

Proposed Plan Change 78 (PC78)

to the Auckland Unitary Plan (Operative in part)

**SECTION 32 and section 77L / 77R process for ‘other’ qualifying matters
EVALUATION REPORT for qualifying matter under section 77L(j)/77O(j)**

(j) any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if section 77L/77R is satisfied

- **Special Character Areas Overlay – Residential and Business**
- **Special Character Schedule, Statements and Maps**

10 August 2022

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Executive Summary

The qualifying matter is the Special Character Areas Overlay – Residential and Business (**Special Character Overlay**). The Special Character Overlay applies to special character areas that have been identified and evaluated considering the factors set out in the Regional Policy Statement (**RPS**) section of the Auckland Unitary Plan (operative in part) (**Unitary Plan**) and that have been subject to a site-specific assessment under the National Policy Statement on Urban Development (**NPS UD**).

In the planning maps, properties subject to the Special Character Overlay are shown by the Special Character Areas Overlay – Residential and Business in the Unitary Plan maps (a blue outline and a pattern of square blue dots). Each special character area is supported by a special character area statement identifying the key special character values of the area. These statements can be found in Schedule 15 Special Character Schedule, Statements and Maps in the Unitary Plan.

The Auckland Light Rail Corridor (**LRC**) contains areas subject to the Special Character Overlay. These areas are not subject to PC78 and the provisions in the Unitary Plan as operative will continue to apply to the Special Character Overlay within the LRC.

The Special Character Overlay is a qualifying matter as it identifies, and maintains and enhances, 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.

The Special Character Overlay includes both residential and business areas, as well as general areas (mostly residentially zoned land but with a few neighbourhood shops).

The Special Character Overlay is identified as a qualifying matter for Policy 3 of the NPS UD and the Medium Density Residential Standards (**MDRS**) set out in sections 77I(j) and 77O(j) of the Resource Management Act 1991 (**the Act**) as any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area.

The Unitary Plan contains objectives and policies at both regional and district levels that seek to maintain and enhance the values of special character areas and avoid, remedy or mitigate the adverse effects of subdivision, use and development on the identified special character values of an area. Rules in the overlay manage development activities according to the expected impact of development on the special character values of a place. Activities like restoration and repair and minor alterations to the rear of a building are permitted and external alterations and additions and the construction of a new building are managed via resource consent. Demolition requires resource consent on some sites within the overlay, depending on the values of each individual property.

For Special Character Areas Overlay – Business (**SCA Business**) as a qualifying matter, Policy 3 is required to be modified in part to reduce the height variation control (**HVC**) within the Ponsonby Road and Parnell SCA Business areas from a height of at least six storeys enabled by Policy 3 to a height of three storeys.

SCA Business applies to Policy 3(b) (Newmarket only), 3(c) (Parnell and Ponsonby Road) and 3(d) areas. SCA Residential applies to Policy 3(c) and 3(d) areas and to relevant residential zones in the urban environment (so is subject to the MDRS). For SCA Business, there is a very small level of development forgone by applying Policy 3, as the total land area within these areas is small and only two of the areas require the modification of Policy 3 to accommodate the qualifying matter.

For the Special Character Areas Overlay – Residential and Special Character Areas Overlay – General (SCA **Residential**) as a qualifying matter, Policy 3 and the MDRS need to be modified in part in order to provide for the specific characteristics of the qualifying matter. Modifications are required to:

- enable heights of up to two storeys, rather than three (enabled by the MDRS) or up to at least six (in some Policy 3 locations),
- manage demolition and the construction of new buildings and for standards relating to the bulk and location of buildings, and
- the MDRS to retain the same activity statuses for subdivision within the Special Character Overlay that are set out in Chapter E38 Subdivision – Urban of the Unitary Plan, rather than providing for subdivision as a controlled activity (MDRS).

For SCA Residential, there is a level of development forgone in some walkable catchments by applying Policy 3 (although it is noted that the walkable catchments most affected by SCA Residential are predominantly within the LRC). There is a lesser level of development forgone in relation to the MDRS, as the SCA residential overlay provides for up to three dwellings per site via the conversion of an existing dwelling and the construction of a minor dwelling, even though dwellings are enabled up to two storeys rather than the three storeys enabled by the MDRS.

Policy 3 and the MDRS need to be modified for the Special Character Overlay as a qualifying matter to ensure that the values identified by the overlay are maintained and enhanced.

1. Introduction

This report is prepared as part of the evaluation required by section 32 and sections 77L and 77R of the Act for proposed Plan Change 78 (**PPC78**) to the Unitary Plan.

The background to and objectives of PPC78 are discussed in the overview section 32 report, as is the purpose and required content of section 32 and 77L / 77R evaluations. Section 77L relates to evaluation steps for relevant residential zones and section 77R relates to evaluation steps for urban non-residential zones.

This report discusses the implications of identifying the Special Character Overlay as a qualifying matter for the MDRS of Schedule 3A of the Act (as amended by the Housing Supply and Other Amendments Act 2021 (**HSAA**)) and the implementation of Policy 3 of the NPS UD.

The Special Character Overlay is a qualifying matter identified under sections 77I(j) and 77O(j) of the Act, being any other matter that makes higher density development as provided for by MDRS or Policy 3 inappropriate in an area. Any qualifying matter identified under these sections must also satisfy sections 77L and 77R.

The Council may make the MDRS and the relevant building height or density requirements under Policy 3 less enabling of development in relation to an area within a relevant residential zone or urban non-residential zone only to the extent necessary to accommodate one or more of the qualifying matters listed in sections 77I or 77O.

1.1 Integrated evaluation for existing qualifying matters

For the purposes of PPC78, evaluation of the Special Character Overlay as a qualifying matter has been undertaken in an integrated way that combines the requirements of sections 32 and 77L / 77R of the Act. The report follows the evaluation approach described in Table 1 below.

Preparation of this report has involved the following:

- site-specific analysis of the Special Character Overlay and a review of the Unitary Plan maps to assess the spatial application of this qualifying matter,
- review of Chapter D18 Special Character Areas Overlay – Residential and Business (**D18**) and its purpose in the Unitary Plan,
- assessment of the provisions of D18 and other relevant provisions in the Unitary Plan, including Chapter E38 Subdivision – Urban and Schedule 15 Special Character Schedule Statements and Maps (**Schedule 15**), against Policy 3 of the NPS UD, and with the MDRS in accordance with Schedule 3A of the Act,
- development of draft amendments to D18 and Schedule 15 for the Special Character Overlay as a qualifying matter,
- development of proposed changes to the planning maps to reflect the spatial extent of the Special Character Overlay and identify sites subject to particular D18 rules, and
- section 32 options analysis.

The scale and significance of the issues is relative to the location of the qualifying matter, with the impact being greater within walkable catchments (Policy 3(c) areas) and a lesser impact outside walkable catchments where development is enabled at less than six storeys. Overall, the scale and significance of the issue is assessed to be low to medium, depending on location.

This section 32 / sections 77L and 77R evaluation report will continue to be refined in response to any consultation feedback provided to the Council, and in response to any new information received.

Table 1 – Integrated approach

Standard section 32 steps	Plus, section 77J / 77L and section 77O / 77P steps for qualifying matter identified under s771(j)
Issue	<p>Section 771(j)/77O(j) and 77L/77P(3)(a)(i)</p> <p>The qualifying matter is the Special Character Overlay. This overlay applies to special character areas that have been identified and evaluated considering the factors set out in the Regional Policy Statement (RPS) section of the Unitary Plan.</p> <p>The Special Character Overlay is applied to older established areas, which may be whole settlements or parts of suburbs or a particular residential or commercial area. The overlay covers areas and places of special architectural or other built character value, exemplifying a collective and cohesive importance, relevance and interest to a locality or to the region.</p> <p>The overlay contains three types of areas: business, residential and general (general areas are mainly residential but contain some business zoned sites within these areas (e.g., neighbourhood shops)).</p> <p>Each area within the Special Character Overlay is described by a special character area statement in Schedule 15.</p> <p>Areas within the overlay are shown by the Special Character Areas Overlay – Residential and Business in the Unitary Plan maps (shown as a blue outline with blue square dots).</p>
Identify and discuss objectives	<p>Section 77J/77P(3)(a)(ii)</p> <p>The relevant RPS objective is B5.3.2.(2) and the relevant policies are B5.3.2(1)-(4). The relevant D18 objectives are D18.2(1), (2) and (3).</p> <p>The Special Character Overlay is a qualifying matter as it manages the values of special character areas that are identified in Schedule 15. The Special Character Overlay as a qualifying matter has been evaluated using a site-specific analysis to identify the specific characteristic that makes the level of development provided for by Policy 3 and the MDRS inappropriate in the area. This qualifying matter is necessary as it manages the special character values of specific business and residential areas identified as having collective and cohesive values,</p>

	<p>importance and relevance and interest to the communities within the locality and wider Auckland region.</p> <p>SCA Residential is incompatible with the urban environments enabled by Policy 3 and the MDRS. A zoning that enables up to at least six-storey development or up to three dwellings of up to three storeys per site will lead to the loss of the qualities and characteristics that the SCA Residential seeks to maintain and enhance.</p> <p>SCA Business is compatible with the urban environments enabled by Policy 3(b) and (c) for the majority of Auckland’s 12 SCA Business areas that are subject to the plan change. Within walkable catchments, for two SCA Business areas, heights sought by Policy 3(c) are incompatible in terms of height. Enabling development of at least six storeys will impact on the values of the Ponsonby Road and Parnell SCA Business areas, which are predominantly one to two storeys in height but that have a height of up to three storeys enabled. SCA Business is compatible with the urban environments enabled by Policy 3(d), as the heights and density sought in these areas is not restricted by the presence of the qualifying matter.</p>
Identify and screen response options	<p>Section 77J/77P(4)(b)</p> <p>A range of options have been considered for the application of Policy 3 and the MDRS in the Special Character Overlay. In SCA Business, heights are enabled as per Policy 3 for the majority of the business areas. In SCA Residential, up to three dwellings are enabled via the conversion of an existing dwelling into two dwellings and the construction of a minor dwelling. Standards for SCA Residential have been reviewed to determine whether they are compatible with the MDRS standards. Amendments have been made to the standards to enable Policy 3 and the MDRS as much as possible while at the same time maintaining and enhancing the values of the qualifying matter.</p>
Collect information on the selected option(s)	<p>Section 77J(3)(b) or 77P(3)(b)</p> <p>There is limited impact on development capacity, building heights and density from the identification of SCA Business as a qualifying matter. SCA Business does not impact upon the density enabled by Policy 3. There are no SCA Business areas within the City Centre zone and the only SCA Business area within a Metropolitan Centre zone (Newmarket) does not impact on heights enabled by Policy 3 (the height enabled in the Newmarket SCA Business area is 72.5m, subject to other qualifying matters). Within Policy 3(c) areas, there is an impact in the Ponsonby Road and Parnell SCA Business areas, as heights enabled in these areas are predominantly three storeys. However, the total area covered by SCA Business within Policy 3(c) areas is a very</p>

	<p>small proportion of land within walkable catchments. Within Policy 3(d) areas, heights enabled are not restricted by the presence of SCA Business.</p> <p>The identification of SCA Residential as a qualifying matter can have a significant impact on development capacity, particularly by reducing building height. The MDRS enables up to three dwellings of up to three storeys and Policies 3(b) and 3(c) enable buildings of at least six storeys within a walkable catchment. SCA Residential is present in the following Policy 3 areas:</p> <ul style="list-style-type: none"> • 3(c)(i) the walkable catchment of some rapid transit network (RTN) stops • 3(c)(ii) the edge of the City Centre zone (walkable catchment of the City Centre) • 3(c)(iii) the edge of metropolitan centre zones (small areas within the walkable catchment of Newmarket) • 3(d) within and adjacent to centre zones. <p>Up to three dwellings will be enabled by the provisions of D18, via the conversion of existing dwellings into two and the construction of a minor dwelling. It is proposed that this approach is supported by the application of the Low Density Residential zone across the SCA Residential. The impact on development capacity of SCA Residential as a qualifying matter varies depending on the location of the qualifying matter, with walkable catchments more impacted than Policy 3(d) areas.</p>
Evaluate options – costs for development capacity	<p>Section 77J(3)(c) or 77P(3)(c)</p> <p>The costs and broader impacts of imposing limits on development capacity from SCA Residential as a qualifying matter are highest within some walkable catchments where larger areas of land are subject to the overlay. These walkable catchments are the City Centre zone and the walkable catchments of Mount Albert, Morningside and Baldwin Avenue train stations (rapid transit network (RTN) stops).</p> <p>If SCA Residential were not applied as a qualifying matter, the cost to development capacity would not be a factor. Where SCA Residential is applied as a qualifying matter, there is a cost to development capacity, but this varies by location and is more significant within some walkable catchments.</p>
Evaluate option(s) – environmental, social, economic, cultural benefits and costs	<p>Section 77J(2) or 77P(2)</p> <p>Environmental, social and economic costs arise for all options considered. There are high social and environmental costs if special character values are not managed as a qualifying matter, as these</p>

