

Proposed Plan Change 78 (PC78)

PC 78 to the Auckland Unitary Plan (Operative in part)

SECTION 32 and sec77K / sec 77Q alternative process for existing qualifying matters

EVALUATION REPORT – LOCAL PUBLIC VIEW OVERLAY, AUCKLAND WAR MEMORIAL MUSEUM VIEWSHAFT OVERLAY AND STOCKADE HILL VIEWSHAFT in accordance with sections 77I(a)/77O(a) and 77I(j)/77O(j)

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Executive Summary

This draft report discusses the implications of applying Chapters D16 Local Public views, Chapters D19 Auckland War Memorial Museum Viewshaft Overlay and Chapter D20A Stockade Hill viewshaft, in the Auckland Unitary Plan (Operative in Part)(AUP), as a qualifying matter to the medium density residential standards (MDRS) of Schedule 3A of the Resource Management Act 1991 (RMA) and the implementation of Policy 3 of the National Policy Statement on Urban Development 2020 – updated 2022 (NPS-UD).

The AUP viewshaft overlays are considered to be qualifying matters.

It is concluded that the extent of additional development as enabled by the MDRS and policy 3, would adversely affect the values and public benefits identified and protected by the overlays.

It is proposed to:

- Retain the existing provisions in Chapter D16 and Chapter D19 provisions; and
- Retain the existing provisions in Chapter D20A and to extend the mapped area to which the D20A provisions will apply, to include additional sites where the viewshaft is less than 12 metres to ground

The effect of these recommendations will be to limit the intensification that would be provided by the MDRS and policy 3. It is difficult to determine the degree to which potential intensification will be reduced as developments which seek to exceed the overlay height limits will be subject to resource consents.

The scale and significance of the issues is assessed to be medium. However, it is recognised that Chapter D19 AWMMV will have a greater effect on implementing Policy 3 and MDRS than either Chapters D16 and D20A.

The extent to which the recommended overlays will reduce development potential is considered appropriate and the most effective and efficient means of providing the public benefits sought to be protected by the viewshaft overlay provisions.

Introduction

This report is prepared as part of the evaluation required by Section 32 and Sections 77I and 77Q of the Resource Management Act 1991 ('the Act') for proposed Plan Change 78 (PPC78) 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 77I / 77Q evaluations.

This report discusses the implications of applying Chapter D16 Local Public Views Overlay, Chapter D19 Auckland War Memorial Museum Viewshaft Overlay and D20A Stockade Hill Viewshaft Overlay ("AUP Viewshafts") as qualifying matters to the medium density residential standards (MDRS) of Schedule 3A of the RMA and the implementation of policy 3 of the NPS-UD

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

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

The Council may make the MDRS and the relevant building height or density requirements under policy 3 less enabling of development, in relation to an area within a relevant residential zone or urban non residential zone, only to the extent necessary to accommodate 1 or more of the qualifying matters listed in 77I or 77O.

Integrated evaluation for existing qualifying matters

For the purposes of plan change 78, evaluation of AUP Viewshafts as an existing qualifying matter has been undertaken in an integrated way that combines sections 32 and 77K / 77Q requirements.

Preparation of this report has involved the following:

- a review of all of the identified views and height controls to establish if the significant views were still present and not compromised by development;
- a review of Chapters D16, D19 and D20A;
- review of the AUP Maps to assess the spatial application of this qualifying matter;
- development of draft amendments to the operative district plan provisions of the AUP to implement this matter in accordance with ss 77I(a) and (j) and ss77O(a) and (j);
- section 32 options analysis for this qualifying matter and related amendments; and
- a review of Plan Change 3 Protection of Views from Stockade Hill, Howick Auckland Unitary Plan (Operative in Part).

This section 32/77K 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.

Description of the Relevant Provisions

The provisions being considered are the:

- D16 Local Public Views Overlay
- D19 Auckland War Memorial Museum Viewshaft Overlay
- D20A Stockade Hill Viewshaft Overlay

Overview of the existing AUP provisions

These AUP Viewshaft overlays provide for locally significant views from individual viewpoints to landscapes and features that contribute to the unique character of many of Auckland's neighbourhoods and coastal areas.

