

# Proposed Plan Change 78 (PC78)

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to the Auckland Unitary Plan (Operative in part)

Section 32 and section 77J / 77L report for 'other' qualifying matters

Evaluation report for qualifying matter 'ridgeline protection overlay' (RPO) pursuant to sections 77I(d) and 77I(j) of the RMA

Section 77I(d) - *a matter required to give effect to ...the [Waitakere Ranges Heritage Area Act 2008](#):*

Section 77I(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 is satisfied.*

**Ridgeline protection overlay (RPO)**

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## Executive Summary

This report addresses the ‘qualifying matter’ (**QM**) of ‘Ridgeline protection’ in terms of the relevant evaluation requirements of the Resource Management Act 1991 (**the Act, RMA**). It is an existing overlay of the operative Auckland Unitary Plan – operative in part (**AUP**) but it is an ‘other’ matter as described in section 77I(j) of the Act. As such, it is required to satisfy the requirements of section 77L of the RMA.

The protection of valued ridgelines is addressed by chapter D15 of the operative AUP – Ridgeline Protection Overlay (**RPO**). It is an overlay provision of the plan which sits over the top of the ‘underlying zoning’ of land and functions to modify the enablement of the underlying zoning. In this case, it is only building ‘height’ that serves to modify the enablement that might otherwise be permitted by the legislated Medium Density Residential Standards (**MDRS**) provisions<sup>1</sup>. These provisions will sit within the modified Residential - Mixed Housing Urban zone of the AUP.

All the land areas that are the subject of this report are identified in **Attachment 3**. Those areas that are recommended to be deleted from the overlay are addressed in **Attachment 2**.

The report considers the issues that arise from the continued operation of the RPO given the changes to residential zone development standards that arise from the legislated MDRS provisions and the associated housing objectives. A broad costs/benefits analysis is considered of five options for the plan change and functioning of the RPO as a ‘qualifying matter’ and two options are given closer examination, including the deletion of the RPO from ‘urban’ sites.

It is concluded that it would be appropriate for the RPO to continue to function in much the same way as it does at present in the operative AUP, for those areas where the RPO is recommended to remain. That is, it serves to appropriately control the effects of development on the landscape amenity value of the relevant protected ridgeline, through a resource consent application process which is triggered by exceeding a specified height. It is considered that it would be appropriate and best serve the purposes of the Act if the RPO continued, but in a slightly modified form. The report details the text changes that are recommended.

The main alternative considered, that of removing the RPO from the Auckland Unitary Plan (**AUP**), as it relates to residential sites within the ‘urban environment’, was not considered to provide for an appropriate balancing of both nationally important urban development and environmental protection objectives. It would lead to the loss of valued landscape amenity and an element of urban quality valued by Aucklanders that exists at its urban fringes. These protected ridgelines frame the urban area and in the west provide a transition into the foothills of the highly valued Waitākere Ranges. The ranges are a separate ‘qualifying matter’ in terms of section 77I(d) of the RMA.

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<sup>1</sup> As introduced by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

## Note:

This report forms part of the larger section 32 report for the notified IPI plan change 78.

The overall RMA section 32 report sets out the background to the IPI, the statutory requirements and discusses key terms like 'qualifying matters', 'walkable catchments' and 'urban environments'.

All references to the 'NPS-UD' are to the National Policy Statement on Urban Development 2020 updated May 2022.

## Introduction

This draft report is prepared as part of the evaluation required by Section 32 and Sections 77J and 77L of the Resource Management Act 1991 ('the Act' or 'RMA') for proposed Plan Change X (**PPCX**) to the Auckland Unitary Plan (Operative in Part) (**AUP**).

The background to and objectives of PC78 are discussed in the overview report, as is the purpose and required content of section 32 and 77J / 77L evaluations.

This draft report discusses the implications of applying the 'Ridgeline protection overlay' (**RPO**) as a qualifying matter to the MDRS (of Schedule 3A of the RMA).

An 'other' qualifying matter is a matter referred to in section 77I(j) or 77O(j) that is operative in the relevant district plan when the IPI is notified.

- Sec 77I relates to relevant residential zones.
- Sec 77O relates to urban non-residential zones.

The Council may make the MDRS (or the relevant building height or density requirements under policy 3 of the NPS-UD) 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 77I or 77O.

The convergence of the RPO and the MDRS only impacts residential zones outside 'walkable catchments' so policy 3 of the NPS-UD and section 77O RMA are not relevant to this report.

## Integrated evaluation for existing qualifying matters

For the purposes of AUP 'intensification' plan change PC78, evaluation of the RPO as a qualifying matter has been undertaken in an integrated way that combines sec 32 and 77J requirements and also section 77L requirements. The report follows the evaluation approach described in the table below.

Preparation of this draft report and the proposed plan change revised text chapter D15 AUP (and recommended mapping changes) has involved the following:

- Review of previous decisions of the Waitākere City Council that gave rise to the legacy provisions that formed the basis of the operative AUP provisions of chapter D15 and as demarcated on the AUP's GIS viewer for the RPO.
- Review of consent notices (arising from WCC decision appeals) that gave rise to changes to the spatial extent of WCC ridgelines.
- Review of expert and planning evidence provided to the IHP hearings of submissions to the Proposed Auckland Unitary Plan of 2014/15.
- Review of the AUP to identify all other relevant provisions intersecting with this qualifying matter (e.g. WRHA)
- Review of the AUP GIS plan maps to assess the spatial application of this qualifying matter
- Assessment of the identified relevant provisions within the RMA's Medium Density Residential Standards (MDRS) as set out in Schedule 3A of the RMA
- Site visits and appraisals by Council's specialist landscape adviser in March 2022 of all suburban areas covered by the operative RPO that are within the 'urban environment' and affected by the MDRS (refer **Attachment 2**).
- High level evaluation of five possible plan change options (including deleting the RPO for MDRS sites, Option 5) against relevant higher order objectives and policies (refer **Attachment 1**)
- Identification of RPO areas no longer considered worthy of ongoing protection due to the landscape amenity values of the ridgeline having been largely lost due to the cumulative effects of developments (refer **Attachment 2**)
- Review of resource consent applications in certain locations to better understand D15 implementation issues.
- Discussions with Council staff and external specialists involved with resource consent applications to consider the efficiency and effectiveness of the operative D15 controls.
- Discussions between staff and Council's external specialist as to the text of chapter D15 Ridgeline protection overlay and how it might be modified to be clearer and more effective, given the greater enablement of MDRS for many areas (this is Option 4, Attachment 1).
- Review of the relevant AUP Regional Policy Statement objectives and policies (chapter B4) to establish the support they provide to the provisions of chapter D15 Ridgeline protection overlay
- Consideration of text changes for D15 methods of control (activity rules and standards and assessment criteria) and related changes (Special information requirement and new policy 3).
- Review of the AUP to identify if there are any other relevant provisions that require a consequential amendment to integrate the application of this qualifying matter (e.g. Infrastructure)
- Consideration of the feedback from the public in response to the April 18 Preliminary Response proposals of Council in response to the NPS-UD and MDRS.
- Further consideration of the implications of deleting the D15 overlay from the 'urban environment' sites that are to be MDRS enabled.
- Consultation with mana whenua on 19 May 2022 and 8/9 June 2022 and consideration of any specific feedback.
- Consultation with Local Boards during June and July 2022 and consideration of any specific feedback
- Evaluation of the 'preferred' plan change option and the 'main alternative' option (of deleting the RPO for MDRS sites) in terms of the main costs and benefits of the options (refer also **Attachment 1**)

- Review of proposed plan change content with inhouse review team.

The scale and significance of the issues is assessed to be 'minor' overall in terms of the RMA's housing objectives and directives. For some sites there will be minimal impact and MDRS-enabled development will be achieved, and for other sites there will be restrictions on the height and associated appearance of development (that might otherwise occur) if the ridgeline landscape amenity values are to be safeguarded.

This draft section 32/77J/77L 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 sec 32 RMA steps	Plus sec 77J/ 77LRMA steps for 'other' qualifying matter
Issue  Define the problem- provide overview/summary providing an analysis of the qualifying matter	Sec 77J and 77L  Describe the qualifying matter.  Identify by location (for example, by mapping) where the qualifying matter applies
Identify and discuss objectives / outcomes	Sec 77J and 77L  Identify relevant operative RPS and AUP objectives and policies. Describe why the Council considers that the qualifying matter applies to these areas and why the qualifying matter is necessary.
Identify and screen response options	Sec 77J and 77L  Consider a range of alternative density standards or options for those areas having considered the particular MDRS standards and/or Policy 3 intensification requirements
Collect information on the selected option(s)	Sec 77J and 77L  Describe in general terms for a typical site the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been permitted by the MDRS having regard to the modified zone, with regard to the identified density options.  Consider the option of a site by site determination of the height or density standards that might apply and compare with the 'preferred method' of control.
Evaluate option(s) - environmental, social,	Sec 77J and 77L

economic, cultural benefits and costs	Provide a general assessment of the benefits and costs of the main options in the light of the new objectives introduced by the NPS-UD and MDRS relating to well-functioning urban environments while taking account of the purposes of the RMA and the relevant objectives and policies of the AUP.
Overall judgement as to the better option (taking into account risks of acting or not acting)	Conclusion as to the implications of the qualifying matter for development capacity to be enabled by NPS-UD/MDRS in the areas where the qualifying matter applies.

## Issues

### Background

The 'Ridgeline protection overlay' (RPO) is an 'other (qualifying) matter' as set out in section 771(j) of the Act. It is primarily sites within 'relevant residential' AUP zones that will accommodate the MDRS that are affected by the RPO. There are a small number of non-residential sites that are within the urban environment and affected by the RPO but none are relevant to this report because they are not within 'walkable catchments' or relevant centres.<sup>2</sup> The RPO also applies extensively to ridges within the Waitākere Ranges Heritage Area. The ranges are a separate 'qualifying matter' in terms of section 771(d) of the RMA. There are a number of sites within the ranges that are also within the 'urban environment' (the RUB – 'rural urban boundary'). These are addressed elsewhere.

Approximately 800 'urban' sites are affected by the RPO. The residential sites are zoned in the operative AUP as either (Residential) Single House, Mixed Housing Suburban or Mixed Housing Urban. All of these zones are to be changed to incorporate the MDRS specified in the Act for areas within the 'urban environment'.

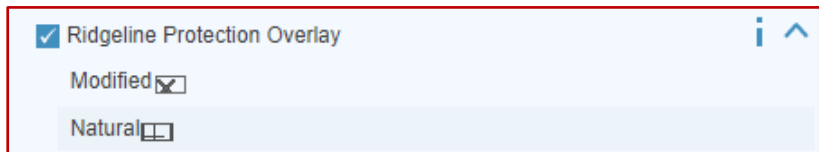
The RPO is primarily in areas at the western fringe of the city close to the boundary of the Waitākere Ranges Heritage Area (WRHA). There are also RPO areas at the south eastern urban edge of the city, within the Howick Local Board and Manurewa Local Board areas. The Point View Drive and Redoubt Road ridgelines delineate the Whitford and East Tamaki rural areas to the east from the urban environment to the west. The sites in these areas are mainly zoned Rural Countryside Living or Future Urban which are zones not affected by the MDRS (or policy 3 of the NPS-UD). There are, however, a number of sites that are within the urban environment and subject to the MDRS in these south eastern peri-urban areas. Refer to **Attachment 3** for graphics of all affected areas.

The GIS viewer of the AUP has a geo-spatial layer that when turned on (checked) will show the spatial extent of the RPO. The overlay is a 'management layer' under the heading

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<sup>2</sup>The Titirangi Village 'Local Centre' zone is affected by the RPO, but is outside the urban environment and within the WRHA and is addressed elsewhere. 'Walkable catchments' pertain to the areas described in Policy 3 of the NPS-UD.

Natural heritage. It indicates whether a portion of ridgeline is either 'Modified' or 'Natural', as shown below.



The following is a sample of a suburban area that is subject to the overlay (as shown in the Council's Preliminary response 19 April 2022 viewer). It shows 'modified ridgeline' along Titirangi Road near the top of Golf Road, at the edge of the Waitākere Ranges Heritage Area (WRHA).



The RPO as a qualifying matter is spatially represented clearly in the AUP. Selecting (clicking on) any site affected in the Council's Preliminary response GIS viewer will bring up a text window that displays all relevant zone and 'qualifying matters' pertaining to that site.

The operative AUP text (2016) for the RPO is within chapter D15 – Ridgeline protection overlay. These provisions are supported by chapter B4.3 of the Regional Policy Statement - Natural heritage. The D15 provisions defer to chapter E26 Infrastructure in respect of 'infrastructure' that may be required to locate within the RPO areas. Those provisions operate independently and do not require any change from an RPO perspective.

The operative D15 provisions have their origins in the legacy district plans of the former Waitākere and Manukau City Councils. The 2013 notified / proposed AUP provisions essentially synthesised the two Waitākere and Manukau legacy approaches to ridgeline protection throughout the region and provided an uncomplicated policy and rule framework in an overlay (now D15).

The provisions of D15 have reached their current operative state following the extensive Auckland Unitary Plan preparation process that occurred between 2013 and 2016. This involved the notification of the proposed plan in 2013, the receipt of submissions and 'further submissions', the processing and hearing of submissions by the Independent Hearings Panel (IHP) and decisions by the Council after receipt of recommendations from the IHP. This process resulted in some RPO areas being shortened and realigned to better reflect the topography in those areas. The notified provisions of what is now D15 were modified to function more effectively, to give a greater clarity and certainty to those values that the Council was endeavouring to manage.<sup>3</sup>

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<sup>3</sup>Refer to the evidence of Council planner Ruth Andrews listed at the foot of this report.



Chapter D15 and the delineated RPO areas in the AUP GIS viewer have remained unchanged since 15 November 2016<sup>4</sup> and those in 'urban environment' areas are now subject to review as a result of this IPI plan change process. This report outlines the various changes to those provisions that are considered appropriate to address the conflicts that arise between the new housing directives of the MDRS and the desired outcomes of the RPO as expressed in the objectives and policies of the AUP.

#### Ridgeline areas relevant to this report

The 'urban environment' areas affected by the MDRS are set out in **Attachment 3**. The maps are from the operative AUP.

All areas are listed below, along with the results of an expert evaluation which generated a recommendation as to whether each still qualifies for protection under the RPO. The details of this evaluation are set out in **Attachment 2** and are summarised here:

- **Redhills ridge** (Natural ridgeline) - partly within Redhills Precinct  
Recommendation: Remove the RPO from Red Hills Road.
- **Sturges Road ridge** (Modified ridgeline)  
Recommendation: Remove the RPO from the part of Sturges Road ridge within the RUB.  
  