	<p>values will not be maintained and enhanced and will likely be lost over time.</p> <p>There are environmental costs relating to the level of intensification enabled close to where people work and to public transport, with reductions in greenhouse gas emissions expected to be lower if more people live close to where they need to go and a reduction in travel in private vehicles.</p> <p>There are social costs relating to intensification of Policy 3 locations, as it is assumed that greater intensification in these areas will lead to greater accessibility of housing in these areas. There are also social costs arising from changes to existing neighbourhoods enabled by intensification. Many of these costs are hard to quantify and will be affected by other factors, such as the small size of land parcels in many of the Special Character Overlay and complexities of amalgamating land.</p>
<p>Selected method / approach</p>	<p>Section 77J(4)(b) and 77P(4)(b)</p> <p>The preferred approach to implementing the qualifying matter is to identify the Special Character Overlay as a qualifying matter, apply the Low Density Residential zone to residentially zoned sites and amend D18 to modify Policy 3 and the MDRS to the extent necessary to accommodate the qualifying matter and ensure that special character values are maintained and enhanced.</p> <p>Up to three dwellings per site are enabled in SCA Residential, via the conversion of existing dwellings into two and the construction of one minor dwelling per site. Standards for building height and coverage, height in relation to boundary, yards, landscaped area and impervious surfaces are set out to enable the retention of existing built form of predominantly one to two storeys. Non-residential activities are provided for where they are in keeping with the special character values of an area and support the social and economic well-being of the community.</p>
<p>Overall judgement as to the better option (taking into account risks of acting or not acting)</p>	<p>The best option is to identify the Special Character Overlay as a qualifying matter, to apply the Low Density Residential zone to residentially zoned sites, and to amend D18 to modify Policy 3 and the MDRS to the extent necessary to maintain and enhance the values of the overlay.</p>

2. Issues

2.1 Special Character Overlay

The qualifying matter being evaluated is the Special Character Overlay, which identifies areas of special character value within Tāmaki Makaurau Auckland.

Special character areas are identified in the Unitary Plan by the Special Character Overlay. In PC78 land that is subject to SCA Residential, there is approximately 740 hectares of land (approximately 11,800 parcels) identified as a qualifying matter¹. Distribution of SCA Residential is uneven, with areas concentrated within the inner suburbs, particularly in the Auckland Isthmus (although note that a significant proportion is located within the Auckland Light Rail Corridor investigation area, which is not part of this plan change). Within walkable catchments, there is approximately 130 hectares of land (approximately 2,650 parcels) within SCA Residential, being approximately 4% of the total area of residentially zoned land within walkable catchments.

In PC78 land that is subject to SCA Business, there is approximately 47 hectares of land (approximately 920 parcels) identified as a qualifying matter². Within walkable catchments, there is approximately 16 hectares of land (approximately 370 parcels) within SCA Business, being less than 1% of the total business-zoned land within walkable catchments.

The Unitary Plan describes areas within the Special Character Overlay as places that have collective and cohesive values, importance, relevance and interest to the communities within the locality and wider Auckland region. The Unitary Plan provides the following explanation and reasons for managing special character areas³:

Special character areas include older established areas and places which may be whole settlements or parts of suburbs or a particular rural, institutional, maritime, commercial or industrial area. They are areas and places of special architectural or other built character value, exemplifying a collective and cohesive importance, relevance and interest to a locality or to the region. Historical heritage values may underlie the identification of special character areas and make a contribution to the character and amenity values of such areas, but the special character areas are dealt with differently from significant historic heritage identified and protected in terms of the separate policy framework for identifying and protecting Historic Heritage in B5.2. The attributes of the character and amenity values and the environmental quality of a special character area, including buildings and streetscape, might be derived from its historical legacy without being historic heritage.

The Special Character Overlay is located in business, residential and general (both residential and business) areas. Each area is supported by a special character area statement, which

¹ The Auckland Light Rail Corridor is an area under investigation for the IPI plan change and is not part of PC78.

² Note that the following SCA Business areas are within the Auckland Light Rail Corridor investigation area and are not part of this plan change: Upper Symonds Street (in part), Mount Eden Village (one property only), Kingsland, Eden Valley, Balmoral Shopping Centre, Sandringham and Onehunga.

³ Unitary Plan, Chapter B5 Ngā rawa tuku iho me te āhua – Historic heritage and special character

identifies the key special character values of the area⁴. Typical features of the overlay are described below.

Residential and General areas:

- Original subdivision pattern apparent – section size and shape, street layout
- Predominantly one- to two-storey buildings
- Streetscape character – road width, footpath width and berms, kerbstones, street trees, low fences
- Housing types and styles predominantly from 1850 to 1940s, including cottages, villas, bungalows, Arts and Craft and English Cottage styles, Art Deco and Moderne houses and apartments, mid-Century styles, and State houses
- Pitched roofs, predominantly timber or brick cladding for walls, timber joinery, and corrugated steel or clay tiles for roofs
- Generous fenestration patterns, predominantly vertical and a high wall-to-window ratio
- Transitional spaces between exterior and interior – verandahs and covered porches
- Building setbacks are generally consistent
- Open front gardens, mature trees in some areas (e.g., Isthmus B)
- Traditional fences and boundary treatments.

Business areas:

- Commercial centres representing early European settlement of Auckland
- Concentrations of predominantly late-nineteenth and early-twentieth century buildings which reflect the building types and architectural styles associated with this time
- Predominantly commercial buildings, but some other building types, including residential, ecclesiastical and public buildings
- Predominantly one and two-storey development, with high parapets and verandahs
- Predominantly built of brick (plastered or painted) with some buildings clad in timber
- Many areas present a continuous building line from buildings constructed to the front boundary and occupying the full width of the site.

The management of special character areas within Tāmaki Makaurau Auckland is not new; some areas within the Special Character Overlay have had their special character values managed under legacy district plans and the Unitary Plan for over 30 years. Special character values have been identified as being important to Tāmaki Makaurau Auckland and its people and communities for a significant length of time.

The Special Character Overlay as a qualifying matter applies to relevant residential zones and urban non-residential zones.

- The relevant residential zone where this qualifying matter applies is predominantly the Low Density Residential zone. This zone has predominantly been applied to all sites within SCA Residential that have a residential zoning, except for sites that have a business zoning (mainly in the SCA General areas) and a small number of other sites that have an Open Space zoning or a higher density residential zoning.
- There are 12 SCA Business areas subject to PC78. One, Newmarket, is located in the Metropolitan Centre zone. The remainder are zoned the Town Centre, Neighbourhood

⁴ Unitary Plan, Schedule 15 Special Character Schedule, Statement and Maps

Centre, Local Centre and Mixed Use zones (except for less than 30 sites, most of which have an Open Space zoning).

2.2 Specific characteristics and site-specific analysis

Sections 77L of the Act (relates to residential zones) states that a matter is not a qualifying under 77I(j) in relation to an area unless the evaluation report referred to in section 32 also:

- (a) identifies the specific characteristic that makes the level of development provided for by the MDRS (as specified in Schedule 3A or as provided for by Policy 3) inappropriate in the area; and*
- (b) justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS UD; and*
- (c) includes a site-specific analysis that:*
 - (i) identifies the site to which the matter relates; and*
 - (ii) evaluates the specific characteristics on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and*
 - (iii) evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A of the Act) or as provided for by Policy 3 while managing the specific characteristics.*

Section 77R has the same requirements in non-residential zones for qualifying matters identified under section 77O(j).

2.2.1 Specific characteristic

Sections 77L(a) and 77R(a) of the Act require the identification of the specific characteristic that makes the level of development provided for by the MDRS or Policy 3 inappropriate in the area.

Section 2.1 above describes the features of the Special Character Overlay. The specific characteristic of the overlay that makes the level of development provided for by the MDRS and Policy 3 inappropriate is the physical attributes including built form, design and architectural qualities; scale, density and pattern of development; form and relationship to the street and to landscape qualities and/or natural features; and historical subdivision and settlement patterns.

2.2.2 Justify why that characteristic makes the level of development inappropriate

Sections 77L(b) and 77R(b) require the justification of why the specific characteristic makes that level of development sought by the MDRS and Policy 3 inappropriate in light of the national significance of urban development and the objectives of the NPS UD.

The NPS UD recognises the national significance of:

- having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future, and
- providing sufficient development capacity to meet the different needs of people and communities.

The objectives of the NPS UD support this national direction and seek to improve the responsiveness and competitiveness of land and development markets. In particular, the NPS UD requires local authorities to open up more development capacity, so more homes can be built in response to demand⁵. The objectives provide direction to make sure capacity is provided in accessible places, with development sought to be enabled in areas close to jobs, community services, public transport, and other amenities.

The Special Character Overlay is located within Policy 3 areas and relevant residential zones. The overlay is present in older, established parts of Auckland, many of which today are areas that are close to jobs, community services, public transport and amenities.

The level of development to be considered inappropriate in relation to the qualifying matter is development up to at least six storeys in many Policy 3 locations and up to three dwellings of up to three storeys in relevant residential zones as per the MDRS standards.

Height is an integral part of the specific characteristics of the Special Character Overlay. The overlay has considerable consistency in the height of buildings within it. Both residential and business areas are characterised by buildings that are predominantly one- to two- storeys. This consistency in height is an important, tangible characteristic of the overlay; it illustrates the physical attributes of the areas and original development patterns.

Density is also key to the specific characteristic of residential areas in the overlay. SCA Residential areas exhibit a predominantly single house settlement pattern. The pattern has been maintained via the management of character areas for, in some cases, over 30 years, and has resulted in a level of consistency in patterns of subdivision, lot sizes, lot widths, house setbacks and spacing between houses.

The specific characteristics of the Special Character Overlay identified above make the level of development enabled by Policy 3 and the MDRS inappropriate in most parts of the overlay, particularly where the overlay is located in a relevant residential zone. Enabling development via heights of more than two storeys within SCA Residential areas and at a density enabled by the MDRS standards will lead to changes in the built and architectural qualities, and to the scale, density and pattern of development within these areas that will detract from the specific characteristic. However, density can be provided within SCA Residential areas via the conversion of existing dwellings into more than one dwelling and the addition of minor dwellings. In this way, up to three dwellings per site can be enabled.

In SCA Business areas outside walkable catchments, the heights and densities sought by Policy 3 are predominantly already enabled. However, for the Parnell and Ponsonby Road SCA Business areas, which are within walkable catchments, Policy 3 enables heights of at least six storeys or more. Heights of at least six storeys will make it difficult to maintain and enhance identified values of these two areas, as taller buildings are likely to dominate the one- to two-storey development within the areas and interrupt the visual coherence of the areas and the streetscape.

⁵ Ministry for the Environment, Introductory guide to the National Policy Statement on Urban Development 2020

The special character values of the overlay are a finite resource that cannot be replaced. The specific characteristics of the Special Character Overlay contribute to a well-functioning urban environment and the ability to enable up to three dwellings provides some development capacity to meet the different needs of people and communities.

2.2.3 Site-specific analysis

As required under the sections 77L(c) and 77R(c) of the Act, Council has undertaken a site-specific analysis of the Special Character Overlay to:

- identify the sites to which the qualifying matter relates, and
- evaluate the specific characteristics on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter.