Chapter D16 seeks to manage local significant views of Auckland's wider landscape, and the maritime setting provides a sense of identity at the local level. Individual viewing points, and their locally significant viewshafts are from public places. They contribute to the unique character of many of Auckland's neighbourhoods and coastal areas.

Development that intrudes into a scheduled local public viewshaft is a restricted discretionary activity. That development is considered in terms of the effects on the visual integrity of the view from the identified viewing point.

There are five Local Public viewshafts under Schedule 11, and the locations and the type of zone affected are as follows:

- Map 11.2 Selwyn Road/ The Glebe intersection
- Map 11.3 Mangemangeroa Reserve, Somerville Road/ Whitford Road Intersection
- Map 11.4 Mangemangeroa Reserve, Somerville Road
- Map 11.5 St Johns Redoubt, Redoubt Road
- Map 11.6 Queens Road, Panmure Basin
- Map 11.7 Pilkington Road, Panmure Basin [rcp/dp]

Chapter D20A, a specific viewshaft at Stockade Hill, is used to restrict building heights to ensure that new development is of a height that does not intrude into or obstruct views to the coastal environment.

Established height limits manage development affected by D20A. Buildings, structures and external additions to buildings are restricted discretionary activities if they do not comply with D20A standards. There is one Standard under 20A, D20A.6.1 which sets out that:

- Height must be measured using the average ground method; and
- Buildings within the Stockage Hill Viewshaft must not exceed the maximum building height of 8m.

The 8m building height is found in the Overlay under Figure D20A.6.1.1 Building Height, which is as below:

Figure D20A.6.1.1 Building Height

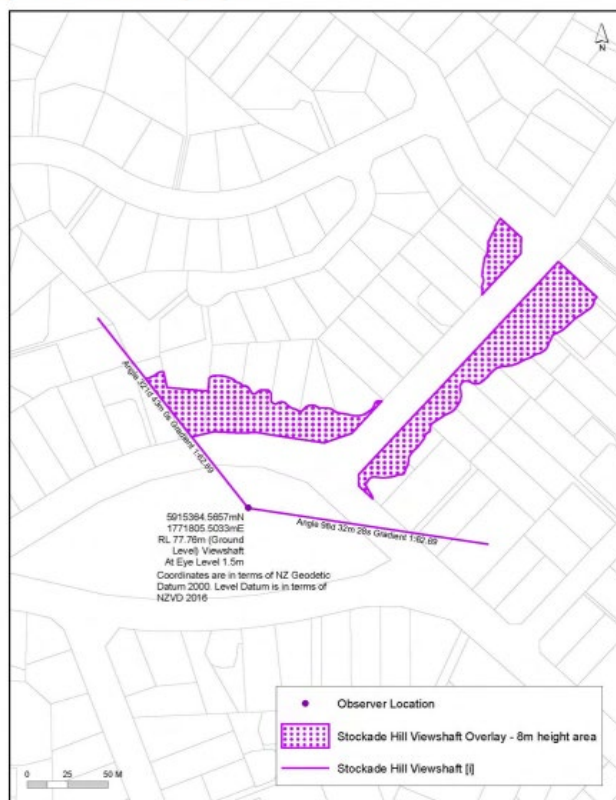


Figure 1 D20A.6.1.1 Building Height in the current AUP (OP)

Chapter D19 provides special visual protection measures to secure the highly appreciated views and aspect qualities associated with the historic heritage place the Auckland War Memorial Museum (AWMM) which is in a prominent location within Auckland Domain.

The overlay rules limit building height but include provision for:

- parapets;
- chimneys;
- communications antennae;
- support structures;
- housing;
- building services components; and
- advertising signs.

Specifically, development is a non-complying activity if it exceeds the height limits specified on:

- Figures D19.6.1.1 Height limit surface;
- D19.6.1.2 Height limit surface – 2; and
- D19.6.1.3 Height limit surface – 3 within the areas identified on the planning maps to protect views to or from the Auckland War Memorial Museum.

