specific to the dominant rules for the area and criteria for other zones should not be used in consideration of applications
154	154.1	Mrs Anna Lomas Breckon	anna.breckon@gmail.com	Support the plan modification	154.1 Agree to HiRTB as proposed
154	154.2	Mrs Anna Lomas Breckon	anna.breckon@gmail.com	Oppose the plan modification	154.2 Amend side yard depth to 1m not 1.2m
154	154.3	Mrs Anna Lomas Breckon	anna.breckon@gmail.com	Oppose the plan modification	154.3 Amend the height of fences within the front yard to 1.8m if 50% visually open
154	154.4	Mrs Anna Lomas Breckon	anna.breckon@gmail.com	Support the plan modification	154.4 Amend all fences within the side and rear yards should be allowed to be 2 metres high
155	155.1	Alan Stokes	alanstokesnz@outlook.com	Accept the plan modification with amendments	155.1 Accept the plan change with amendments
155	155.2	Alan Stokes	alanstokesnz@outlook.com	Accept the plan modification with amendments	155.2 There should not be an exact height for fences/walls specified ( front boundary ) Instead, the height of fences/walls should be similar to other fences/walls in the streetscape

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
156	156.1	Brent Swain	brentswain@gmail.com	Accept the plan modification with amendments	156.1 Accept the plan change with amendments
156	156.2	Brent Swain	brentswain@gmail.com	Accept the plan modification with amendments	156.2 Oppose 1.2 metre height for front and side fences at the front of the house. Front fencing to be at height of 1.5m maximum, side fencing at front of house at height 1.8 maximum. Fencing at the front of the house to be in keeping with the house
157	157.1	Roy Koshy	koshy_roy@yahoo.co.in	Accept the plan modification with amendments	157.1 Accept the plan change with amendments
157	157.2	Roy Koshy	koshy_roy@yahoo.co.in	Accept the plan modification with amendments	157.2 Applications on the special housing area need to be considered on a case by case basis with a focus on development.
157	157.3	Roy Koshy	koshy_roy@yahoo.co.in	Accept the plan modification with amendments	157.3 Implement the same rules as that of a single housing on special housing
157	157.4	Roy Koshy	koshy_roy@yahoo.co.in	Accept the plan modification with amendments	157.4 HIRB rules should be same irrespective of where the dwelling is positioned/being positioned (front/rear of the property)
157	157.5	Roy Koshy	koshy_roy@yahoo.co.in	Accept the plan modification with amendments	157.5 Maximum height to be kept at 8+1m for gable
157	157.6	Roy Koshy	koshy_roy@yahoo.co.in	Accept the plan modification with amendments	157.6 Additional/Alternation and up to 40% demolition is suggested to be a permitted activity
157	157.7	Roy Koshy	koshy_roy@yahoo.co.in	Accept the plan modification with amendments	157.7 If the house is damaged and unable to restored to its former glory shall be permitted to be demolished

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
158	158.1	Robert G Felix	rgf@xtra.co.nz	Accept the plan modification with amendments	158.1 Accept the plan change with amendments
158	158.2	Robert G Felix	rgf@xtra.co.nz	Accept the plan modification with amendments	158.2 Amend rule D18.6.1.7 - Fences and walls to limit back yard fences to 1.7 or 1.8 metres, not 2.0 metres
159	159.1	Dinah Holman	d.holman.nz@gmail.com		159.1 That the submission time be extended by at least another month
159	159.2	Dinah Holman	d.holman.nz@gmail.com		159.2 Amend the first bullet point of the purpose statement for D18.6.1.1 - Building height to read "retain the existing built form character of historically predominantly one storey in the established residential neighbourhoods"
159	159.3	Dinah Holman	d.holman.nz@gmail.com		159.3 Require suitable greater restriction on two-storey houses, e.g. larger yards
159	159.4	Dinah Holman	d.holman.nz@gmail.com		159.4 For calculating height in relation to boundary, the point from which the recession plane is set in the Overlay Area be reduced to 2.5m
159	159.5	Dinah Holman	d.holman.nz@gmail.com		159.5 Rear yards be restored to 3m
159	159.6	Dinah Holman	d.holman.nz@gmail.com		159.6 Everyone living in a Special Character Overlay Area be informed by mail about Proposed Plan Change 26, with a summary list of the changes added to the explanation
160	160.1	Helen Louise Phillips-Hill	helen.phillips@xtra.co.nz	Oppose the plan modification	160.1 Decline the plan change

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
160	160.2	Helen Louise Phillips-Hill	helen.phillips@xtra.co.nz	Oppose the plan modification	160.2 - Retain the rules and policies of the North Shore District Plan Residential 3 zone
160	160.3	Helen Louise Phillips-Hill	helen.phillips@xtra.co.nz	Oppose the plan modification	160.3 Oppose changes to the HiRTB
160	160.4	Helen Louise Phillips-Hill	helen.phillips@xtra.co.nz	Oppose the plan modification	160.4 Oppose changes to the rear yard setback
160	160.5	Helen Louise Phillips-Hill	helen.phillips@xtra.co.nz	Oppose the plan modification	160.5 Oppose the different rules for longer frontages (for height in relation to boundary controls)
161	161.1	Anthony Chapman	ajchapman@gmail.com	Support the plan modification	161.1 Accept the plan change with amendments
161	161.2	Anthony Chapman	ajchapman@gmail.com	Support the plan modification	161.2 Change side yard to 1m
161	161.3	Anthony Chapman	ajchapman@gmail.com	Support the plan modification	161.3 Support allowing 2m high fences
162	162.1	Kirsty Gillon, Buchanan House Trust c/- Grant Gillon	kgillon09@gmail.com	Amend the plan modification if it is not declined	162.1 Amend the plan change if it is not declined
162	162.2	Kirsty Gillon, Buchanan House Trust c/- Grant Gillon	kgillon09@gmail.com	Amend the plan modification if it is not declined	162.2 Amend Overlay rule for height in relation to boundary to define the envelope to at least 2.5m vertical height and then a 45 degree incline
162	162.3	Kirsty Gillon, Buchanan House Trust c/- Grant Gillon	kgillon09@gmail.com	Amend the plan modification if it is not declined	162.3 Retain 3m rear yard
163	163.1	Rosemay Brown	rosiebbrown1@gmai.com	Support the plan modification	163.1 Accept the plan change

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
164	164.1	Alex Findlay, Expanse Ltd	alex@expanseplanning.co.nz	Amend the plan modification if it is not declined	164.1 Amend the plan modification if it is not declined
164	164.2	Alex Findlay, Expanse Ltd	alex@expanseplanning.co.nz	Amend the plan modification if it is not declined	164.2 Allow rear sites and those with a 15 m or more frontage to utilise the more flexible 3 m and 45° height in relation to boundary control
165	165.1	Margaret Mary Neill	mmsjneills@xtra.co.nz	Oppose the plan modification	165.1 Decline the Plan Change
165	165.2	Margaret Mary Neill	mmsjneills@xtra.co.nz	Oppose the plan modification	165.2 Remove 11 Dudley Road, Mission Bay from SCAR overlay
166	166.1	John Andrew Silva	john.s48@hotmail.com	Amend the plan modification if it is not declined	166.1 Amend the plan modification if it is not declined
166	166.2	John Andrew Silva	john.s48@hotmail.com	Amend the plan modification if it is not declined	166.2 Amend the fence heights to about 2m
166	166.3	John Andrew Silva	john.s48@hotmail.com	Amend the plan modification if it is not declined	166.3 Apply more appropriate fence height to Hill Park, Manurewa
167	167.1	Beryl Jack	jackaranda@extra.co.nz	Support the plan modification	167.1 Accept the plan change
167	167.2	Beryl Jack	jackaranda@extra.co.nz	Support the plan modification	167.2 SCAR rules should replace underlying zone rules
168	168.1	Janelle Costley	23 Paget Street Freemans Bay Auckland 1011	Support the plan modification	168.1 Accept the plan change



**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
168	168.2	Janelle Costley	23 Paget Street Freemans Bay Auckland 1011	Support the plan modification	168.1 SCAR rules should replace underlying zoning rules
169	169.1	Mary and Jonathan Mason	marymillermason@hotmail.com	Accept the plan modification with amendments	169.1 Accept the plan change with amendments
169	169.2	Mary and Jonathan Mason	marymillermason@hotmail.com	Accept the plan modification with amendments	169.2 Remove 3m 45 HiRTB and instead have a 2.5m vertical height and a 45 degree incline
169	169.3	Mary and Jonathan Mason	marymillermason@hotmail.com	Accept the plan modification with amendments	169.3 Retain 3m rear yard
169	169.4	Mary and Jonathan Mason	marymillermason@hotmail.com	Accept the plan modification with amendments	169.4 Support that the Special Character Area Overlay should prevail over corresponding provisions but do not relax any of the SCAR provisions
170	170.1	Joe Martin	josephmartin@xtra.co.nz	Oppose the plan modification	170.1 Amend the plan change if it is not declined
170	170.2	Joe Martin	josephmartin@xtra.co.nz	Oppose the plan modification	170.2 Amend D18.1 - Background so that business zoned sites within the Overlay – Residential : North Shore – Devonport and Stanley Point are treated in the same manner as in the 'General' overlay
170	170.3	Joe Martin	josephmartin@xtra.co.nz	Oppose the plan modification	170.3 Amend D18.1 Background by adding text 'General and Special Character Areas Overlay – Residential : North Shore – Devonport and Stanley Point'

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
170	170.4	Joe Martin	josephmartin@xtra.co.nz	Oppose the plan modification	170.4 Amend D18.4.2 - Activity table (Introduction) by adding text 'General and Special Character Areas Overlay – Residential : North Shore – Devonport and Stanley Point'
170	170.5	Joe Martin	josephmartin@xtra.co.nz	Oppose the plan modification	170.5 Amend D18.4.2 Activity table by adding text ' and Special Character Areas Overlay – Residential : North Shore – Devonport and Stanley Point'
170	170.6	Joe Martin	josephmartin@xtra.co.nz	Oppose the plan modification	170.6 Amend D18.6 - Standards by adding text 'and Special Character Areas Overlay – Residential : North Shore – Devonport and Stanley Point'
170	170.7	Joe Martin	josephmartin@xtra.co.nz	Oppose the plan modification	170.7 Amend D18.6.2 - Standards by adding text 'and Special Character Areas Overlay – Residential : North Shore – Devonport and Stanley Point'
170	170.8	Joe Martin	josephmartin@xtra.co.nz	Oppose the plan modification	170.8 Any alternative and additional changes to PC26 that would provide for the matters set out in this submission
170	170.9	Joe Martin	josephmartin@xtra.co.nz	Oppose the plan modification	170.9 Any other consequential or alternative amendments arising from these changes
171	171.1	Linda Whitcombe Devonport Heritage	celticfiddle@gmx.com	Oppose the plan modification	171.1 Decline the plan change
171	171.2	Linda Whitcombe Devonport Heritage	celticfiddle@gmx.com	Oppose the plan modification	171.2 Retain the current height regulations for Devonport

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
171	171.3	Linda Whitcombe Devonport Heritage	celticfiddle@gmx.com	Oppose the plan modification	171.3 Retain the boundary regulations for Devonport
172	172.1	Sam and Rhonda Mojel	samandrondam@gmail.com	Oppose the plan modification	172.1 Opposed to the proposed changes to the Unitary Plan
172	172.2	Sam and Rhonda Mojel	samandrondam@gmail.com	Oppose the plan modification	172.2 Hirtb rules should not be altered
173	173.1	John Childs c/- John Childs Consultants Limited	john.childs@xtra.co.nz	Accept the plan modification with amendments	173.1 Accept the plan change with amendments
173	173.2	John Childs c/- John Childs Consultants Limited	john.childs@xtra.co.nz	Accept the plan modification with amendments	173.2 Rear sites should have the Overlay HiRTB applied in D18.6.1.2 by deleting Clause (2)
173	173.3	John Childs c/- John Childs Consultants Limited	john.childs@xtra.co.nz	Accept the plan modification with amendments	173.3 Include the rear yards of 3m in Table 18.6.1.3
173	173.4	John Childs c/- John Childs Consultants Limited	john.childs@xtra.co.nz	Accept the plan modification with amendments	173.4 Adjust the Building Coverage rule for sites over 1000 sqm - D18.6.1.4 to 35%
173	173.5	John Childs c/- John Childs Consultants Limited	john.childs@xtra.co.nz	Accept the plan modification with amendments	173.5 Adjust the Landscaped Area rule - D18.6.15 to 40% for sites over 1000msq
173	173.6	John Childs c/- John Childs Consultants Limited	john.childs@xtra.co.nz	Accept the plan modification with amendments	173.6 Adjust the Impervious surfaces rule - D18.6.1.6 to 60% for sites over 1000msq
173	173.7	John Childs c/- John Childs Consultants Limited	john.childs@xtra.co.nz	Accept the plan modification with amendments	173.7 Any further or consequential relief in accordance with the reasons for this submission

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
174	174.1	Kevin Bligh	kmbligh@gmail.com	Support the plan modification	174.1 Accept the whole plan change
175	175.1	Coralie Ann van Camp	coralie.vancamp@gmail.com	Oppose the plan modification	175.1 Decline the plan change
175	175.2	Coralie Ann van Camp	coralie.vancamp@gmail.com	Oppose the plan modification	175.2 Oppose height to boundary reduction from 3m to 1m in character areas
175	175.3	Coralie Ann van Camp	coralie.vancamp@gmail.com	Oppose the plan modification	175.3 Oppose a change in the rules for building expansion on a property without notification to neighbours
176	176.1	Margot Jane McRae	mmcrae@xtra.co.nz	Oppose the plan modification	176.1 Accept the plan modification with amendments
176	176.2	Margot Jane McRae	mmcrae@xtra.co.nz	Oppose the plan modification	176.2 HTB - should be 2.5m vertical height and 45 degrees angle
176	176.3	Margot Jane McRae	mmcrae@xtra.co.nz	Oppose the plan modification	176.3 Rear yard building setback should be 3 metres
176	176.4	Margot Jane McRae	mmcrae@xtra.co.nz	Oppose the plan modification	176.4 Building Coverage on 300m-500m sites should be 35%.
177	177.1	Francesca Wilson and William Porter	dudley16@slingshot.co.nz	Oppose the plan modification	177.1 Decline the plan change
177	177.2	Francesca Wilson and William Porter	dudley16@slingshot.co.nz	Oppose the plan modification	177.2 Remove property at 16 Dudley Road, Mission Bay from SCAR overlay