The specific characteristics of special character areas were analysed on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter. Data was collected in a survey to determine the level of contribution of individual properties to each special character area identified in Schedule 15. Where visible from the public realm, each property was scored using a six-point criteria scale. The data was aggregated and analysed to form a conclusion on the value of each special character area as a whole. A summary of findings report was prepared for each survey report area, explaining the specific characteristics of each area, the site-specific data collected, and a recommendation for the spatial extent of the area.

The evaluation of sites to determine the geographic area where intensification needs to be compatible with the specific matter within the overlay was approached slightly differently for residential and business areas, as further explained below.

The survey methodology and guidance documents and summary of findings reports can be viewed on the Council's website.

2.2.3.1 SCA Residential

Thresholds

The site-specific analysis of SCA Residential required the identification of thresholds to determine the geographic area where intensification needs to be compatible with the specific matter.

Advice from special character experts is that the characteristics of the SCA Residential as a qualifying matter exist where at least two of every three properties contribute to the values of the area. In other words, SCA Residential is a qualifying matter where an area or sub-area contains at least 66% of properties that strongly contribute to the values of the area. Properties that strongly contribute were determined to be those that scored a 5 or 6 on the six-point scale in the site-specific analysis of the overlay.

The 66% threshold has been applied to SCA Residential areas where they are located outside Policy 3 areas. Within Policy 3 areas, the threshold for SCA Residential was considered further, due to the greater impact that the qualifying matter would have on the capacity to enable intensification in these areas. Within these areas, SCA Residential is identified as a qualifying matter where it is 'high-quality'. The threshold for high-quality special character is

defined as areas where at least 75% of individual properties within an area strongly contribute (score 5 or 6) to the special character values of the area.

Special character areas that did not meet these thresholds were subject to a finer-grained analysis to determine if there were sub-areas within the wider survey report area that reach the thresholds. The methodology for survey and sub-areas can be viewed on Council's website.

The site-specific analysis has identified the specific characteristic of SCA Residential as a qualifying matter. Within the geographic area of this qualifying matter, there are individual properties that do not strongly contribute to special character values (individual properties that score 0, 1, 2, 3 or 4 on the six-point scale). However, these properties are identified as a qualifying matter, as they are part of the area that is identified as having the specific characteristics of the Special Character Overlay. Individual properties that have a lower contribution are subject to different rules for demolition, removal or relocation of buildings to recognise that there are different levels of contribution within an area in the Special Character Overlay and to be more enabling of development on these sites (see section 2.3.3 below).

2.2.3.2 SCA – Business

Thresholds

The site-specific analysis of SCA Business areas identified those areas, in whole or in part, that continue to reflect the physical and visual characteristics in the Unitary Plan, as identified in the special character area statements in Schedule 15. The results of this analysis have refined the extent of some SCA Business areas, to that shown in the draft planning maps for the IPI plan change.

The site-specific analysis identified:

- within Metropolitan Centre zones – an area of SCA Business within the Newmarket Metropolitan Centre zone (Newmarket SCA Business area). The height limit within this zone is 72.5m⁶, which allows for the height sought to be enabled by Policy 3(b).
- within the walkable catchments of existing and planned rapid transit stops and the walkable catchment of the City Centre zone⁷, two SCA Business areas, being the Ponsonby Road and Parnell SCA Business areas. The specific characteristics of these two areas mean the level of development enabled by Policy 3(c), being at least six storeys, is inappropriate.
- within and adjacent to neighbourhood, local and town centre zones⁸, eight SCA Business areas, being the Devonport, Grey Lynn, Helensville, Howick, Lower Hinemoa Street, Mount Eden Village, Ōtāhuhu and West Lynn Business SCA areas. The specific characteristics of these areas are compatible with the level of development sought to be enabled by Policy 3(d).

⁶ Note other qualifying matters such as the Volcanic Viewshafts and Height Sensitive Areas Overlay may impact on the height enabled in this zone

⁷ SCA Business –Parnell, Ponsonby Road

⁸ SCA Business –Devonport, Grey Lynn, Helensville Central, Howick, Lower Hinemoa Street, Mount Eden, Otahuhu, West Lynn

SCA Business areas cover approximately 920 parcels or approximately 47 hectares of land. Within walkable catchments, SCA Business areas cover 370 parcels or approximately 16 hectares of land, being a very small part of the total area of business zoned land within walkable catchments.

Identification of character defining and character supporting buildings

The provisions of Chapter D18 provide a management approach based on the identified special character of buildings within SCA Business areas. For most SCA Business areas, maps in Schedule 15 identify sites with character defining buildings, sites with character supporting buildings and sites that have neither. Activity table D18.4.2 lists development activities and corresponding activity statuses for character defining, character supporting and no identified character defining or supporting buildings.

For SCA Business areas that are subject to PC78, the site-specific survey provided updated information for the identification of sites with identified character defining and character supporting buildings. Sites with identified character defining and character supporting buildings are proposed to be identified in the planning maps, with the relevant information shown in the Property Summary for each individual property. The maps that show this information in Schedule 15 for the SCA Business areas that are subject to PC78 will be deleted later in the process. In the interim the information is contained in both places.⁹ It is considered more user-friendly for plan users to show information about identified character defining or character supporting buildings within the planning maps, rather than an appendix.

The planning maps have also been updated to reflect the location and extent of SCA Business areas that are a qualifying matter, with most areas subject to some refinement of their boundaries.

2.2.3.3 Location and extent of Special Character Overlay

The location and extent of special character areas that are a qualifying matter are identified in the plan maps for the IPI plan change by the Special Character Overlay – Residential and Business, shown by a blue outline and pattern of blue square dots (see below). In the planning maps, the specific special character area that a property is within is also identified (e.g., Residential Isthmus B, Business Grey Lynn).

⁹ The following maps are proposed to be deleted from Schedule 15 later in the process as the information is to be shown in the planning maps: 15.1.6.1.1 Howick, 15.1.6.3.1 Devonport, 15.1.6.6.1 Grey Lynn, 15.1.6.7.1 Helensville Central, 15.1.6.9.1 Lower Hinemoa Street, 15.1.6.10.1 Mount Eden Village, 15.1.6.11.1 Newmarket, 15.1.6.12.1 Parnell, 15.1.6.13.1 Ponsonby Road, 15.1.6.15 Upper Symonds Street, 15.1.6.16.1 West Lynn, 15.1.6.18.1 Ōtāhuhu.

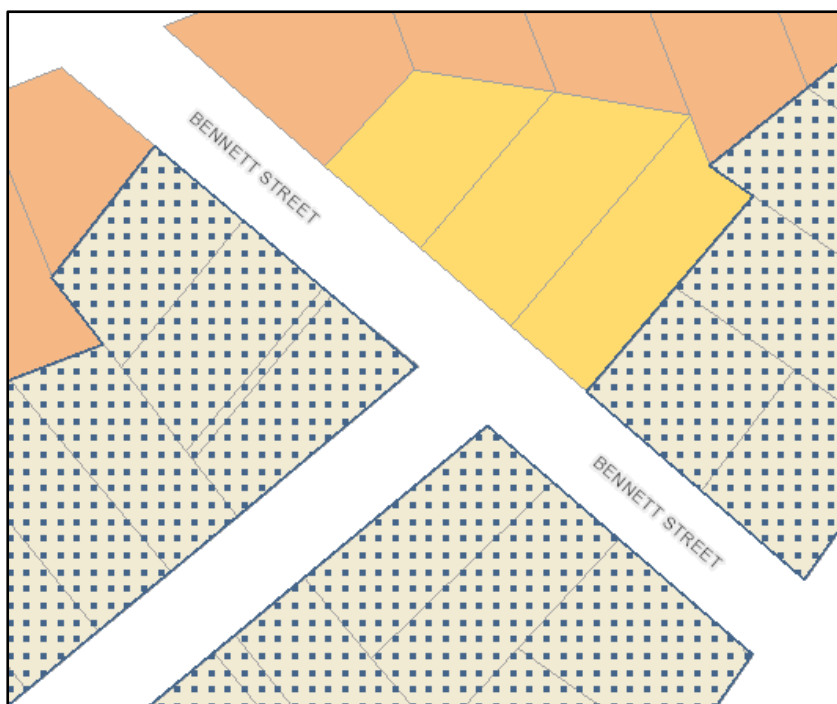


Figure 1: Special Character Areas Overlay shown by pattern of blue square dots

2.2.4 Further site-specific considerations – SCA Residential

Following the initial site-specific analysis of special character areas, further site-specific options were considered for SCA Residential.

2.2.4.1 Consideration of sites unable to be seen

The survey of the Special Character Overlay provided an individual score for each property that was visible from the public realm. However, some sites were not visible. These sites were identified in the survey as ‘Rear lot’¹⁰ and ‘Rear lot or vacant lot/Unable to be seen’¹¹.

Sites unable to be seen were mostly rear sites. Not all rear sites were unable to be seen, with some visible due to topography, particularly where slopes incline away from the street. This is particularly the case for certain SCA Residential areas, such as those in Isthmus C, which are located on the slopes of some of Tāmaki Makaurau Auckland’s maunga.

In general, rear sites in SCA Residential have been created via subdivision of lots, usually behind lots/dwellings from the period of significance of the special character area. Some rear sites are original lots and may contain buildings that contribute to or support the special character values of an area, even if they cannot be seen from the public realm.

In addition to rear sites, a limited number of sites were unable to be seen due to vegetation, tall fences or construction activity obscured views of the site.

¹⁰ Rear lots were identified in survey Question 8 ‘Is the site a rear site, vacant site or unable to be seen from the public realm?’

¹¹ These sites were identified in response to survey Question 14 ‘At what level does the site and its site-specific characteristics contribute to the special character of the area?’

For SCA Business, almost all properties were able to be seen.

For SCA Residential, a proportion of the sites surveyed within SCA Residential were unable to be seen or vacant. Of SCA Residential identified as a qualifying matter, some special character areas have very few rear sites, but other areas have a significant proportion (for example, Hill Park has 182 of 769 sites marked as 'rear/vacant', being 24% of the total area).

Sites that were unable to be seen were not individually assessed for their special character value. These sites were excluded from the percentage calculations in the findings reports that were used to determine whether each area of sub-area met the required thresholds for being identified as a qualifying matter.

It is unknown what level of contribution sites that were unable to be seen make to some of the values of a special character area, including their physical and visual qualities and style and period of development. However, the objectives and policies in D18 not only focus on built form including the design and architectural values of buildings, but also include consideration of streetscape, street layout and subdivision pattern, and the relationship of built form to landscape, topography, trees and open space.

Sites unable to be seen within the Special Character Overlay contribute to the subdivision pattern of an area, the density and pattern of development, and the visual coherence of a special character area. These sites may contribute to maintaining the vegetation and landscape characteristics of special character areas, as larger vegetation including trees is visible behind street-fronting dwellings and, within some special character areas, elevated rear sites provide views of trees and other landscape features in these areas.

Consideration was given to excluding sites unable to be seen within the Special Character Overlay as a qualifying matter, in response to Policy 3 and the MDRS. If this was the case, these sites would not be subject to the overlay and the underlying residential zoning would be applied as sought by the MDRS (Mixed Housing Urban zone) and Policy 3 (Terrace Housing and Buildings zone (**THAB**) within walkable catchments), unless another qualifying matter applies. This would enable development of up to three or at least six storeys, in accordance with the MDRS and Policy 3, resulting in increases in intensification being enabled on these sites.

This intensification would be enabled via increased building coverage, in terms of bulk, height and location, along with subdivision as a controlled activity. Enabling this intensification will almost certainly usher in significant change to the subdivision patterns within SCA Residential areas. Development of buildings with greater height and coverage would result in new buildings being visible both behind and above the existing streetscape of special character areas (from additional building height being enabled) and also in between existing buildings (from changes to allow greater building coverage). Increased building coverage is likely to impact trees and vegetation within SCA Residential areas. Enabling this level of development will result in a considerable change to SCA Residential areas. Such development would be visibly dominant and not maintain and enhance the values of the areas.

The blanket removal of rear sites from SCA Residential and application of MDRS and Policy 3 would likely result in intensification of these sites to a degree that would impact on the

remaining overlay areas and make it difficult to maintain and enhance the values of these areas. It is therefore not recommended that this site-specific option is pursued at this stage, although it is acknowledged that there may be opportunities to remove some rear lots within some SCA Residential areas if it could be demonstrated that the special character values of the remaining area can be maintained and enhanced.