For completeness, the very small portion of 'modified' ridgeline that would remain should become 'natural', to align with the adjoining overlay and the Significant Ecological Area (SEA) overlay on this property (286 Sturges Road).
- **Waikumete cemetery ridge – Sunhill Road** (Modified ridgeline)<sup>5</sup>  
Recommendation: Retain the RPO and recognise it as a QM for this ridgeline.
- **Glengarry Road and Phillip Avenue ridgelines** (Modified ridgelines)  
Recommendation: Retain the RPO and recognise it as a QM for this ridgeline.
- **Konini Road ridge** (Natural ridgeline) – site of Konini Primary School  
Recommendation: Retain the RPO and recognise it as a QM for this ridgeline.
- **Titirangi Road (Highland Avenue) ridge** (Modified ridgeline)  
Recommendation: Retain the RPO and recognise it as a QM for this part of the Titirangi Road ridgeline.
- **Takahe Road ridge** (Natural ridgeline)  
Recommendation: Retain the RPO and recognise it as a QM for this ridgeline.
- **Point View Drive ridge** (Natural ridgeline)

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<sup>4</sup>The date the AUP became 'operative in part' with specific matters and sites outstanding, not affecting the RPO.

<sup>5</sup> The cemetery has a 'Special purpose - Cemetery' zoning and this is not affected by the NPS-UD or the MDRS.

Recommendation: Retain the RPO and recognise it as a QM for this part of the Point View Drive ridgeline.

- **Point View Drive ridge at Lansell Drive** (Modified ridgeline)

Recommendation: Remove the RPO from number 67 Point View Drive.

- **Redoubt Road ridge at Michael Boshier Way** (Modified ridgeline)

Recommendation: Remove the RPO from those properties within the MUL in the vicinity of Michael Boshier Way.

- **Redoubt Road ridge at Mill Road** (Modified ridgeline)

Recommendation: Remove the RPO from the Residential -Mixed Housing Suburban zoned properties in the vicinity of Mill Road.

### Key issues

It is primarily the height of structures in the defined RPO areas that creates a potential incompatibility with the development enabled by the MDRS, which provides for three units up to three storeys without resource consent<sup>6</sup>.

Tall structures on ridgelines that are sensitive to urban built forms have the potential to be excessively conspicuous generating adverse visual landscape effects from various public places, both near and far. Ridgelines can have wide viewing audiences and stark contrasts of built form on sensitive ridgelines are not considered appropriate by the general community. The natural heritage and character of the city these ridgelines contribute to are deserving of protection in line with the imperatives of section 7 of the Act, which are addressed in the next section.

However, there are other factors besides 'height' that may generate adverse effects from built form. The overall bulk and form of a building or buildings and the nature and colour of claddings, along with the potential loss of vegetation, or the lack of new vegetation, may also give rise to an adverse effect in a particular context.

While there is a range of factors that the RPO overlay seeks to address in evaluating a particular development proposal for a particular site, it is height (above 1m) that is the critical determinant of whether or not a resource consent is required and therefore whether a specific assessment is required to ascertain the extent of potential adverse effects. The specific methods the AUP uses to determine the activity status and the assessment of a development are discussed further on in this report. In short, any development over 1m in height requires a consent under the RPO provisions of chapter D15 and requires specific

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<sup>6</sup>It is noted however that this MDRS height and 'three units' enablement is the same as currently provided for in the operative Residential-Mixed Housing Urban zone that applies to some sites that are affected by the RPO. In the main, it is sites currently zoned Single House or Mixed Housing Suburban (to 8 metres in height, two storeys) that are within the RPO and which stand to benefit from the greater MDRS enablement while at the same time generate an issue in terms of the purpose of the RPO. It is also noted that the 'Suburban' zone provides for three units without resource consent (generally two storeys in height).

assessment (unless it is an alteration or addition of an existing building, within certain limits). A greater level of scrutiny applies where the development is visible above the ridgeline with a sky or sea backdrop. These provisions are currently operative in the AUP.

Accordingly, it is only the height standard of the MDRS that is modified by the RPO as a 'qualifying matter' because this is the key determinant of a likely visual impact. But in the assessment of a resource consent application, other non MDRS factors may be relevant (refer s77J(4)(b)).

The degree of 'incompatibility' between the purposes of the RPO and the legislated enablement of the MDRS will vary from site to site. Sites do not generally have the same natural and contextual characteristics, or degree of visual conspicuousness or sensitivity to development. However, the various sections of ridgeline that are addressed in this report do tend to have a homogeneity about them and so each is treated as if it was one 'site', for the purposes of Section 77L of the Act (refer **Attachment 2**)

Height is the critical standard that creates the potential conflict between the RPO and the MDRS. A single storey development may have characteristics that cause it to be inappropriate for a given situation. On the other hand, some sites may be able to accommodate three storeys without significant visual landscape effects, while others may only be required to retain established vegetation and /or provide for new landscaping to adequately mitigate the visual impact. Every situation will be different.

In summary, the potential for conflict will vary from location to location and from development to development and each site will have a unique set of public places from which the site/development might be conspicuous and from which there might be an adverse effect. The RPO overlay is not concerned with how much development occurs, but with the nature and visual impact of that development in the context of the ridgeline it occurs on. Height is the critical control measure (standard) which determines whether or not an assessment is required so that all relevant criteria, or policies, can be weighed up and the purposes of the Act promoted, being the 'sustainable management of natural and physical resources'.

The Council has not done a 'site by site' analysis in terms of section 77L of the RMA to determine what the optimum height of development should or could be for each of the 800 properties affected. Rather, each relevant section of ridge has been treated as a 'site' and assessed by Council's landscape expert as to its value for protection going forward (refer to **Attachment 2**). There are many variables affecting property development and the choices individuals may make. There are not a significant number of sites affected when considering the 'national importance of urban development' for the city as a whole, and the RPO is an existing control which affected landowners will generally be aware of. It is considered more efficient for each development to be subject to an appropriate evaluation at the time of development, if and when it occurs, commensurate with the likely scale and significance of the effects within each particular context.

## Objectives and Policies

'Ridgeline protection' is a matter that is addressed in the AUP in response to section 7 of the RMA, 'Other matters'. These are matters that the Council, in achieving the purpose of the Act, is required to "*have particular regard to*". The protection of the visual landscape qualities of specified ridgelines is in response to the following matters:

(c) the maintenance and enhancement of amenity values (and)

(f) the maintenance and enhancement of the quality of the environment

'Amenity values' is defined in the Act as "*those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes*".

Prominent ridgelines in urban environments that contain vegetation and are not dominated by structures currently form a pleasant backdrop to the visual intensity of the urban landscape, in a similar way to Auckland's volcanic cones (maunga), and contribute to the 'pleasantness and aesthetic coherence' of the city. This intensity of urban development is already occurring as a result of five years of higher intensity AUP zones and is now to be enabled more extensively across the city by the MDRS. The potential for undesirable or adverse outcomes is increasing.

Prominent and valued ridgelines provide visual relief and a soft edge to the varied and growing built form of the urban landscape. This visual relief and coherence of the landscape with development and vegetation is valued by the wider Auckland community and is a component of the urban landscape that warrants safeguarding with appropriate controls. This is particularly so in the west where ridgelines extend down from the Waitākere Ranges into the rural / urban fringe. The Waitākere Ranges are protected by legislation as a natural heritage area of special significance to Auckland and to mana whenua<sup>7</sup>. In the east, the urban / rural edge, such as at Point View Drive and Redoubt Road, are visible from a wide range of near and far public viewpoints and is therefore of more than just local significance.

The objectives of the Regional Policy Statement, chapter B4.3 (Natural heritage) of relevance to the RPO and which provide support for the more specific objectives and policies of chapter D15 are as follows:

#### B4.2.1. Objectives

(1) Outstanding natural features and landscapes are identified and protected from inappropriate subdivision, use and development.

(2) The ancestral relationships of Mana Whenua and their culture and traditions with the landscapes and natural features of Auckland are recognised and provided for.

#### B4.3.1. Objectives

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<sup>7</sup>Waitakere Ranges Heritage Area Act 2008

<https://www.legislation.govt.nz/act/local/2008/0001/latest/whole.html#DLM1076076>

(2) Significant views from public places to the coastal environment, ridgelines and other landscapes are protected from inappropriate subdivision, use and development.

The above objectives are summarised in the following statement at RPS section B4.6.

*Explanation and principal reasons for adoption* (fifth paragraph):

*"Protection is also appropriate for views of the coastal environment, ridgelines and landscapes where those are regionally or locally significant."*

Chapter D15 of the AUP specifically addresses the 'ridgeline protection' overlay in support of the RPS and statutory provisions (section 7 RMA). The following statement from D15.1 'Overlay description' summarises the scope and purpose of the 'overlay'. Below this the single objective and two policies of the overlay are quoted:

*"Auckland contains a number of prominent ridgelines that contribute to the diverse scenic character and amenity of the region. Often vegetated, ridgelines provide a backdrop to urban and rural areas and form major parts of the coastline. To ensure the integrity of ridgelines is protected and maintained in accordance with their context, appropriate site sizes, placement and scale of buildings, and the retention of existing vegetation is important. The identified ridgelines include those of the Waitākere Ranges and their foothills, and the ridgelines that delineate the Whitford rural area from the adjoining urban environment"*

#### *D15.2. Objective*

*(1) The visual landscape qualities of Auckland's natural and modified ridgelines are protected and maintained or enhanced.*

#### *D15.3 Policies*

*(1) Recognise the landscape values of the ridgelines in accordance with their particular context and attributes by:*

*(a) managing adverse effects from subdivision, land use and development on the visual landscape qualities of ridgelines when viewed from public places;*

*(b) utilising planting of new vegetation to mitigate the adverse effects of buildings; and*

*(c) retaining the low-density and natural character (including retaining the vegetated appearance) of natural ridgelines.*

*(2) Control the location and scale of buildings to ensure they do not protrude above or dominate the identified ridgelines when viewed from a public place.*

The D15 overlay sits over the top of the zone provisions that apply to the land (anticipated to be the modified MHU/MDRS zone). The structure and regulatory hierarchy of the AUP is generally that 'overlay' provisions take precedence over the provisions of the 'underlying zone' and its standards (refer to Chapter A Introduction of the AUP).

The provisions of D15 require a site-specific assessment, as part of an application for consent, of any development or building proposal that is over 1m in height. There are no other development standards that apply or that give rise to a consent application. However,

an existing structure that is to be altered or added to is confined to both the extant height and building ‘footprint’ (coverage). The 1m height limit for permitted activities amounts to a standard that is incompatible with the enabled MDRS height standard arising from the concern for the visual landscape qualities of specified ridgelines.

In the case of the RPO, a height limit of 1m in effect replaces the ‘height’ of 11m of the MDRS. The most onerous rule takes precedence and determines the activity status of the building or development. An otherwise permitted development in terms of the residential zoning may therefore require consent within the RPO locations.

The operative activity table of D15 follows:

<b>Activity</b>		<b>Activity status</b>	
<b>Development</b>			
		<b>Natural ridgelines</b>	<b>Modified ridgelines</b>
(A1)	Buildings less than 1m in height	P	P
(A2)	Additions or alterations to buildings that do not increase their height or building coverage	P	P
(A3)	Buildings not provided for as a permitted activity and which are not visible in front of the sea or above the ridgeline or skyline when viewed from a public place	RD	RD
(A4)	Buildings which have a sea backdrop or a sky backdrop above the ridgeline when viewed from a public place	NC	D

The activity rules of Table D15.4.1 provide that buildings less than 1m in height and ‘*additions or alterations that do not increase the height or coverage*’ of the extant structure are Permitted (P) and do not require consent.

Buildings within the RPO but ‘*not visible in front of the sea or above the ridgeline or skyline when viewed from a public place*’ are restricted discretionary activities (RD). These are subject to specific assessment criteria set out in D15, and applications may be consented or declined, or consented subject to conditions. An unrestricted discretionary activity (D) consent application is required for ‘*buildings which have a sea backdrop or a sky backdrop above the ridgeline when viewed from a public place*’. If the ridgeline is classified as ‘natural’ then the activity status for structures ‘above the ridgeline’ becomes non-complying (NC). For D and NC applications, a broader range of factors can be considered in the determination of the application, including any relevant objective or policy from elsewhere in the AUP. The specified assessment criteria of D15 would still be the focus of any evaluation.

The assessment criteria address the following matters:

- The location, siting and design of buildings (which includes their height);
- The effects on landscape values and visual amenity; and
- The mitigation of any adverse visual landscape effects.

There are five 'assessment criteria' for restricted discretionary activities and one or more may apply to a given situation:

- (1) the siting, size and height of the building adversely affects the form and integrity of the ridgeline;
- (2) the building can be located in a less prominent location;
- (3) the building, including its design and materials, will be visually intrusive from a public place;
- (4) there are adverse visual effects associated with the building, such as landform modification associated with creating a building platform, accessways, or other servicing requirements; and
- (5) existing vegetation can be retained and planting can be provided to ensure buildings will integrate with the form of the ridgeline.

A 'public place' is any road or reserve and can include a beach or place controlled by a 'Council Controlled Organisation' (CCO), (refer to chapter J1 of the AUP for the full definition).

The Council considers that the provisions of the D15 overlay generally provide appropriately for the environmental concerns related to the landscape amenity values of protected (natural and modified) ridgelines. However, in the light of the greater development opportunities of the MDRS the assessment criteria are considered to require some minor amendments to achieve greater clarity or precision, and also require further policy support. These changes are discussed further on in this report.

## Development of Options

As set out in the previous section, it is only the MHU/MDRS height standard of 11m<sup>8</sup> that requires to be 'modified' to enable the existing RPO (overlay) to function as it does in the AUP. No other MDRS standards are considered to require modification (in terms of section 77J(4)(b) of the Act).

The overlay sets a height limit of 1m for all new structures, so that their visual impact can be evaluated in a site-specific way, as seen from relevant public places. Once development over one metre is subject to a consent application, the development will be considered as a whole. The other MDRS standards do not of themselves generate a need for consent but in assessing an application as a whole, other aspects arising from the visual impact of the development may need to be subject to change in order to achieve an appropriate outcome. For example, to protect vegetation, a rearrangement of the building footprint may be necessary. Or a greater yard on one side, or articulation of the building/s, may avoid the

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<sup>8</sup>It is assumed for the purposes of this report (as at May 2022) that the zoning of the land that will apply to all sites within the RPO is the modified MHU/MDRS zone. This modified zone will apply to all residential land within the urban environment that is affected by the RPO (overlay). The MDRS provides for a building 'height' of 11m (three storeys) and three dwellings as a permitted activity.

appearance of a continuous block of built form. These issues may not be understood apart from a site specific assessment carried out by an expert and which accompanies an application for consent.