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
178	178.1	KCH Trust and Ifwersen Family Trust c/- Bianca Tree, Minter Ellison Rudd Watts	bianca.tree@minterellison.co.nz	Accept the plan modification with amendments	178.1 Accept with amendments and conditions
178	178.2	KCH Trust and Ifwersen Family Trust c/- Bianca Tree, Minter Ellison Rudd Watts	bianca.tree@minterellison.co.nz	Oppose the plan modification	178.2 That the proposed purpose statement in each of the standards in the Special Character Areas Overlay be removed
178	178.3	KCH Trust and Ifwersen Family Trust c/- Bianca Tree, Minter Ellison Rudd Watts	bianca.tree@minterellison.co.nz	Support the plan modification	178.3 Allow the changes to D18.6.1.2 Height in relation to boundary subject to removal of purpose statement
178	178.4	KCH Trust and Ifwersen Family Trust c/- Bianca Tree, Minter Ellison Rudd Watts	bianca.tree@minterellison.co.nz	Support the plan modification	178.4 Allow the amendments to the landscaped area standard D18.6.1.5 subject to removal of purpose statement
178	178.5	KCH Trust and Ifwersen Family Trust c/- Bianca Tree, Minter Ellison Rudd Watts	bianca.tree@minterellison.co.nz	Support the plan modification	178.5 Allow the amendments to the maximum impervious area standard D18.6.1.6 subject to removal of purpose statement
178	178.6	KCH Trust and Ifwersen Family Trust c/- Bianca Tree, Minter Ellison Rudd Watts	bianca.tree@minterellison.co.nz	Support the plan modification	178.6 Allow the amendments to the fences, walls and other structures standard D18.6.1.7 subject to removal of purpose statement
178	178.7	KCH Trust and Ifwersen Family Trust c/- Bianca Tree, Minter Ellison Rudd Watts	bianca.tree@minterellison.co.nz	Support the plan modification	178.7 Such relief and/or amendments to the Plan Change as may be necessary to address the Trustees' concerns, as outlined above
179	179.1	Rachel Scott Wilson	rachel.scott.wilson@gmail.com	Oppose the plan modification	179.1 Decline the plan change

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
179	179.2	Rachel Scott Wilson	rachel.scott.wilson@gmail.com	Oppose the plan modification	179.2 That the rules and policies of the North Shore City District Plan Residential 3 Zone be retained unchanged
180	180.1	Glen Frost, Hillpark Resident's Association	glen.frost@gmail.com	Support the plan modification	180.1 Accept the plan change with amendments
180	180.2	Glen Frost, Hillpark Resident's Association	glen.frost@gmail.com	Support the plan modification	180.2 Add to Table E38.8.2.4.1 Subdivision of sites identified in the Subdivision Variation Control to be updated to include Hillpark / Manurewa with 750sqm minimum lot size
181	181.1	Alison McMinn	minn@xtra.co.nz	Oppose the plan modification	181.1 Decline the plan change
182	182.1	Michael Snowden c/- Philip Brown -Campbell Brown Planning	philip@campbellbrown.co.nz	Accept the plan modification with amendments	182.1 Accept the plan modification with amendments
182	182.2	Michael Snowden c/- Philip Brown -Campbell Brown Planning	philip@campbellbrown.co.nz	Accept the plan modification with amendments	182.2 That standard D18.6.1.2 be amended so that all sites within the SCA Overlay are subject to a 3.0m+45o HIRB standard
182	182.3	Michael Snowden c/- Philip Brown -Campbell Brown Planning	philip@campbellbrown.co.nz	Accept the plan modification with amendments	182.3 That standard D18.6.1.7 be amended so that a fence up to 2m high is enabled on one front boundary of a corner site
182	182.4	Michael Snowden c/- Philip Brown -Campbell Brown Planning	philip@campbellbrown.co.nz	Accept the plan modification with amendments	182.4 Such other amendments to the provisions of the AUP as may be necessary to give effect to the relief sought in this submission
183	183.1	Stephanie Mary May	weston.house@xtra.co.nz	Oppose the plan modification	183.1 Decline the plan change

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
183	183.2	Stephanie Mary May	weston.house@xtra.co.nz	Oppose the plan modification	183.2 That the rules and policies of the North Shore City District Plan Residential 3 Zone be retained unchanged
184	184.1	Denny Boothe	dennyboothe@gmail.com	Oppose the plan modification	184.1 The Special Character overlay provisions should remain but be considered with all the provisions of the Single House zone provisions
184	184.2	Denny Boothe	dennyboothe@gmail.com	Oppose the plan modification	184.2 Purpose statements of the Single House zone in the AUP are important and should prevail
184	184.3	Denny Boothe	dennyboothe@gmail.com	Oppose the plan modification	184.3 Site coverage of the Single House zone should prevail.
184	184.4	Denny Boothe	dennyboothe@gmail.com	Oppose the plan modification	184.4 Maximum impervious area of the Single House zone standards should prevail
184	184.5	Denny Boothe	dennyboothe@gmail.com	Oppose the plan modification	184.5 The 3m back yard provision of the Special character overlay standards should remain
184	184.6	Denny Boothe	dennyboothe@gmail.com	Oppose the plan modification	184.6 Where there are corresponding provisions, such as site coverage, heights, maximum impervious areas, the most restrictive individual conditions on building should prevail in order to protect the natural and built heritage of the area and amenity values of immediate neighbours
185	185.1	Sonya Marx	redsonya58@gmail.com	Support the plan modification	185.1 Accept the plan modification

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
186	186.1	Tom Ang	tomang@orcon.net.nz	Oppose the plan modification	186.1 Accept the plan modification with amendments
186	186.2	Tom Ang	tomang@orcon.net.nz	Oppose the plan modification	186.2 Oppose the increase of HIRB from 2.5m to 3m - D18.6.1.2
186	186.3	Tom Ang	tomang@orcon.net.nz	Oppose the plan modification	186.3 Oppose the increases in building coverage - D18.6.1.4
186	186.4	Tom Ang	tomang@orcon.net.nz	Oppose the plan modification	186.4 Oppose increase in maximum impervious areas - D18.6.1.6
186	186.5	Tom Ang	tomang@orcon.net.nz	Oppose the plan modification	186.5 Object to any reduction in the threshold for notifying consents
186	186.6	Tom Ang	tomang@orcon.net.nz	Oppose the plan modification	186.6 Council has failed in its duty of care and obligations under the Local Government Act 1974 (LGA) to be 'comprehensible', and to "provide enough information to enable the person consulted to be adequately informed so as to be able to make intelligent and useful responses
187	187.1	Michael Craddock	mike.craddock.uk@gmail.com	Support the plan modification	187.1 Accept the plan change
187	187.2	Michael Craddock	mike.craddock.uk@gmail.com	Support the plan modification	187.2 Howick's lack of protection and absence of special character area overlay needs to be addressed
188	188.1	Rhys Armstrong	Rhysarmstrong@gmail.com	Oppose the plan modification	188.1 Decline the plan change



**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
188	188.2	Rhys Armstrong	Rhysarmstrong@gmail.com	Oppose the plan modification	188.2 Howick needs to be classed as a special character area overlay
189	189.1	Andrea Lee Blondel	andreablondeldesign@gmail.com	Oppose the plan modification	189.1 Decline the plan modification
189	189.2	Andrea Lee Blondel	andreablondeldesign@gmail.com	Oppose the plan modification	189.2 Howick must be included in Plan Change 26
190	190.1	Mari Pettersson	mari.j@slingshot.co.nz	Accept the plan modification with amendments	190.1 Accept the plan modification with amendments
190	190.2	Mari Pettersson	mari.j@slingshot.co.nz	Accept the plan modification with amendments	190.2 Howick must be included in Plan Change 26
191	191.1	Catherine Wade	catdee_@hotmail.com	Amend the plan modification if it is not declined	191.1 Amend the plan modification if it is not declined
191	191.2	Catherine Wade	catdee_@hotmail.com	Amend the plan modification if it is not declined	191.2 Howick must be included in PC26
192	192.1	Shona Stilwell	shona.stilwell@gmail.com	Oppose the plan modification	192.1 Decline the plan modification
192	192.2	Shona Stilwell	shona.stilwell@gmail.com	Oppose the plan modification	192.2 That the rules and policies of the North Shore City District Plan Residential 3 Zone be retained unchanged
193	193.1	Jackie Daw	jackielaurasmith@hotmail.com	Support the plan modification	193.1 Accept the plan modification
193	193.2	Jackie Daw	jackielaurasmith@hotmail.com	Support the plan modification	193.2 Howick needs to be added to the PC 26

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
194	194.1	Jim Donald	jim_donald@xtra.co.nz	Support the plan modification	194.1 Accept the plan change
194	194.2	Jim Donald	jim_donald@xtra.co.nz	Support the plan modification	194.2 Plan Change 26 must include Howick
195	195.1	Sally Cooper	s.cooper13@sky.com	Support the plan modification	195.1 Accept the plan modification with amendments
195	195.2	Sally Cooper	s.cooper13@sky.com	Support the plan modification	195.2 That Howick, specifically the area that fully surrounds Stockade Hill, should also be included in Special Character Area overlay
196	196.1	Grace Hood-Edwards	graceh-e@hotmail.com	Accept the plan modification with amendments	196.1 Accept the plan modification with amendments
196	196.2	Grace Hood-Edwards	graceh-e@hotmail.com	Accept the plan modification with amendments	196.2 Include Howick and Howick Village in PC26 and grant Howick a Special Character Overlay
197	197.1	Jennifer Ivy Helander	sybilz01@gmail.com	Oppose the plan modification	197.1 Decline the plan modification
198	198.1	Naomi Maureen Forrester	naomi@speakingolutions.co.nz	Accept the plan modification with amendments	198.1 Accept the plan modification with amendments
198	198.2	Naomi Maureen Forrester	naomi@speakingolutions.co.nz	Accept the plan modification with amendments	198.2 Add Howick (to the Special Character Area overlay)
199	199.1	Western Bays Community Group Inc c/- Bryan Bates	bryanbates@xtra.co.nz	Accept the plan modification with amendments	199.1 Accept the plan modification with amendments

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
199	199.2	Western Bays Community Group Inc c/- Bryan Bates	bryanbates@xtra.co.nz	Accept the plan modification with amendments	199.2 Amend Rule D18.6.1.7 to include the words “and other structures” wherever they are struck out in the text of PC26
199	199.3	Western Bays Community Group Inc c/- Bryan Bates	bryanbates@xtra.co.nz	Accept the plan modification with amendments	199.3 Amend Rule D18.8.1.1(3) by adding to sub-para (a) – “while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/ building to allow repairs, maintenance and painting
199	199.4	Western Bays Community Group Inc c/- Bryan Bates	bryanbates@xtra.co.nz	Accept the plan modification with amendments	199.4 Amend Rule D18.8.2.1(4)(c) by adding - “while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/building to allow repairs, maintenance and painting.
200	200.1	Wendy Gray	wendzgray@orcon.net.nz	Accept the plan modification with amendments	200.1 Accept the proposed plan change with amendments as outlined below
200	200.2	Wendy Gray	wendzgray@orcon.net.nz	Accept the plan modification with amendments	200.2 Oppose the increase of HIRB from 2.5m to 3m - D18.6.1.2
200	200.3	Wendy Gray	wendzgray@orcon.net.nz	Accept the plan modification with amendments	200.3 Oppose the increases in building coverage - D18.6.1.4
200	200.4	Wendy Gray	wendzgray@orcon.net.nz	Accept the plan modification with amendments	200.4 Oppose increase in maximum impervious areas - D18.6.1.6
200	200.5	Wendy Gray	wendzgray@orcon.net.nz	Accept the plan modification with amendments	200.5 Object to any reduction in the threshold for notifying consents

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
200	200.6	Wendy Gray	wendzgray@orcon.net.nz	Accept the plan modification with amendments	200.6 Council has failed in its duty of care and obligations under the Local Government Act 1974 (LGA) to be 'comprehensible', and to "provide enough information to enable the person consulted to be adequately informed so as to be able to make intelligent and useful responses
201	201.1	Jesma Leigh Magill	jes.magill@xtra.co.nz	Oppose the plan modification	201.1 Decline the plan modification
201	201.2	Jesma Leigh Magill	jes.magill@xtra.co.nz	Oppose the plan modification	201.2 Howick must be included in Plan Change 26
202	202.1	Sue Cooper, Remuera Heritage	admin@remueraheritage.org.nz	Support the plan modification	202.1 Support the intention to clarify the difficulty and confusion that exists around having two sets of standards, activities and provisions applying where there is both the Special Character Areas Residential Overlay and an underlying zone
202	202.2	Sue Cooper, Remuera Heritage	admin@remueraheritage.org.nz	Support the plan modification	202.2 The more restrictive HiRTB requirement should apply
202	202.3	Sue Cooper, Remuera Heritage	admin@remueraheritage.org.nz	Support the plan modification	202.3 Opposes the intention to reduce the requirement for sufficient space to be provided in rear yards in order to separate housing and ancillary buildings from the rear boundary of a site
202	202.4	Sue Cooper, Remuera Heritage	admin@remueraheritage.org.nz	Support the plan modification	202.4 Retain the maximum heights for fencing from a house to the rear yard at a 1.8m maximum not 2m
202	202.5	Sue Cooper, Remuera Heritage	admin@remueraheritage.org.nz	Support the plan modification	202.5 Plan needs to take into account the effects of development on neighbours as well as on streetscape

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
202	202.6	Sue Cooper, Remuera Heritage	admin@remueraheritage.org.nz	Support the plan modification	202.6 The more restrictive requirements should apply regarding rules, standards and provisions which affect these environmental factors in our communities
202	202.7	Sue Cooper, Remuera Heritage	admin@remueraheritage.org.nz	Support the plan modification	202.7 Do not support anything which will make special character and heritage buildings more easily able to be demolished and special character areas to be eroded
202	202.8	Sue Cooper, Remuera Heritage	admin@remueraheritage.org.nz	Support the plan modification	202.8 All neighbours in special character areas to be notified when there is development proposed on their boundary
203	203.1	Sally Hughes, Character Coalition	sallyhughes1@me.com	Support the plan modification	203.1 Support the intention to clarify the difficulty and confusion that exists around having two sets of standards, activities and provisions applying where there is both the Special Character Areas Residential Overlay and an underlying zone
203	203.2	Sally Hughes, Character Coalition	sallyhughes1@me.com	Support the plan modification	203.2 The more restrictive HiRTB requirement should apply
203	203.3	Sally Hughes, Character Coalition	sallyhughes1@me.com	Support the plan modification	203.3 Opposes the intention to reduce the requirement for sufficient space to be provided in rear yards in order to separate housing and ancillary buildings from the rear boundary of a site
203	203.4	Sally Hughes, Character Coalition	sallyhughes1@me.com	Support the plan modification	203.4 Plan needs to take into account the effects of development on neighbours as well as on streetscape

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
203	203.5	Sally Hughes, Character Coalition	sallyhughes1@me.com	Support the plan modification	203.5 The more restrictive requirements should apply regarding rules, standards and provisions which affect these environmental factors in our communities
203	203.6	Sally Hughes, Character Coalition	sallyhughes1@me.com	Support the plan modification	203.6 Do not support anything which will make special character and heritage buildings more easily able to be demolished and special character areas to be eroded
203	203.7	Sally Hughes, Character Coalition	sallyhughes1@me.com	Support the plan modification	203.7 All neighbours in special character areas to be notified when there is development proposed on their boundary
204	204.1	Mount St Johns Residents' Group Inc c/- Catherine Peters	Catherine@praxispr.co.nz	Support the plan modification	204.1 Supportive of Plan Change 26.
204	204.2	Mount St Johns Residents' Group Inc c/- Catherine Peters	Catherine@praxispr.co.nz	Support the plan modification	204.2 Strongly support the clarification of isthmus zoning C2A and B1 zonings (Refer table E38.8.2.6.1 – Special Character Areas Overlay – residential and Business Subdivision Controls). This refers specifically to the 1000 square metre 'minimum net site area
204	204.3	Mount St Johns Residents' Group Inc c/- Catherine Peters	Catherine@praxispr.co.nz	Support the plan modification	204.3 Support the clarification of the overlay in relation to zoning for impervious areas
204	204.4	Mount St Johns Residents' Group Inc c/- Catherine Peters	Catherine@praxispr.co.nz	Support the plan modification	204.4 Support the changes to the height to boundary rules, which allow for the development of sites which have a frontage of less than 15 metres to three metres, and then at a 45 degree angle
204	204.5	Mount St Johns Residents' Group Inc c/- Catherine Peters	Catherine@praxispr.co.nz	Oppose the plan modification	204.5 Retain the current options for the 1.8 metre high front fence rule