2.2.4.2 Small areas and/or isolated pockets

A reduction in the extent of some SCA Residential areas has occurred following the site-specific survey. SCA Residential has been the subject of a refining extent review where sites or areas that are isolated, have an irregular edge and/or are clusters of low scoring properties have been removed from being identified as a qualifying matter.

The site-specific survey includes guidance for identifying 'sub-areas' of SCA Residential¹² and states:

- *Size – at least 10 properties but generally at least a whole street or block. Larger areas will help prevent an over-fragmentation of the overlay. There may be exceptions to 'at least 10 properties'; such as where the survey area is very small.*

This guidance was not initially applied to areas which met the thresholds for special character as a qualifying matter. Small, fragmented pockets within the overlay are more likely to be affected by development adjacent to and around the overlay. For example, where a single site or small cluster of sites is located within the Special Character Overlay, adjacent development is likely to make it more difficult to maintain and enhance the values of the overlay in that location. Small pockets of SCA Residential are likely to experience greater effects from adjacent tall development, such as that arising from a zone that enables six storeys such as the THAB zone within a walkable catchment.

To respond to this, a review of SCA Residential was undertaken after the initial site-specific analysis, to identify and remove small, isolated pockets based on the guidance above. Areas were reviewed and where they could be removed without impacting on the quality of the Special Character Overlay, including by causing fragmentation, amendments were made to remove clusters of low scoring properties from the overlay.

This further site-specific analysis has resulted in the development set out by the MDRS and Policy 3 to be enabled on these sites (unless another qualifying matter applies).

2.2.4.3 Clusters of low scoring properties

Further analysis of individual properties within SCA Residential that scored at the lower end of the six-point scale used in the site-specific survey was undertaken to identify clusters of low scoring properties. Where these areas could be removed without impacting on the quality of the qualifying matter (e.g., by causing further fragmentation of the overlay) amendments were made to remove the clusters of low scoring properties.

¹² Sub-areas were identified within some wider survey areas that did not meet the overall thresholds for special character as a qualifying matter

2.2.4.4 Response to preliminary feedback

Further analysis of the SCA Residential was undertaken in response to feedback on the Council's preliminary draft. Analysis of the feedback resulted in some small additions to the extent of SCA Residential in some locations.

Amendments have been made to Schedule 15 and the planning maps to show the location and extent of the Special Character Overlay identified as a qualifying matter. Amendments have also been made to Schedule 15 to remove text and maps from that schedule where areas are not identified as a qualifying matter. Text changes have also been proposed to Schedule 15 to update the special character area statements to reflect the location and extent of the qualifying matter (e.g., to remove reference to specific properties or streets that are not a qualifying matter for their special character value).

2.2.4.5 Further analysis

Sections 77L(c)(iii) and 77R(c)(iii) of the Act require the evaluation of an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS or as provided for by Policy 3 while managing the specific characteristics. This evaluation is discussed in section 4.1 as part of the consideration of options.

2.3 Applying MDRS and Policy 3

The Special Character Overlay as a qualifying matter seeks to maintain and enhance the character and amenity values of identified special character areas by managing the effects of subdivision, use and development on the identified values of identified special character areas. The focus is on maintaining and enhancing the identified special character of overlay areas by controlling demolition, the design and appearance of new buildings, and additions and alterations to existing buildings. Objectives and policies also focus on streetscape, street layout and subdivision pattern, and built form and its relationship to open space, vegetation and landscape.

Overlays, including the Special Character Overlay, are identified in the Unitary Plan to manage the protection, maintenance or enhancement of particular values associated with an area or resource. 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.

2.3.1 Special Character Areas Overlay – Residential and Special Character Areas Overlay – General

For SCA Residential areas, the MDRS and Policy 3 are incompatible with the Chapter D18 provisions that manage the special character values of these areas. The effect of the overlay is to enable for low-scale development to maintain and enhance the special character values of the area and control the scale and design of new dwellings and alterations and additions to existing buildings to ensure new development also maintains and enhances identified special character values.

A zoning that enables at least six storey development or even three dwellings of up to three storeys will lead to the loss of the qualities and characteristics the SCA Residential seeks to maintain and enhance. Allowing for the bulk and location of buildings enabled by Policy 3 and the MDRS within SCA Residential is likely to detract from special character values. The standards set out in Chapter D18 to maintain and enhance special character values can be compared with the standards set out in Schedule 3A of the Act for the MDRS, as shown below.

Table 2 – MDRS and D18 Special Character Areas Overlay – Residential (Unitary Plan as operative)

Standards	MDRS	D18 Special Character Areas Overlay
Number of residential units per site	Up to three units per site as a permitted activity	No equivalent standard in D18 but underlying zone (Single House zone in Unitary Plan as operative) managed density, providing for one dwelling per site ¹³ , the conversion of an existing dwelling into two dwellings ¹⁴ and a minor dwelling ¹⁵ as a permitted activity. Compatible
Building height	11m + 1m for roof	Standard D18.6.1.1 8m + 1m for roof Incompatible
Height in relation to boundary	4m + 60°	Standard D18.6.1.2 3m + 45° Incompatible
Yards	Front – 1.5m Side – 1m Rear – 1m	Standard D18.6.1.3 Front – the average of existing setbacks of dwellings on adjacent sites (3 sites either side or 6 sites on one side) Side – 1.2m Rear – 3m Incompatible
Building coverage	Maximum 50%	Standard D18.6.1.4 Building coverage between 25% and 55% depending on site area Incompatible (except for sites up to 200m²)
Landscaped area	Minimum 20%	Standard D18.6.1.5 Landscaped area between 28% and 50% depending on site area Incompatible
Maximum paved area	N/A	Standard D18.6.1.6

¹³ Unitary Plan, Chapter H3 Residential – Single House Zone, rule A3

¹⁴ Unitary Plan, Chapter H3 Residential – Single House Zone, rule A4

¹⁵ Unitary Plan, Chapter H3 Residential – Single House Zone, rule A5

Standards	MDRS	D18 Special Character Areas Overlay
		Maximum paved area between 17% and 25% depending on site area
Outdoor living space	Ground level – no dimension less than 3m & if provided via balcony, patio etc – at least 8m ² & minimum dimension of 1.8m Above ground floor - at least 8m ² & minimum dimension of 1.8m	N/A
Outlook space	Must be provided for each residential unit & there are specific requirements	N/A
Windows to street	Any residential unit facing the street must have minimum 20% of street-facing façade in glazing (windows or doors)	N/A
Subdivision	Controlled activity	E38 Subdivision – Urban Rule A24 Restricted discretionary activity (if it complies with Standard E38.8.2.6) Rule A25 Non-complying activity (if it does not comply with Standard E38.8.2.6) Incompatible

2.3.2 Application of demolition control rule within SCA Residential

Demolition and relocation are deemed to be related to density in terms of the MDRS so need to be considered when applying MDRS to the Special Character Overlay.

Within SCA Residential, 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 statement is discouraged. Chapter D18 includes a rule controlling the total or substantial demolition (exceeding 30% or more by area) of a building, the removal of a building or the relocation of a building (**demolition control rule**)¹⁶. This rule applies to all sites within Isthmus A, Pukehana Avenue and Hill Park¹⁷ and to identified sites within all other SCA Residential areas (sites are identified in maps in Schedule 15).

The intent of the demolition control rule is to recognise that within the Special Character Overlay, individual sites have different levels of contribution to an area’s special character values. A review of sites where the demolition control rule applies as per the operative Unitary Plan and the results of the site-specific survey show that there is a mismatch in some areas, as follows:

- Some individual sites that contribute to the special character values (those that score a 4, 5 or 6) do not have the demolition control rule applying to them. Therefore, the

¹⁶ Unitary Plan, Chapter D18, Rule A3

¹⁷ Those sites that have a residential zoning

buildings on these sites, which contribute to special character values, may be demolished as a permitted activity, and

- Some individual sites that do not contribute to the special character values (those that score a 0, 1, 2 or 3) do have the demolition control rule applying to them. Therefore, landowners need to seek consent to demolish or remove buildings from these sites even though they do contribute to the special character values of the area.

As already outlined, section 77L(c) of the Act requires an evaluation of an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS or as provided for by Policy 3 while managing the specific characteristics of the qualifying matter.

A review of which sites the demolition control rule applies to is an important part of considering section 77L(c) of the Act. The ability to demolish, remove or relocate a building within SCA Residential will assist with enabling the greatest heights and densities permitted by Policy 3 and the MDRS. Therefore, this rule should only apply where the special character values warrant it on a site-specific basis.

It is recommended that the demolition control rule be applied on the basis of the results of the site-specific survey, with the rule being applied to individual sites that were identified as character defining or character supporting (i.e., those scoring 4, 5 or 6 out of the six-point scale). The rule should also apply to the few street-facing properties that did not receive a score because they were subject to an error during the survey or were unable to be seen.

The Special Character Overlay is an area control, but the management approach in the Unitary Plan identifies higher and lower value sites and reflects those differences by applying different rules. The survey of special character areas has provided evidence of higher and lower values at site-specific level. If a site has been identified as detracting, it has very low value individually, and the demolition of the building is appropriate. Conversely, if a site has been surveyed as being character defining or character supporting, the demolition of the buildings on that site is not appropriate, as those buildings contribute to the special character values of the area.

The application of the demolition control rule to sites within the Special Character Overlay according to the results of the site-specific survey is considered the most appropriate option. PC78 proposes to identify the sites subject to the demolition control rule in the planning maps, with information shown in the Property Summary for each individual place.

2.3.3 Special Character Areas Overlay – Business

For SCA Business areas, the underlying zoning is predominantly the business centre zones (Town, Local and Neighbourhood). All development activities listed in the Special Character Overlay for business areas are required to comply with the standards for the zone in which they are located, unless otherwise specified.

SCA Business areas cover some of Auckland's traditional town centres. These are described in Schedule 15 of the Unitary Plan¹⁸:

The traditional town centres in Auckland were initially developed during the late 1800s and early 1900s and usually along both sides of a main public transport route to provide

¹⁸ Unitary Plan, Schedule 15, 15.1.4. Character of traditional town centres

a diversity of commercial and community services from a range of individually managed buildings for the local area. Essentially, they are linear urban centres formed along a main street with direct pedestrian interaction between the street and each building or tenancy, and almost continuous active edges to the street.

Relatively narrow site frontages have generated a rhythm and diversity of individual buildings along the street. Building height generally varies from one to three-storeys but often with a predominant continuity of two-storeys.

For SCA Business, the key area of incompatibility between the characteristics of the overlay areas and the intensification required by Policy 3 is height. Increasing the height in SCA Business is likely to result in pressure for redevelopment and new development that is out of scale with the existing built character of these areas, which is predominantly one to two storeys.

Height is not managed in the Special Character Overlay for SCA Business; it is managed via the HVC within the underlying business zones. The HVC has been applied in the underlying zones for SCA Business areas to maintain and enhance the values of the Special Character Overlay¹⁹. The HVC is 13m for most SCA Business areas but is significantly higher in Newmarket (72.5m) and is 18m in small parts of Ponsonby Road. The HVC is lower in some parts of the Howick and Devonport SCA Business areas.

Subdivision within SCA Business areas is also managed by the provisions of the underlying zones. Density in the form of new buildings is a restricted discretionary activity in both the overlay and the underlying zone. In business zones, resource consent for new buildings may consider matters including the design and appearance of buildings, the extent of glazing provided on walls fronting public streets and public spaces and the benefits it provides, and the provision of verandahs for weather protection. Within the Special Character Overlay, resource consent for new buildings may consider whether the building reflects or has regard to or responds to the identified special character values of the area. The requirement for restricted discretionary consent for new buildings within centre zones is not required to be amended under Policy 3.

There are 12 SCA Business areas identified as a qualifying matter, located within the Policy 3 areas shown in Table 3 below.