Objectives and Policies (existing)

RPS objectives and policies for Chapters D16, D19 and D20A are as follows:

Objective B4.3.1. (2) Significant views from public places to the coastal environment, ridgelines and other landscapes are protected from inappropriate subdivision, use and development.

Policy B4.3.2 (5) Identify and evaluate a view from a public place to the coastal environment, ridgelines and other landscapes for its regional or local significance considering the following factors:

- (a) the viewpoint conveys the view to an audience from a public viewpoint that is regionally or locally significant;*
- (b) the view conveys an intact view within a wider context which is of high or good quality;*
- (c) the view will contribute to or reinforce an overall appreciation of the region's natural landscape;*
- (d) the view recognises the importance of the landscape to Mana Whenua; and*
- (e) the extent to which there are other similar public views; and*
- (f) taking into account the extent to which the viewshaft will affect future development otherwise enabled by this Plan.*

The AUP Chapter D16 and D20A objectives and policies are the same, which are as follows:

Objective D16.2/D20A.2 (1) Locally significant public views are managed to maintain and enhance the visual integrity of the views.

Policy D16.3/D20A.3 (1) Identify and evaluate significant local public viewshafts using the following criteria:

- (a) the extent to which the public viewshaft contributes to the aesthetic value or visual legibility of the wider natural landscape;*
- (b) the community association with, or public appreciation of, the values of the viewshaft;*
- (c) the visual coherence, unity or integrity of the viewshaft and its view; and*
- (d) the potential value of the viewshaft for public education, including known historic associations in relation to the site where the viewshaft originates.*

Policy D16.3/20A.3 (2) Manage development on sites within the viewshafts to avoid adverse physical and visual effects on the viewshaft including adverse cumulative effects on the viewshaft.

Policy D16.3/20A.3 (3) Require public access to be maintained to the viewing point where the viewshaft originates.

The AUP Chapter D19 objective and policy are as follows:

Objective D19.2. (1) Significant views to and from the Auckland War Memorial Museum are protected.

Policy D19.3.(1) Prevent the visual intrusion of buildings and structures into current identified views to and from the museum.

Hauraki Gulf Marine Part Act 2000 (HGMPA)

In addition, it needs to be recognised that Chapters D19, D20A and a number of D16 views are of the Hauraki Gulf and its Islands. When considering the range of heights and densities for the areas covered by these viewshafts, the Hauraki Gulf Marine Park Act 2000 (HGMPA) needs to form part of this consideration. Specifically, it is considered these Overlays contribute to Objectives (d) and (e) of Section 8, which are as follows:

8 Management of Hauraki Gulf

To recognise the national significance of the Hauraki Gulf, its islands, and catchments, the objectives of the management of the Hauraki Gulf, its islands, and catchments are—

- (d) the protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural, historic, and physical resources:
- (e) the maintenance and, where appropriate, the enhancement of the contribution of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments to the social and economic well-being of the people and communities of the Hauraki Gulf and New Zealand:

Identifying Qualifying Matters

The provisions listed above are to be evaluated under the following sections of the RMA:

Chapter D16 Local Public views:

Residential zones:

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.

Non-residential zones:

77O(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 77R is satisfied.

D19 Auckland War Memorial Museum Viewshaft Overlay

Residential zones:

77I(a) a matter of national importance that decision makers are required to recognise and provide for under section 6:

Non-residential zones:

77O(a) a matter of national importance that decision makers are required to recognise and provide for under section 6:

Chapter D20A Stockade Hill Viewshaft

Residential zones:

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.

Attachment A and B to this section 32 report, Melean Absolum Limited's reports 'NPS UD Implementation – Qualifying Matters' (**MAL Reports**) set out that in their opinion, all three Overlays are Qualifying Matters. The reports consider that the individual views being protected should be retained as Qualifying Matters in the AUP.

The rules in Chapters D16, D19 and D20A apply to 'development', including buildings and structures. Therefore, all zones under the AUP need to be considered as these rules do not only relate to residential or business zones.