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
205	205.1	Richard Graham Poole	richardpoole@xtra.co.nz	Oppose the plan modification	205.1 Decline the plan modification
205	205.2	Richard Graham Poole	richardpoole@xtra.co.nz	Oppose the plan modification	205.2 Howick must be included in Plan Change 26
206	206.1	Johnathan Hardie-Neil	jon@edwardsnz.co.nz	Oppose the plan modification	206.1 Oppose zoning and overlay on 53 Kelvin Road, Remuera
207	207.1	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	d.bellamy@auckland.ac.nz	Amend the plan modification if it is not declined	207.1 Amend the plan change with suggested amendments if it is not declined
207	207.2	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	d.bellamy@auckland.ac.nz	Amend the plan modification if it is not declined	207.2 Retain the 3m rear yard setback
207	207.3	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	d.bellamy@auckland.ac.nz	Amend the plan modification if it is not declined	207.3 Supports the introduction of purpose statements for development standards but suggests amendments in particular broadening the focus from 'streetscape' to also include rear yards and neighbourhoods more generally
207	207.4	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	d.bellamy@auckland.ac.nz	Amend the plan modification if it is not declined	207.4 S.32 report not fully considered plan change against objectives and policies & proposed amendments to obs and pols
207	207.5	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	d.bellamy@auckland.ac.nz	Amend the plan modification if it is not declined	207.5 Change text for Standards in accordance with submission
207	207.6	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	d.bellamy@auckland.ac.nz	Amend the plan modification if it is not declined	207.6 Change text for Building height in accordance with submission

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
207	207.7	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	d.bellamy@auckland.ac.nz	Amend the plan modification if it is not declined	207.7 Change text for Hirtb in accordance with submission
207	207.8	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	d.bellamy@auckland.ac.nz	Amend the plan modification if it is not declined	207.8 Change text for yards in accordance with submission
207	207.9	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	d.bellamy@auckland.ac.nz	Amend the plan modification if it is not declined	207.9 Change text for building coverage in accordance with submission
207	207.10	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	d.bellamy@auckland.ac.nz	Amend the plan modification if it is not declined	207.10 Change text throughout Matters of discretion in accordance with submission
208	208.1	Frank and Celia Visser, Celia Visser Design	celiav@visserdesign.com	Oppose the plan modification	208.1 Decline the plan modification
208	208.2	Frank and Celia Visser, Celia Visser Design	celiav@visserdesign.com	Oppose the plan modification	208.2 Protect the special character of cottages on College Hill
209	209.1	John and Sarah Walker	johnwalkerblacklabel@outlook.com	Oppose the plan modification	209.1 Amend the plan modification if it is not declined
209	209.2	John and Sarah Walker	johnwalkerblacklabel@outlook.com	Oppose the plan modification	209.2 Fencing rules should be as per single house zone
209	209.3	John and Sarah Walker	johnwalkerblacklabel@outlook.com	Oppose the plan modification	209.3 Yard rules are confusing
209	209.4	John and Sarah Walker	johnwalkerblacklabel@outlook.com	Oppose the plan modification	209.4 Amend SCAR and make it a different zone



**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
210	210.1	Heritage New Zealand Pouhere Taonga c/- Susan Andrews	sandrews@heritage.org.nz	Support the plan modification	210.1 Accept the plan modification
211	211.1	Stephanie Jane Barnett	stephbarnettnz@gmail.com	Oppose the plan modification	211.1 Accept the plan modification with amendments
211	211.2	Stephanie Jane Barnett	stephbarnettnz@gmail.com	Oppose the plan modification	211.2 Howick needs to be included as a special character area
212	212.1	Julia Foster	abfabbubbles@hotmail.com	Support the plan modification	212.1 Accept the plan modification
212	212.2	Julia Foster	abfabbubbles@hotmail.com	Support the plan modification	212.2 Include Stockade Hill in PC 26 to save the views
213	213.1	Grey Power Howick Pakuranga & Districts Association Inc c/- Peters Bankers	peter.bankers@allianceit.co.nz	Accept the plan modification with amendments	213.1 Accept the proposed Plan Change with the amendments outlined
213	213.2	Grey Power Howick Pakuranga & Districts Association Inc c/- Peters Bankers	peter.bankers@allianceit.co.nz	Accept the plan modification with amendments	213.2 Amend Part D18.1 by removing the words "other than Howick".
213	213.3	Grey Power Howick Pakuranga & Districts Association Inc c/- Peters Bankers	peter.bankers@allianceit.co.nz	Accept the plan modification with amendments	213.3 Expand the Special Character notation on the Planning Maps to include the areas identified on the attached plan (Howick)
213	213.4	Grey Power Howick Pakuranga & Districts Association Inc c/- Peters Bankers	peter.bankers@allianceit.co.nz	Accept the plan modification with amendments	213.4 Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
213	213.5	Grey Power Howick Pakuranga & Districts Association Inc c/- Peters Bankers	peter.bankers@allianceit.co.nz	Accept the plan modification with amendments	213.5 Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes
213	213.6	Grey Power Howick Pakuranga & Districts Association Inc c/- Peters Bankers	peter.bankers@allianceit.co.nz	Accept the plan modification with amendments	213.6 Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes
214	214.1	John O'Grady c/- Ashleigh O'Grady	johnogrady@xtra.co.nz	Oppose the plan modification	214.1 Decline the plan modification
214	214.2	John O'Grady c/- Ashleigh O'Grady	johnogrady@xtra.co.nz	Oppose the plan modification	214.2 The current equal weighting of the special character areas and the provisions of the underlying residential zone need to be maintained with each property/development assessed on its merits.
215	215.1	Catherine Linton	cmlinton16@gmail.com	Support the plan modification	215.1 Accept the proposed Plan Change with amendments as outlined
215	215.2	Catherine Linton	cmlinton16@gmail.com	Support the plan modification	215.2 Amend Part D18.1 by removing the words "other than Howick"
215	215.3	Catherine Linton	cmlinton16@gmail.com	Support the plan modification	215.3 Expand the Special Character Area at Howick over those parts of the adjoining Mixed Housing Urban Zone in close proximity to Stockade Hill.
215	215.4	Catherine Linton	cmlinton16@gmail.com	Support the plan modification	215.4 Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
215	215.5	Catherine Linton	cmlinton16@gmail.com	Support the plan modification	215.5 Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes
215	215.6	Catherine Linton	cmlinton16@gmail.com	Support the plan modification	215.6 Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes
216	216.1	Don Huse	don.huse@me.com	Support the plan modification	216.1 Support PC26 on conditions
216	216.2	Don Huse	don.huse@me.com	Support the plan modification	216.2 SCAR provisions to ensure any house alterations or new-builds will not adversely affect the amenity and value of any other properties included in the applicable special character area
216	216.3	Don Huse	don.huse@me.com	Support the plan modification	216.3 That no multi-storey apartment or commercial buildings can in any circumstances be built in (or immediately adjacent to) the applicable special character area
216	216.4	Don Huse	don.huse@me.com	Support the plan modification	216.4 That in any event, no AC consent to proceed with ANY construction (new or renovation) in the applicable special character area be granted, without reasonable prior advice being given to all the property owners in the immediate vicinity (or such owners who may be reasonably expected to be affected by or have an interest in such construction) such that they may seek clarification from the AC or lodge an objection with AC, in connection with the proposed construction
216	216.5	Don Huse	don.huse@me.com	Support the plan modification	216.5 Want "cast-iron" assurance that the amenity and value of our house (and all others located in the special character areas) is fully protected by PC26

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
217	217.1	Melissa Pearce	melpearce999@gmail.com	Amend the plan modification if it is not declined	217.1 Amend the plan modification if it is not declined
217	217.2	Melissa Pearce	melpearce999@gmail.com	Amend the plan modification if it is not declined	217.2 Add Howick to PC 26
217	217.3	Melissa Pearce	melpearce999@gmail.com	Amend the plan modification if it is not declined	217.3 Stockade Hill should not be developed
218	218.1	Leighton Haliday	Leighton@haliday.com	Oppose the plan modification	218.1 Oppose to proposed changes (inferred from comments but not specified)
218	218.2	Leighton Haliday	Leighton@haliday.com	Oppose the plan modification	218.2 Retain 3m rear yard setback
218	218.3	Leighton Haliday	Leighton@haliday.com	Oppose the plan modification	218.3 Retain more restrictive HiRTB
218	218.4	Leighton Haliday	Leighton@haliday.com	Oppose the plan modification	218.4 Protect sunlight access and privacy
219	219.1	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	sarahb@barker.co.nz	Accept the plan modification with amendments	219.1 Accept with amendments
219	219.2	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	sarahb@barker.co.nz	Accept the plan modification with amendments	219.2 Support the proposed inclusion of these activity statuses, as they provide clarity (A5A) and (A5B) (Activity statuses – fencing) in Table D18.4.1
219	219.3	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	sarahb@barker.co.nz	Accept the plan modification with amendments	219.3 Oppose the inclusion of “maintain a reasonable level of sunlight access...” in D18.6.1.1 Building height

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
219	219.4	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	sarahb@barker.co.nz	Accept the plan modification with amendments	219.4 Amend the provisions in D18.6.1.2 Height in relation to boundary for the 3m + 45° to apply to all Isthmus A sites and sites with frontages less than 15m, and for the underlying zone provisions to apply to all other sites
219	219.5	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	sarahb@barker.co.nz	Accept the plan modification with amendments	219.5 Supports the removal of the HIRTB planes from front boundaries
219	219.6	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	sarahb@barker.co.nz	Accept the plan modification with amendments	219.6 Supports the inclusion of the exclusion provisions set out in D18.6.1.2(2)-(6)
219	219.7	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	sarahb@barker.co.nz	Accept the plan modification with amendments	219.7 Seeks that the provisions set out in underlying zones that do not require HIRTB from Open Space zoned sites exceeding 2,000m <sup>2</sup> and Business-zoned sites, should be adopted in the SCAR overlay
219	219.8	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	sarahb@barker.co.nz	Accept the plan modification with amendments	219.8 Supports the deletion of the 3m rear yard and the reversion to the underlying zone rear yard setback
219	219.9	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	sarahb@barker.co.nz	Accept the plan modification with amendments	219.9 Seeks the 1.2m side yard standard to be deleted and reversion to the underlying zone side yard setback
219	219.10	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	sarahb@barker.co.nz	Accept the plan modification with amendments	219.10 Opposes the retention of the building coverage provisions being based on arbitrary thresholds relating to site areas. Suggests new thresholds, formulas and re wording
219	219.11	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	sarahb@barker.co.nz	Accept the plan modification with amendments	219.11 Opposes the retention of the landscaped area provisions being based on thresholds relating to site areas for Isthmus A sites. Suggests new thresholds, formulas and re wording

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
219	219.12	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	sarahb@barker.co.nz	Accept the plan modification with amendments	219.12 Submitter opposes the retention of the impervious area provisions being based on thresholds relating to site areas. Suggests new thresholds and re wording
219	219.13	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	sarahb@barker.co.nz	Accept the plan modification with amendments	219.13 Amend the Purpose Statement for D18.6.1.7 Fences and walls to add reference to providing privacy for rear yards and outdoor spaces
219	219.14	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	sarahb@barker.co.nz	Accept the plan modification with amendments	219.14 Objects to corner sites being treated as having two front facades which would be subject to a 1.2m high fence height. Provides a diagram showing suggested 50% at 1.8m height
219	219.15	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	sarahb@barker.co.nz	Accept the plan modification with amendments	219.15 Request a diagram of fence heights be inserted as per the submission
219	219.16	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	sarahb@barker.co.nz	Accept the plan modification with amendments	219.16 Supports overlay subdivision rules prevailing but clarity required on activity status
219	219.17	Mark Crosbie, Heid Crosbie and Adeux Trustee Limited	sarahb@barker.co.nz	Accept the plan modification with amendments	219.17 Such further or other consequential or alternative relief as may be necessary to fully give effect to the matters raised and relief sought in this submission
220	220.1	Roman Catholic Bishop of the Diocese of Auckland c/- Michael Campbell	michael@campbellbrown.co.nz	Support the plan modification	220.1 Supports the amended provisions, but seeks some amendments to the following standards
220	220.2	Roman Catholic Bishop of the Diocese of Auckland c/- Michael Campbell	michael@campbellbrown.co.nz	Support the plan modification	220.2 Amend Standard D18.6.1.2 Height in relation to boundary so that all sites within the SCA Overlay are subject to a 3.0m+45o HIRB standard - photo example and site frontage diagrams provided
220	220.3	Roman Catholic Bishop of the Diocese of Auckland c/- Michael Campbell	michael@campbellbrown.co.nz	Support the plan modification	220.3 Amend Standard D18.6.1.7 Fences and walls so that a fence up to 2m high is enabled on one front boundary of a corner site

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
220	220.4	Roman Catholic Bishop of the Diocese of Auckland c/- Michael Campbell	michael@campbellbrown.co.nz	Support the plan modification	220.4 Such other amendments to the provisions of the AUP as may be necessary to give effect to the relief sought in this submission
221	221.1	Auckland Grammar School (AGS) c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	221.1 Accept with amendments
221	221.2	Auckland Grammar School (AGS) c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	221.2 Supports the proposed inclusion of the activity statuses - (A5A) and (A5B) (Activity statuses – fencing) in Table D18.4.1
221	221.3	Auckland Grammar School (AGS) c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	221.3 Opposes the inclusion of “maintain a reasonable level of sunlight access...” in D18.6.1.1 Building Height
221	221.4	Auckland Grammar School (AGS) c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	221.4 Amend the provisions in D18.6.1.2 Height in relation to boundary for the 3m + 45° to apply to all Isthmus A sites and sites with frontages less than 15m, and for the underlying zone provisions to apply to all other sites
221	221.5	Auckland Grammar School (AGS) c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	221.5 Supports the removal of the HIRTB planes from front boundaries
221	221.6	Auckland Grammar School (AGS) c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	221.6 Include the exclusion provisions set out in D18.6.1.2(2)-(6) as proposed in PC26
221	221.7	Auckland Grammar School (AGS) c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	221.7 Preclude the HiRTB standards on sites bordering business zoned sites and on open space zones exceeding 2000m <sup>2</sup>
221	221.8	Auckland Grammar School (AGS) c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	221.8 Supports the deletion of the 3m rear yard