The operative provisions of D15 have generally been functioning efficiently for six years and do not present any significant issues in their administration<sup>9</sup>. The provisions are clear in their desired outcomes and the rules are readily interpreted for given situations. However, the issues that do arise stem from the basic conflict that derives from the structure of the AUP, which has 'overlay' provisions which are intended to take precedence over the 'underlying zone' provisions which enable development. Typically applications do not give adequate consideration to the outcomes sought by the provisions of D15. Assessments are not always as robust as they should be, and the involvement by an applicant of a specialist landscape consultant is more likely to be as a result of a 'further information' request by the Council. This creates a certain amount of inefficiency in processing applications.

The Council does not consider that the provisions of D15 require significant change arising from the MDRS. However, the Council does consider that some adjustments would make the provisions clearer, and a new policy would provide stronger support for the assessments that are required and the outcomes that are desired. Also, under 'Special information requirements' (D15.9) it is considered appropriate to state that a specialist landscape report will be required in line with the scale and significant of effects. It is important and more efficient for applicants to see from the outset that this may be a requirement and not later in the process as a 'section 92' request (for 'further information'). These changes are intended to ensure that the enablement of the MHU/MDRS zone can proceed while the important 'ridgeline protection' outcomes are safeguarded by way of clearer and stronger language.

The main alternative option (Option 5) of deleting the overlay provisions completely from all 'urban environment' sites subject to MDRS would best promote the MDRS and housing objectives but would not promote the other important outcomes derived from the purpose of the Act, the particular matter of section 7 of the Act, or contribute to a well-functioning or quality urban environment. The 'high level' consideration of this option did not score well in terms of all the relevant objectives and policies (refer **Attachment 1**). The values of the protected ridgelines are considered to be well understood by the community and mana whenua, and ongoing protection from adverse visual impacts is important in the light of all relevant objectives and policies. However, some parts of ridgelines have been found to be no longer worthy of protection due to developments that have, cumulatively over time, compromised the visual coherence and amenity value of the ridgeline. These areas are addressed in the report by Council's consultant landscape architect, Melean Absolum (refer **Attachment 2**).

Another option that has been considered is that of a more generous permitted overlay 'height' that would provide for single storey developments on all sites (such as 5m). This has been dismissed for these reasons:

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<sup>9</sup>Personal communications with senior planning staff of the Resource Consents Department, April 2022 (K Hunter, M Hannan and M Treacy) and the Plans and Places Department May 2022 (S Quin and G Howdle, specialist landscape architects).



- It would be possible for a long single storey development along a ridgeline to have an adverse effect if it were not well designed with articulation to break up its continuous bulk or had an appropriate colour scheme or cladding. This could be especially significant for sites that are right at the apex of the ridgeline.
- A single storey height allowance may tend to promote this type of (long, low) development and this may not necessarily be an appropriate use of land and may cause greater loss of established vegetation in achieving a greater footprint and floorspace. In considering whether a certain buildable height should be provided for, the Council has concluded that it is not possible to set a specific lower height (than 11m and above 1m), such as 'single storey', which would ensure there would be no adverse effects for all sites within all specified ridgelines. There are too many possible development outcomes that could detract from the amenity provided by the protected ridgelines.
- It is also not considered feasible, efficient or appropriate to try to determine a unique 'height' standard for each site within the RPO areas which is an outcome that might be expected from a property by property analysis under section 77L(c) of the Act. The RPO provisions work to enable all forms of development provided any potentially adverse visual landscape effects can be avoided, remedied or mitigated, as viewed from public places, with particular concern for development that would have a clear sky or sea/coast backdrop. It may be possible in some situations for three or more units of three storeys in height to have an acceptable visual impact, whereas on other sites, only a single, one storey development may be acceptable. The Council cannot anticipate what development outcomes a landowner might seek to pursue or what outcomes might be acceptable on each and every site, and therefore it is considered more appropriate and efficient to maintain a uniform low threshold beyond which consent will be required (Option 4).

One further option has been considered by the Council: To fix and stipulate in the overlay the specific viewing points within 'public places' for each ridgeline, or portion of ridgeline. These would be the points which an applicant would use to complete the visual assessments of the proposed development. The visual impact or outcome would be evaluated only from these points. This would achieve certainty and efficiency for the applicant, but the Council has dismissed this option as inappropriate and inefficient for the following reasons:

- In most cases there are a large number of potential viewing points. A development may be largely inconspicuous from some but very conspicuous from others. The Council would have to try to anticipate the various forms of development possible on each site and then establish the points from which an adverse impact may arise. The cost of this would be prohibitive (and is another reason the Council does not consider it appropriate to carry out a property by property analysis in terms of section 77L of the RMA for all RPO sites.)
- It is not so much the appearance from certain points but the overall impact on the ridgeline taking account of other developments, vegetation and the nature of what is proposed or has been consented. Again, this will vary from site to site and with each proposal. The Council cannot be expected to speculate what might occur on each site, in the same way that it would be challenging and inappropriate to try to specify an

acceptable 'height' for each site (as might be required pursuant to section 77L RMA). It is not Council's role in the management of urban change to determine for a landowner or developer what would be appropriate for any given site. Its role is to evaluate any proposed development against relevant and agreed assessment criteria and desired outcomes specified in the relevant plan.

- It is likely that intervening vegetation or developments will affect viewing points over time. This would necessitate review of these by the Council to keep them valid, requiring a plan change to specify other viewing points. This would not be an efficient use of Council resources.

Having reviewed the various options for the RPO overlay in the light of the MDRS housing directives, Council is of the view (at this stage in the process) that the overlay should carry forward and function largely as it does at present. Subject to some modifications to the overlay text addressed in the next section, this is Council's 'preferred option' for the RPO to function as a 'qualifying matter'.

## Proposed modifications to chapter D15 overlay

A review of the provisions of D15 has identified the following needs. Firstly there is a need to refer to the permitted 'height' of buildings within a specific standard rather than in the activity table. This then makes it clear, as required by the Act, that there is a standard for 'height' that replaces that of the MDRS 'height' standard due to the RPO being a 'qualifying matter'. The following changes are required:

Activity table entry D15.4.1 (A1) to be altered as follows (deleted text ~~struck through~~ and new text underlined):

(A1)	Buildings <del>less than 1m in height</del> <u>that comply with standard D15.6.1 Building height</u>
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D15.6 Standards to be amended as follows:

### **D15.6 Standards**

~~There are no standards in this section.~~

The permitted activities listed in Table D15.4.1 Activity table must comply with the standards that follow:

#### **D15.6.1 Building height**

Buildings must not exceed 1 metre in height, provided that 'additions and alterations' provided for at (A2) of Table D15.4.1 Activity table do not need to comply with this standard.

Secondly, the assessment criteria require to be amended in minor ways to reinforce the importance of addressing 'height', retaining vegetation, addressing colour as an important

component and to recognise that with the enablement of the MDRS there are likely to be multiple buildings involved. The following wording changes are recommended<sup>10</sup>:

#### **D15.8.1 Matters of discretion**

- (1) height, location, siting and design including materials of buildings;
- (1) effects on existing vegetation, landscape values and visual amenity; and
- (2) mitigation of effects.

#### **D15.8.2 Assessment criteria**

- 1) the siting, size and height of the building(s) adversely affects the form and integrity of the ridgeline;
- 2) the building(s) can be located in a less prominent location;
- 3) the building(s), including ~~its~~ design, colour and materials, will be visually intrusive from a public place;
- 4) there are adverse visual effects associated with the building(s), such as landform modification and loss of existing vegetation associated with creating ~~a~~ building platform(s), accessways, or other servicing requirements; and
- 5) existing vegetation can be retained and planting can be provided to ensure buildings will integrate with the form of the ridgeline.

It is considered that there is inadequate policy support sitting above these assessment criteria and in support of objective D15.2(1). The following new policy (3) is recommended. It adds to policies (1) and (2) aspects to do with the design and appearance of buildings, and the retention of vegetation, to assist in managing the greater intensity of development anticipated. These aspects are only relevant where an application for consent is required:

Require buildings and developments to be appropriately designed in terms of height, bulk, location, cladding and/or to retain vegetation or to provide for further landscaping in order to avoid, remedy or mitigate adverse effects on the landscape and visual qualities of the ridgeline.

It was also recognised that there was no mention under 'Special information requirements' (D15.9) of the likely need for a specialist landscape report to accompany resource consent applications. The AUP generally uses such references where an assessment may need to be done by a subject matter expert, depending on the significance of the proposal. The following changes are proposed:

#### **D15.1. Special information requirements**

~~There are no special information requirements in this section.~~

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<sup>10</sup>It is noted that these provisions also apply to large areas outside the 'urban environment' where, generally, higher landscape values are present.

All applications are to be accompanied by a landscape and visual assessment prepared by a registered landscape architect (Tuia Pito Ora, NZILA), commensurate with the scale and significance of the effects of the proposed buildings.

Finally, it is important that D15 acknowledges the statutory basis on which the provisions are written and why the RPO qualifies as a 'qualifying matter'. The following sentences are recommended to be added to D15.1 Overlay description:

The provisions of this overlay are to promote the purposes of the RMA and more specifically section 7(c) – the maintenance and enhancement of amenity values – and section 7(f) – the maintenance and enhancement of the quality of the environment. For those ridgelines, or parts thereof, within the Waitākere Ranges Heritage Area, the provisions assist to reinforce the purposes of the Waitākere Ranges Heritage Area Act 2008 (refer to chapter D12, Waitākere Ranges Heritage Area Overlay).

The provisions of this overlay affecting the identified ridgelines are a qualifying matter in accordance with sections 771(d) and 771(j) of the RMA. The overlay is shown on the AUP planning maps and identifies a ridgeline as either 'natural' or 'modified'.

## Consequences for development potential

The consequences for the development potential that would be prevented by accommodating the RPO overlay are not considered great relative to the capacity that is to be enabled across the city by the MDRS. There are approximately 800 sites affected and this is a small fraction of the city's stock of 'MDRS enabled' sites<sup>11</sup>. Sites are typically in the range of 600 to 1100 square metres in area, with some in the order of 1500 to 2000 square metres.

As outlined previously, each site and situation will be unique and it cannot be known how each and every site might be developed; whether sites will be amalgamated for redevelopment and so on. It is also not known the timeframe over which the development potential is to be realised, in order to account for a 'loss' of development yield.

The following assumptions have been made to determine a potential 'loss':

- Every site is redeveloped within a relatively short timeframe (10 years)
- Each existing site accommodates 3 units as a permitted activity (as per MDRS) –  $800 \times 3 = 2,400$  (some sites will accommodate more, some less, due to site size)
- Each site has one dwelling at present (which would need to be removed to make way for 3 new units) –  $800 \times 1 = 800$  from  $2,400 = 1,600$  net gain.
- Each development is likely to seek to be two or three storey units, to achieve a marketable product and floor area.
- If due to the RPO 20% of developments were required to be one storey and 60% two storeys while 20% could be three storeys, then this may reduce the development

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<sup>11</sup> There are over 380,000 properties having a residential zoning within the 'urban environment' of Auckland. 800 properties is less than one quarter of one percent of properties.

yield further. Some developments may not proceed if they cannot be full height or intensity.

- The conservative assumption made here is that at worst, there would be a 40% loss of yield over a 10-15 year period. Therefore the net gain of 1,600 reduces to 960 and the potential 'loss' is 640 units.
- *Note: This does not take account of the proposed removal of any RPO areas which would reduce the assumed 'loss'. Submitters may however successfully oppose the removal of areas from the RPO.*

## Evaluation of options

The options for the plan change and the RPO as a 'qualifying matter' are required to be appraised in the light of the following MDRS objectives the Act (which are required to be in the district plan). The focus is on Option 4 (preferred option) and Option 5 (main alternative option being to remove the RPO from the MHU/MDRS sites).

### *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:*

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

The first objective is considered the key one and is the same as objective 1 of the NPS-UD 2020. The second is achieved by the Council's modified MHU/MDRS zone which is to apply to all the suburban areas within the urban environment affected by the RPO.

A 'well-functioning urban environment' is defined fully in Policy 1 of the NPS-UD. It is an urban environment that has or enables:

- A variety of homes that caters to all households
- Māori to express their cultural traditions and norms
- Good accessibility between housing, jobs and amenities.

All the affected RPO areas are suburban or urban fringe in character and generally do not offer ready access to a wide variety of jobs or to the main commercial services households require (at centres). However, the nature of the hilly landscapes in the areas where RPOs are located is such that they provide high levels of living amenity, with views or significant trees, and ready access to open space and natural features. Māori have equal opportunities to these areas both in terms of access to living and recreational amenities.

The higher value of sites with extensive views means that the 'variety of homes' provided may not 'cater to all households' in terms of affordability. The protection of the ridgelines by the overlay would not change any of these contributing factors in a significant way while it would have other 'amenity' benefits for the wider community.

Objectives 2 and 4 of the NPS-UD are also relevant:

*Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.*

*Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*

Policy 6 of the NPS-UD requires Council (and decision-makers) to have particular regard to the following matters (summarised):

- The planned urban built form anticipated by the NPS-UD and as intended by the required IPI plan change
- That the 'planned urban built form' may involve significant changes to an area that both detract and improve certain amenity values, including by providing increased housing densities
- That significant change does not necessarily constitute an adverse effect
- That the changes envisaged contribute to a 'well functioning urban environment'
- That the changes contribute as far as is appropriate to increasing development capacity
- The likely current and future effects of climate change.

The Council accepts that the character of the ridgeline areas will change as more development occurs, which in turn adds to housing capacity. These changes will contribute to a 'well-functioning urban environment' provided the visual landscape effects are not adverse.

Policy 9 requires councils to take account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in a number of ways in relation to urban environments, including effective consultation and taking account of the values and aspirations of hapū and iwi for urban development. The preparation of the IPI plan change and the modified RPO provisions addressed here have taken account of the views of mana whenua. Generally speaking, mana whenua are very supportive of controls protecting ridgelines particularly in the context of the Waitākere Ranges. Specific points of feedback received and considered are addressed under 'Consultation summary'.

It is clear from the relevant objectives and policies that the Council is required to enable as much development as is possible, by way of the MDRS provisions of the Act and in recognition of the NPS-UD, and that the Council and community is to understand that change in urban landscapes will occur. At the same time, there is a concern to ensure 'well-functioning urban environments' and promoting the purposes of the RMA and giving due

recognition to matters of national importance and ‘other matters’ of significance, such as the quality of the environment and the maintenance and enhancement of amenity values. Safeguarding the particular landscape amenity values that ridgelines provide is promoting the purposes of the Act and the objectives and policies of the overlay (as proposed to be modified).

The benefits of the MDRS and NPS-UD are greater development opportunities with the aim of increasing supply and contribute to more affordable housing and more choice of living environments. The living environments being promoted are primarily those close to rapid transit stations and main commercial centres. They provide the greatest range of benefits through proximity to the services, amenities and facilities of those areas.