The MAL Reports also sets out findings of an assessment of the extent to which additional development, as enabled by the MDRS and Policy 3, would adversely affect the values identified and protected by the overlays.

Chapter D16 and D20A seek to manage effects of development being located within locally significant public views and seek to maintain and enhance the visual integrity of the views. The protected views are of Auckland's wider landscape and maritime setting and provide a sense of identity at the local level. Individual viewing points, and their locally significant viewshafts from public places, contribute to the unique character of many of Auckland's neighbourhoods and coastal areas. Although many significant local views are naturally self-preserved by topography or proximity to the coast and require no specific protective restrictions, some are in prominent public locations but could be obstructed by buildings occurring in the foreground.

To protect the identified values (described above) Chapters D16 and D20A controls do not make development capable of meeting Policy 3 or intensification required by MDRS. As assessed below, the specific characteristic of a development intruding into an identified view requires resource consent applications to consider and address the effect of development on the visual integrity of the scheduled view.

Chapter D19, compared to Chapters D16 and D20A, is solely a protection tool to prevent development from blocking views to Auckland War Memorial Museum. The museum is a landmark building with historic, community and architectural significance and is one of Auckland's most popular vantage points. Sited on relatively low grounds in relation to the surrounding ridges, the view to and from the museum could be easily compromised or lost through the erection of tall buildings. The combination of landform, dominant building presence and setting contribute to the museum's unique visual quality. Special visual protection measures are applied to secure the highly appreciated views and aspect qualities associated with this historic heritage place.

Chapter D19 does seek to protect significant views, and does have a singular policy that seeks to prevent the visual intrusion of buildings and structures, which is as follows:

Policy D19.3.(1) Prevent the visual intrusion of buildings and structures into current identified views to and from the museum.

A 'prevent' policy supported by a non-complying activity is a high threshold for consents to overcome. Development that intrudes could be considered 'incapable' of meeting the requirements of Policy 3 and MDRS, but as the policy speaks to 'visual intrusions' a landscape assessment is required at the time of resource consent to determine if the proposed building has a 'visual' effect. Some buildings that intrude, may not be visible at assessment points.

Chapter D16 Local Public viewshafts are considered qualifying matters under sections 771(j) and 770(j) as the overlay affects both residential and non-residential sites. Chapter D20A Stockade Hill viewshaft is considered to be a qualifying matter under sections 771 (j) of the RMA as any other matter that makes higher density, as provided by the MDRS or Policy 3, inappropriate.

Chapter D19 is considered a qualifying matter under sections 771 (a) and 77(O)(a) of the RMA as the overlay provides special visual protection measures associated with this historic place, which is considered nationally significant. The overlay affects both residential and non-residential sites.

These scheduled views are qualifying matters, as scheduled for the viewshaft's and the overlay provisions provides special visual protection measures associated of a historic place, and special visual protection of views that a locally significance, which provides significant public benefits.

As described above, Chapters D16 and D20A manage development that intrudes into the local schedule view or if a development exceeds the 8m height limit under D20A Figure 1.

Chapter D20A has the same objectives and policies as Chapter D16 but have minor differences in their matters of discretion and assessment criteria. These matters of discretion seek to protect the locally significant view and to ensure they are managed to maintain and enhance the integrity of the views.

Chapter D19, as described earlier triggers a non-complying activity for exceeding the specified height limits. This rule has a high threshold and provides the Council full discretion when considering development that has exceeded the height limits specified on Figures:

- D19.6.1.1 Height limit surface;
- D19.6.1.2 Height limit surface – 2; and
- D19.6.1.3 Height limit surface – 3 within the areas identified on the planning maps to protect views to or from the Auckland War Memorial Museum.

No amendments are sought through this plan change to overlay text of Chapters D16, D19. Amendments are sought to Chapter D20A Stockade Hill, the analysis and assessment are provided in greater detail in the sections below.

As set out by section 77I(d) of the RMA, the Council may make the MDRS and relevant building height and density requirements under policy 3 less enabling of developments in relation to a matter required to give effect to the HGMPA.