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
221	221.9	Auckland Grammar School (AGS) c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	221.9 Delete the 1.2m side yard standard
221	221.10	Auckland Grammar School (AGS) c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	221.10 Opposes the retention of the building coverage provisions being based on arbitrary thresholds relating to site areas. Suggests new thresholds, formulas and re wording
221	221.11	Auckland Grammar School (AGS) c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	221.11 Opposes the retention of the landscaped area provisions being based on thresholds relating to site areas for Isthmus A sites. Suggests new thresholds, formulas and re wording
221	221.12	Auckland Grammar School (AGS) c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	221.12 Opposes the retention of the impervious area provisions being based on thresholds relating to site areas. Suggests new thresholds and re wording
221	221.13	Auckland Grammar School (AGS) c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	221.13 Objects to corner sites being treated as having two front facades which would be subject to a 1.2m high fence height. Provides a diagram showing suggested 50% at 1.8m height
221	221.14	Auckland Grammar School (AGS) c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	221.14 Reword Purpose statement for fences and walls
221	221.15	Auckland Grammar School (AGS) c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	221.15 Insert a new diagram of fence heights. Submitter has supplied one
221	221.16	Auckland Grammar School (AGS) c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	221.16 Change fences and walls standard wording as per submission



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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
221	221.17	Auckland Grammar School (AGS) c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	221.17 Supports overlay subdivision rules prevailing but requires clarity on activity status
221	221.18	Auckland Grammar School (AGS) c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	221.18 Such further or other consequential or alternative relief as may be necessary to fully give effect to the matters raised and relief sought in this submission
222	222.1	Rachael and Jonathan Sinclair	rachsinclair@orcon.net.nz	Support the plan modification	222.1 Accept the plan modification with amendments
222	222.2	Rachael and Jonathan Sinclair	rachsinclair@orcon.net.nz	Support the plan modification	222.2 Support the inclusion of purpose statements for the various standards in the Overlay
222	222.3	Rachael and Jonathan Sinclair	rachsinclair@orcon.net.nz	Support the plan modification	222.3 Support Overlay height to boundary being applied (3m and 45 degree) but believe it should apply to all sites in the area (not just those 15m or less frontage)
222	222.4	Rachael and Jonathan Sinclair	rachsinclair@orcon.net.nz	Support the plan modification	222.4 Support the clarification so that height in relation to boundary applies on the farthest boundary of the legal right of way, entrance strip, access site to pedestrian accessway
222	222.5	Rachael and Jonathan Sinclair	rachsinclair@orcon.net.nz	Support the plan modification	222.5 Support the removal of the 3m rear yard requirement
222	222.6	Rachael and Jonathan Sinclair	rachsinclair@orcon.net.nz	Support the plan modification	222.6 Support the increase in impervious surface in the Overlay
223	223.1	Grant Dickson	wally.g33@dickson.co.nz	Support the plan modification	223.1 Accept the plan change with amendments

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
223	223.2	Grant Dickson	wally.g33@dickson.co.nz	Support the plan modification	223.2 Amend Part D18.1 by removing the words "other than Howick"
223	223.3	Grant Dickson	wally.g33@dickson.co.nz	Support the plan modification	223.2 Expand the Special Character Area at Howick over those parts of the adjoining Mixed Housing Urban Zone in close proximity to Stockade Hill
223	223.4	Grant Dickson	wally.g33@dickson.co.nz	Support the plan modification	223.4 Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted
223	223.5	Grant Dickson	wally.g33@dickson.co.nz	Support the plan modification	223.5 Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes as per submission
223	223.6	Grant Dickson	wally.g33@dickson.co.nz	Support the plan modification	223.6 Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes
224	224.1	Hume Architects Ltd c/ - Chris Hume	chris@humearch.co.nz	Oppose the plan modification	224.1 Oppose the plan change
224	224.2	Hume Architects Ltd c/ - Chris Hume	chris@humearch.co.nz	Support the plan modification	224.2 Supports changes clarification of activity status in activity table D18.4.1
224	224.3	Hume Architects Ltd c/ - Chris Hume	chris@humearch.co.nz	Clarification Required	224.3 Requests clarification of Minor' alterations require definition note 'redecorating' is noted in Special Character Area Business but not defined
224	224.4	Hume Architects Ltd c/ - Chris Hume	chris@humearch.co.nz	Accept the plan modification with amendments	224.4 Opposes A5a & A5b fences and walls

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
224	224.5	Hume Architects Ltd c/ - Chris Hume	chris@humearch.co.nz	Clarification Required	224.5 Clarification required for (A6) & (A8) - 'External redecoration'
224	224.6	Hume Architects Ltd c/ - Chris Hume	chris@humearch.co.nz	Support the plan modification	224.6 Supports Building Height D18.6.1.1 remaining as Special Character Area Overlay
224	224.7	Hume Architects Ltd c/ - Chris Hume	chris@humearch.co.nz	Oppose the plan modification	224.7 Opposes height in relation to boundary D 18.6.1.2 (1) (a) The site has a frontage length of less than 15m.
224	224.8	Hume Architects Ltd c/ - Chris Hume	chris@humearch.co.nz	Oppose the plan modification	224.8 Opposes height in relation to boundary D 18.6.1.2 (2) The underlying zone Hirtb standard applies where: (a) The site has a frontage length of 15m or greater. (b) The site is a rear site.
224	224.9	Hume Architects Ltd c/ - Chris Hume	chris@humearch.co.nz	Support the plan modification	224.9 Supports height in relation to boundary D18.6.1.2 (4), (5), (6)
224	224.10	Hume Architects Ltd c/ - Chris Hume	chris@humearch.co.nz	Oppose the plan modification	224.10 Opposes 1.2m side yard
224	224.11	Hume Architects Ltd c/ - Chris Hume	chris@humearch.co.nz	Support the plan modification	224.11 Supports underlying zone yard standards apply for all other yards not specified within Table D18.6.1.3.1.
224	224.12	Hume Architects Ltd c/ - Chris Hume	chris@humearch.co.nz	Oppose the plan modification	224.12 Opposes purpose statement for building coverage rule

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
224	224.13	Hume Architects Ltd c/ - Chris Hume	chris@humearch.co.nz	Oppose the plan modification	224.13 Opposes Overlay building coverage thresholds. The table should be amended to be more equitable with less stages and relate to the underlying zone
224	224.14	Hume Architects Ltd c/ - Chris Hume	chris@humearch.co.nz	Oppose the plan modification	224.14 Opposes Overlay Landscape Area thresholds. The table should be amended to be more equitable with less stages and relate to the underlying zone
224	224.15	Hume Architects Ltd c/ - Chris Hume	chris@humearch.co.nz	Oppose the plan modification	224.15 Opposes Overlay Maximum Impervious Area thresholds. The table should be amended to be more equitable with less stages and relate to the underlying zone
224	224.16	Hume Architects Ltd c/ - Chris Hume	chris@humearch.co.nz	Oppose the plan modification	224.16 Opposes Overlay Fences and Walls. Underlying zoning fencing should apply
225	225.1	Dirk Hudig	dirkhudig@gmail.com	Oppose the plan modification	225.1 Decline the plan modification
225	225.2	Dirk Hudig	dirkhudig@gmail.com	Oppose the plan modification	225.2 Amend Rule D18.6.1.7 to include the words "and other structures" wherever they are struck out in the text of PC26
225	225.3	Dirk Hudig	dirkhudig@gmail.com	Oppose the plan modification	225.3 Amend Rule D18.8.1.1(3) by adding to sub-para (a) – "while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/ building to allow repairs, maintenance and painting.
225	225.4	Dirk Hudig	dirkhudig@gmail.com	Oppose the plan modification	225.4 Amend Rule D18.8.2.1(4)(c) by adding - "while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/building to allow repairs, maintenance and painting.

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
226	226.1	Herne Bay Residents Association Incorporated c/- Dirk Hudig and Don Mathieson	dirkhudig@gmail.comdon@mit.co.nz	Support the plan modification	226.1 Accept the plan change with amendments
226	226.2	Herne Bay Residents Association Incorporated c/- Dirk Hudig and Don Mathieson	dirkhudig@gmail.comdon@mit.co.nz	Support the plan modification	226.2 Amend Rule D18.6.1.7 to include the words “and other structures” wherever they are struck out in the text of PC26.
226	226.3	Herne Bay Residents Association Incorporated c/- Dirk Hudig and Don Mathieson	dirkhudig@gmail.comdon@mit.co.nz	Support the plan modification	226.3 Amend Rule D18.8.1.1(3) by adding to sub-para (a) – “while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/ building to allow repairs, maintenance and painting.
226	226.4	Herne Bay Residents Association Incorporated c/- Dirk Hudig and Don Mathieson	dirkhudig@gmail.comdon@mit.co.nz	Support the plan modification	226.4 Amend Rule D18.8.2.1(4)(c) by adding - “while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/building to allow repairs, maintenance and painting.
227	227.1	Eden Park Neighbours' Assoc c/- Mark Donnelly	mark.donnelly@xtra.co.nz	Accept the plan modification with amendments	227.1 Accept the plan modification with amendments
227	227.2	Eden Park Neighbours' Assoc c/- Mark Donnelly	mark.donnelly@xtra.co.nz	Accept the plan modification with amendments	227.2 Support the HiRTB for sites with greater than 15m frontage
227	227.3	Eden Park Neighbours' Assoc c/- Mark Donnelly	mark.donnelly@xtra.co.nz	Accept the plan modification with amendments	227.3 Oppose the reduction in the rear yard from 3m to 1m
227	227.4	Eden Park Neighbours' Assoc c/- Mark Donnelly	mark.donnelly@xtra.co.nz	Accept the plan modification with amendments	227.4 Add an assessment criteria to allow for property security issues to be taken into consideration
228	228.1	The University of Auckland c/- Sarah Burgess	sarahb@barker.co.nz	Accept the plan modification with amendments	228.1 Accept with amendments

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
228	228.2	The University of Auckland c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	228.2 Supports the proposed inclusion of the activity statuses - (A5A) and (A5B) (Activity statuses – fencing) in Table D18.4.1
228	228.3	The University of Auckland c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	228.3 Opposes the inclusion of “maintain a reasonable level of sunlight access...”in D18.6.1.1 Building Height
228	228.4	The University of Auckland c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	228.4 Amend the provisions in D18.6.1.2 Height in relation to boundary for the 3m + 45° to apply to all Isthmus A sites and sites with frontages less than 15m, and for the underlying zone provisions to apply to all other sites
228	228.5	The University of Auckland c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	228.5 Supports the removal of the HIRTB planes from front boundaries
228	228.6	The University of Auckland c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	228.6 Include the exclusion provisions set out in D18.6.1.2(2)-(6) as proposed in PC26
228	228.7	The University of Auckland c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	228.7 Preclude the HiRTB standards on sites bordering business zoned sites and on open space zones exceeding 2000m2
228	228.8	The University of Auckland c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	228.8 Supports the deletion of the 3m rear yard
228	228.9	The University of Auckland c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	228.9 Delete the 1.2m side yard standard
228	228.1	The University of Auckland c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	228.10 Opposes the retention of the building coverage provisions being based on arbitrary thresholds relating to site areas. Suggests new thresholds, formulas and re wording

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
228	228.11	The University of Auckland c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	228.11 Opposes the retention of the landscaped area provisions being based on thresholds relating to site areas for Isthmus A sites. Suggests new thresholds, formulas and re wording
228	228.12	The University of Auckland c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	228.12 Opposes the retention of the impervious area provisions being based on thresholds relating to site areas. Suggests new thresholds and re wording
228	228.13	The University of Auckland c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	228.13 Objects to corner sites being treated as having two front facades which would be subject to a 1.2m high fence height. Provides a diagram showing suggested 50% at 1.8m height
228	228.14	The University of Auckland c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	228.14 Reword Purpose statement for fences and walls
228	228.15	The University of Auckland c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	228.15 Insert a new diagram of fence heights. Submitter has supplied one
228	228.16	The University of Auckland c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	228.16 Change fences and walls standard wording as per submission
228	228.17	The University of Auckland c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	228.17 Supports overlay subdivision rules prevailing but requires clarity on activity status
228	228.18	The University of Auckland c/- Sarah Burgess	sarahb@barker.co.nz	Support the plan modification	228.18 Such further or other consequential or alternative relief as may be necessary to fully give effect to the matters raised and relief sought in this submission

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
229	229.1	Laurence Slee	lauriesleenz@gmail.com	Support the plan modification	229.1 Accept the plan modification with amendments
229	229.2	Laurence Slee	lauriesleenz@gmail.com	Support the plan modification	229.2 Howick should be subject to the same protections as all other special character areas
230	230.1	Natasha Markham	natasha@maud.nz	Accept the plan modification with amendments	230.1 Accept the plan modification with amendments
230	230.2	Natasha Markham	natasha@maud.nz	Accept the plan modification with amendments	230.2 Amend D18.6.1.3.1 and reduce the side yard to 1 metre to provide greater consistency.
231	231.1	Tom Rowe	tom@rbstudio.co.nz	Accept the plan modification with amendments	231.1 Accept the plan change with amendments
231	231.2	Tom Rowe	tom@rbstudio.co.nz	Accept the plan modification with amendments	231.2 Adjust the maximum height of front fences and fences forward of front façade to 1.4m high
232	232.1	Carolyn French Blaker	cfblaker@gmail.com	Support the plan modification	232.1 Accept the plan modification
232	232.2	Carolyn French Blaker	cfblaker@gmail.com	Support the plan modification	232.2 Amend Part D18.1 by removing the words "other than Howick"
232	232.3	Carolyn French Blaker	cfblaker@gmail.com	Support the plan modification	232.3 Expand the Special Character notation on the Planning Maps, to include the areas of Howick identified on the plan in submission
232	232.4	Carolyn French Blaker	cfblaker@gmail.com	Support the plan modification	232.4 Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted.
232	232.5	Carolyn French Blaker	cfblaker@gmail.com	Support the plan modification	232.5 Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes



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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
232	232.6	Carolyn French Blaker	cfblaker@gmail.com	Support the plan modification	232.6 Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes.
233	233.1	Birkenhead Residents Associations	gillian@tayloredolutions.co.nz	Accept the plan modification with amendments	233.1 Accept the plan change with modifications
233	233.2	Birkenhead Residents Associations	gillian@tayloredolutions.co.nz	Accept the plan modification with amendments	233.2 Retain the 3m rear yard setback requirement
233	233.3	Birkenhead Residents Associations	gillian@tayloredolutions.co.nz	Accept the plan modification with amendments	233.3 Retain the underlying zones 2.5m height/boundary requirement.
233	233.4	Birkenhead Residents Associations	gillian@tayloredolutions.co.nz	Accept the plan modification with amendments	233.4 Discourage the support for two storey buildings that are out of character to the Special Character Areas
233	233.5	Birkenhead Residents Associations	gillian@tayloredolutions.co.nz	Accept the plan modification with amendments	233.5 Request Council add clarification as to the purpose of the Integrated Residential Development provision
233	233.6	Birkenhead Residents Associations	gillian@tayloredolutions.co.nz	Accept the plan modification with amendments	233.6 Request that the zoning of the harbour-side of Tizard Road be included in the Special Character Overlay
233	233.7	Birkenhead Residents Associations	gillian@tayloredolutions.co.nz	Accept the plan modification with amendments	233.7 Remove the following subjective terms and replace with those that can be defined consistently & introduce objective terminology with solid definitions not open to interpretation : 1. "maintain the relationship of built form"; 2. "reasonable" level of sunlight access; 3. "minimise visual dominance" effects
233	233.8	Birkenhead Residents Associations	gillian@tayloredolutions.co.nz	Accept the plan modification with amendments	233.8 Request that Council work on how to make the submission process more accessible to the majority of potential submitters who are unfamiliar with the jargon and what the possible impacts of a proposal are