All the suburban areas affected by the RPO are not close to train stations or main commercial centres. The RPO areas can however provide a level of residential amenity that is quite different from and not achievable in those other areas. These living opportunities are very desirable and recognised as also contributing to ‘people’s general wellbeing and health’.

The RPO of the AUP does not stand opposed to developments on ridgelines. It is concerned to ensure developments take account of the value that the community attributes to the landscape amenity of the ridgelines. The Council accepts that the amenities of these areas will change, so the focus is managing the nature of change and avoiding as far as possible adverse effects over time.

The previous section demonstrated that overall, the ‘loss’ of development potential from the operation of the RPO (overlay) would not be great when considered region wide. It is acknowledged, however, that it could be significant for individual sites and certain forms of development.

#### Comparing costs and benefits

The following table summarises, in broad terms, the various costs and benefits that pertain to the ‘preferred option’ that is recommended for adoption by Council, further to the high level evaluation set out in **Attachment 1**:

<b>Preferred option:</b> MHU/MDRS with modified RPO overlay	<b>SIGNIFICANCE RATING</b>				<b>Comments</b>
	<b>Significant</b>	<b>Moderate</b>	<b>Minor</b>	<b>Not significant</b>	
<b>Costs and benefits</b>					
<b>Costs</b> – broader social, economic, cultural costs (e.g.of regulation)					Fair balance between costs and benefits of regulation
<b>Costs</b> - environmental– potential loss of landscape and amenity values and urban quality					MDRS will change the landscape; the RPO would limit the effects.

<b>Costs</b> - for housing supply / capacity (loss)					The RPO will reduce the supply of housing to some extent
<b>Costs</b> - for housing lifestyle choice, houses in elevated locations offering views					No appreciable loss of housing choice; houses will still occur in desirable locations with views
<b>Costs</b> - for developers/consenting costs/lost opportunity					Costs to developers of RPO compliance continue (as for operative zones)
<b>Benefits</b> – broader social, economic, cultural benefits; promotes ‘well-functioning urban environment’, and housing amenity values					Auckland communities and mana whenua have key landscape amenity values upheld; urban quality safeguarded
<b>Benefits</b> – environmental–potential gain in amenity values					Greater clarity to D15 provisions should maintain appropriate outcomes given MDRS
<b>Benefits</b> – for housing supply / capacity for Auckland					There will be increases due to MDRS
<b>Benefits</b> – for housing lifestyle choice, houses in elevated locations					Potential for more choice due to MDRS
<b>Benefits</b> – for individual developers in consenting					Desired outcomes made clearer including requirements for consent applicants

The key trade-off between the RPO overlay and the greater development enablement of the MDRS is in respect of the costs to individual landowners and developers of satisfying the provisions of D15 as compared with the benefits to the wider community of the regulation. The housing directives clearly provide for greater opportunities for some properties over their current (operative) zonings and standards while the overlay provisions are intended to remain in place to protect the valued landscape amenity provided by highly visible, urban fringe ridgelines. The overlay will modify the extent of development that is deemed appropriate in varying ways, from site to site. For some the costs of compliance will not change from the current situation; for others there may be greater costs. The implications for reduced housing supply or lifestyle choice will not be significant in the context of the enablement of the MDRS provisions for Auckland as a whole.

The main alternative to the ‘preferred option’ is that of removing the RPO from all the suburban sites that are due to have the MDRS provisions (Option 5). The following table summarises in broad terms the various costs and benefits of this option:

<b><u>Alternative option:</u></b> <b>MHU/MDRS with RPO overlay <u>deleted</u> from ‘urban’ sites</b>	<b>SIGNIFICANCE RATING</b>	
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<b>Costs and benefits</b>	<b>Significant</b>	<b>Moderate</b>	<b>Minor</b>	<b>Not significant</b>	<b>Comments</b>
<b>Costs</b> – broader social, economic, cultural costs (e.g.of regulation)					No regulation of visual landscape effects on valued ridgelines; lost general wellbeing
<b>Costs</b> - environmental– potential loss of landscape and amenity values and urban quality					MDRS would adversely change the landscape of protected ridgelines.
<b>Costs</b> - for housing supply / capacity (loss)					There would be no loss of permitted MDRS development due to RPO
<b>Costs</b> - for housing lifestyle choice, houses in elevated locations offering views					No loss of housing choice; perhaps more choice in these locations
<b>Costs</b> - for developers/ consenting costs/lost opportunity					Still some costs for some sites, e.g. earthworks consent, or where SEA overlay applies
<b>Benefits</b> – broader social, economic, cultural benefits; promotes ‘well-functioning urban environment’, and housing amenity values					Housing objectives promoted at expense of social and cultural benefits of urban amenity and landscape quality.
<b>Benefits</b> – environmental– potential gain in amenity values					Potential loss of living amenity
<b>Benefits</b> – for housing supply / capacity for Auckland					There will be increases due to MDRS; not significant for Auckland
<b>Benefits</b> – for housing lifestyle choice, houses in elevated locations					Potential for more choice due to MDRS, but not significant
<b>Benefits</b> – for individual developers in consenting					No RPO consenting requirements (may be other Auckland-wide consenting costs)

The main differences in ‘costs’ arising from the removal of the RPO would be:

- Reduced or nil resource consent application costs (depending on other Auckland-wide rules of the AUP) for individual developments; and
- Potentially significant costs for the quality of the urban environment, with the likely loss of the visual landscape qualities of the protected ridgelines over time. There would only be consideration of the visual effects of building height where the ‘height’ standard of 11 metres was to be exceeded.

The main benefits arise from a likely modest increase in housing capacity and some further lifestyle opportunities, with individual developers potentially gaining in 'moderate' ways due to the absence of the RPO regulation.

## Overall conclusion

The purpose of the RPO (as a qualifying matter) is clear and its methods of implementation are simple to follow. A one metre height standard takes precedence over the MDRS height of 11m, and this triggers a resource consent and evaluation of the landscape and visual effects of the development as seen from public places. The RPO does not necessarily stop full development being enabled; it requires that the visual effects on the landscape as viewed from public places are acceptable and not so conspicuous as to constitute an adverse effect, particularly where buildings protrude into the sky or sea/coast backdrop of the protected ridgeline. Developments that respect all the outcomes sought by the objectives and policies of the AUP will be promoting the purposes of the Act and its matters of importance while still providing greater housing capacity and choice in desirable urban fringe locations in accordance with the housing directives.

The impact of the controls on individual sites is difficult to gauge on a site by site basis as there are so many variables such as topography/contours, vegetation, site size and shape, along with existing developments and landowner aspirations. It is not considered Council's role to determine what might be the appropriate height or forms of development across varied landscapes for individual sites (as anticipated by section 77L RMA). The costs and complexity of such a system would outweigh the benefits of the simpler control system that presently exists, and which is preferred now. The cost in terms of potential lost development and housing is not considered great whereas the environmental cost of degraded urban fringe landscapes is potentially significant.

Some minor changes to the overlay text of chapter D15 will make the meaning and intent of the provisions clearer. A 'building height' standard will enable a direct comparison with the relevant MDRS standard, as required by the Act. A proposed 'special information requirement' will clarify the expectation of a specialist reporting requirement in certain situations.

The impact of the RPO for 800 affected sites is not considered significant in terms of the costs to housing supply in the wider context of Auckland's relevant residential zones and the MDRS objectives. This number is further reduced if the ridgelines that are recommended to be deleted are removed from the AUP.

It is accepted that the overlay has not been afforded the importance it should have had in certain areas and accordingly some areas no longer warrant protection and are recommended for deletion from the overlay (in the GIS viewer). These areas are addressed in **Attachment 2**.

## Information used

Below is list of reports, documents and evidence that has been used to help with the development of the plan change and assessment of it.

Name of document, report, plan	How did it inform the development of the plan change
Waitākere City Council, Proposed District Plan – Sensitive Ridgelines Ridge Name Database, Melean Absolum May 1997	The database includes the names of all 118 ridges (within WCC territory) assessed to be worthy of protection, the horizontal width to which the protection applies, the level of protection afforded the ridge and a list of places from which the ridge is visible. The database was formed to assist resource consent processing. It explains the genesis of the 'natural' and 'modified' classifications. The document provides background information to the plan change.
District Plan Special Committee Agendas and Minutes 1998, Item 20: Sensitive Ridgelines – Variation 69 ( <i>note, very large file</i> )	This records decisions of the Waitākere City Council in response to submissions concerning Variation 69 which introduced proposed 'sensitive ridgelines'. The committee considered a height limit of 5m but dismissed this as inadequate and inappropriate. Four appeals ensued and were resolved by consent with parts of ridgelines either deleted or modified. The specialist landscape architect (Melean Absolum) involved at that time is providing specialist input to the present plan change process.
Statement of evidence of Melean Absolum (Landscape Architect) 25 May 2015 to IHP hearings of submissions to PAUP in the matter of Topic 020 – (Viewshafts) Ridgeline Protection Overlay	The evidence addresses the submissions that requested changes to the spatial extent of the proposed RPO overlay. It covers the legacy council background to the RPO provisions and supports the text amendments recommended. Most of the sites reviewed at this time lie outside the current 'urban environment' - either in the WRHA or the Countryside Living zone of the former Manukau area.
Statement of evidence of Ruth Andrews (Planner) 25 May 2015 to IHP hearings of submissions to PAUP in the matter of Topic 020 – (Viewshafts) Ridgeline Protection Overlay	The evidence addresses submissions and further submissions (both in support and opposition) and recommends changes to the proposed (notified) RPO provisions of the PAUP in response to the submissions. The evidence assesses the recommended changes as required under s32AA of the RMA. It also covers the legacy Council background to the provisions.
Auckland Council Planning Committee Report 1 July 2021 which determined the list of 'qualifying matters'	The report confirmed that the Council considered that the RPO of the AUP Chapter D15 would be a 'qualifying matter' (QM) in terms of the NPS-UD and would become part of the IPI plan change process. Subsequently the RPO became a QM in terms of the MDRS provisions of the (amended) RMA.
AUP chapter E26 Infrastructure	This chapter provides specifically for 'infrastructure' and provides the consenting requirements for this where the RPO applies. It functions independently of the RPO (and other AUP provisions it intersects with).
AUP chapter D12 – Waitākere Ranges Heritage Area (WRHA) overlay	This overlay provides context for the RPO. The WRHA immediately adjoins the urban environment/RUB boundary. The following objectives are noted because

	<p>some of the ridgelines in the west of Auckland extend directly from the WRHA foothills:  <i>Waitākere Foothills(10) The Waitākere Foothills retain a rural character with low-density settlement and few urban-scale activities. (11) The Waitākere Foothills provide a rural buffer between urban Auckland and the forested landscape of the Waitākere Ranges and the coasts.</i></p> <p>Chapter D12 has numerous references to the RPO areas that are within the WRHA. It is noted also that the reference to ‘subdivision’ in the RPO is due to the various special subdivision rules that are in D12; there are no subdivision rules within D15.</p>
AUP chapter D9 – Significant ecological areas (SEA) overlay	A number of RPO sites also have the SEA overlay affecting them. The content of chapter D9 is important to be aware of, although it makes no specific reference to RPO.
Report by Melean Absolum dated 25 May 2022: <i>NPS-UD – Qualifying Matters – Ridgeline Protection Overlay.</i> (refer <b>Attachment 2</b> )	This report addresses the various suburban/urban fringe locations where the RPO and MDRS both apply. It recommends that certain ridgelines be retained and that two be deleted as the cumulative effects of development have undermined or compromised the landscape values that were sought to be protected and it is no longer considered appropriate to apply the RPO to those areas. Other minor spatial adjustments are recommended.

## Consultation summary

1. The First Schedule to the RMA sets out the relevant consultation requirements.
2. Consultation undertaken with the community – 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. A high level summary of the feedback received of relevance to the RPO as a ‘qualifying matter’ is set out below.
3. Consultation with Mana whenua / iwi authorities: Mana whenua have been engaged in the preparation of the IPI plan change at various stages in the process as required by the RMA (First Schedule). Iwi have expressed general support for all qualifying matters that aim to safeguard important environmental values: One comment from Te Kawerau ā Maki is more specifically directed at the areas the subject of this report, at the edge of the Waitākere Ranges:

“There is a significant number of sites currently proposed to be zoned Mixed Housing Urban (i.e. the MDRS Zone) adjoining the boundary of the Waitākere Ranges Heritage Area. Te Kawerau ā Maki seeks as a minimum that those properties that share a boundary with the Waitākere Ranges Heritage Area be included in the Low Density Zone, to remove the issue of ‘hard boundary’ urban impacts. Ideally, a wider buffer around the Waitākere Ranges Heritage Area would be preferred, following logical geographic features/catchment e.g. ridgelines or roads.” (*letter to Matthew Gouge, Senior Policy Planner, Auckland Council dated 25 June 2022*).

In response, the Council has proposed a ‘Low Density Residential’ zone to apply to specific situations where ‘qualifying matters’ will moderate the effect of the housing

objectives of the NPS-UD and MDRS. The 'ridgeline protection overlay' is not one of the areas the Council's proposed 'low density' zone would apply to and therefore the legislated MHU/MDRS zone is to apply; but the overlay will continue forward and moderate the greater enablement provided for in a similar way to how it operates at present.

4. Internal consultation with relevant Council planners and subject matter experts – This has been set out in the report.

## Summary of '19 April 2022' consultation feedback from the community

The report - "Government's new housing rules; What it means for Auckland, May 2022" - summarises the consultation feedback received during the period of Tuesday 19 April to Monday 9 May 2022 regarding the Council's 'preliminary response' to the government's National Policy Statement on Urban Development 2020 (NPS-UD) and introduction of Medium Density Residential Standards (MDRS) to the RMA.

Extract addressing the RPO from page 29 of report (note, the reference to "our proposal" is to the Council's 'preliminary response' proposals as set out in the GIS viewer and accompanying information sheets of 19 April 2022):

### 5.1.1 Ridgeline Protection Overlay

677 individuals commented on our proposal to include Ridgeline Protection Overlay as a qualifying matter:

- 568 supported our proposal
- 54 did not support our proposal
- 54 provided a response that did not clearly suggest whether they supported our proposal or not.

21 organisations also provided feedback, with 16 in support, one did not support and four provided a comment that did not clearly suggest whether they supported our proposal or not.