Development of Options

The table below identifies if the identified overlays are only affected by the MDRS and/or Policy 3:

Chapter	Section 77 of RMA	Affected by MDRS or Policy 3	Comments
D16 Public Local Viewshafts	77I(j) and 77O(j)	Affected by MDRS and Policy 3	The local public views Map 11.6 and 11.7 are above the Panmure Town Centre zone. The other Local Public views affect residential sites
Chapter D19	77I(j) and 77O(j)	Affected by MDRS and Policy 3	The museum viewshaft is above Parnell, which contains both residential zones and non-residential zones.
Chapter D20A	77I(j)	Affected by MDRS only	Stockade Hill viewshaft only affect residential land and does not reduce capacity at a centre identified by Policy 3

For Chapters D16 and D20A, these overlays use a height limit to trigger an assessment. Buildings within these areas can be built up to the defined heights. Intruding or exceeding these height limits triggers a restricted discretionary resource consent. Therefore there are no density related controls applied until a consent is required. However, if resource consent is required regarding local view matters, the bulk and form of a building will be considered in terms of the effects on the viewshaft (view).

For Chapter D19, the dominant control relates to development that intrudes through the viewshaft. The Overlay does also contain a building coverage control, which is as follows:

D19.6.1. Building coverage:

- (1) *For sites where the view protection height limit surface is lower than the height limit in the zone, the maximum building coverage is 40 per cent, unless a greater building coverage is allowed in the zone.*

As outlined in the report by Melean Absolum Ltd, it has been determined that where the Council is implementing a higher intensity zone, which is mainly due to the reduction of sites affected by Special Character Areas, this Standard does not need to be amended to address these sites. In the MAL Report in Appendix A, it is stated:

“...while the Single House zoned land would be able to increase density from 35% to 50% building coverage under the MDRS. The potential impact of increased density of development on the view, either from or to the Museum would be small, with possibly a reduction in the extent of vegetation visible, this being removed to make way for increased site coverage.”

The standard will only apply to sites that will be zoned the Low Intensity Residential Zone, any other site that is increasing in height and density as required by MDRS or Policy 3 will not be required to comply with this standard. Therefore, as for Chapters D16 and 20A, it is considered that for the majority of the sites under the War Memorial Museum viewshaft, the density control is only applied at the resource consent stage, when effects on the view to and from the viewpoint are being assessed.

Section 77L Assessment - Chapters D16 and D20A

As both Chapters D16 and D20A are section 77I(j) and 77O(j) matters, an assessment is required against 77L of the RMA. Sites affected by Chapters D16 and D20A overlays can found under **Attachment C**.

Section 77L Assessment:

For the sites listed above which are in a relevant residential zone, the specific characteristic for each site is the compatibility of permitted building height enabled by the MDRS and Policy 3. The sites listed above will either be changing from:

- Single House Zone to MDRS Mixed Housing Urban; or
- Mixed Housing Urban zone to MDRS Mixed Housing Urban zone.

For the non-residential sites listed above these sites will remain town centre zone.

The section 77L(1)(c) assessment is to evaluate the appropriate range of options to achieve the greatest heights and densities as permitted by the MDRS. The following options were considered:

Option A: remove D16 and D20A overlays from these sites.

Option B: continue to apply both D16 and D20A to sites that have the potential to adversely affect scheduled views.

For both Chapters D16 and D20A, option A would provide for the greatest heights and densities within the overlay. However, Option A would not address the specific intent of maintaining the views to the landscape features, as it would permit buildings intruding into the viewshafts. The assessment of effects of a development on the identified views would be more effective and efficient at the resource consent stage, as is the current method in the AUP for these overlays.

For Chapter D20A, the current AUP protections are suitable for the area zoned Single House Zone. But as identified in the Section 4 of the MAL Report in Attachment B, applying the MDRS MHU in areas where the viewshaft is less than 12 meters to ground will compromise the viewshaft from Stockade Hill. Figure 2 of the MAL Report in Attachment B identify the sites where the viewshaft is at risk of being obstructed.