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
233	233.9	Birkenhead Residents Associations	gillian@tayloredolutions.co.nz	Accept the plan modification with amendments	233.9 Request that the timing for the proposed changes to the Special Character Areas Overlay protection is further extended and that all residents of Special Character Areas be given the opportunity to submit, not just those whose properties are covered by the overlay
234	234.1	The Ascot Hospital and Clinics Limited c/- Anthony Blomfield	ablomfield@bentley.co.nz	Amend the plan modification if it is not declined	234.1 Amend the plan modification if it is not declined
234	234.2	The Ascot Hospital and Clinics Limited c/- Anthony Blomfield	ablomfield@bentley.co.nz	Amend the plan modification if it is not declined	234.2 That PC26 be amended to provide an exclusion to the standards of the SCAR overlay in D18.6.1 for land which is subject to the Special Purpose – Healthcare Facility and Hospital zone as per the submission
234	234.3	The Ascot Hospital and Clinics Limited c/- Anthony Blomfield	ablomfield@bentley.co.nz	Amend the plan modification if it is not declined	234.3 That PC26 be amended to provide an exclusion to the standards of the SCAR overlay in D18.6.1 for the landholdings owned by Ascot and the land at 92 Mountain Road by including a new rule as per the submission
234	234.4	The Ascot Hospital and Clinics Limited c/- Anthony Blomfield	ablomfield@bentley.co.nz	Amend the plan modification if it is not declined	234.4 As an alternative, and less preferred outcome, that PC26 be amended to require the standards of the SCAR overlay and of the Special Purpose – Healthcare Facility and Hospital Zone to apply with equal weighting as per the submission
234	234.5	The Ascot Hospital and Clinics Limited c/- Anthony Blomfield	ablomfield@bentley.co.nz	Amend the plan modification if it is not declined	234.5 Such alternative relief that addresses the issues raised in this submission
235	235.1	Megan Reeves	megan_wallis@yahoo.com	Accept the plan modification with amendments	235.1 Accept the plan modification with amendments

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
235	235.2	Megan Reeves	megan_wallis@yahoo.com	Accept the plan modification with amendments	235.2 Amend Purpose" statements for "D18.6.1.1 Building Height" and "D18.6.1.2 Height in Relation to Boundary" so that it is clear that the intention is that any significant departures from the existing architectural style should not be visible from the street, whether that is directly in front of the property in question or from other vantage points in the surrounding streetscape
236	236.1	Samson Corporation Ltd and Sterling Nominees Ltd (Samson) c/- J A Brown	Reception@brownandcompany.co.nz	Accept the plan modification with amendments	236.1 Accept the plan change with amendments
236	236.2	Samson Corporation Ltd and Sterling Nominees Ltd (Samson) c/- J A Brown	Reception@brownandcompany.co.nz	Accept the plan modification with amendments	236.2 Modify Rule D18.6.1.2 by removing the restriction that applies Rule D18.6.1.2 to sites with a frontage length of less than 15 metres only and deleting the application of the underlying zone height in relation to boundary standard to those sites with a frontage length of 15 metres or greater in Rule D18.6.1.2(3)(a); or
236	236.3	Samson Corporation Ltd and Sterling Nominees Ltd (Samson) c/- J A Brown	Reception@brownandcompany.co.nz	Accept the plan modification with amendments	236.3 Any other further amendments necessary to give effect to the intent of this submission
237	237.1	Matthew Douglas Easton	eastonconsult@xtra.co.nz	Amend the plan modification if it is not declined	237.1 Amend the plan change if not declined
237	237.2	Matthew Douglas Easton	eastonconsult@xtra.co.nz	Amend the plan modification if it is not declined	237.2 Apply the more restrictive HiRTB
237	237.3	Matthew Douglas Easton	eastonconsult@xtra.co.nz	Amend the plan modification if it is not declined	237.3 Want more time to make a detailed submission to a land use application: LUC603033362
238	238.1	Andrew Body and Karen Paterson (Galatea) c/- J A Brown	Reception@brownandcompany.co.nz	Accept the plan modification with amendments	238.1 Accept the proposed plan change with amendments

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
238	238.2	Andrew Body and Karen Paterson (Galatea) c/- J A Brown	Reception@brownandcompany.co.nz	Accept the plan modification with amendments	238.2 Modify Rule D18.6.1.2 in the manner set out in paragraph 1.5 of this submission, which as the effect of applying a three-metre starting height for recession planes, on the side and rear boundaries only, of all sites within the SCAOR, by removing the restriction that applies Rule D18.6.1.2 to sites with a frontage length of less than 15 metres only and deleting the application of the underlying zone height in relation to boundary standard to those sites with a frontage length of 15 metres or greater in Rule D18.6.1.2(3)(a); or
238	238.3	Andrew Body and Karen Paterson (Galatea) c/- J A Brown	Reception@brownandcompany.co.nz	Accept the plan modification with amendments	238.3 Any other further amendments necessary to give effect to the intent of this submission
239	239.1	Marian Kohler	mariankohler03@gmail.com	Accept the plan modification with amendments	239.1 Accept the proposed plan change with amendments
239	239.2	Marian Kohler	mariankohler03@gmail.com	Accept the plan modification with amendments	239.2 Amend E38.8.2.6.1 by deleting Isthmus A SCAO residential properties in SH zone from Table E38.8.2.6.1, or alternatively amend E38.8.2.6(3) to state that Isthmus A SCAO residential properties in SH zone are not included in Table 38.8.2.6.1
239	239.3	Marian Kohler	mariankohler03@gmail.com	Accept the plan modification with amendments	239.3 Amend D18.6.1.2 - height in relation to boundary to limit 3m plus 45 degree recession plane standard to properties that have less than 15m frontage length and are less than 400 sqm net size
239	239.4	Marian Kohler	mariankohler03@gmail.com	Accept the plan modification with amendments	239.4 Amend D18.6.1.3 - Yards to reinstate 3m setback standard for rear yards
239	239.5	Marian Kohler	mariankohler03@gmail.com	Accept the plan modification with amendments	239.5 Reinstate "other structures" in D18.6.1.7 - Fences and walls

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
239	239.6	Marian Kohler	mariankohler03@gmail.com	Accept the plan modification with amendments	239.6 Limit D18.8.2.1(3)(c) - Assessment criteria to criteria which do not permit more density or intensification
240	240.1	The St Mary's Bay Association Inc c/- David Abbott	dabbott@xtra.co.nz	Accept the plan modification with amendments	240.1 Accept the proposed plan change with amendments
240	240.2	The St Mary's Bay Association Inc c/- David Abbott	dabbott@xtra.co.nz	Accept the plan modification with amendments	240.2 Amend rule D18.6.1.7 - Fences and walls to include the words "and other structures" wherever they are struck out in the text of PC26
240	240.3	The St Mary's Bay Association Inc c/- David Abbott	dabbott@xtra.co.nz	Accept the plan modification with amendments	240.3 Amend rule D18.8.1.1(3) - - Matters of discretion by adding to sub-para (a) "while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/building to allow repairs, maintenance and painting".
240	240.4	The St Mary's Bay Association Inc c/- David Abbott	dabbott@xtra.co.nz	Accept the plan modification with amendments	240.4 Amend rule D18.8.2.1(4)(c) - Assessment criteria by adding " while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/building to allow repairs, maintenance and painting".
240	240.5	The St Mary's Bay Association Inc c/- David Abbott	dabbott@xtra.co.nz	Accept the plan modification with amendments	240.5 Amend rule D18.8.2.1(4) - Assessment criteria by adding (c ) Maintaining a building service space of not less than 1200mm between the walls of existing or proposed dwelling/building on adjacent sites regardless of the location of the intervening site boundary"
241	241.1	Patricia Grinlinton	patgrinlinton@gmail.com	Oppose the plan modification	241.1 Decline the proposed plan change
241	241.2	Patricia Grinlinton	patgrinlinton@gmail.com	Oppose the plan modification	241.2 Rear boundary setback should remain at 3m

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
241	241.3	Patricia Grinlinton	patgrinlinton@gmail.com	Oppose the plan modification	241.3 Retain the minimum net site area at 600 sqm
242	242.1	Carolyn Fay Martin	carolyn.martin@roche.com	Amend the plan modification if it is not declined	242.1 Amend the plan modification if it is not declined
242	242.2	Carolyn Fay Martin	carolyn.martin@roche.com	Amend the plan modification if it is not declined	242.2 Exclude 18 Massey Avenue, Greenlane, Auckland from the Special Character overlay rules/conditions
243	243.1	Michael Fitzpatrick	radfitz@mac.com	Accept the plan modification with amendments	243.1 Accept the plan modification with amendments
243	243.2	Michael Fitzpatrick	radfitz@mac.com	Accept the plan modification with amendments	243.2 Apply SHZ rule of 2.5m vertical height and then a 45 degree incline to SCAO
243	243.3	Michael Fitzpatrick	radfitz@mac.com	Accept the plan modification with amendments	243.3 Retain current rule of 3m setback for rear yards in SCAO
243	243.4	Michael Fitzpatrick	radfitz@mac.com	Accept the plan modification with amendments	243.4 Retain SHZ standard of 600m <sup>2</sup> minimum lot size
244	244.1	Julie Raddon Raddon	jr3232@icloud.com	Accept the plan modification with amendments	244.1 Accept the plan modification with amendments
244	244.2	Julie Raddon Raddon	jr3232@icloud.com	Accept the plan modification with amendments	244.2 Apply SHZ rule of 2.5m vertical height and then a 45 degree incline to SCAO
244	244.3	Julie Raddon Raddon	jr3232@icloud.com	Accept the plan modification with amendments	244.3 Retain current rule of 3m setback for rear yards in SCAO
244	244.4	Julie Raddon Raddon	jr3232@icloud.com	Accept the plan modification with amendments	244.4 Retain SHZ standard of 600m <sup>2</sup> minimum lot size
245	245.1	R & M Donaldson c/- J A Brown	Reception@brownandcompany.co.nz	Support the plan modification	245.1 Accept the proposed plan change

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
245	245.2	R & M Donaldson c/- J A Brown	Reception@brownandcompany.co.nz	Support the plan modification	245.2 Confirm the provisions of PC26 insofar as they relate to sites with a frontage less than 15m
245	245.3	R & M Donaldson c/- J A Brown	Reception@brownandcompany.co.nz	Support the plan modification	245.3 Confirm the application of a three-metre starting height for recession planes, applying on the side and rear boundaries only
245	245.4	R & M Donaldson c/- J A Brown	Reception@brownandcompany.co.nz	Support the plan modification	245.4 Any other amendments necessary to address the matters raised in this submission
246	246.1	Nyo Ban Liong & Henny Widijanti Sawang	ptkpunz@xnet.co.nz	Amend the plan modification if it is not declined	246.1 If the plan change is not declined, then amend it as per submission
246	246.2	Nyo Ban Liong & Henny Widijanti Sawang	ptkpunz@xnet.co.nz	Amend the plan modification if it is not declined	246.2 Amend the minimum net site area for Isthmus B2 from 600 sqm to 400 sqm
247	247.1	Grey Lynn Residents Association c/- Tania Fleur Mace	hello@greyllynresidents.org.nz	Accept the plan modification with amendments	247.1 Accept the proposed plan change/variation with amendments as outlined in the submission
247	247.2	Grey Lynn Residents Association c/- Tania Fleur Mace	hello@greyllynresidents.org.nz	Accept the plan modification with amendments	247.2 Tighten the rules relating to demolition within the Special Character overlay and ensure that decision making is robust and includes people with the relevant expertise
247	247.3	Grey Lynn Residents Association c/- Tania Fleur Mace	hello@greyllynresidents.org.nz	Accept the plan modification with amendments	247.3 Notify resource consents in situations where there are any matters that are contentious
247	247.4	Grey Lynn Residents Association c/- Tania Fleur Mace	hello@greyllynresidents.org.nz	Accept the plan modification with amendments	247.4 Include consideration of amenity values of neighbouring sites when assessing consent applications within the Special Character overlay

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
247	247.5	Grey Lynn Residents Association c/- Tania Fleur Mace	hello@greyllynresidents.org.nz	Accept the plan modification with amendments	247.5 Do not replace the Special Character overlay rule relating to rear yards with the corresponding underlying zone rule. Instead, retain the existing 3-metre rear yard rule in the Special Character overlay and stipulate that this rule should apply rather than the underlying zone rule where the underlying zone is Single House
247	247.6	Grey Lynn Residents Association c/- Tania Fleur Mace	hello@greyllynresidents.org.nz	Accept the plan modification with amendments	247.6 Commit to conducting a survey of residential streets in Grey Lynn to identify additional areas that are not currently covered by the Special Character overlay but that warrant being included. Then prepare and notify a plan change to add the overlay to these areas
247	247.7	Grey Lynn Residents Association c/- Tania Fleur Mace	hello@greyllynresidents.org.nz	Accept the plan modification with amendments	247.7 Ensure that the information from Council relating to future plan changes and other consultations is presented in a way that is clear, coherent and easy for members of the public to understand
248	248.1	Jacqui Goldingham	goldie@kiwilink.co.nz	Oppose the plan modification	248.1 Decline the plan modification
248	248.2	Jacqui Goldingham	goldie@kiwilink.co.nz	Oppose the plan modification	248.2 Opposed to changes to height in relation to boundary
248	248.3	Jacqui Goldingham	goldie@kiwilink.co.nz	Oppose the plan modification	248.3 Opposed to changes to yards
248	248.4	Jacqui Goldingham	goldie@kiwilink.co.nz	Oppose the plan modification	248.4 Opposed to changes to paved areas
248	248.5	Jacqui Goldingham	goldie@kiwilink.co.nz	Oppose the plan modification	248.5 Opposed to changes to fences
249	249.1	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.1 D18.4 Activity Table - Retain the wording “..land use and..” in the first paragraph and amend the activity Table to ensure the following activities that are permitted in the underlying zone (based on the Single House zone “SHZ”) are a Discretionary activity within the SCA overlay - Residential (A4, A10, A12, A14), Commerce (A19), Community (A21, A27) & Rural (A30)



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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
249	249.2	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.2 Table D18.4.1 - support the proposed addition of activities (A5A) and (A5B) subject to proposed amendments to standard D18.6.7(1) and changing the description to "Front, side and rear fences and walls"
249	249.3	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.3 D18.6 - Standards - Amend the proposed new paragraph D18.6.1(b) by deleting "replace" in line 2 and insert the words "take precedence over" and delete "...do not apply" at the end of the last sentence and insert the words "... apply to the extent that they are not in conflict with the corresponding standards in the SCA Overlay"
249	249.4	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.4 D18.6.1.1 - Building height - Add a new bullet point to the purpose statement "Maintain a reasonable standard of residential amenity for adjoining sites"
249	249.5	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.5 D18.6.1.2 - Height in relation to boundary - Add a new bullet point "Maintain a reasonable standard of residential amenity for adjoining sites"
249	249.6	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.6 Do not support the 3m and 45 degree HIRB standard for sites with a frontage less than 15m as proposed under sub-clause (1) - the normal HIRB standard (in most cases the single house 2.5m and 45 degrees) should continue to apply regardless of the frontage width
249	249.7	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.7 Any breach of this HIRB standard should require a notified consent with neighbours given the opportunity to be heard
249	249.8	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.8 Retain a HIRB standard for the front boundary in the SCA Overlay. The 3m and 45 degree control that currently applies is acceptable

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
249	249.9	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.9 The Figure D18.6.1.2.1 is misleading as the 3m step applies to sites with a frontage less than 15m only. If this Figure is retained the heading should be changed to "Height in Relation to Boundary for sites with a frontage length of less than 15m"
249	249.10	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.10 The current wording in D18.6.1.2 Height in relation to boundary "... or where a common wall is proposed" should be deleted and to ensure that any underlying provision does not apply the following wording added – "...this provision does not apply if a common wall is proposed"
249	249.11	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.11 The gable end, dormer or roof projection provisions in (5) and (6) in D18.6.1.2 Height in relation to boundary, are also unclear. This should be the total sum length of all projections on any elevation
249	249.12	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.12 In D18.6.1.2 Height in relation to boundary, (6) allows up to two projections per 6m of site boundary. It would be clearer to state the maximum number of projections allowed per site. I propose not more than 4 projections per site.
249	249.13	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.13 Amend the definition of building in accordance with the submission
249	249.14	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.14 Amend the definition of height in accordance with the submission
249	249.15	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.15 In D18.6.1.2 Height in relation to boundary, (2), (3) and (4) where the term "height" is used it must be "... height and height in relation to boundary standard (whichever is the lesser height)..."