QUALIFYING MATTER:			
Ridgeline protection overlay (RPO)		OUTCOMES NUMBERED	1
<b>s32 RMA: BASIC OPTIONS ANALYSIS AGAINST HIGH LEVEL OBJECTIVES (OUTCOMES)</b>		<p><b>OUTCOMES DESIRED or REQUIRED</b> (from relevant higher order provisions)</p> <p><i>In columns 22 onwards, state all pertinent objectives or policies that contain statements supporting the achievement of the outcomes of your QM. Add further columns if necessary.</i></p>	NPS-UD, Obj 1- Urban environment provides for all peoples overall wellbeing/needs
		<b>Ratings - OUTCOME PROMOTED or NOT</b> - Yes / Neutral / No	
<b>Options (generic)</b>	<b>"Ridgeline protection overlay" options</b>	<b>SUMMARY DETERMINATION</b> <i>Should the option go forward for further analysis?</i>	
1. NPS <b>Policy 3</b> and/or <b>'MDRS'</b> zone/s as legislated; <u>no change to operative QM</u> provisions of AUP	1. Apply MDRS (MHU); no change to operative QM provisions of AUP ( <i>assumes that FIDA &amp; NC activities will remain for any development over 1m in height</i> )	This option is to be analysed in more detail. It is supportive of NPS/MDRS and retains QM controls, but some areas are likely to look more 'urban'. The key outcome of buildings not protruding above the skyline should be assured.	Yes
2. Do not apply <b>new zone/s</b> as legislated, <u>retain operative zonings</u> ; no change to operative QM provisions of AUP (We assume this option - 'status quo' - will be addressed, and dismissed, in the overarching section 32 discussion?)	2. Do not 'upzone' as legislated but retain operative SHZ, MHS and MHU operative zones under the QM/RPO overlay, which remains unchanged.	This option is not a viable option. The MDRS are a legislated requirement.	
3. NPS <b>Policy 3</b> and/or <b>'MDRS'</b> zone/s as legislated but <u>modify one or more MDRS standards</u> , to specifically accommodate or support QM provisions of AUP <u>which remain unchanged</u> ( <i>specify modifications in next column</i> )	3. Not a practicable option for the RPO QM; it is not practicable to make the RPO 'height' control of 1m the 'height' standard in any new MDRS zone.		
4. NPS <b>Policy 3</b> and/or <b>'MDRS'</b> zone/s as legislated <u>but strengthen</u> operative QM provisions of AUP (so QM outcomes are clearer or remain achievable)	4. Possible option - tighten up language of D15 and/or add specific geographic view points from which the ridgelines are seen, to be consistent with RPS	This option is supportive of NPS/MDRS and retains QM controls, but with more targeted provisions (vantage points specified) which could safeguard ridgelines with more precision. This option may also involve other text improvements to the D15 provisions.	Yes
5. <b>Other option</b> , not specified above (eg <u>remove</u> QM provisions; add entirely <u>new QM</u> provisions; use <u>new method</u> for same QM provisions) ( <i>specify option details in next column</i> )	5. Remove the QM provisions, ie the RPO overlay as it pertains to the residential sites that will be zoned MHU/MDRS	This option means there would be no QM of RPO for 'urban environment' MHU/MDRS residential sites.	No

1	2	3	4	5	6	7	8	8A	9	10	11	12	13	14
NPS-UD, Obj 1- Urban environment provides for all peoples' overall wellbeing needs	NPS-UD, Obj 2- Supports competitive land market	NPS-UD, Obj 3- More housing in demand areas (centres, RTN, high housing demand)	NPS-UD, Obj 4(A)- Urban environments develop and change in response to changing needs over time	NPS-UD, Obj 4(B)- Urban environments have amenity values that change and develop over time in response to changing needs	NPS-UD, Obj 5- Treaty principles upheld	NPS-UD, Obj 6(a)- Integrates with infrastructure planning & funding	NPS-UD, Obj 6(b)- Strategically sound over medium/long term	NPS-UD, Obj 6(c)- Responds, particularly to proposals that would supply significant development capacity	NPS-UD Outcome Obj 7 (H/M/L)- TLAs have information etc	NPS-UD, Obj 8 (a)- Supports GHG emissions reductions	NPS-UD, Obj 8 (b)- Supports climate change resilience	NPS-UD, policy 1(a)(i) (WFUEs) that - <b>have or enable homes that meet variety of different household needs</b>	NPS-UD, policy 1(a)(ii) (WFUEs) that - <b>have or enable homes that enable Maori to express cultural traditions and norms</b>	NPS-UD, policy 1(b) (WFUEs) that - <b>have or enable variety of sites suitable for business needs</b> (assumed business zones)
Yes	Yes	Neutral	Yes	Neutral	Neutral	Neutral	Neutral	NA	Neutral	Neutral	Neutral	Yes	Neutral	NA
Yes	Yes	Neutral	Yes	Neutral	Neutral	Neutral	Yes	NA	Neutral	Neutral	Neutral	Yes	Neutral	NA
No	Positive	Neutral	Neutral	No	No	Neutral	Neutral	NA	Neutral	Neutral	Neutral	Positive	Neutral	NA



14	15	16	17	18	19	20	21	22	23	24	25
NPS-UD, policy 1(b) (WFUEs) that - <b>have or enable variety of sites suitable for business needs</b> (assumed business zones)	NPS-UD, policy 1(c) (WFUE) that - <b>has good accessibility, all modes, for all people, to jobs, facilities etc</b>	NPS-UD, policy 1(d) (WFUEs) that - <b>support, &amp; limit adverse impacts on, competitive land and development markets</b>	NPS-UD, policy 1(e) (WFUEs) that - <b>support reduction in greenhouse gas emissions</b>	NPS-UD, policy 1(f) (WFUEs) that - <b>are resilient to the likely current and future effects of climate change</b>	MDRS, Obj 1 - same as NPS Obj 1 - <b>Urban environment provides for all peoples' overall wellbeing needs</b>	MDRS, Obj 2(a) - <b>The residential zone responds to types and size of housing needed</b>	MDRS, Obj 2(b) - <b>The residential zone provides for three-storey urban character</b>	QM - AUP Obj D15.2(1) <b>The visual landscape qualities of Auckland's natural and modified ridgelines are protected and maintained or enhanced</b>	QM - AUP Policy D15.3.(1)(c) <b>retaining the low-density and natural character (including retaining the vegetated appearance) of natural ridgelines</b>	QM - AUP Policy D15.3.(2) <b>Control the location and scale of buildings to ensure they do not protrude above or dominate the identified ridgelines</b>	AUP_RPS B4.3.1 objective (2): Significant views from public places to ... ridgelines ... are protected from inappropriate subdivision, use and development.
NA	Neutral	Yes	Neutral	Neutral	Yes	Neutral	Neutral	Yes	Neutral	Yes	Neutral
NA	Neutral	Yes	Neutral	Neutral	Yes	Neutral	Yes	Yes	Yes	Yes	Yes
NA	Neutral	Positive	Neutral	Neutral	No	Positive	Positive	No	No	No	No

**Attachment 2: Report by Melean Absolum Limited dated 25 May 2022: NPS-UD – Qualifying Matters – Ridgeline Protection Overlay**

**NPS UD IMPLEMENTATION - QUALIFYING MATTERS**

***RIDGELINE PROTECTION OVERLAY***



**For Auckland Council**

**MELEAN ABSOLUM LIMITED**

Landscape Architects

May 2022



## **1 INTRODUCTION**

Melean Absolum Limited (MAL) has been asked by Auckland Council to assist in the role of landscape expert, in the assessment of three overlays in the Auckland Unitary Plan (AUP) under the National Policy Statement - Urban Development (NPS UD).

The NPS UD requires, under Policy 3, that the AUP be amended to enable additional height and density of urban form in various locations within the urban environment. The implementation of Policy 3 is tempered, by Policy 4 which provides for modification of the relevant building heights and/or density requirements under Policy 3, but only to the extent necessary to accommodate a Qualifying Matter, (QM).

Additionally, the introduction of the Resource Management Enabling Housing Supply and Other Matters Amendment Act, (Enabling Act) in late 2021 included the new medium density residential standards, (MDRS) that will apply in urban areas, unless omitted by virtue of a QM.

The urban zones in the AUP which are identified for additional height and density of development through the MDRS which are relevant to consideration within this report are:

- Residential Single House; (R-SH)
- Mixed Housing Suburban; (R-MHS)
- Mixed Housing Urban; and (R-MHU)

The existing Ridgeline Protection overlay in the AUP is deemed potentially to be a QM in terms of the NPS UD and section 77I(j) of the RMA. The purpose of this report is to set out findings of an assessment of the extent to which additional development, as enabled by the MDRS, would adversely affect the values identified and protected by the overlay.

This report sets out the values of the overlay; provides a brief description of the various locations where the overlay applies; and considers the potential adverse effects of the level of development enabled by the MDRS on the specific areas. Recommendations are made on whether the additional height or density can be accommodated and whether removal or amendment of the extent of the overlay should be made.

## **2 RIDGELINE PROTECTION OVERLAY**

The Ridgeline Protection overlay (RPO) in the AUP arose from provisions within both the Waitākere City District Plan and the Manukau City District Plan. Each of these TLAs had responded to concerns raised by their ratepayers that increasing development, particularly in peri-urban areas, was increasingly occurring on prominent ridgelines and undermining the rural character of the local area.

Tall buildings on ridgelines that are sensitive to urban development have the potential to be visually prominent, generating adverse landscape effects from a range of public places. Ridgelines are often seen from a wide area and stark contrasts of built form on sensitive ridgelines are not considered appropriate to the community at large. Ridgelines contribute to the natural heritage and character of the city and are thus deserving of protection in line with the requirements of section 7 of the Act.

Height is not the only factor that has the potential to generate adverse effects from built form. The overall bulk and form of a building or buildings and the nature and colour of claddings can also contribute to an inappropriate development. Additionally, the potential loss of vegetation for access or building platforms, or the lack of new vegetation, may also give rise to an adverse effect in a particular context.

The geographical extent of the overlays in the AUP was taken directly from the legacy District Plans while new provisions were developed and incorporated into the plan. Those provisions include under D15.1 Overlay Description:

*"Auckland contains a number of prominent ridgelines that contribute to the diverse scenic character and amenity of the region. Often vegetated, ridgelines provide a backdrop to urban and rural areas and form major parts of the coastline. To ensure the integrity of ridgelines is protected and maintained in accordance with their context, appropriate site sizes, placement and scale of buildings, and the retention of existing vegetation is important. The identified ridgelines include those of the Waitākere Ranges and their foothills, and the ridgelines that delineate the Whitford rural area from the adjoining urban environment."*

From this description it is clear that the integrity of the ridgelines in their contribution to local scenic character and amenity values is to be protected and maintained. Intensified urban development has the potential to undermine these values, both in terms of the height new buildings might achieve, but also as a result of vegetation loss and

earthworks to accommodate denser development.

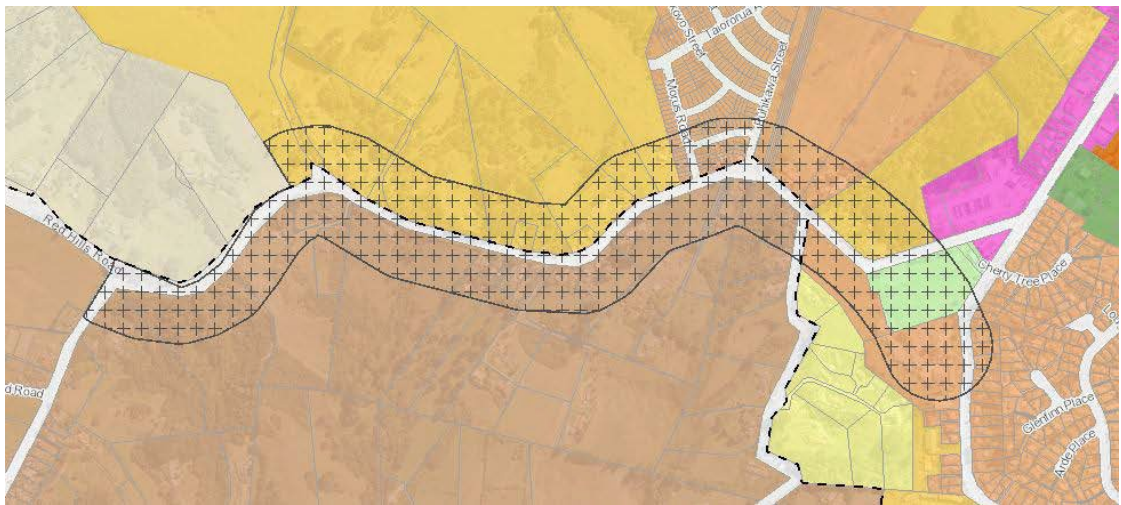
## 2.1 THE WAITAKERE RIDGELINES

The ridgelines to which the MDRS would apply in west Auckland are primarily on the edges of the Waitākere Ranges, where they project from the rural hinterland into the more urban areas, particularly around Titirangi and Glen Eden.

When these ridgelines were first identified they had one of two notations, either 'natural' or 'modified'. The differentiation comes from the level of development already apparent on the ridgelines at the time of their identification. The implications of this differentiation are that the activity status for the various levels of development differ, depending on whether the ridge is 'natural' or 'modified'.

Each ridgeline is discussed individually, below.

### 2.1.1 RED HILLS ROAD RIDGE



**Figure 1:** Red Hills Road Ridge from AUP

The Red Hills Road Ridge runs westwards from Massey West along Red Hills Road as far as the intersection with Sunnyvale Road and is identified as a 'natural' ridge. Unusually, the westernmost end of the ridgeline only covers land to the south of the ridge. Since the ridge's identification, the Rural Urban Boundary (RUB) has been moved to run along the ridge top, with R-SH, R-MHS and R-MHU zones all occurring on the northern side of the road.

To the south, the majority of the RPO is over Rural-Countryside Living, (R-CL) zoned land, to which the MDRS would not apply. At

the eastern end the RPO on the southern side of Red Hills Road, there is R-MHU zoned land but it is occupied by Massey Primary School and Massey Domain. Residential development of this land is unlikely.

Subdivision and development of one of the R-MHU zoned properties on the northern side of Red Hills Road has already been undertaken. Unfortunately, little regard has been had to the RPO in the design and layout of the subdivision and an unfortunate precedent has been set for residential development along the remainder of the northern side Red Hills Road covered by the RPO. Additionally any sense that this is a 'natural' ridge has been undermined.



**Photograph 1:** View south towards Red Hills Road Ridge from within the new subdivision.

As shown in **Photograph 1**, above, extensive earthworks and medium density housing development are stacked up the slope of the ridgeline masking the landform and undermining its integrity. Assuming this level of development continues along the remainder of the northern side of the road, the extent of vegetation removal and earthworks likely to be undertaken will continue to undermine the local scenic character and amenity values.

#### **RECOMMENDATION**

Remove the RPO from Red Hills Road.

## 2.1.2 STURGES ROAD RIDGE



**Figure 2** Sturges Road Ridge

The Sturges Road ridge emerges from the Waitākere Ranges foothills and crosses the RUB, extending 500m eastwards into R-SH zoned land. To the west of the RUB the RPO is largely identified as 'natural' and is over Rural - Waitākere Foothills (R- WF) zoned land, while to the east of the RUB it is 'modified'. However, the boundary between the 'natural' and 'modified' portions is not aligned with the RUB.