¹⁹ Proposed Auckland Unitary Plan, Topics 051-054 Centre Zones, Business Park and Industries Zones, Business Activities and Business Controls, Statement of evidence of Trevor Mackie on behalf of Auckland Council (Urban Design Planning – Height Limits), 27 July 2015

Table 3 – Special Character Areas Overlay – Business and NPS UD Policy 3 – height

NPS UD Policy 3 area	Intensification enabled	SCA Business area(s)	Incompatible/compatible with heights enabled by Policy 3
3(b) Metropolitan Centre zone	Building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least six storeys	Newmarket	Height of underlying zone applies (72.5m) Compatible
3(c)(ii) Walkable catchment of City Centre zone	Building heights of at least six storeys	Parnell, Ponsonby Road	Parnell – HVC of 13m, which enables three storeys Incompatible Ponsonby Road – HVC of 13m (except small area of 18m) Incompatible
3(d) Locations within and adjacent to Town, Neighbourhood and Local Centre zones	Building heights and density of urban form commensurate with the level of commercial activity and community services.	Devonport, Grey Lynn, Helensville, Howick, Lower Hinemoa Street, Mount Eden Village, Ōtāhuhu, West Lynn	Grey Lynn, Helensville, Mount Eden Village, Ōtāhuhu, West Lynn – HVC of 13m Devonport – HVC of 13m & 9m Howick – HVC of various heights between 7m and 13m Lower Hinemoa Street – height managed by underlying zone (Mixed Use – 18m, Neighbourhood Centre – 13m, Open Space – 8m) Building heights and density of urban form proposed under Policy 3 for these areas is compatible with SCA Business areas, except for Grey Lynn, where the HVC is 21m except for where the SCA Business area is located. Compatible (except for Grey Lynn)

3. Objectives, policies and rules

The Unitary Plan contains identifies objectives and policies that support Special character areas as a qualifying matter.

3.1 Regional Policy Statement

Chapter B5 Ngā rawa tuku iho me te āhua – Built heritage and character contains a single objective relating to special character:

B5.3.2.(2) The character and amenity values of identified special character values are maintained and enhanced.

These objectives are supported by 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.*
- (3) Include an area with special character in Schedule 15 Special Character Schedule, Statements and Maps.*
- (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 areas.*

Special character areas contribute to wider goals associated with quality, compact urban development. Objective 1 of B2.3 A quality built environment, refers to:

A quality built environment where subdivision, use and development do all of the following:

- (a) respond to the intrinsic qualities and physical characteristics of the site and area, including its setting;*
- (b) reinforce the hierarchy of centres and corridors;*

- (c) contribute to a diverse mix of choice and opportunity for people and communities;
- (d) maximise resource and infrastructure efficiency;
- (e) are capable of adapting to changing needs; and
- (f) respond and adapt to the effects of climate change.

The Special Character Overlay contributes to (a) and (c).

For residential growth, the RPS recognises that land within and adjacent to centres and corridors, or in close proximity to public transport and social facilities or employment opportunities should be the primary focus for residential intensification²⁰. However, this objective is modified where special character values are present:

B2.4.2 Policies

Residential intensification

(5) Avoid intensification in areas:

- (a) where there are natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage or special character; or*
 - (b) that are subject to significant natural hazard risks;*
- where such intensification is inconsistent with the protection of the schedule natural or physical resources or with the avoidance or mitigation of the natural hazard risks.*

3.2 Chapter D18 Special Character Areas Overlay – Residential and Business

Chapter D18 of the Unitary Plan contains the district-level objectives and policies for the Special Character Overlay. There are three 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 or 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.*
- (3) The adverse effects of subdivision, use and development on the identified special character values of the area are avoided, remedied or mitigated.*

The overriding intent of the objectives in D18 is to maintain and enhance the special character values of identified areas. The focus is on streetscape, street layout and subdivision pattern, built form including design and architectural values of buildings, and the relationship of built form to landscape, topography, trees and open spaces.

²⁰ Unitary Plan, Chapter B2 Tāhuhu whakaruruhau ā-taone - Urban growth and form, Objective B2.4.1.3

Fourteen policies support the D18 objectives. The policies seek to maintain and enhance the built form, design and architectural values of the buildings and special character areas and to require development and redevelopment to have regard to and respond positively to the identified special character values of an area. The policies discourage the removal or substantial demolition of buildings that contribute to special character areas and encourage the ongoing use and maintenance of buildings in special character areas. For residential areas, policies support the appropriate management of carparking, garaging and accessory buildings and encourage the retention of features such as walls, fences, paths and plantings where they contribute to the character of an area.

3.3 Chapter E38 Subdivision – Urban

Chapter E38 contains objectives, policies and rules for subdivision within urban parts of Auckland. Policy E38.3.30 seeks to maintain the distinctive pattern of subdivision as identified in the character statements for special character areas.

3.4 Chapter D18 – rules and methods

The management approach for special character set out in the Unitary Plan has two key components. Firstly, special character areas are identified and evaluated for their significance and recognised within the Special Character Schedule²¹. Secondly, identified special character areas are subject to the provisions of the Special Character Overlay. These provisions manage the use, development and demolition of buildings within identified special character areas to maintain and enhance these areas.

Rules in the Special Character Overlay relate to the following development activities:

Residential

- Restoration and repair of buildings, minor alterations to the rear, rainwater tanks (all permitted activities)
- Total or substantial demolition of a building or removal of a building on specific sites
- External alterations and additions
- Construction of new buildings or relocation of buildings onto a site

Business

- Restoration and repair of buildings, minor alterations to the rear (all permitted activities)
- Total or substantial demolition of a building or removal of a building
- Demolition of the front façade of a building
- External alternations or additions to a building
- Construction of a new buildings or relocation of a buildings onto a site.

The provisions of the Special Character Overlay are based on a management approach where activities anticipated to have a greater effect on the values of an area are subject to more rigorous management. Activities such as restoration and repair and minor alterations to the rear are permitted, subject to standards, while activities likely to have a greater impact on the

²¹ Unitary Plan, Schedule 15

special character values of a place, such as total or substantial demolition, require resource consent.

In SCA Business, sites are identified as one of three categories: sites with character defining buildings, sites with character supporting buildings, and sites with neither character defining or character supporting buildings. Rules in Chapter D18 are set out for each of these categories, with rules being relative to the contribution to special character values.

In SCA Residential, the application of demolition control rules to identified properties helps to ensure the management approach to special character is appropriate to the contribution of buildings on a site to an area.

Overall, the provisions of D18 anticipate some level of change; properties that are subject to demolition controls have greater constraints than those without. The development of a new building on a site is a restricted discretionary activity with defined assessment criteria and matters of discretion and any development above the heights specified (generally 8 metres) is a restricted discretionary activity to control potential effects arising from a change of scale or bulk.

For SCA Residential, the character values of areas are maintained by way of the zoning applied, as well as development standards of the SCA Overlay. The Low Density Residential zone is proposed to be applied to SCA Residential. This zoning reduces redevelopment pressure and is therefore an integral method to maintain and enhance the values of SCA Residential.

4. Development of Options

Section 32 of the Act requires an examination of the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the Act. The overall objective (purpose of the proposal) of the IPI is to implement the NPS UD policies 3 and 4 and to incorporate MDRS into relevant residential zones. Section 32 requires a range of options to be considered.

In addition, because the Special Character Overlay is a qualifying matter that is 'any other matter', section 77L(c)(iii) requires the evaluation report (under s32) to also include a site-specific analysis that *'evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by Policy 3 while managing the specific characteristics.'*

The 'default' position for consideration of options is not the status quo of the Unitary Plan (as operative in part), as the IPI is required to incorporate the mandatory requirements of Policy 3 and the MDRS. Status quo therefore refers to the situation where these requirements have been incorporated into the Unitary Plan. Against this base, the following options were considered for Special Character Overlay as a qualifying matter.

4.1 Options

4.1.1 Option 1 – Apply Policy 3 and MDRS in full, delete Special Character Overlay (status quo)

Policy 3 and the MDRS would be applied fully, enabling up to three dwellings of up to three storeys in the relevant residential zones and buildings of up to six storeys or more in residential and non-residential zones that are within Policy 3 areas. The Special Character Overlay and all related provisions would be deleted, thus enabling the MDRS and Policy 3 to be applied in full.

4.1.2 Option 2 – Apply the qualifying matter in full / retain Unitary Plan Chapter D18 provisions as operative

Chapter D18 Special Character Overlay, Schedule 15 and other related provisions in the Unitary Plan, including E38 Subdivision – Urban would be retained as per the Unitary Plan (as operative in part), with no amendments to reflect Policy 3 and the MDRS. The Special Character Overlay will be applied as a qualifying matter, with the underlying zoning enabled as per Policy 3 and the MDRS.

4.1.3 Option 3 – Apply MDRS and Policy 3 in part / in a modified form

This option identifies the Special Character Overlay as a qualifying matter but amends the objectives, policies and rules to allow Policy 3 and the MDRS in part to enable the greatest heights and densities within the qualifying matter while maintaining and enhancing the values of the Special Character Overlay.

SCA Residential

For SCA Residential areas, this option pairs a low-density residential zone with amendments to Chapter D18 to apply the MDRS and Policy 3, while continuing to maintain and enhance the identified special character values of these areas. Additional objectives and policies will support up to three dwellings per site.

Amendments are proposed to the objectives and policies of Chapter D18. The new objectives and policies are intended to provide for up to three dwellings per site via the conversion of an existing dwelling into up to two dwellings and the construction of one minor dwelling, as long as the special character values of the area continue to be maintained and enhanced. Amendments to the objectives and policies also provide for non-residential activities within the overlay. The intent is to provide for the outcome of maintaining and enhancing identified special character values while allowing for alterations to accommodate multi-units and/or minor dwellings. The objective for minor dwellings provides the basis for the policy and rule to require the minor dwelling to be at the rear of the existing building. The proposed new objectives and policies are included at **Attachment 1**.

Amendments proposed to the activity table and standards in D18 will provide a bespoke set of provisions to maintain and enhance identified special character values while enabling up to three dwellings per site.

A number of options have been considered for applying MDRS and Policy 3 in SCA Residential areas and are shown in **Attachment 2**. The analysis of these options has resulted in the following modifications of MDRS for SCA Residential:

- (a) Subdivision – controlled activity for subdivision of a converted dwelling established from the conversion of a principal dwelling existing as of 30 September 2013; restricted discretionary for subdivision that complies with Standard E38.8.2.6; and non-complying for subdivision that does not comply with the standard;
- (b) Number of residential units per site – up to 3 units as a permitted activity (note that new buildings will continue to require resource consent);
- (c) Building height – 8m + 1m for roof form;
- (d) Height in relation to boundary – 3m + 45°;
- (e) Setbacks – front (the average of existing setbacks of dwellings on adjacent sites (3 sites either side or 6 sites on one side)); side – 1m; rear – 3m;
- (f) Building coverage – maximum of between 25 and 55%, depending on net site area;
- (g) Landscaped area – minimum of between 28 and 50% depending on net site area;
- (h) Outdoor living space, outlook space and windows to the street – not provided for in Chapter D18.

For standards (a) to (g), these provisions will replace the provisions of the MDRS as per section 80H of the Act.

New buildings, demolition, removal and relocation, and additions and alterations within SCA Residential will continue to be managed as restricted discretionary activities and will be tagged as a qualifying matter rule.

SCA – Business

SCA – Business areas are predominantly located in non-residential zones²², including the Metropolitan Centre zone (Newmarket SCA Business area) and Policy 3(d) areas (town, neighbourhood and local centre zones). The provisions of D18 do not manage height; as already mentioned, height (via HVC) is managed in the underlying zone. Subdivision is not managed in Chapter E18 Subdivision – Urban for SCA Business areas. New buildings within the SCA Business require consent as a restricted discretionary activity both in Chapter D18 and in the underlying business zones.

As the Special Character Overlay does not manage height and density within the SCA Business, except requiring consent for new buildings, this part of D18 does not require modification to ensure that the provisions maintain and enhance the values of the SCA Business areas.

In addition to amendments to give effect to the MDRS and Policy 3, additional changes are proposed to Chapter D18 and Schedule 15, as follows.

Amendments to D18.1 Background

The following amendments are proposed to D18.1 Background:

- Additional text to make clear that special character is identified as a qualifying matter.
- Amendments to table that lists special character areas, to:

²² There are less than 30 sites that do not have an underlying business zone, with most having an Open Space zoning and one having a Residential zoning.