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
249	249.16	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.16 Add “.. and to maintain a reasonable standard of residential amenity for adjoining sites” to the purpose statement for D18.6.1.3 - Yards
249	249.17	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.17 Reword for the Front Yard averaging calculation provision to ensure the sites included in the calculation must be in the same SC Area as the subject site, are Front sites only and must contain a dwelling
249	249.18	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.18 Include in Table D18.6.1.3.1 - Yards, the option of (up to) 6 sites on one side to apply only where there are less than 3 sites on any side, to make up the required number of sites (that is 6 in total), for instance where there is only 2 on one side include 4 on the other
249	249.19	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.19 Include a figure for D18.6.1.3 - Yards to establish a minimum Front yard to avoid unusual outcomes – I propose “..but not less than 3m”
249	249.20	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.20 Include a figure in D18.6.1.3 - Yards for a maximum Front yard of “.. and not more than 8m”.
249	249.21	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.21 Increase the Side yard figure to 1.5m
249	249.22	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.22 Do not support total deletion of the Rear Yard provision from the Table. A Rear yard should be retained in the Table. A figure of 1m is proposed
249	249.23	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.23 In sub-clause (2) of D18.6.1.3 Yards, delete “.. or where a common wall is proposed” and add ““..this provision does not apply if a common wall is proposed”.

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
249	249.24	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.24 Amend Table D18.6.1.4.1 - Building Coverage to read; 500m2 to 1500m2 - coverage 35% of net site area & Greater than 1500m2 - coverage 25% of net site area
249	249.25	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.25 Amend D18.6.1.5 - Landscaped area by deleting "and trees" from the purpose statement
249	249.26	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.26 Amend Table D18.6.1.5.1 - Landscaped Area, so that the "break point" for larger sites should be 1500m2. That is; 500m2 to 1500m2 - 40% of net site area & Greater than 1500m2 - 50% of net site area
249	249.27	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.27 Amend Table D18.6.1.6.1 - Maximum Impervious Area, so that the "break point" for larger sites should be 1500m2. That is; 500m2 to 1500m2 - 60% of net site area Greater than 1500m2 - 50% of net site area
249	249.28	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.28 - Amend the title D18.6.1.7 – Fences (and) walls (and other structures) to "Front, side and rear fences and walls" for consistency with underlying zone standards
249	249.29	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.29 Amend the proposed Purpose Statement for D18.6.1.7 - Fences and walls by adding "...and to allow for a reasonable level of privacy and security"
249	249.30	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.30 Amend the height for fences and walls in D18.6.1.7 - Fences and walls (1)(a) and (b) to 1.8m

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
249	249.31	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.31 Amend sub-clause (b) of D18.6.1.7 - Fences and walls to remove the confusion particularly in respect of fences between the house and side boundary and forward of the front façade of the house
249	249.32	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.32 Use the defined term "dwelling" instead of the undefined term "house" in D18.6.1.7 - Fences and walls
249	249.33	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.33 Support the proposed addition of D18.8.1.1 (c) in D18.8 Assessment - Restricted discretionary activities
249	249.34	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.34 Support the proposed addition of D18.8.2.1(4)(b) in D18.8 Assessment - Restricted discretionary activities
249	249.35	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.35 Support the proposed addition of E38.8.2.6 (3) to Subdivision
249	249.36	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.36 Make changes and amendments to the Auckland Unitary Plan / Proposed Plan Change 26 as required to address the above submission points
249	249.37	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.37 Make such other amendments to the Auckland Unitary Plan as are necessary or appropriate as a consequence of the primary relief sought

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
249	249.38	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.38 Combine sub-clauses (1) and (2) in D18.6.1.2 - Height in relation to boundary and amended to provide for a 3m and 45 degree HIRB on the front boundary of front sites and the underlying Zone provisions applying on all other boundaries regardless of frontage width
250	250.1	Southern Cross Hospitals Limited c/- Bianca Tree	bianca.tree@minterellison.co.nz	Oppose the plan modification	250.1 That the proposed purpose statement in each of the standards in the Special Character Areas Overlay be removed
250	250.2	Southern Cross Hospitals Limited c/- Bianca Tree	bianca.tree@minterellison.co.nz	Support the plan modification	250.2 That the amendments to the height in relation to boundary standard D18.6.1.2 be allowed
250	250.3	Southern Cross Hospitals Limited c/- Bianca Tree	bianca.tree@minterellison.co.nz	Support the plan modification	250.3 That the amendments to the landscaped area standard D18.6.1.5 be allowed
250	250.4	Southern Cross Hospitals Limited c/- Bianca Tree	bianca.tree@minterellison.co.nz	Support the plan modification	250.4 That the amendments to the maximum impervious area standard D18.6.1.6 be allowed
250	250.5	Southern Cross Hospitals Limited c/- Bianca Tree	bianca.tree@minterellison.co.nz	Support the plan modification	250.5 That the amendments to the fences, walls and other structures standard D18.6.1.7 be allowed
250	250.6	Southern Cross Hospitals Limited c/- Bianca Tree	bianca.tree@minterellison.co.nz	Oppose the plan modification	250.6 Such relief and/or amendments to the Plan Change as may be necessary to address Southern Cross' concerns, as outlined in their submission
251	251.1	Jean Dorothy Day	jday@kiwilink.co.nz	Oppose the plan modification	251.1 Decline the plan modification
252	252.1	Brendan Kell	oliverschristmas@orcon.net.nz	Oppose the plan modification	252.1 Decline the plan modification

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
252	252.2	Brendan Kell	oliverschristmas@orcon.net.nz	Oppose the plan modification	252.2 Oppose changes to D18.6.1.2 Height in relation to boundary
252	252.3	Brendan Kell	oliverschristmas@orcon.net.nz	Oppose the plan modification	252.3 Oppose changes to D18.6.1.3 Yards
252	252.4	Brendan Kell	oliverschristmas@orcon.net.nz	Oppose the plan modification	252.4 Oppose changes to D18.6.1.5 Landscaped area
253	253.1	Barbara Cuthbert and Michael Ashmore	barbcuth@gmail.com	Accept the plan modification with amendments	253.1 Accept the plan modification with amendments
253	253.2	Barbara Cuthbert and Michael Ashmore	barbcuth@gmail.com	Accept the plan modification with amendments	253.2 Delete the proposed change to the height in relation to the boundary standard
254	254.1	Jeanette Heilbronn	jeanette.heilbronn@gmail.com	Amend the plan modification if it is not declined	254.1 Amend the plan modification if it is not declined
254	254.2	Jeanette Heilbronn	jeanette.heilbronn@gmail.com	Amend the plan modification if it is not declined	254.2 Retain 2m fencing height if the fence is not solid and allows the house to be viewed from the street. Side fences should just have 2 m height
255	255.1	Tunncliffe Investment Limited and Tunncliffe Glass Family Trust c/- Kenneth Tunncliffe and Esther Glass	tunglass@gmail.com	Oppose the plan modification	255.1 Remove the special character overlay from 62 Onslow Avenue, Epsom
255	255.2	Tunncliffe Investment Limited and Tunncliffe Glass Family Trust c/- Kenneth Tunncliffe and Esther Glass	tunglass@gmail.com	Oppose the plan modification	255.2 Maintain the fence height at 1.8m to allow for both privacy and animal control
256	256.1	Bruce Lotter	bruce.lotter@performancehr.co.nz	Amend the plan modification if it is not declined	256.1 Accept the proposed Plan Change with the amendments
256	256.2	Bruce Lotter	bruce.lotter@performancehr.co.nz	Amend the plan modification if it is not declined	256.2 Amend Part D18.1 by removing the words "other than Howick"

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
256	256.3	Bruce Lotter	bruce.lotter@performancehr.co.nz	Amend the plan modification if it is not declined	256.3 Expand the Special Character notation on the Planning Maps to include the areas identified on the attached plan (see submission)
256	256.4	Bruce Lotter	bruce.lotter@performancehr.co.nz	Amend the plan modification if it is not declined	256.4 Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted
256	256.5	Bruce Lotter	bruce.lotter@performancehr.co.nz	Amend the plan modification if it is not declined	256.5 Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes
256	256.6	Bruce Lotter	bruce.lotter@performancehr.co.nz	Amend the plan modification if it is not declined	256.6 Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes
257	257.1	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Oppose the plan modification	257.1 Decline the plan change
257	257.2	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Oppose the plan modification	257.2 If the Plan Change is not declined, that the proposed provisions of the Plan Change be deleted or amended to address the matters raised in this submission
257	257.3	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Oppose the plan modification	257.3 Re-cast the rule provisions to maintain their focus to the values associated with the special character amenity values that the SCA Overlay is seeking to recognise
257	257.4	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Oppose the plan modification	257.4 Re-apply the SCA Overlay so that it applies to the geographic extent of resource values (rather than being zone specific)



**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
257	257.5	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Oppose the plan modification	257.5 Undertake a review, and re-zone the underlying land, in accordance with the maps attached to this submission or in accordance with the proximity criteria presented to the IHP (as outlined above)
257	257.6	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Oppose the plan modification	257.6 Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out in this submission
257	257.7	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Oppose the plan modification	257.7 Oppose the proposed amendments and new text introduced into Standard 'D18.6.1.2 Height in relation to boundary', including D18.6.1.2(1), (2), (3), (4), (6) and (7)
257	257.8	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Oppose the plan modification	257.8 Oppose the proposed amendments and new text introduced into Standard 'D18.6.1.3 Yards', including D18.6.1.3(2) and (3)
257	257.9	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Oppose the plan modification	257.9 Oppose the new text in the introduction to Activity Table D.18.4
257	257.10	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Oppose the plan modification	257.10 Oppose the proposed amendments to existing text (D18.6.1(a)), as well as the newly introduced text (D18.6.1(b)) in relation to the Standards for buildings in the SCA Overlay
257	257.11	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Oppose the plan modification	257.11 Oppose the newly proposed text at E38.8.2.6(3), in relation to subdivision controls specific to the SCA Overlay
257	257.12	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Oppose the plan modification	257.12 Oppose any amendments which seek to introduce heritage concepts within the SCA Overlay provisions, including the newly proposed 'purpose statement' for Standard 'D18.6.1.3 Yards'. Housing New Zealand

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
257	257.13	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Oppose the plan modification	257.13 Oppose the newly proposed 'purpose statements' in relation to Standards 'D18.6.1.1 Building height'; 'D18.6.1.2 Height in relation to boundary'; 'Standard D18.6.1.3 Yards'; 'Standard D18.6.1.4 Building coverage'; 'D18.6.1.5 Landscaped area'; 'Standard D18.6.1.6 Maximum impervious area'; and 'Standard D18.6.1.7 Fences and walls
257	257.14	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Support the plan modification	257.14 Support the proposed deletion of the 'rear yard' rule in Standard 'D18.6.1.3 Yards'
257	257.15	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Support the plan modification	257.15 Support the proposed amendments to Standard 'D18.6.1.7 Fences and walls', where amendments have been proposed to those aspects of the standard which set height limits for rear and side fences
257	257.16	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Support the plan modification	257.16 Support the proposed amendments to the matters of discretion (Chapter D18.8.1.1(c))
257	257.17	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Support the plan modification	257.17 Support the proposed amendments to the assessment criteria (Chapter D18.8.2.1(4)(b))
257	257.18	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Oppose the plan modification	257.18 Consideration needs to be given to applying the spatial extent of the SCA Overlay not just to residential and business zones, but also to aspects of the wider 'streetscape environment' (e.g. such as roads / road reserves and open spaces)
257	257.19	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Oppose the plan modification	257.19 Undertake a full, wider review of the SCA Overlay so that it functions and operates as a 'true' overlay (to manage specifically identified resource values), rather than operating as a 'zone', or 'sub-zone' of the Single House zone

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
257	257.20	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Oppose the plan modification	257.20 De-couple the SCA Overlay from underlying zoning and consider likely re-zoning of the residential land which is currently impacted by the SCA Overlay consistent with Housing New Zealand's submissions put before the Independent Hearings Panel ("IHP") during the proposed Auckland Unitary Plan submissions and hearing process
257	257.21	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Oppose the plan modification	257.21 The underlying residentially zoned land should be re-zoned, consistent with the best practice re-zoning principles which Housing New Zealand's planning experts presented to the IHP during the Topic 080 and 081 hearings <sup>8</sup> or in accordance with the proposed re-zoning maps which were presented to the IHP, on behalf of Housing New Zealand, during Hearing Topic 081
258	258.1	Parnell Heritage Inc c/- Julie M Hill	enquires@parnellheritage.org.nz	Amend the plan modification if it is not declined	258.1 Amend the plan modification if it is not declined
258	258.2	Parnell Heritage Inc c/- Julie M Hill	enquires@parnellheritage.org.nz	Amend the plan modification if it is not declined	258.2 Amend the activity table to reflect the most restrictive criteria for building height from either the single house zone rules or the special character rules
258	258.3	Parnell Heritage Inc c/- Julie M Hill	enquires@parnellheritage.org.nz	Amend the plan modification if it is not declined	258.3 Amend the activity table to reflect the most restrictive criteria for height in relation to boundary from either the single house zone rules or the special character rules
258	258.4	Parnell Heritage Inc c/- Julie M Hill	enquires@parnellheritage.org.nz	Amend the plan modification if it is not declined	258.4 Amend the activity table to reflect the most restrictive criteria for yards from either the single house zone rules or the special character rules
258	258.5	Parnell Heritage Inc c/- Julie M Hill	enquires@parnellheritage.org.nz	Amend the plan modification if it is not declined	258.5 Amend the activity table to reflect the most restrictive criteria for building coverage from either the single house zone rules or the special character rules