The RUB in this location marks a very distinct boundary between suburban development and much larger rural lots with much more vegetation cover and far fewer buildings to the west. This can clearly be seen in views to the ridge from Henderson Valley, as shown below.



**Photograph 2:** View towards Sturges Road ridge from Forest Hill Road, 300m south-west of the RUB, showing the boundary between R-SH and R-WF zoned land

As development has already occurred across the ridge top within the R-SH land, the ridgeline is already much harder to identify and no longer retains any scenic values.

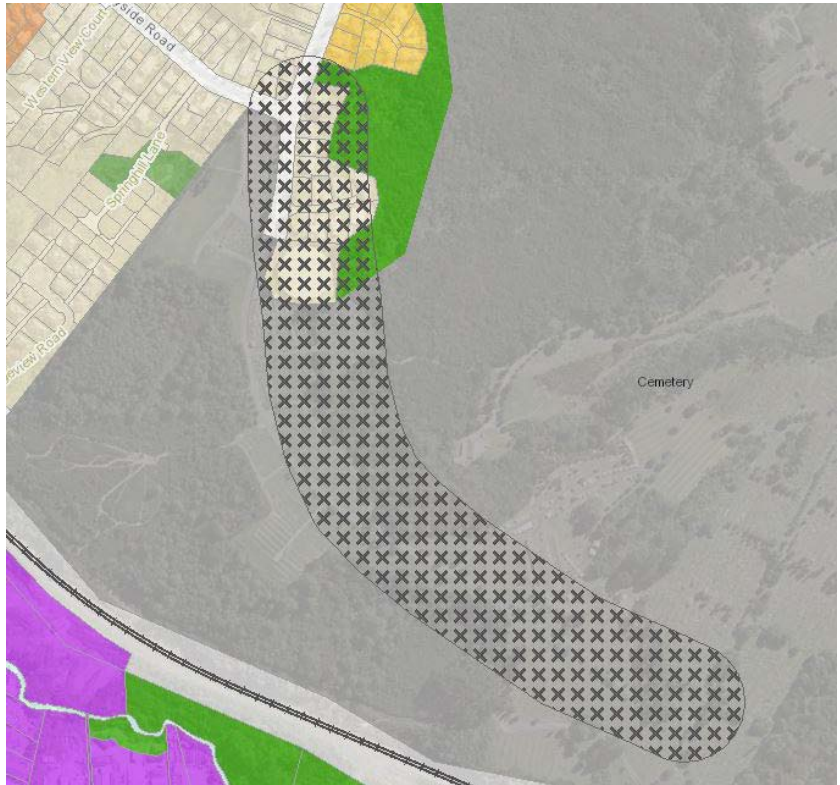
## **RECOMMENDATIONS**

Remove the RPO from the part of Sturges Road ridge within the RUB.

For completeness, the very small portion of 'modified' ridgeline that would remain should become 'natural', to align with the adjoining overlay and the Significant Ecological Area (SEA) overlay on this property (286 Sturges Road).

### **2.1.3 WAIKUMETE CEMETERY RIDGE**





**Figure 3** Waikumete Cemetery Ridge

The Waikumete Cemetery Ridge sweeps around the south-western corner of the cemetery and is demarcated as 'modified'. The majority of it lies over Special Purpose zoned land, utilised for lawn burial plots with some vegetated areas. The northern end covers 17 residential sections zoned R-SH, 3 to the west of Sunhill Road and 14 to the east. The three sections to the west of Sunhill Road contain only two houses while those to the east contain 12 dwellings, 1 vacant lot and, at the southern end of the zone, a large water reservoir. These 14 residential lots back on to the Sunhill Scenic Reserve to their east.



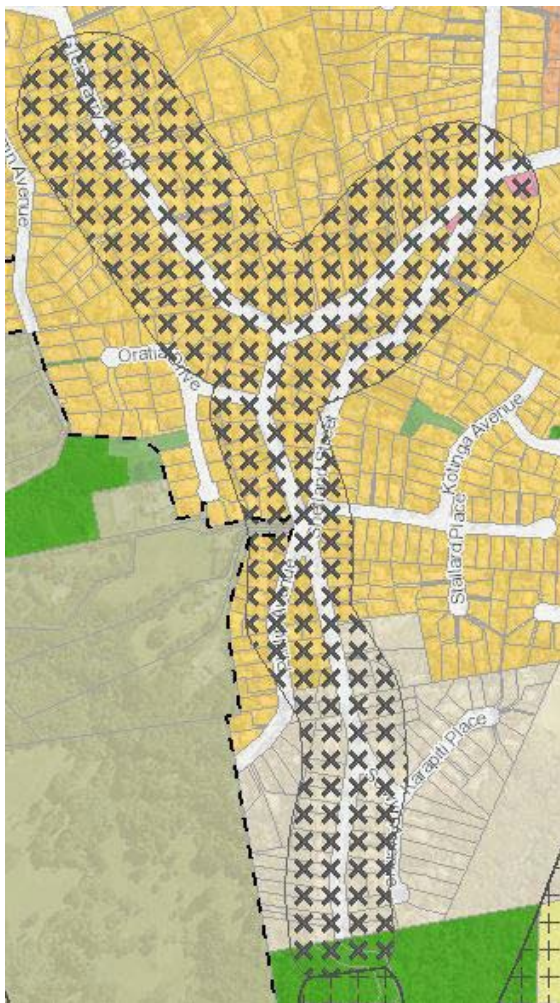
**Photograph 3** *Waikumete Cemetery Ridge seen from Albionvale Road*

Views towards any potential new development along the ridge are primarily from the west to south-west with dense vegetation in the scenic reserve screening the ridge top from the north-east to east. The ridge provides a backdrop to southern Henderson in the vicinity of Parrs Park and Bruce McLaren Road as well as to western Glen Eden around Sunvue and Solar Roads. Redevelopment of the R-SH zoned properties at the northern end of the RPO has the potential to undermine amenity values of these areas, both by increased height and density of development and also potentially by the loss of vegetation.

### **RECOMMENDATION**

Retain the RPO and recognise it as a QM for this ridgeline.

#### **2.1.4 GLENGARRY ROAD & PHILLIP AVENUE RIDGELINE**



**Figure 4** *Glengarry Road and Phillip Avenue Ridge*

This Y shaped ridgeline extends northwards from the Regional Park boundary on Shetland Street as far as Glengarry Road, where it splits to run both north-west and north-east along Glengarry Road. It is identified as a 'modified' ridge. At the southern end it covers properties zoned R-SH along both sides of Shetland Street, as well as parts of Selwyn Street and Karapiti Place. The larger northern portion covers properties zoned R-MHS along both sides of Glengarry Road, as well as parts of Phillip Avenue, Shetland Street, Oratia Drive, Autumn Avenue and Puketitiro Street. It also encompasses four commercial properties zoned B-NC one on the west and three on the east of the intersection of Shetland Street and Glengarry Road, but the NPS - UD will have no effect on these.

The southern part of the ridgeline and its well vegetated properties effectively divides the Oratia Valley in the west from Kaurilands to the east and provides an attractive and well vegetated backdrop to both areas. Similarly, the Glengarry Road portions of the ridge provide a backdrop to the north facing slopes of Glen Eden between Glengarry Road and West Coast Road.



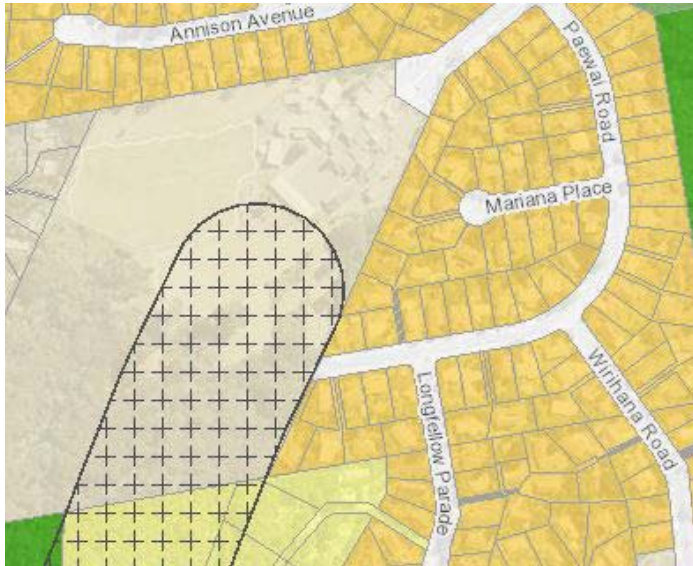
**Photograph 4** *Glengarry Road Ridge seen from Solar Road*

Redevelopment of the residential properties in line with the MDRS density and height limits would potentially require substantial earthworks, vegetation removal and buildings visible along the skyline. This would undermine amenity values across a wide area.

## RECOMMENDATION

Retain the RPO and recognise it as a QM for this ridgeline.

### 2.1.5 KONINI ROAD RIDGE



**Figure 5** Konini Road Ridge

The northern end of the Konini Road Ridge sits over one R-SH zoned property occupied by Konini Primary School, as can be seen in **Figure 5**, above. The ridge is identified as 'natural' and covers both a vegetated area identified as an SEA and open school playing field.

Redevelopment of this site in line with the MDRS provisions is unlikely.

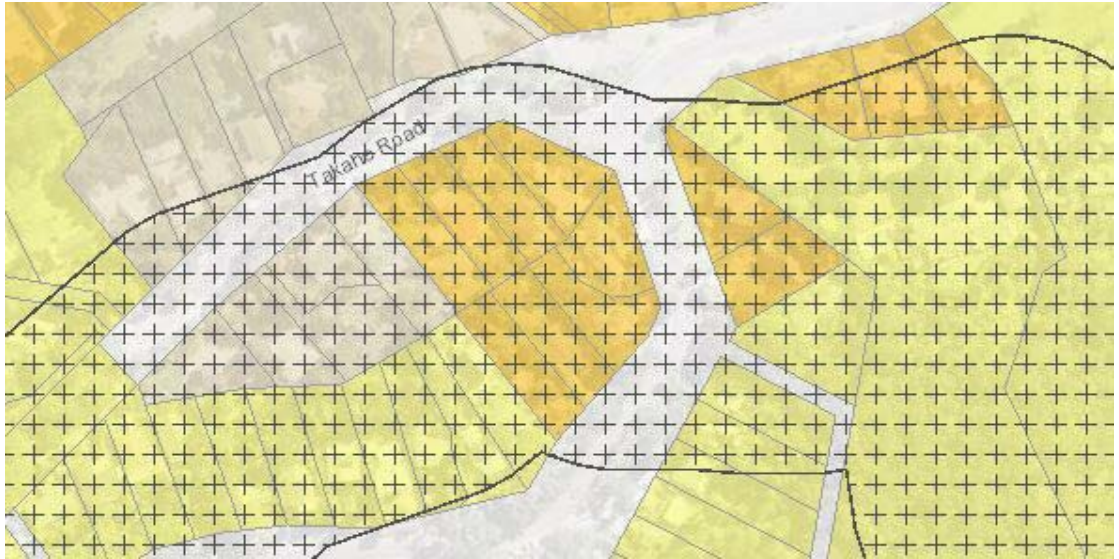
## RECOMMENDATION

Retain the RPO and recognise it as a QM for this ridgeline.

### 2.1.6 TAKAHE ROAD RIDGE

The MDRS provisions would apply to a very short length of the Takahe Road Ridge around the intersection of Avonleigh and Takahe Roads. As shown in **Figure 6** below, the RPO is notated as 'natural' and comprises all of 5 properties and parts of

4 properties zoned R-SH, along with the whole of 10 properties and parts of 3 properties zoned as R-MHS.



**Figure 6** *Takahē Road Ridge*

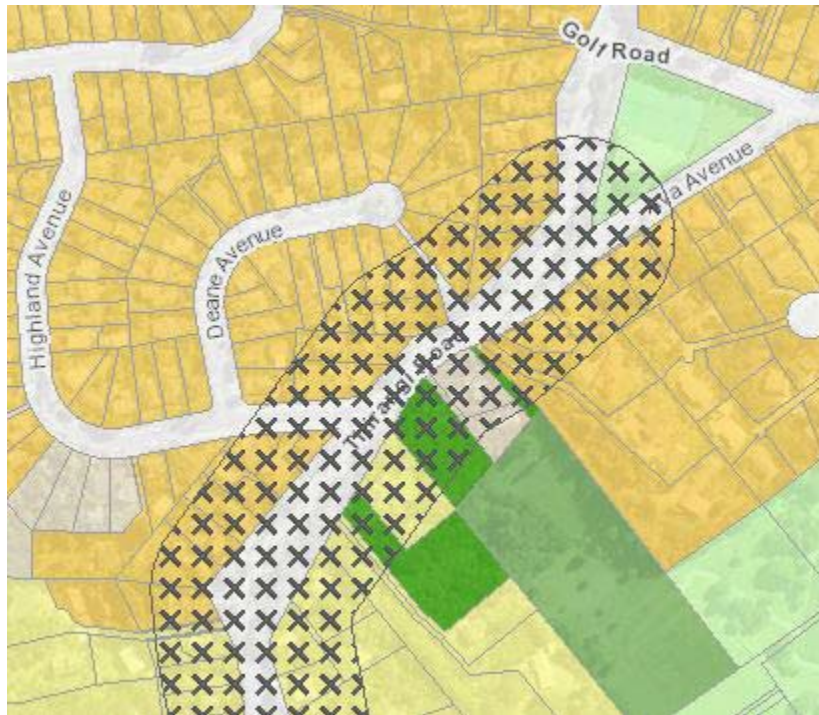
This ridgeline forms the boundary between the hills of Titirangi and the flatter areas of Green Bay. As with much of Titirangi, sections incorporate extensive vegetation, creating a well treed character, which along with the twisting nature of the road and the minimum of suburban artefacts, such as street lights, footpaths and kerbed roads, creates high amenity values.

The potential for redevelopment of this small group of properties in line with the MDRS provisions has the potential to dramatically change the landscape character of the area, thereby reducing amenity values and undermining scenic qualities. The construction of three buildings up to three storeys high could involve extensive earthworks and vegetation removal that, along with the increased height and density of buildings may very well undermine the visual landscape qualities of the ridgeline and reduce amenity values of the local area.

### **RECOMMENDATION**

Retain the RPO and recognise it is as a QM for this ridgeline.

### 1.2.7 TITIRANGI ROAD RIDGE AT HIGHLAND AVENUE



**Figure 7** Titirangi Road Ridge at Highland Avenue

As illustrated in **Figure 7** above, the RPO at Titirangi Road, in the vicinity of Highland Avenue, is identified as 'modified' and affects all or part of a total of 24 properties zoned R-MHS on the west side of Titirangi Road and another 7 with the same zoning on the eastern side. It also affects two R-SH zoned properties on the eastern side.