- delete the names of areas that are not identified as a qualifying matter (SCA Business – Ellerslie, SCA General – Puhoi and SCA Residential – Station Road, Papatoetoe)²³,
- move the SCA General North Shore areas (Birkenhead Point, Devonport and Stanley Point and Northcote Point from the Residential column to the General column and amend the name of the areas (to include 'General', to correct an error,
- delete the names of sub-areas within SCA Residential – Isthmus C and SCA Residential – Isthmus C, as it is not necessary to list these individually (note that the special character areas are not being deleted, just the names).
- Amendments to delete the second and third tables, and amendments to the associated text, to explain where the location and extent of the Special Character Overlay can be found (i.e., in the planning maps and/or in Schedule 15).

Amendments to Activity tables

The following amendments are proposed to D18.4.1 Activity table for SCA Residential:

- Addition of rules for uses in SCA Residential to provide for the conversion of a principal dwelling into two, a minor dwelling and selected non-residential uses, and
- Identification of relevant standards for development activities in SCA Residential.

It is considered appropriate to enable some non-residential uses within SCA Residential, subject to appropriate standards. The use of existing buildings within SCA Residential areas does not necessarily affect their identified special character value.

Amendments to D18.6.1 Standards for buildings in SCA Residential.

Proposed amendments include the addition of new standards to correspond to the additions to the activity table (e.g., conversion of principal dwelling, minor dwelling, non-residential uses).

A purpose statement is proposed to be added to existing standards in D18.6.1, to assist with implementing the rules in Chapter C General Rules that relate to the infringement of standards for permitted, controlled and restricted discretionary activities²⁴.

Amendments are proposed to existing standards, as follows:

- D18.6.1.2 Height in relation to boundary, for sites with existing or proposed common walls, right of way or access strips, gable ends and dormers,
- D18.6.1.3 Yards, to amend the yards for rear sites to make them more enabling,
- D18.1.6.1.6 Maximum paved area, to amend this to 'Maximum impervious area' to be consistent with other parts of the Unitary Plan, and

²³ The values of Puhoi Township have been identified as historic heritage, so this place is proposed to be added to Schedule 14.1 Schedule of Historic Heritage, via Proposed Plan Change 81 to the Unitary Plan.

²⁴ Unitary Plan Chapter C1.9 Infringement of standards

- D18.6.1.7 Fences, walls and other structures, to amend the standard for height of fences and walls so that it is more enabling (1.2m retained for front yards and 2m on side and rear boundaries, except for corner sites).

Amendment to matters of discretion and assessment criteria for SCA Residential

Additional matters of discretion and assessment criteria are proposed to be added to address specific non-residential activities and the construction of a minor dwelling.

Tagging for QMs

Where a rule or standard in the Special Character Overlay replaces a rule or standard in the underlying zone, the rule or standard has been annotated as a qualifying matter.

Amendments to Schedule 15

Amendments are proposed to Schedule 15, some of which have already been discussed. In summary, the proposed amendments are to:

- Delete sections 15.1.6.5 Special Character Areas Overlay – Business: Ellerslie, 15.1.7.10 Special Character Areas Overlay – Residential: Station Road, Papatoetoe and 15.1.8.4 Special Character Areas Overlay – General: Puhoi, which are areas that are not identified as a qualifying matter for their special character values²⁵.
- Make text amendments to update information, including removing information that relates to individual properties, streets and/or areas where special character has not been identified as a qualifying matter.
- Later in the process, delete the maps for SCA Business that show sites with identified character defining and character supporting buildings, and show this information in the planning maps. In the interim these maps will be retained in Schedule 15.
- Delete the maps showing the demolition control rules for some SCA Residential areas (those that do not have subdivision controls shown on the maps) and show the demolition control rule information in the Property Summary of the planning maps.
- Update the maps for the remainder of the SCA Residential areas so that they reflect the areas where the Special Character Overlay is a qualifying matter.

4.1.3.1 Amendments to planning maps

Following the site-specific survey of the Special Character Overlay to identify where special character is a qualifying matter, amendments have been made to the planning maps to show where this qualifying matter exists within the IPI plan change area. The Special Character Overlay is shown in the same way as per the Unitary Plan as operative (an area with a blue border and pattern of square blue dots).

As outlined above, some of the information that is shown in the planning maps in the Unitary Plan as operative, including sites with identified character defining and character supporting

²⁵ The Lawry Settlement in Ellerslie and Puhoi are proposed in Plan Change 81 to be identified in Schedule 14 as historic heritage areas and be subject to the provisions of the Unitary Plan Historic Heritage Overlay. For more information, see the section 32 evaluation for proposed Plan Change 81, available on Council's website.

buildings (for SCA Business) and sites subject to demolition control rules (SCA Residential) have been added to the planning maps and will show in the Property Summary for each property that is subject to the Special Character Overlay, where relevant. These changes have been proposed because in some cases this information is hard to see in Schedule 15 (due to the scale of the maps) and, despite reference to where to find this information in Chapter D18, Schedule 15 is more than 270 pages long so the information about a specific area, street or individual property can be hard to locate. It is considered more efficient and effective to include this information in the planning maps and easier for plan users.

4.1.4 Option 4 – Remove the Special Character Areas Overlay and use a zone to manage the specific characteristics

This option would see the Special Character Overlay and related provisions (e.g., Schedule 15) removed and the introduction of a zone to specifically manage the values of identified special character areas.

Zones are described in the Unitary Plan as follows²⁶:

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.

As the Special Character Overlay manages a spatial area of land with shared characteristics, a zone could be used rather than an overlay and zone approach.

The National Planning Standards 2019 were introduced to improve the efficiency and effectiveness of the planning system by providing nationally consistent structure, format and definitions, among other things. The standards include a zone framework standard (Standard 8), which sets out that a district or unitary plan must only contain the zones listed in the standards, except for limited specific circumstances.

Unitary Councils must implement the National Planning Standards within ten years, or when a full plan review is undertaken. Auckland Council is due to undertake a full plan review in 2026.

The zones listed in the standards include a ‘Low density residential zone’, which has the following description “*Areas used predominantly for residential activities and buildings consistent with a suburban scale and subdivision pattern, such as one to two storey houses with yards and landscaping, and other compatible activities*”.

Given the above, if a zoning approach is taken, a bespoke special purpose zone would be required to manage the specific characteristics of the Special Character Overlay as a qualifying matter, rather than the low-density residential zone. The zone would need to combine the provisions of the Single House zone and the Special Character Overlay to maintain and enhance the values of the overlay.

²⁶ Unitary Plan, Chapter A, A1.6 Plan provisions

Legal advice was sought on whether Council was prevented by Clause 1.4(3) of the NPS UD and the Standard 8 of the National Planning Standards from developing such a zone. The advice suggested that such an approach would be criticised for several reasons, including the fact that a special purpose zone could be viewed as attempting to circumvent the purpose and requirements of the HSAA. In addition, even if Council were successful in developing a new special purpose zone to replace the Special Character Overlay, such a zone would only likely be able to be utilised in the interim period until Council is required to comply with the National Planning Standards (i.e., as early as 2026).

PC78 proposes to apply a low density residential zone sparingly across urban Auckland in order to complement specific qualifying matters, including the Special Character Overlay.

4.2 Evaluation of options

4.2.1 Evaluation of options

To determine the most appropriate response for the Special Character Overlay as a qualifying matter, each of the options needs to be evaluated in the context of the objectives of Policy 3 and the MDRS, namely:

Objective 1

a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Objective 2

a relevant residential zone provides for a variety of housing types and sizes that respond to:

- i. housing needs and demand; and*
- ii. the neighbourhood's planned urban built character, including 3-storey buildings.*

This evaluation is outlined in Table 4 below.

Table 4 – Evaluation of options for Special Character Areas Overlay

Costs of applying the QM				
Qualifying matter	Option 1 – do not impose the QM / apply Policy 3 and MDRS as per HSAA	Option 2 – apply the qualifying matter in full	Option 3 – apply MDRS and Policy 3 in a modified form	Option 4 – use a zone to manage the qualifying matter
Housing supply / capacity	<p>Low cost.</p> <p>No restrictions on housing supply / capacity from the QM.</p> <p>Not imposing special character as a QM will enable housing supply as per the MDRS and Policy 3.</p> <p>Small parcel sizes (300-500m²) in many parts of the QM may constrain redevelopment options, even if intensification is enabled. Amalgamation of sites is complex and time consuming.</p>	<p>Moderate cost.</p> <p>Housing supply / capacity will be enabled as per Policy 3 and the MDRS in the underlying zone but restricted by the application of the QM and the heights and densities associated with it.</p> <p>Some restrictions on housing supply / capacity as it will not enable housing supply to the levels sought by Policy 3 or by the MDRS.</p> <p>Overall, these costs are not great across Auckland, but the costs are greater depending on proximity to city centre and rapid transport. In some locations, the cost is much higher, like where there are larger areas of the QM within particular walkable catchments. Capacity close to transit and centres has a higher value than capacity further away from these areas.</p>	<p>Moderate cost.</p> <p>Additional housing supply / capacity will be enabled as amendments to the provisions of D18 to provide for up to three dwellings per site within relevant residential zones (via the conversion of existing dwellings into two dwellings plus a minor unit).</p> <p>Some restrictions on housing supply / capacity as it will not enable housing supply to the levels sought by Policy 3 or by the MDRS.</p> <p>Overall, these costs are not great across Auckland, but the costs are greater depending on proximity to city centre and rapid transport. In some locations, the cost is much higher, like where there are larger areas of the QM within particular walkable catchments. Capacity close to transit and centres has a higher value than capacity further away from these areas.</p>	<p>Moderate cost.</p> <p>Additional housing supply / capacity will be enabled as amendments to the provisions of D18 to provide for up to three dwellings per site within relevant residential zones (via the conversion of existing dwellings into two dwellings plus a minor unit).</p> <p>Some restrictions on housing supply / capacity as it will not enable housing supply to the levels sought by Policy 3 or by the MDRS.</p> <p>Overall, these costs are not great across Auckland, but the costs are greater depending on proximity to city centre and rapid transport. In some locations, the cost is much higher, like where there are larger areas of the QM within particular walkable catchments. Capacity close to transit and centres has a higher value than capacity further away from these areas.</p>

Costs of applying the QM				
Social	<p>High cost.</p> <p>Social costs to existing neighbourhoods arising from the potential for significant change in the planned urban built character of the neighbourhood.</p> <p>Cost to the community of not managing Special Character Areas when many of these areas have been identified as worthy of protection and management in district plans for decades.</p> <p>This cost is greater in some locations than in others and is the greatest in the areas where there are larger areas of the QM present.</p>	<p>Moderate cost.</p> <p>May maintain the character of existing neighbourhoods where the QM applies, although the conflict between the provisions of the underlying zone to enable Policy 3 and the MDRS and the QM will likely give rise to erosion of special character values given the difficulty of maintaining and enhancing these values with two sets of objectives, policies and rules that seek very different outcomes.</p> <p>Will not enable such a variety of housing types and sizes – this may not enable some people to live in areas subject to the QM, there is some social cost to this.</p>	<p>Some cost.</p> <p>Will maintain the character of existing neighbourhoods where the QM applies.</p> <p>Will not enable such a variety of housing types and sizes; three dwellings per site are enabled but they will be smaller and up to two storeys.</p> <p>Will not enable as many dwellings in areas close to the City Centre and close to rapid transport. There is a social cost as a lesser number of dwellings may restrict some people from living in the QM areas. This cost is greater in some locations than in others.</p>	<p>Some cost.</p> <p>Will maintain the character of existing neighbourhoods where the QM applies.</p> <p>Will not enable such a variety of housing types and sizes; three dwellings per site are enabled but they will be smaller and up to two storeys.</p> <p>Will not enable as many dwellings in areas close to the City Centre and close to rapid transport. There is a social cost as a lesser number of dwellings may restrict some people from living in the QM areas. This cost is greater in some locations than in others.</p>
Economic (not otherwise covered by housing capacity issues)	<p>Some cost.</p> <p>There are costs associated with the demolition of existing housing stock and its replacement.</p>	<p>High cost</p> <p>Retaining the QM in full while allowing for zoning enabled by Policy 3 and the MDRS likely to lead to difficulty implementing the Unitary Plan as the QM provisions and provisions of the underlying zones are seeking very different outcomes. This disconnect is likely to lead to increased costs for both Council and landowners as</p>		<p>Low cost</p> <p>Cost of preparing a plan change to amend the bespoke Special Purpose zone to comply with the National Planning Standards by 2026.</p>

Costs of applying the QM				
		implementing the Unitary Plan will be more complex.		
Environmental	<p>High cost.</p> <p>Complete loss of identified special character values as areas are redeveloped. These values are finite and are not able to be replaced.</p> <p>Development and redevelopment of the QM is likely to result in the loss of trees and vegetation, to make way for higher density development.</p> <p>There are environmental costs associated with the demolition of buildings including impact on landfills from demolition waste.</p>	<p>Moderate cost.</p> <p>May maintain and enhance identified special character values.</p> <p>Retaining similar patterns of development will encourage the retention of trees and vegetation.</p> <p>Climate change issues – fewer dwellings in close proximity to rapid transit will result in additional vehicle movements and therefore higher emissions.</p>	<p>Moderate cost.</p> <p>Will maintain and enhance identified special character values.</p> <p>Retaining similar patterns of development will encourage the retention of trees and vegetation.</p> <p>Climate change issues – fewer dwellings in close proximity to rapid transit will result in additional vehicle movements and therefore higher emissions.</p>	<p>Moderate cost.</p> <p>Will maintain and enhance identified special character values.</p> <p>Retaining similar patterns of development will encourage the retention of trees and vegetation.</p> <p>Climate change issues – fewer dwellings in close proximity to rapid transit will result in additional vehicle movements and therefore higher emissions.</p>

Summary of costs of applying the QM:

- every option has costs
- options 1 and 2 have high costs in relation to one or more of the factors
- options 3 and 4 have overall moderate costs.