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
258	258.6	Parnell Heritage Inc c/- Julie M Hill	enquires@parnellheritage.org.nz	Amend the plan modification if it is not declined	258.6 Amend the activity table to reflect the most restrictive criteria for landscaped area from either the single house zone rules or the special character rules
259	259.1	Matthew Stephen John Brajkovich	matthewboomer49@gmail.com	Accept the plan modification with amendments	259.1 Accept the proposed Plan Change with the amendments
259	259.2	Matthew Stephen John Brajkovich	matthewboomer49@gmail.com	Accept the plan modification with amendments	259.2 Amend Part D18.1 by removing the words "other than Howick"
259	259.3	Matthew Stephen John Brajkovich	matthewboomer49@gmail.com	Accept the plan modification with amendments	259.3 Expand the Special Character notation on the Planning Maps to include the areas identified on the attached plan (see submission)
259	259.4	Matthew Stephen John Brajkovich	matthewboomer49@gmail.com	Accept the plan modification with amendments	259.4 Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted
259	259.5	Matthew Stephen John Brajkovich	matthewboomer49@gmail.com	Accept the plan modification with amendments	259.5 Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes
259	259.6	Matthew Stephen John Brajkovich	matthewboomer49@gmail.com	Accept the plan modification with amendments	259.6 Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes
260	260.1	Yolande Wong	yolandejoe@gmail.com	Accept the plan modification with amendments	260.1 Accept the plan modification with amendments
260	260.2	Yolande Wong	yolandejoe@gmail.com	Accept the plan modification with amendments	260.2 Remove the road frontage rule and retain the 3m plus 45 height in relation to boundary for all sites in the overlay
261	261.1	Friends of Cockle Bay Domain	stephaniehnz@gmail.com	Accept the plan modification with amendments	261.1 Accept the proposed Plan Change with the amendments outlined

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**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
261	261.2	Friends of Cockle Bay Domain	stephaniehnz@gmail.com	Accept the plan modification with amendments	261.2 Amend Part D18.1 by removing the words "other than Howick"
261	261.3	Friends of Cockle Bay Domain	stephaniehnz@gmail.com	Accept the plan modification with amendments	261.3 Expand the Special Character notation on the Planning Maps to include the areas identified on the attached plan (see submission)
261	261.4	Friends of Cockle Bay Domain	stephaniehnz@gmail.com	Accept the plan modification with amendments	261.4 Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted
261	261.5	Friends of Cockle Bay Domain	stephaniehnz@gmail.com	Accept the plan modification with amendments	261.5 Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes
261	261.6	Friends of Cockle Bay Domain	stephaniehnz@gmail.com	Accept the plan modification with amendments	261.6 Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes
262	262.1	Simon Nicolaas Peter ONNEWEER	piet88@yahoo.com	Support the plan modification	262.1 Accept the plan modification
263	263.1	Fiona Bower	fi_bower@hotmail.com	Oppose the plan modification	263.1 Decline the plan modification
264	264.1	Debbie Holdsworth	d.holdsworth@xtra.co.nz	Amend the plan modification if it is not declined	264.1 Amend the plan modification if it is not declined
264	264.2	Debbie Holdsworth	d.holdsworth@xtra.co.nz	Amend the plan modification if it is not declined	264.2 Increase the height threshold for fences and walls to 1.5m
264	264.3	Debbie Holdsworth	d.holdsworth@xtra.co.nz	Amend the plan modification if it is not declined	264.3 Provide some certainty around the costs, timeframes for resource consents for fences and walls in addition to streamlining the process
265	265.1	Jennifer Anne Strange	j_a_strange@hotmail.com	Oppose the plan modification	265.1 Decline the plan modification

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
265	265.2	Jennifer Anne Strange	j_a_strange@hotmail.com	Oppose the plan modification	265.2 The Special Character Areas Overlay should not prevail over the corresponding provisions of the Single House zone provisions, which should remain, and applications should consider all the provisions of both the underlying zone and the SCA overlay provisions
266	266.1	Iain Rea	iainrea@gmail.com	Accept the plan modification with amendments	266.1 Accept the plan modification with amendments
266	266.2	Iain Rea	iainrea@gmail.com	Accept the plan modification with amendments	266.2 Remove the amendments to D18.6.1.2 - Height in relation to boundary
266	266.3	Iain Rea	iainrea@gmail.com	Accept the plan modification with amendments	266.3 Remove the amendments to D18.6.1.3 - Yards
267	267.1	Civic Trust Auckland c/- Audrey van Ryn	cta@civictrustauckland.org.nz allan.matson1@gmail.com	Support the plan modification	267.1 Supports in principle the intention of clarifying the relationship between the Special Character Area (SCA) Overlay and the underlying Zoning provisions in so far as that may help achieve the purpose of the SCA overlay
267	267.2	Civic Trust Auckland c/- Audrey van Ryn	cta@civictrustauckland.org.nz allan.matson1@gmail.com	Support the plan modification	267.2 That Council specify elsewhere in the chapter, the areas in Auckland with comparative design parameters for SAR overlay and underlying Zoning (where relevant), and further include a rule that states the more restrictive standard will apply
268	268.1	Gail Russell	gailyr52@gmail.com		268.1 Include Howick in PC26 as a special (character) area
269	269.1	Brian Wood	mershwood@gmail.com	Oppose the plan modification	269.1 Opposes the proposed reduction in minimum section size from 750m2 to 600m2
270	270.1	Adele Joanne White	dellys@xtra.co.nz	Support the plan modification	270.1 Accept the proposed plan change
271	271.1	John Ross Spiller	spiljon55@outlook.com	Support the plan modification	271.1 Accept the proposed plan change

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
272	272.1	Diana Renker	renkerd@gmx.net		272.1 That the ROW portions of 70, 76, 80, 90 & 92 Stanley Point Road be included in the special character area
272	272.2	Diana Renker	renkerd@gmx.net		272.2 That the heritage provisions take precedence wherever the special character area interfaces with the single house zone, at 70, 76, 80, 90 & 92 Stanley Point Road
272	272.3	Diana Renker	renkerd@gmx.net		272.3 That the fencing provisions of the heritage zone apply wherever there is interface with the single house zone sites, at 70, 76, 80, 90 & 92 Stanley Point Road
272	272.4	Diana Renker	renkerd@gmx.net		272.4 That maximum fence heights for side fences be 1.2m, forward of the front face line of abutting homes, e.g. 92 and 94 Stanley Point Rd
272	272.5	Diana Renker	renkerd@gmx.net		274.5 That all ROW side fences be limited to 1.2m within 5m of the front boundary, to allow for improved legibility of the special character zone from the street and to contribute to improved safety outcomes for pedestrians and other road users
273	273.1	Robin Rive	robinrive1939@icloud.com	Accept the plan modification with amendments	273.1 Accept the proposed plan change with amendments
273	273.2	Robin Rive	robinrive1939@icloud.com	Accept the plan modification with amendments	273.2 Swimming pool fences should be built at least 1m away from climbable structures
274	274.1	Sarah Elizabeth Withell	seg@xtra.co.nz	Support the plan modification	274.1 Accept the plan change





**ATTACHMENT 5**  
**SUMMARY OF FURTHER SUBMISSIONS**



**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
68	68.2	Darren Pang	pang_darren@yahoo.co.nz	Oppose the plan modification	68.2 Rules applying to site boundaries (yards) should be eased
74	74.3	Dean Tony Turner	deanturnerpm@gmail.com	Accept the plan modification with amendments	74.3 Ease yard requirement restrictions
96	96.5	Colin and Jocelyn Weatherall Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	96.5 Delete the side and rear yard controls
96	96.5	Colin and Jocelyn Weatherall Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	96.5 Delete the side and rear yard controls
97	97.5	Peter Ng Attn: David Wren	david@davidwren.co.nz	Accept the plan modification with amendments	97.5 Delete the side and rear yard controls
106	106.2	Dougall Kraayvanger	dougallk@hotmail.com	Amend the plan modification if it is not declined	106.2 Amend side and front yard setbacks to allow for close living and protection from uninvited public access
107	107.5	Robyn Rosemary Cameron	cameronrobyn@gmail.com	Oppose the plan modification	107.5 Decline the plan change in respect of D18.6.1.3 Yards

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
123	123.7	V H Bull c/- Gael McKitterick 4Sight Consulting Limited	gaelm@4sight.co.nz	Support the plan modification	123.7 Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to D18.6.1.3 Yards
131	131.3	Alastair George McInnes Fletcher	alastairfletcher@yahoo.co.nz	Oppose the plan modification	131.3 Request that yards (proximity to the boundary) not be reduced
136	136.2	Kah Keng Low	keng.0921@hotmail.com	Oppose the plan modification	136.2 Decline changes to yards
142	142.2	Somersby Trust C/- Craig Moriarity - Haines Planning Consultants Limited	craig.moriarty@hainesplanning.co.nz	Accept the plan modification with amendments	142.2 Seeks the rewording of the proposed 'Yard Purpose' D18.6.1.3 - Yards
145	145.3	Patrick Reddington and Letitia Reddington	patandtish@gmail.com	Support the plan modification	145.3 Support yards
171	171.3	Linda Whitcombe Devonport Heritage	celticfiddle@gmx.com	Oppose the plan modification	171.3 Retain the boundary regulations for Devonport
207	207.8	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	d.bellamy@auckland.ac.nz	Amend the plan modification if it is not declined	207.8 Change text for yards in accordance with submission

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
207	207.8	South Epsom Planning Group Inc c/- Alfred Richard Bellamy	d.bellamy@auckland.ac.nz	Amend the plan modification if it is not declined	207.8 Change text for yards in accordance with submission
209	209.3	John and Sarah Walker	johnwalkerblacklabel@outlook.com	Oppose the plan modification	209.3 Yard rules are confusing
224	224.11	Hume Architects Ltd c/ - Chris Hume	chris@humearch.co.nz	Support the plan modification	224.11 Supports underlying zone yard standards apply for all other yards not specified within Table D18.6.1.3.1.
248	248.3	Jacqui Goldingham	goldie@kiwilink.co.nz	Oppose the plan modification	248.3 Opposed to changes to yards
249	249.16	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.16 Add “.. and to maintain a reasonable standard of residential amenity for adjoining sites” to the purpose statement for D18.6.1.3 - Yards
249	249.16	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.16 Add “.. and to maintain a reasonable standard of residential amenity for adjoining sites” to the purpose statement for D18.6.1.3 - Yards

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
249	249.16	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.16 Add “.. and to maintain a reasonable standard of residential amenity for adjoining sites” to the purpose statement for D18.6.1.3 - Yards
249	249.23	Keith Vernon	kvernon@xtra.co.nz	Accept the plan modification with amendments	249.23 In sub-clause (2) of D18.6.1.3 Yards, delete “.. or where a common wall is proposed” and add ““..this provision does not apply if a common wall is proposed”.
252	252.3	Brendan Kell	oliverschristmas@orcon.net.nz	Oppose the plan modification	252.3 Oppose changes to D18.6.1.3 Yards
257	257.8	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Oppose the plan modification	257.8 Oppose the proposed amendments and new text introduced into Standard ‘D18.6.1.3 Yards’, including D18.6.1.3(2) and (3)
257	257.8	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Oppose the plan modification	257.8 Oppose the proposed amendments and new text introduced into Standard ‘D18.6.1.3 Yards’, including D18.6.1.3(2) and (3)
257	257.8	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Oppose the plan modification	257.8 Oppose the proposed amendments and new text introduced into Standard ‘D18.6.1.3 Yards’, including D18.6.1.3(2) and (3)
257	257.14	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Support the plan modification	257.14 Support the proposed deletion of the ‘rear yard’ rule in Standard ‘D18.6.1.3 Yards’

**Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
257	257.14	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Support the plan modification	257.14 Support the proposed deletion of the 'rear yard' rule in Standard 'D18.6.1.3 Yards'
257	257.14	Housing New Zealand c/- Alex Devine	ADevine@ellisgould.co.nz ckirman@ellisgould.co.nz	Support the plan modification	257.14 Support the proposed deletion of the 'rear yard' rule in Standard 'D18.6.1.3 Yards'
258	258.4	Parnell Heritage Inc c/- Julie M Hill	enquires@parnellheritage.org.nz	Amend the plan modification if it is not declined	258.4 Amend the activity table to reflect the most restrictive criteria for yards from either the single house zone rules or the special character rules
258	258.4	Parnell Heritage Inc c/- Julie M Hill	enquires@parnellheritage.org.nz	Amend the plan modification if it is not declined	258.4 Amend the activity table to reflect the most restrictive criteria for yards from either the single house zone rules or the special character rules
258	258.4	Parnell Heritage Inc c/- Julie M Hill	enquires@parnellheritage.org.nz	Amend the plan modification if it is not declined	258.4 Amend the activity table to reflect the most restrictive criteria for yards from either the single house zone rules or the special character rules
258	258.4	Parnell Heritage Inc c/- Julie M Hill	enquires@parnellheritage.org.nz	Amend the plan modification if it is not declined	258.4 Amend the activity table to reflect the most restrictive criteria for yards from either the single house zone rules or the special character rules





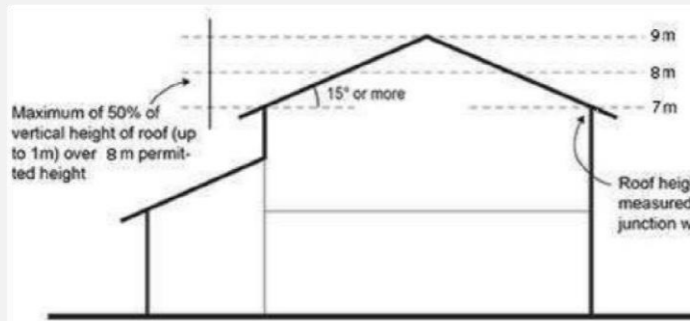
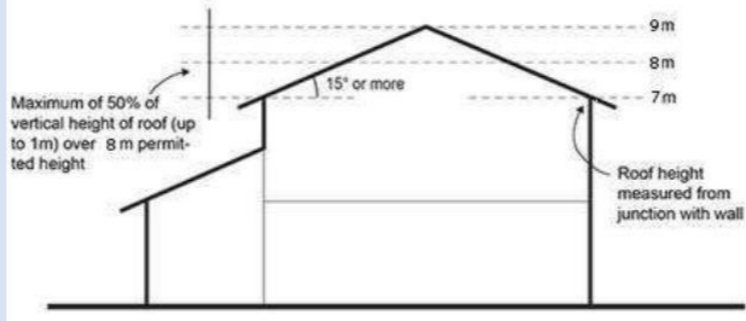
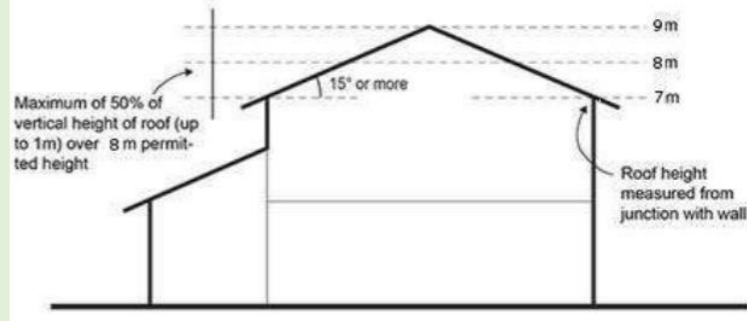
## **ATTACHMENT 6**