This part of Titirangi Road is particularly well treed with a number of large pohutukawa and other native species. Although some of this vegetation is on the road reserve and the upper slopes of Taurangi/Crum Park, the residential properties also contain significant vegetation.

Views to this part of the Titirangi Road ridge are available from both the north-west and south-east. From both Captain Scott and Kaurilands Roads, at their intersections with Atkinson Avenue, the view is orientated up towards the tree covered ridgeline. Similarly, from parts of Taurangi/Crum Park, including the car park, as shown in **Photograph 5** overleaf, views are enclosed by the tree clad ridge, providing an attractive and enclosing green backdrop.

The potential for MDRS enabled development leading to increased building height and density and the associated earthworks and vegetation removal this would entail would undermine the visual

landscape qualities of the ridgeline and reduce amenity values over a wide area.



**Photograph 5** *Titirangi Road Ridge seen from Crum Park carpark*

## **RECOMMENDATION**

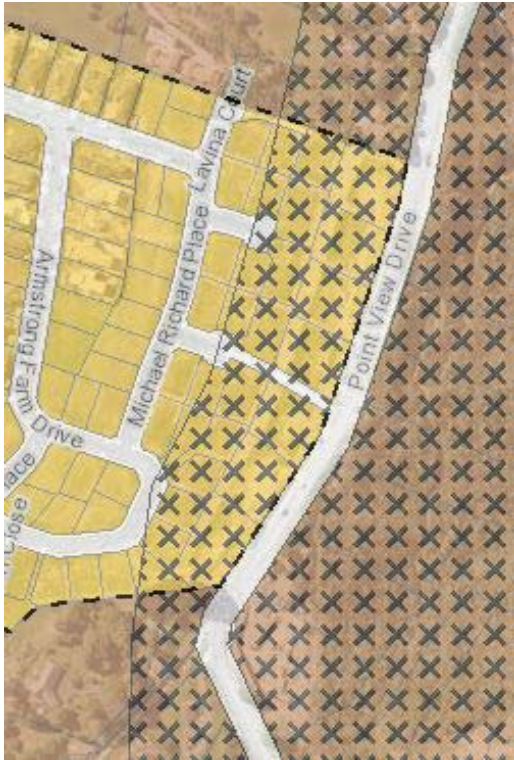
Retain the RPO and recognise it is as a QM for this part of the Titirangi Road ridgeline.

## **2.2 THE MANUKAU RIDGELINES**

There are two areas of RPO in south Auckland, one is a narrow strip running along Point View Drive to the east of Botany. The other covers a broader area incorporating both ridge tops and valleys centred around Redoubt Road, between Sandstone Road in the north and Mill Road in the south. Both areas are identified as 'modified'.

The majority of both RPO areas lie over land zoned Rural - Countryside Living and are outside the MUL. There are, however, a few small areas where the RPO lies over land to which the MDRS will apply in full, unless modified by the RPO functioning as a QM. These areas are discussed, individually below, from north to south.

## 2.2.1 POINT VIEW DRIVE AT MICHAEL RICHARD PLACE



**Figure 8** Point View Drive Ridge at Michael Richard Place

As shown in **Figure 8**, above, the RPO along Point View Drive applies to a group of 28 properties accessed from both Michael Richard Place and Point View Drive. All the properties are zoned R-MHS.

This area was, at the time of the IHP hearings for the AUP, a single property that had been made a Special Housing Area (SHA). This explains why the MUL steps eastwards to run along the western side of Point View Drive for 300m. Subdivision has now taken place across the SHA area and development is complete or underway on many of the sections.

I understand that under the subdivision consent special provisions apply to the properties under the RPO and there is evidence of strips of planting between the properties fronting Point View Drive and those immediately to the west, as well as between properties. With time, this planting may help integrate the residential development with the landscape character of the rest of the ridgeline, but at present, new development along the ridge is undermining the rural landscape qualities which provide a backdrop to the suburban development to the west, as shown in **Photograph 6**, below.





**Photograph 6:** *View towards Point View Drive ridge from Logan Carr Reserve on Kilkenny Drive*

## **RECOMMENDATION**

Retain the RPO and recognise it as a QM for this part of the Point View Drive ridgeline.

### **2.2.2 POINT VIEW DRIVE RIDGE AT LANSELL DRIVE**

As shown in **Figure 9**, below, at the southern end of the Point View Drive ridge, the RPO swings around the southern side of the road and ends within a property zoned R-SH. It is identified as 'modified'.



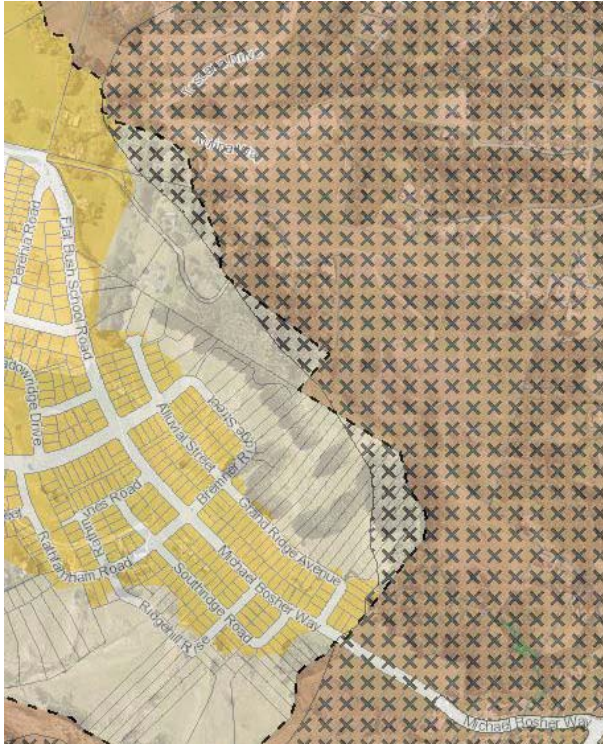
**Figure 9** *Point View Drive Ridge at Lansell Drive*

Although the Point View Drive landform rises rapidly from Lansell Drive eastwards, quickly taking on the shape of a ridge, at its termination it is not recognisable as a ridge and does not provide a backdrop or landscape amenity to the local area.

#### **RECOMMENDATION**

Remove the RPO from number 67 Point View Drive.

### 2.2.3 REDOUBT ROAD RIDGE AT MICHAEL BOSHER WAY



**Figure 10** Redoubt Road Ridge at Michael Boshier Way

As shown in **Figure 10**, above, the Redoubt Road RPO covers the north-eastern edge of a string of properties to the north-east of Michael Boshier Way. All but one of the properties are zoned R-SH. The exception, at the northern end, is a property with a split zone, being R-SH and R-MHS. This is an area of recent subdivision at the edge of Flat Bush, just within the MUL, where residential development is only just beginning to occur.

As already mentioned, the Redoubt Road RPO does not follow a single ridgeline but sprawls across undulating rural land, sometimes quite steeply so. **Photograph 7**, below, shows a view north-eastwards from Michael Boshier Way over Grand Ridge Avenue, illustrating that, in this particular area the RPO is in fact in a valley.



**Photograph 7** Redoubt Road Ridge seen from Michael Bosher Way. The RPO lies in the bottom of the valley beyond the edge of the earthworks.

### RECOMMENDATION

Remove the RPO from those properties within the MUL in the vicinity of Michael Bosher Way.

#### 2.2.4 REDOUBT ROAD RIDGE AT MILL ROAD



**Figure 11** Redoubt Road Ridge at Mill Road

As shown in **Figure 11**, above, the southern end of the Redoubt

Road RPO crosses Mill Road extending over a small area of R-MHS zoned land and a larger area of FU zoned land. There are 48 R-MHS zoned properties, some of which are large enough to be subdivided further. There are 46 properties which the RPO either covers or partially covers within the FU zone.

There is a ridgeline running along Hill Road in the west of this area. It extends out to Mill Road more or less along the boundary between the R-MHS and FU zoned land. The south facing slopes containing the FU zoned land contain large properties with an attractive vegetated and spacious character. Until a structure plan is prepared for the whole of the FU land and urban zones are determined, the MDRS will not apply and the RPO will continue to function.

In contrast, development within the R-MHS area has already taken place, and despite the RPO, buildings climb the steep slope stacked one behind the other with substantial retaining walls enclosing both building platforms and roadways, as shown in **Photograph 8**, overleaf. As can be seen in **Photograph 9**, overleaf, the effect of this level of development on the ridgeline is to completely mask the landform and undermine the amenity values of the area.



**Photograph 8** Redoubt Road Ridge at Mill Road looking up from Dawood Place to Jabal Crescent.



**Photograph 9** Redoubt Road Ridge at Mill Road looking south from Redoubt Road to Jabal Crescent and Dawood Place.

## **RECOMMENDATION**

Remove the RPO from the R-MHS zoned properties in the vicinity of Mill Road.

## **CONCLUSIONS**

Prominent ridgelines are an important component of many peri-urban parts of Auckland. Tall buildings on ridgelines that are sensitive to urban development have the potential to be excessively conspicuous generating adverse visual landscape effects from a range of public places. Ridgelines can have wide viewing audiences and stark contrasts of built form on sensitive ridgelines are not considered appropriate to the general community. Ridgelines contribute to the natural heritage and character of the city and are thus deserving of protection in line with the requirements of section 7 of the Act.

Having reviewed the 12 locations where a RPO coincides with land intended to be rezoned with MDRS, the majority of these locations have been identified as appropriate for the retention of the RPO as a QM. The following recommendations have been made.

Retain the RPO and recognise it as a QM for the following ridgelines:

- Waikumete Cemetery;

- Glengarry Road & Phillip Avenue;
- Konini Road;
- Takahe Road;
- Titirangi Road at Highlands Road; and
- Point View Drive at Michael Richard Place.

Remove the RPO from the following locations:

- Red Hills Road ridgeline;
- Sturges Road ridge within the RUB;
- number 67 Point View Drive;
- properties within the MUL in the vicinity of Michael Bosher Way; and
- R-MHS zoned properties in the vicinity of Mill Road.

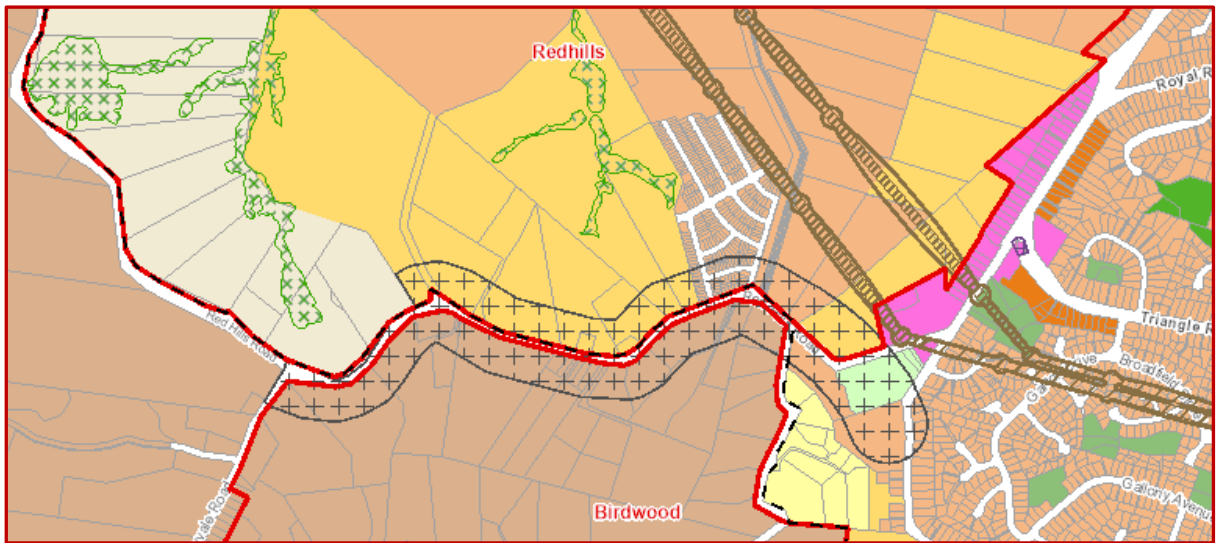
For completeness, the very small portion of 'modified' ridgeline that would remain on Sturges Road should become 'natural', to align with the adjoining overlay and the Significant Ecological Area (SEA) overlay on this property, 286 Sturges Road.

### Attachment 3: All 'urban environment' areas subject to the MDRS (RMA) and the Ridgeline Protection Overlay (RPO)

The maps below are from the operative plan (pre 18 August 2022).

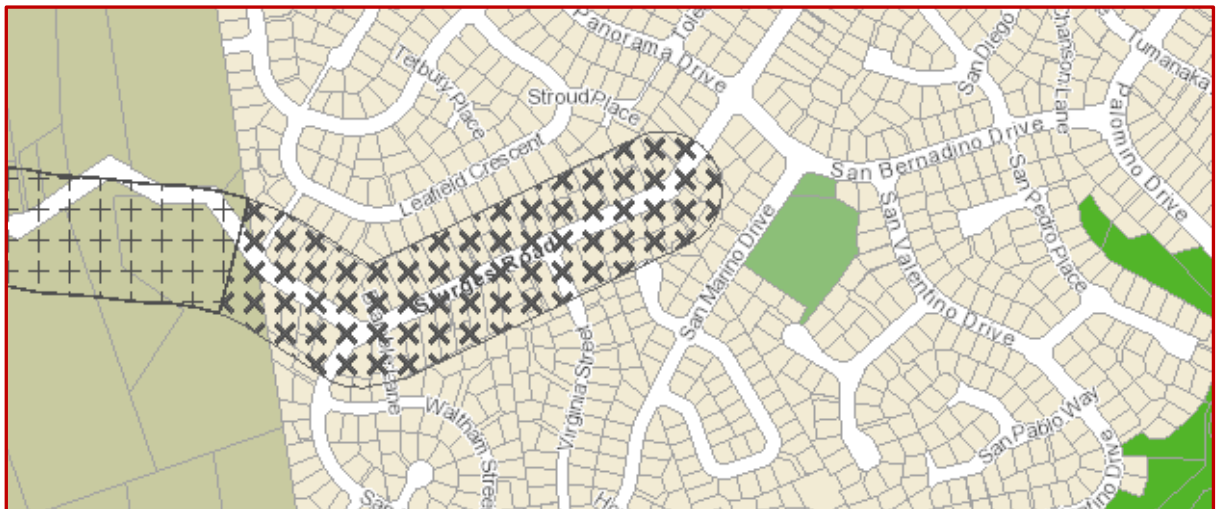
- **Redhills ridge (Natural ridgeline)** - partly within Redhills Precinct (red line demarcation)

Operative zonings: Residential - Mixed Housing Suburban; Residential - Mixed Housing Urban; Open Space – Sport and Active Recreation (Massey Domain).