Benefits of applying the QM				
Qualifying matter	Option 1 – do not impose the QM / apply Policy 3 and MDRS as per HSAA	Option 2 – apply the qualifying matter in full	Option 3 – apply MDRS and Policy 3 in a modified form	Option 4 – use a zone to manage the qualifying matter
Social	<p>High benefit.</p> <p>Will enable more homes to be constructed within areas that are near a centre zone and/or well serviced by existing or planned public transport.</p> <p>Likely to reduce the existing typology of homes that currently exists within the QM areas, as existing dwellings are replaced over time with up to three storeys or up to six storeys or more.</p>	<p>Moderate benefit.</p> <p>The QM contributes to a well-functioning urban environment.</p> <p>Social benefits arise from a variety of homes and this QM contributes to that variety.</p> <p>Retaining this QM helps maintain housing choices in walkable catchments (that is, lower density housing within what will predominantly be a THAB-type environment).</p>	<p>Moderate benefit.</p> <p>The QM contributes to a well-functioning urban environment.</p> <p>Social benefits arise from a variety of homes and this QM contributes to that variety.</p> <p>Retaining this QM helps maintain housing choices in walkable catchments (that is, lower density housing within what will predominantly be a THAB-type environment).</p>	<p>Moderate benefit.</p> <p>The QM contributes to a well-functioning urban environment.</p> <p>Social benefits arise from a variety of homes and this QM contributes to that variety.</p> <p>Retaining this QM helps maintain housing choices in walkable catchments (that is, lower density housing within what will predominantly be a THAB-type environment).</p>
Economic	<p>Some benefit.</p> <p>Special character values will not need to be considered by landowners wishing to develop their land – resource consent would not need to be sought for impacts of development on special character values, reducing the cost of building and development.</p>			
Environmental	<p>High benefit.</p> <p>Enabling more homes near centre zones and/or in areas well serviced by existing or planned public transport is likely</p>	<p>High benefit.</p> <p>Applying the QM will maintain and enhance identified special character values, which are a finite resource that contributes</p>	<p>High benefit.</p> <p>Applying the QM will maintain and enhance identified special character values, which are a finite resource that contributes</p>	<p>High benefit.</p> <p>Applying the QM will maintain and enhance identified special character values, which are a finite resource that contributes</p>

	to encourage people to utilise public transport, walking and cycling. This will support reductions in greenhouse gas emissions.	to a well-functioning urban environment. Applying the QM is likely to support the retention of trees and vegetation in the QM areas.	to a well-functioning urban environment. Applying the QM is likely to support the retention of trees and vegetation in the QM areas.	to a well-functioning urban environment. Applying the QM likely to support retention of trees and vegetation in the areas.
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Summary of benefits of applying the QM:

- every option provides benefits
- option 1 has the highest benefit.

Preferred option = Option 3

- while option 1 has the highest benefits, it also has high costs
- option 3 also has moderate to high benefits
- the costs for option 3 are similar to option 4 but option 3 does not require a further plan change by 2026 to ensure compliance with the National Planning Standards.

4.2.2 Risks of acting or not acting

Section 32(2)(c) of the Act 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. The information about the Special Character Overlay as a qualifying matter, including information about the values, location and extent of the overlay is based on certain and sufficient information that was gathered in the site-specific survey of the special character areas identified in the Unitary Plan as operative. There is some uncertainty in information for sites within the overlay that were not visible during the survey as the architectural values or other built values of these sites is not known. However, as the qualifying matter is an area control, and the provisions reflect different levels of contribution of individual properties to the qualifying matter, it is considered that the information is certain and sufficient to address the risks of acting or not acting.

4.2.3 Impact on development capacity

Refer to separate capacity work undertaken.

4.2.4 Key trade-offs

When considering the options for the Special Character Overlay as a qualifying matter, there are two important sets of values or factors present:

- improving housing choices and opportunities enabled by Policy 3 and the MDRS and
- the amenity, character and identity benefits of the Special Character Overlay.

The nature of the decision of what mix of the two values is best is a judgement; the NPS UD refers to whether the level of development is inappropriate in light of the national significance of urban development and the objectives of the NPS UD. The test of inappropriateness is not the same as whether the level of development is incompatible or not inconsistent with the NPS UD.

Something that is inappropriate can be defined as not proper or suitable for a particular situation or purpose. The term inappropriate should be interpreted against the background of what is sought to be achieved, with the two main outcomes being:

- Quality compact urban development, which must include liveability and amenity
- Objectives of the NPS UD, including well-functioning urban environments (which in turn include housing choices).

The NPS UD allows for the identification of qualifying matters that are not specifically listed, such as the Special Character Overlay. The site-specific analysis of the overlay has illustrated the area where the level of development sought is inappropriate. There is no clear hierarchy or dominance between the outcomes sought by Policy 3 and the MDRS and the objectives of the Unitary Plan, including those objectives for special character areas – they have equal weight, and one does not ‘trump’ the other. In light of this, the following comments can be made in relation to the options set out in Table 4:

- While Option 1 has high social and environmental benefits, there are also high costs in terms of social and environmental factors;

- Option 2 has moderate to high benefits but also has a high economic cost (not related to housing supply / capacity)
- Options 3 and 4 have moderate costs for housing supply / capacity and environmental factors, and moderate to high benefits.

4.2.5 Effectiveness and efficiency

The overall objective of the IPI is to implement NPS UD policies 3 and 4 and to incorporate MDRS into relevant residential zones. The RPS objective for special character seeks to maintain and enhance the character and amenity of identified special character values.

It is not efficient or effective to fully apply Policy 3 and MDRS zone to the Special Character Overlay and enable storeys of at least six storeys or up to three storeys and the related densities. This is because the overlay seeks a built form of mainly one to two storeys and having an underlying zone that enables significantly higher buildings is likely to lead to difficulty implementing the plan.

It is more efficient and effective to make it clear by the application of the Low Density Residential zone that the expectation for height and density within SCA Residential areas is development of up to three dwellings of up to two storeys in height.

4.2.6 Consultation

Mana Whenua

Schedule 1 of the Act sets out the relevant consultation requirements. Mana whenua have been engaged in the preparation of the IPI plan change at various stages in the process as required by Schedule 1 of the Act.

Feedback on the Special Character Overlay as a qualifying matter was received from Ngāti Whātua Ōrākei, as follows:

Good practice in urban intensification is to achieve the highest development density closest to urban centres. We have some concern that special character areas may inhibit optimal urban form by retaining low density development in areas close to City and local centres. This is particularly so in Grey Lynn, Ponsonby and Devonport.

Auckland Council elected members

The Planning Committee considered the matter of special character as a qualifying matter several times during 2021 and 2022. In July 2021, they resolved that Special Character Areas of high quality should be a qualifying matter under the NPS UD²⁷. The committee endorsed the spatial approach of special character areas for public engagement at the March 2022 meeting²⁸.

In June 2022, the committee resolved the final policy directions for the NPS UD, including the following in relation to special character areas as a qualifying matter²⁹:

²⁷ Planning Committee resolution PLA/2021/80(i)

²⁸ Planning Committee resolution PLA/2022/31

²⁹ Planning Committee resolution PLA/2022/86

- (l) confirm the approach for the Special Character Areas Overlay – Residential and Business to be a qualifying matter as follows:
 - (i) that the qualifying matter be described as the Special Character Areas Overlay
 - (ii) that outside walkable catchments, Special Character Areas Overlay – Residential and Special Character Areas Overlay – General is identified as a qualifying matter where special character values are present, being where 66% or more of individual properties score a 5 or 6
 - (iii) that within walkable catchments under Policy 3(c) of the National Policy Statement on Urban Development 2020, Special Character Areas Overlay – Residential and Special Character Areas Overlay – General is identified as a qualifying matter where special character values are of high quality, being where 75% or more of individual properties score a 5 or 6
 - (iv) that Special Character Areas Overlay – Business is a qualifying matter where it was identified in the council’s preliminary response for the Intensification Planning Instrument.
 - (v) note that staff are investigating appropriate controls to manage the impact of potential development on the cultural and visual qualities of the maunga.
- (m) subject to (l), agree to amend the extent of the Special Character Areas Overlay – Residential and Special Character Areas Overlay – General by increasing or decreasing the application of the Overlays (while not adding new areas) to respond to:
 - (i) feedback on council’s preliminary response for the Intensification Planning Instrument
 - (ii) walkable catchments where Special Character Areas – Residential and General have a significant effect on development capacity.
- (n) agree to retain the height variation control within the business zones underlying the Special Character Areas Overlay – Business areas
- (o) agree to amend the provisions of the Special Character Areas Overlay to accommodate greater levels of development while retaining the special character values:
 - (i) enable up to three dwellings per site (via the conversion of a principal dwelling into a maximum of two dwellings and one minor dwelling), and add new objectives, policies and standards to support this;
 - (ii) amend the provisions to provide for a limited range of non-residential activities (such as home occupations, boarding houses, dairies and restaurants), and add a new objective and policy and assessment criteria to support this;
 - (iii) retain existing standards to maintain and enhance special character values, but amend standards for yards and fences to be more enabling, while maintaining and enhancing special character values;
 - (iv) amend the application of the demolition, removal and relocation rule to individual properties based on the contribution they make to the special character values of an area as identified in the site-specific survey of the Special Character Areas Overlay.

The plan change was approved for public notification by the Planning Committee at its meeting on 4 August 2022.

Local boards

Local board feedback was received on the Council's preliminary response to the NPS UD and the HSAA on 23 June 2022. Most local boards provided specific feedback on the Special Character Overlay as a qualifying matter. Feedback was provided both in support and in opposition to how the qualifying matter was identified in the preliminary draft. Feedback relating to the Special Character Overlay is included in the Intensification Planning Instrument Section 32 Engagement Report and Appendices.

Heritage Advisory Panel

An update about the Council's preliminary response to the NPS UD was given to the Heritage Advisory Panel at their meeting in May 2022. The Panel provided feedback on the preliminary response to the NPS UD, with the key points relating to special character areas being as follows:

- support for the Council's decision to identify both Special Character and Volcanic Viewshafts as qualifying matters; the protection of both is important to recognise Auckland's distinct character and create a world class city
- the majority of Panellists consider that Council could take a finer-grained approach and consider retaining special character as a qualifying matter in all or part of some areas which have been assessed as not meeting the thresholds
- there is significant support for considering including properties that score a 4 under Council's methodology
- attributes of Auckland's historic suburbs also exist outside the Special Character Overlay and those areas that obviously demonstrate that character that are not within the overlay, should be prioritised for consideration in future work
- the thresholds used for identifying special character as a qualifying matter should not be seen as hard and fast rules and consideration should be given to including areas that are close to the 66% and 75% thresholds.