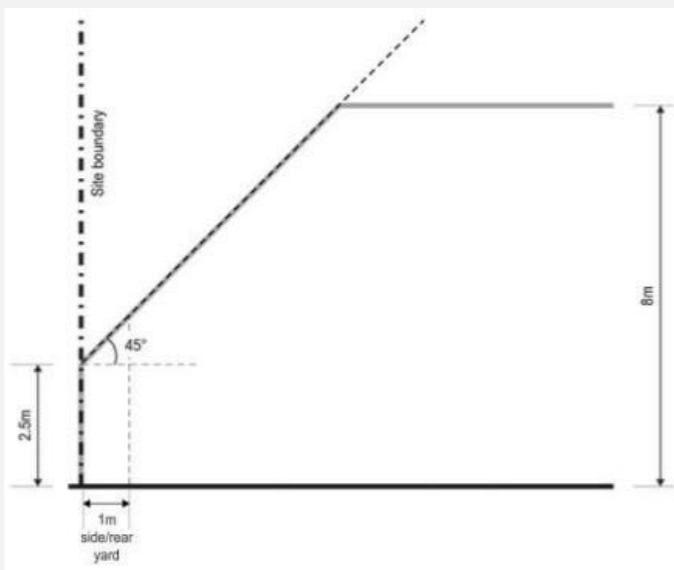
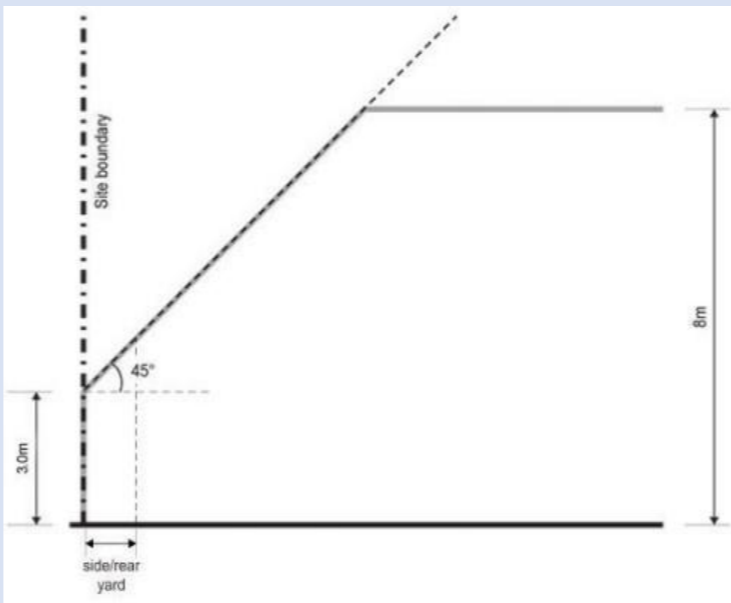
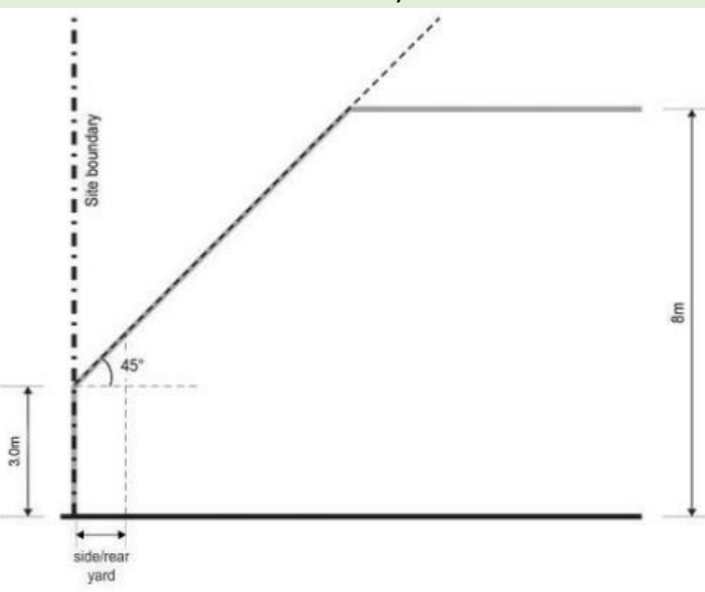
### **COMPARISONS BETWEEN EXISTING PROVISIONS AND PROPOSED CHANGES**



## Proposed Plan Change 26 – Proposed changes to the Special Character Overlay Chapter of the Unitary Plan

- As the plan currently operates, all of the standards under the **Single House Zone** and **Special Character Overlay** (surrounded in Red) are to be applied with equal weighting to any new developments regardless of the differing thresholds of the standards. This is confusing for developers and planners.
- The proposed plan change (shown in Green) intends to make it clearer for people to understand which rule to apply to their developments on residential sites that sit under the Special Character Overlay.
- For the following standards, those residential sites covered by the Special Character Overlay are to apply the rule from the Special Character Overlay chapter and disregard the corresponding rule found within the underlying residential zoning chapter.
- Each standard is to be modified by adding a purpose statement.

Standards (Rules)	Single House Zone	Special Character Overlay	Proposed changes to Special Character Overlay Chapter
<b>Building height</b>	<p>H3.6.6 8m. except this may increase to 9m under circumstance depicted below</p> 	<p>D18.6.1.1 8m. except this may increase to 9m under circumstance depicted below</p> 	<p>8m. except this may increase to 9m under circumstance depicted below</p> 
			<ul style="list-style-type: none"> <li>• The only change to the standard is the addition of a purpose statement which explains the intent of the standard.</li> </ul>

<b>Height in relation to boundary</b>	H3.6.7	2.5m & 45° recession plane along side & rear boundaries 	D18.6.1.2	3m & 45° recession plane along any boundary 	3m & 45° recession plane along side and rear boundaries, only to be applied to your site if: <ul style="list-style-type: none"> <li>It is a front site,</li> <li>And has a front road boundary less than 15m in width.</li> </ul>  <ul style="list-style-type: none"> <li>A change to the standard is the addition of a purpose statement which explains the intent of the standard</li> <li>And this is not to be applied along road fronted boundaries</li> </ul>																						
<b>Yards</b>	H3.6.8	<table border="1"> <thead> <tr> <th>Yard</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Front</td> <td>3m</td> </tr> <tr> <td>Side</td> <td>1m</td> </tr> <tr> <td>Rear</td> <td>1m</td> </tr> </tbody> </table>	Yard	Minimum depth	Front	3m	Side	1m	Rear	1m	D18.6.1.3	<table border="1"> <thead> <tr> <th>Yard</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Front</td> <td>The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject site or six sites on one side of the subject site</td> </tr> <tr> <td>Side</td> <td>1.2m</td> </tr> <tr> <td>Rear</td> <td>3m</td> </tr> </tbody> </table>	Yard	Minimum depth	Front	The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject site or six sites on one side of the subject site	Side	1.2m	Rear	3m	<table border="1"> <thead> <tr> <th>Yard</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Front</td> <td>The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject site or six sites on one side of the subject site</td> </tr> <tr> <td>Side</td> <td>1.2m</td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>The 3m rear yard is proposed to be deleted and default to the underlying zoning because Special character is focused on buildings and how their</li> </ul>	Yard	Minimum depth	Front	The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject site or six sites on one side of the subject site	Side	1.2m
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**Proposed Plan Change 26 – Proposed changes to the Special Character Overlay Chapter of the Unitary Plan**

					<p>characters contribute to streetscape. The reason for the deletion is that rear areas of sites don't contribute to streetscape.</p> <ul style="list-style-type: none"> <li>A change to the standard is the addition of a purpose statement which explains the intent of the standard</li> </ul>										
<b>Maximum impervious</b>	H3.6.9	Must not exceed 60% of the site area.		No equivalent rule	<table border="1"> <thead> <tr> <th>Site Area</th> <th>Impervious Area</th> </tr> </thead> <tbody> <tr> <td>Up to 200m<sup>2</sup></td> <td>72% of site area</td> </tr> <tr> <td>200m<sup>2</sup>– 500m<sup>2</sup></td> <td>65% of site area</td> </tr> <tr> <td>500m<sup>2</sup> – 1,000m<sup>2</sup></td> <td>66% of site area</td> </tr> <tr> <td>Greater than 1,000m<sup>2</sup></td> <td>50% of site area</td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>A change to the standard is the addition of a purpose statement which explains the intent of the standard</li> </ul>	Site Area	Impervious Area	Up to 200m <sup>2</sup>	72% of site area	200m <sup>2</sup> – 500m <sup>2</sup>	65% of site area	500m <sup>2</sup> – 1,000m <sup>2</sup>	66% of site area	Greater than 1,000m <sup>2</sup>	50% of site area
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<b>Building coverage</b>	H3.6.10	maximum building coverage = 35% of net site area	D18.6.1.4	Your site area informs which building coverage threshold you apply <table border="1" data-bbox="1193 92 1923 344"> <thead> <tr> <th>Site area</th> <th>Building coverage</th> </tr> </thead> <tbody> <tr> <td>Up to 200m<sup>2</sup></td> <td>55 per cent of the net site area</td> </tr> <tr> <td>200m<sup>2</sup> – 300m<sup>2</sup></td> <td>45 per cent of the net site area</td> </tr> <tr> <td>300m<sup>2</sup> – 500m<sup>2</sup></td> <td>40 per cent of the net site area</td> </tr> <tr> <td>500m<sup>2</sup> – 1,000m<sup>2</sup></td> <td>35 per cent of the net site area</td> </tr> <tr> <td>Greater than 1,000m<sup>2</sup></td> <td>25 per cent of the net site area</td> </tr> </tbody> </table>	Site area	Building coverage	Up to 200m <sup>2</sup>	55 per cent of the net site area	200m <sup>2</sup> – 300m <sup>2</sup>	45 per cent of the net site area	300m <sup>2</sup> – 500m <sup>2</sup>	40 per cent of the net site area	500m <sup>2</sup> – 1,000m <sup>2</sup>	35 per cent of the net site area	Greater than 1,000m <sup>2</sup>	25 per cent of the net site area	Your site area informs which building coverage threshold you apply <table border="1" data-bbox="2041 92 2772 344"> <thead> <tr> <th>Site area</th> <th>Building coverage</th> </tr> </thead> <tbody> <tr> <td>Up to 200m<sup>2</sup></td> <td>55 per cent of the net site area</td> </tr> <tr> <td>200m<sup>2</sup> – 300m<sup>2</sup></td> <td>45 per cent of the net site area</td> </tr> <tr> <td>300m<sup>2</sup> – 500m<sup>2</sup></td> <td>40 per cent of the net site area</td> </tr> <tr> <td>500m<sup>2</sup> – 1,000m<sup>2</sup></td> <td>35 per cent of the net site area</td> </tr> <tr> <td>Greater than 1,000m<sup>2</sup></td> <td>25 per cent of the net site area</td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>The only change to the standard is the addition of a purpose statement which explains the intent of the standard.</li> </ul>	Site area	Building coverage	Up to 200m <sup>2</sup>	55 per cent of the net site area	200m <sup>2</sup> – 300m <sup>2</sup>	45 per cent of the net site area	300m <sup>2</sup> – 500m <sup>2</sup>	40 per cent of the net site area	500m <sup>2</sup> – 1,000m <sup>2</sup>	35 per cent of the net site area	Greater than 1,000m <sup>2</sup>	25 per cent of the net site area
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<b>Landscaped area</b>	H3.6.11	The minimum 40% of the net site area. <ul style="list-style-type: none"> <li>At least 50 % of the area of the front yard must comprise landscaped areas</li> </ul>	D18.6.1.5	<table border="1" data-bbox="1193 709 1923 940"> <thead> <tr> <th>Site area</th> <th>Landscaped area</th> </tr> </thead> <tbody> <tr> <td>Up to 200m<sup>2</sup></td> <td>28 per cent of the net site area</td> </tr> <tr> <td>200m<sup>2</sup> – 500m<sup>2</sup></td> <td>33 per cent of the net site area</td> </tr> <tr> <td>500m<sup>2</sup> – 1,000m<sup>2</sup></td> <td>40 per cent of the net site area</td> </tr> <tr> <td>Greater than 1,000m<sup>2</sup></td> <td>50 per cent of the net site area</td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>The front yard must comprise at least 50% landscaped area</li> </ul>	Site area	Landscaped area	Up to 200m <sup>2</sup>	28 per cent of the net site area	200m <sup>2</sup> – 500m <sup>2</sup>	33 per cent of the net site area	500m <sup>2</sup> – 1,000m <sup>2</sup>	40 per cent of the net site area	Greater than 1,000m <sup>2</sup>	50 per cent of the net site area	<table border="1" data-bbox="2041 676 2849 907"> <thead> <tr> <th>Site area</th> <th>Landscaped area</th> </tr> </thead> <tbody> <tr> <td>Up to 200m<sup>2</sup></td> <td>28 per cent of the net site area</td> </tr> <tr> <td>200m<sup>2</sup> – 500m<sup>2</sup></td> <td>33 per cent of the net site area</td> </tr> <tr> <td>500m<sup>2</sup> – 1,000m<sup>2</sup></td> <td>40 per cent of the net site area</td> </tr> <tr> <td>Greater than 1,000m<sup>2</sup></td> <td>50 per cent of the net site area</td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>The front yard must comprise at least 50% landscaped area</li> <li>A change to the standard is the addition of a purpose statement which explains the intent of the standard</li> </ul>	Site area	Landscaped area	Up to 200m <sup>2</sup>	28 per cent of the net site area	200m <sup>2</sup> – 500m <sup>2</sup>	33 per cent of the net site area	500m <sup>2</sup> – 1,000m <sup>2</sup>	40 per cent of the net site area	Greater than 1,000m <sup>2</sup>	50 per cent of the net site area				
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<b>Front, side and rear fences and walls</b>	H3.6.12	Front yard: <ul style="list-style-type: none"> <li>1.4m in height, or</li> <li>1.8m in height for no more than 50% of the site frontage and 1.2m for the remainder, or</li> <li>1.8m in height in the fence is at least 50 per cent visually open</li> </ul> Side and rear yards: 2m	D18.6.1.7	1.2m maximum in height around all boundaries	<ul style="list-style-type: none"> <li>The standard stipulates that any new fences to be constructed forward of the line of the front façade of the building are to be to a maximum height of 1.2m.</li> <li>All other fencing behind the line of the front façade of the building shall be 2m in height.</li> <li>This rule in the Special Character Overlay chapter has been modified by clarifying at what point the fence heights are different along the side fence.</li> <li>A change to the standard is the addition of a purpose statement which explains the intent of the standard.</li> </ul>																								