- **Sturges Road ridge (Modified ridgeline)**

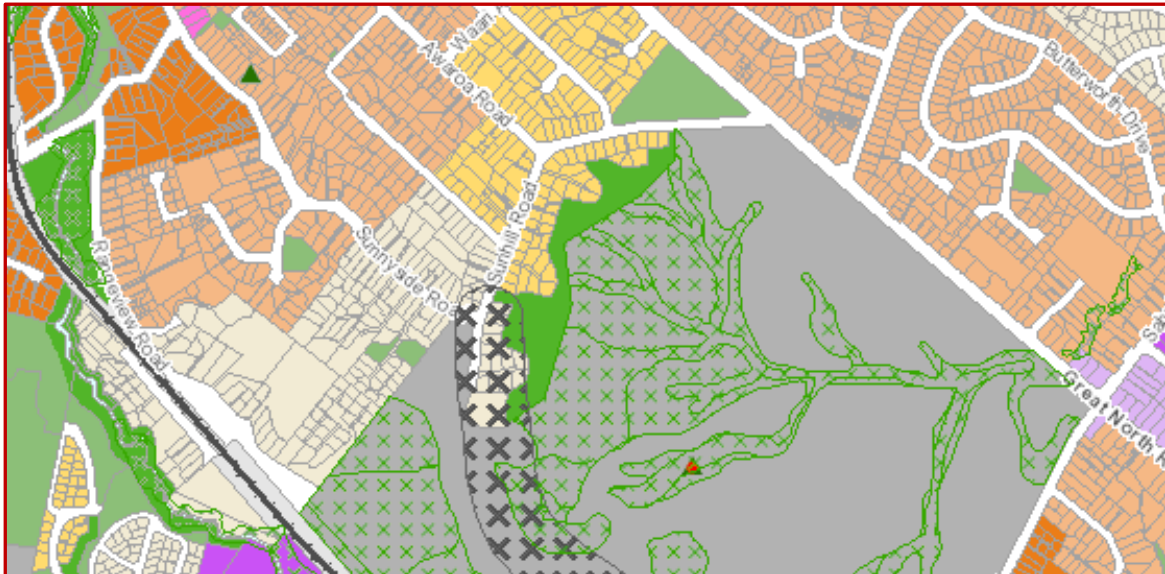
Operative zonings: Residential – Single House.





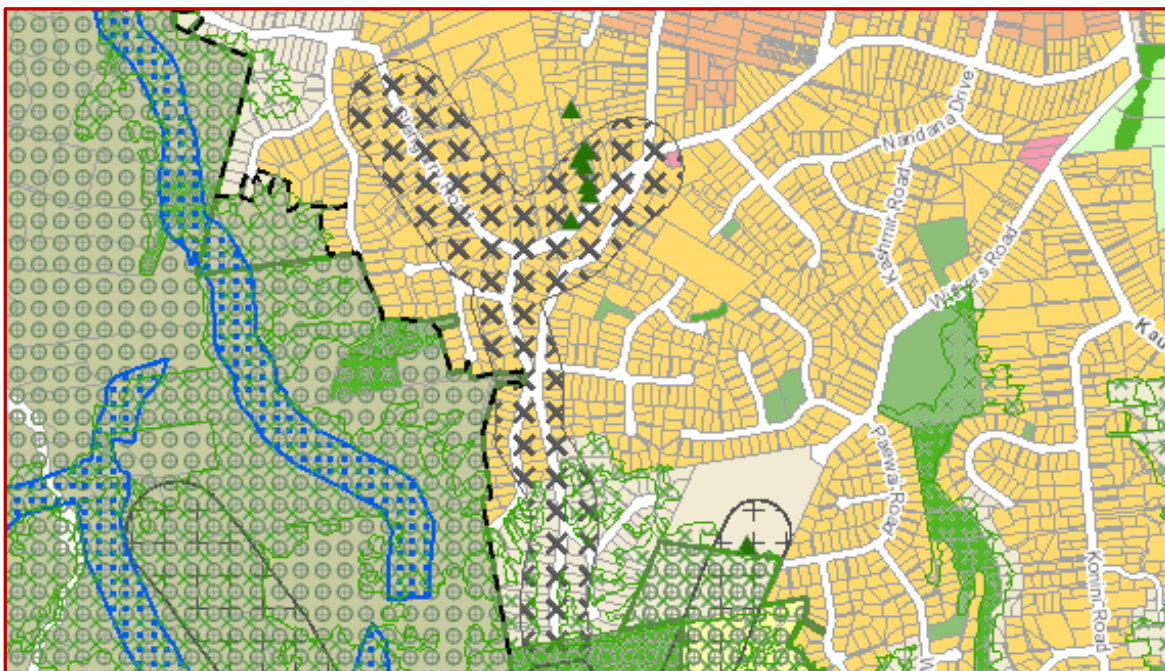
- **Waikumete cemetery ridge – Sunhill Road (Modified ridgeline)**

Operative zonings: Residential - Single House; Open Space – Conservation; Special Purpose – Cemetery.



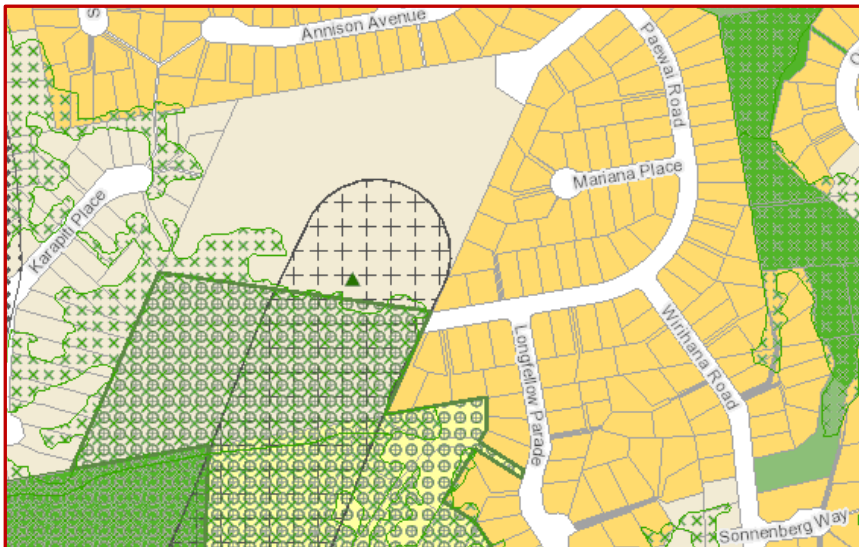
- **Glengarry Road and Phillip Avenue ridgelines (Modified ridgelines)**

Operative zonings: Residential – Single House; Residential - Mixed Housing Suburban; Open Space – Conservation (Note: Residential – Large Lot and Business – Neighbourhood Centre zones are not subject to MDRS. Areas outside the RUB or within the Waitākere Ranges Heritage Area are not relevant to this report)



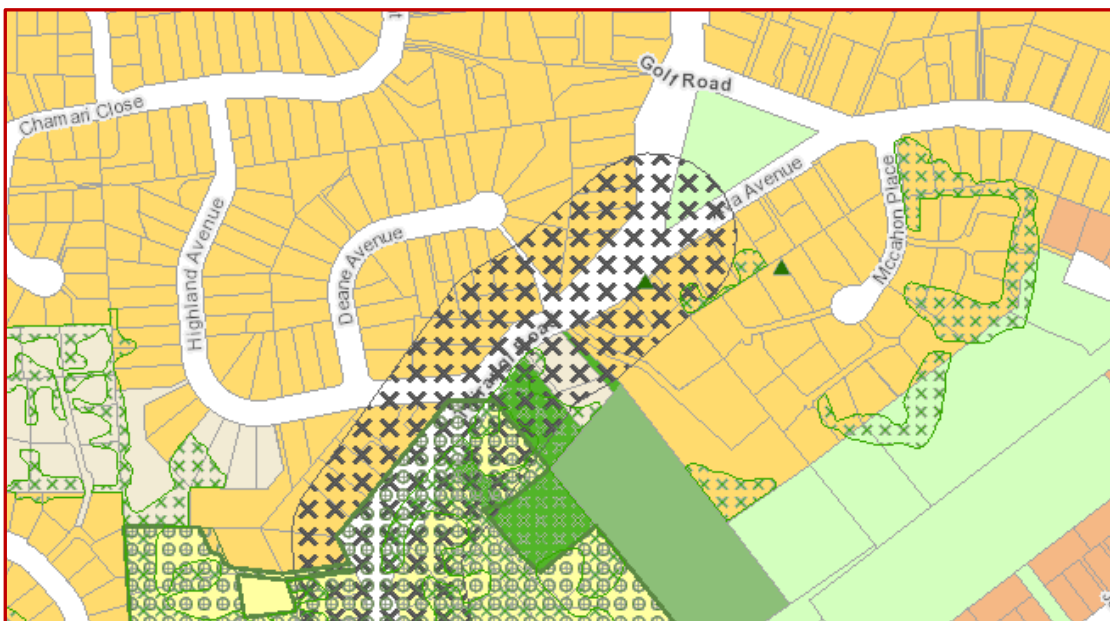
- **Konini Road ridge (Natural ridgeline) – site of Konini Primary School**

Operative zonings: Residential – Single House (*Note: Areas within the Waitākere Ranges Heritage Area are not relevant to this report*)



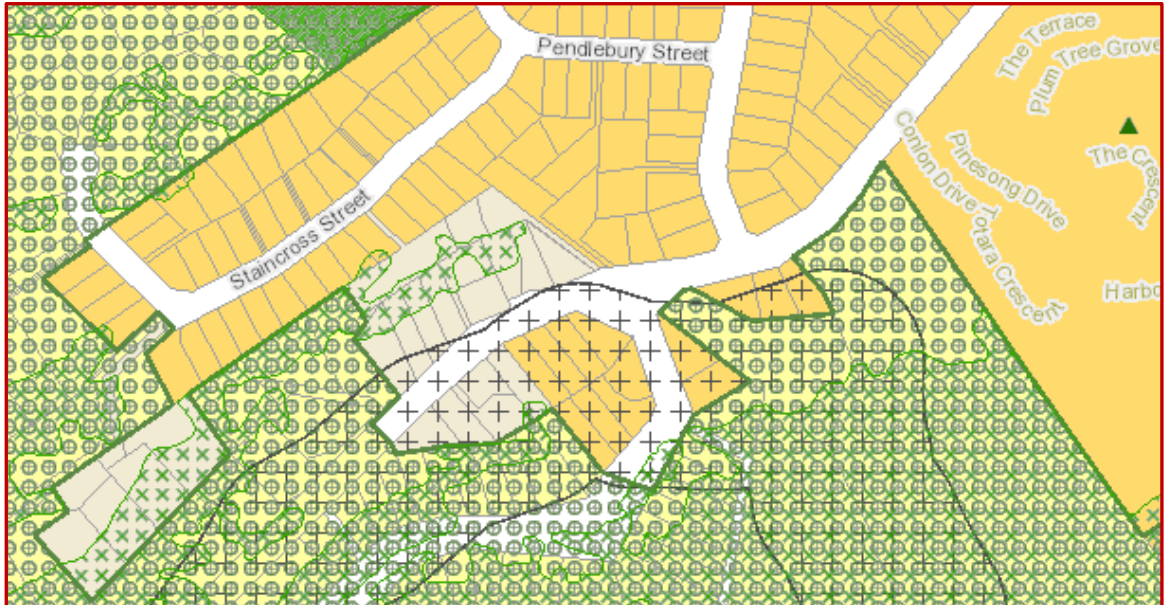
- **Titirangi Road (Highland Avenue) ridge (Modified ridgeline)**

Operative zonings: Residential – Single House; Residential - Mixed Housing Suburban; Open Space – Sport and Active Recreation; Open Space – Conservation; (*Note: Areas within the Waitākere Ranges Heritage Area are not relevant to this report; and Residential - Large Lot zone is not subject to MDRS*)



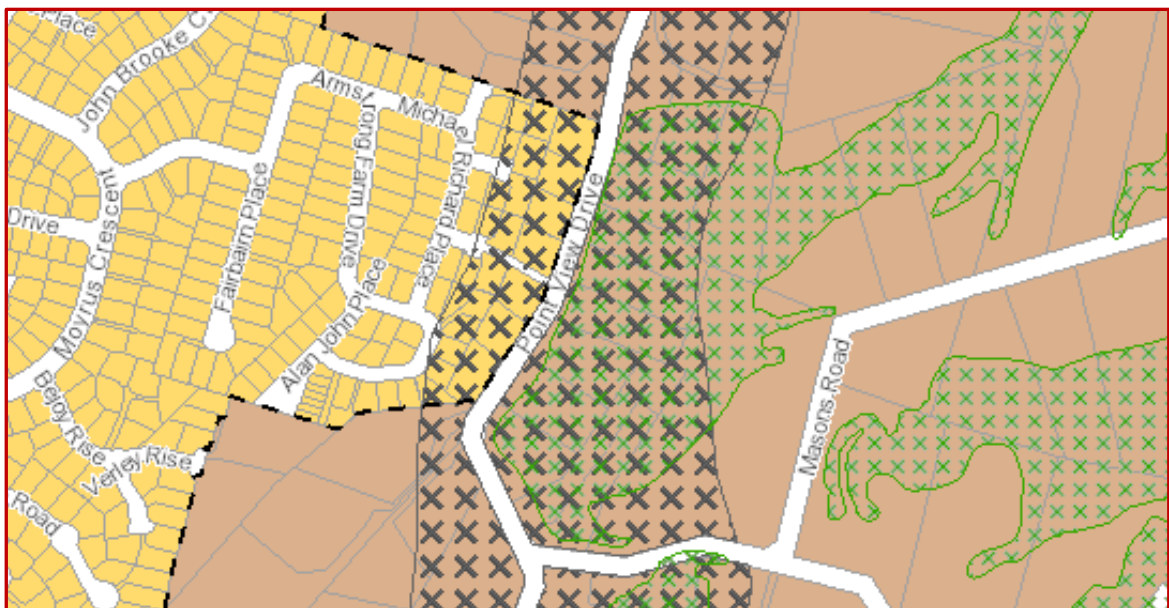
- **Takahe Road ridge (Natural ridgeline)**

Operative zonings: Residential – Single House; Residential - Mixed Housing Suburban  
*(Note: Areas within the Waitākere Ranges Heritage Area are not relevant to this report; and Residential - Large Lot zone is not subject to MDRS)*



- **Point View Drive ridge (Natural ridgeline)**

Operative zonings: Residential –Mixed Housing Suburban *(Note, areas outside the RUB are not subject to MDRS)*





- **Redoubt Road ridge at Mill Road (Modified ridgeline)**

Operative zonings: Residential -Mixed Housing Suburban (*Note: Areas within the Future Urban zone are not subject to MDRS*)