Public feedback

The Council provided an opportunity to the Auckland community to comment on its 'preliminary response' proposals during the period April 19 to May 9, 2022. During the consultation period, meetings about the Special Character Overlay as a qualifying matter were held online and a public meeting was held in Devonport and in Auckland Central.

There were over 6,000 individual responses of feedback on the topic of special character as a qualifying matter, as follows:

Special character be a qualifying matter:

- 6,226 individual responses
- 72% support
- 42% support the areas identified as a qualifying matter
- 30% want all areas within the Unitary Plan Special Character Overlay to be identified as a qualifying matter
- 19% do not support.

Residential Special Character Areas identified:

- 6,161 individual responses
- 65% support
- 23% support the areas identified as a qualifying matter
- 42% want more areas identified
- 7% want less areas identified
- 14% want no areas identified.

Business Special Character Areas identified:

- 5,847 individual responses
- 51% support
- 28% support the areas identified as a qualifying matter
- 23% want more areas identified
- 5% want less areas identified
- 13% want no areas identified.

The key reasons for support of the Special Character Overlay as a qualifying matter were particular areas need protection, character needs protection and areas of historic heritage should be identified. The key reasons for opposition to the qualifying matter were support for housing intensification and support of areas being developed due to their location (proximity to shops and transport etc.).

Built Heritage Implementation team

Advice was sought from Council's Built Heritage Implementation team on the amendments proposed to Chapter D18. It is important that any plan provisions are clearly worded and understood, in order to be more easily implemented. The experience of the implementation team in relation to the advice they give on resource consents for the Special Character Overlay was sought.

4.3 Overall conclusion

The purpose of the qualifying matter is to maintain and enhance the character and amenity of identified special character values. The impact of this qualifying matter on the level of development enabled by Policy 3 for SCA Business is not significant, as the density sought to be enabled within these areas by Policy 3 can be achieved and heights sought to be enabled can be achieved in nearly all SCA Business areas. SCA Residential does have an impact on the level of development enabled by Policy 3 and the MDRS in some locations, as heights sought by Policy 3 and the MDRS are not enabled by the qualifying matter.

Four options for applying the qualifying matter were considered: option 1 – do not impose the qualifying matter, option 1 – apply the qualifying matter in full, option 3 apply MDRS and Policy 3 in a modified form, and option 4 – use a zone to manage the qualifying matter. There were benefits and costs associated with each option, with options 1 and 2 having the highest costs and option 1 having the highest benefits.

The preferred option is option 3, which would provide for MDRS and Policy 3 to be applied in a modified form. This would allow for the qualifying matter to be implemented to enable up to three dwellings per site, providing housing choice for some people and communities. In

summary, the qualifying matter can achieve the aims of the NPS UD in MDRS areas but will not achieve the heights and densities sought in Policy 3 areas residential zones.

Attachments

Attachment 1 – proposed objectives and policies for D18 Special Character Areas Overlay – Residential and Business

Attachment 2 – Development of options for standards for Special Character Areas Overlay – Residential and Special Character Areas Overlay – General

Attachment 1 – proposed objectives and policies for D18 Special Character Areas Overlay – Residential and Business

D18.1. Objectives

Special Character Areas Overlay – Residential and Business

- (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.
- (3) The adverse effects of subdivision, use and development on the identified special character values of the area are avoided, remedied or mitigated.

Special Character Areas Overlay – Residential

(4) Existing residential buildings provide for and respond to housing needs and demand in a way that maintains and enhances the special character values of the area.

(5) A minor dwelling provides for additional housing needs and demand in a way that maintains and enhances the special character values of the area.

(6) A limited range of non-residential activities in residential areas provide for the community's social, economic and cultural well-being, while maintaining and enhancing special character values, as identified in the special character area statement.

D18.3 Policies

...

(7A) Enable the conversion of existing buildings to provide for up to two dwellings, or for up to two dwellings and one minor dwelling where the special character values of the area, as identified in the special character area statement, are maintained.

(7B) Enable the establishment of a minor dwelling where the special character values of the area, as identified in the special character area statement, are maintained.

(7C) Provide for non-residential activities in residential areas that:

(a) are in keeping with the special character values as identified in the special character area statement;

(b) support the social and economic well-being of the community; and

(c) avoid, remedy or mitigate adverse effects on residential amenity.

Attachment 2 – Development of options for standards for Special Character Areas Overlay – Residential and Special Character Areas Overlay – General

As per the requirement to include a site-specific analysis that evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS standards or by Policy 3 while managing the specific characteristics, each relevant standard/rule has been reviewed and appropriate options considered, as detailed below.

Subdivision

Clause 3 of Schedule 3A of the Act states:

Subdivision requirements must (subject to section 106) provide for as a controlled activity the subdivision of land for the purpose of the construction and use of residential units in accordance with clauses 2 and 4.

Subdivision in the special character overlay is currently classed as a restricted discretionary activity under Rule E38 (A24) subject to complying with standard E38.8.2.6; otherwise classed as a non-complying activity under (A25). Standard E38.8.2.6 sets out minimum net site areas.

Option	Detail of option	Evaluation of option
All subdivision a controlled activity in SCA Residential	Amend Chapter E38 – Subdivision Urban to make all subdivision within SCA Residential a controlled activity	It is inconsistent with the identified characteristics of SCA Residential areas to enable all subdivision as a controlled activity. Subdivision should be a restricted discretionary activity, with discretion over the impact on the layout and pattern of subdivision and values in the relevant Special Character Statement.
Retain current provisions	Subdivision is a restricted discretionary activity under Rule E38(24) if it complies with Standard E38.8.2.6 (minimum net site areas), otherwise it is a non-complying activity under (A25).	Subdivision should be managed in SCA Residential in order to maintain the distinctive pattern of subdivision as identified in the special character area statement for each area, as this pattern is part of the identified values of the qualifying matter.

Number of residential units per site

Option	Detail	Evaluation of option
Residential units as per MDRS or Policy 3	MDRS – no more than 3 residential units per site.	SCA – Residential areas are characterised by predominantly detached one- and two-storey dwellings and the identified special character areas are closely related to this scale of development. Permitted height of three storeys or more would detract from the special character values.
Amend D18 to provide for up to three dwellings as a permitted activity	Amend D18 to provide for the conversion of one dwelling into up to three dwellings or a detached minor unit, with the total number of dwellings being a maximum of three (similar to how the SHZ provides for as operative)	This building height will provide for development of up to three dwellings as a permitted activity and will not detract from the special character values of the overlay.
Amend D18 to provide for more than three dwellings as a permitted activity	Amend D18 to provide for the conversion of one dwelling into four dwellings, plus a detached minor unit	This option could provide for up to five dwellings per site. While it is possible, with an existing dwelling that is large, to convert it into more separate dwellings, this is likely to be difficult to undertake without the need to add additional doors and windows, which would trigger resource consent under rule A4 of D18 (external alterations and additions) so is not considered appropriate.

Building height

Option	Detail	Evaluation of option
Building height as per MDRS or Policy 3	MDRS – 11m + 1m for roof form Policy 3 – up to six storeys in walkable catchments	SCA – Residential areas are characterised by predominantly detached one- and two-storey dwellings and the identified special character areas are

		closely related to this scale of development. Permitted height of three storeys or more would detract from the special character values.
Retain current provisions in D18	Retain Standard D18.6.1.1 of 8m + 1m for roof	This building height will provide for development up to two storeys as a permitted activity and will not detract from the special character values of the overlay.
Amend building height to 9m	Amend D18 to provide for building height of 9m	An amendment to the building height to provide for 9m without specifically including a provision for roof space may encourage development of the roof space of existing special character dwellings. Development of roof space needs to be carefully managed to ensure it does not detract from identified special character values.

Height in relation to boundary (HIRB)

Option	Detail	Evaluation of option
HIRB as per MDRS or Policy 3	MDRS – 4m + 60°	The HIRB standard set out by MDRS enables greater coverage than the HIRB provided for in the overlay. This greater coverage would detract from special character values.
Retain current provisions in D18	Retain Standard D18.6.1.2 – 3m + 45°	The current HIRB control is designed to maintain and enhance identified special character values by managing the layout and spacing of buildings. The scale, density and pattern of development, visual coherence (including density and rhythm in positioning of houses), and the streetscape are important values of SCA

		Residential, and the current provisions will ensure these values are maintained and enhanced.
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Yards

Option	Detail	Evaluation of option
Setbacks as per MDRS or Policy 3	MDRS: Front – 1.5m Side – 1m Rear – 1m	The setbacks standard set out by MDRS enables greater coverage than the HIRB provided for in the overlay. This greater coverage would detract from special character values.
Retain current provisions in D18	Retain Standard D18.6.1.3: Front – average of existing setbacks of dwellings on adjacent sites (3 sites either side or 6 sites on one side) Side – 1.2m Rear – 3m	The current setback control is designed to maintain and enhance identified special character values by managing the layout and spacing of buildings. The scale, density and pattern of development, visual coherence (including density and rhythm in positioning of houses), and the streetscape are important values of SCA Residential, and the current provisions will ensure these values are maintained and enhanced.
Amendments to setbacks – side yards and setbacks for rear sites	Amend Standard D18.6.1.3 for rear sites to enable two yards of 1.2m and two yards of 3m on rear sites.	At present, the standard for rear yards is 3m, which means development on rear sites needs to provide a 3m yard on all sides. An amendment to require a 3m on at least two boundaries and 1.2m yards on the other boundaries is more enabling, which is considered appropriate.

Building coverage

Option	Detail	Evaluation of option
Building coverage as per MDRS or Policy 3	MDRS – maximum building coverage 50%	The building coverage standard set out by MDRS enables greater coverage than the coverage provided for in the overlay, except for very small sites (less than 200m ²). This greater coverage would detract from special character values.
Retain current provisions in D18	Retain Standard D18.6.1.4 – between 25% and 55% depending on net site area	The building coverage control is designed to maintain and enhance identified special character values by managing the layout and spacing of buildings. The scale, density and pattern of development, visual coherence (including density and rhythm in positioning of houses), and the streetscape are important values of SCA Residential, and the current provisions will ensure these values are maintained and enhanced.

Landscaped area

Option	Detail	Evaluation of option
Landscaped area as per MDRS or Policy 3	MDRS – minimum landscaped area 20%	The landscaped area standard set out by MDRS enables a lower minimum landscaped area than the landscaped area provided for in the overlay, except for very small sites (less than 200m ²). This greater coverage would detract from special character values.
Retain current provisions in D18	Retain Standard D18.6.1.5 – minimum landscaped area	The landscaped area control is designed to

	between 28% and 50% depending on net site area	maintain and enhance identified special character values by managing the layout and spacing of buildings. The scale, density and pattern of development, visual coherence (including density and rhythm in positioning of houses), and the vegetation and landscape characteristics are important values of SCA Residential and the current landscaped area, in conjunction with other D18 standards, will ensure these values are maintained and enhanced.
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Outdoor living space, outlook space and windows to street

Section 77H of the Act provides that the requirements in Schedule 3A may be modified to enable greater development via various methods, including omitting one or more of the density standards set out in Part 2 of Schedule 3A. It is proposed that three of those standards, being outdoor living space, outlook space and windows to the street, be omitted for special character areas as a qualifying matter. Applying these standards as set out in the Act may make it difficult for dwellings to comply, particularly where an existing dwelling is being converted into more than one dwelling and is relying on the existing outdoor living space and outlook space that is available.

Fences

Section 80E of the Act enables changes to a district plan that may also amend or include related provisions that support or are consequential on the MDRS or Policy 3 of the NPS UD. The related provisions must relate to a range of matters, including fencing³⁰.

Standard D18.6.1.7. Fences, walls and other structures in Chapter D18 states:

- (1) Fences, walls and other structures, or any combination of these, in the Special Character Areas Overlay - Residential must not exceed a height of 1.2m above ground level.*

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.

³⁰ Resource Management Act, s80E(2)(c)

While inappropriate fencing can have adverse effects on the special character values of an area, this is most likely in relation to fences and walls on the front boundary of a site and side boundaries where they are adjacent to the street (e.g., on a corner site). The application of the 1.2m height limit on all fences and walls is therefore 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.