The MAL report splits the areas of risk in to five areas:

- Area 1 a large area on the Musick Point Peninsula;
- Area 2 a small area to the east of Bucklands Beach Road around QuedleyCourt;
- Area 3 the seaward end of Bleakhouse Road, to the north-west of Glenoaks Rise;
- Area 4 either side of Bleakhouse Road between number 111 and 187; and
- Area 5 the area already covered by the existing D20A provisions but extended further north-east along Mellons Bay Road.

This plan change therefore seeks to extend the area included in the height controls of Chapter D20A to maintain the view from Stockade Hill. The areas included are Areas 3 and 4 (new additions) and an extension of Area 5. Areas 1 and 2 are not included as they are covered by a separate qualifying matter. The additional areas can be identified by comparing figures 2 and 3 below.

The additional areas included will be affected by the 8m height control. Breaching of the 8m height control will require a resource consent to consider the effects on the view.

The 8m height control has been chosen as it is the same permitted height under the current AUP single house zone (that applies to these sites currently). The amendments to the provisions are not seeking to apply a height control that is less enabling than the current AUP controls. Any additional building heights in this area (on top of what currently is permitted) will require assessment to ensure the effects on the viewshaft are appropriate.

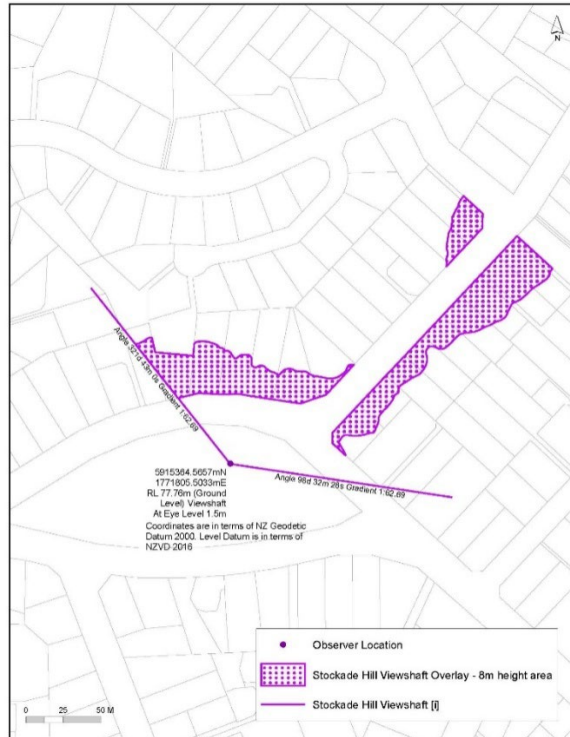


Figure 2 Current D20A height controls in the AUP

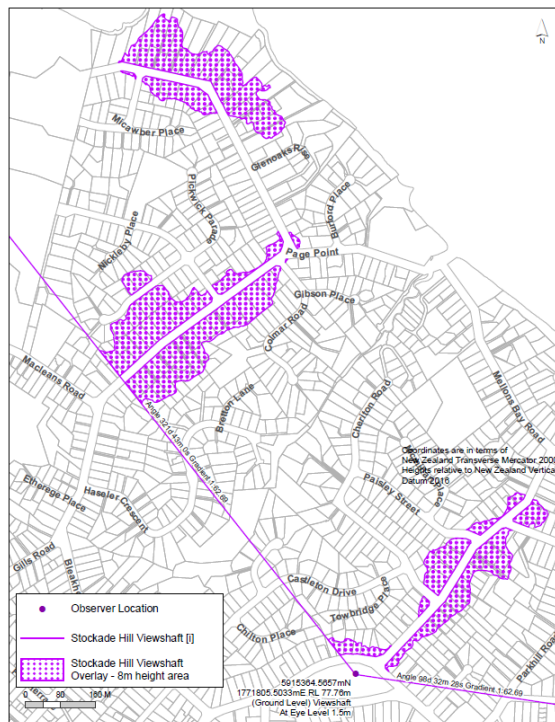


Figure 3 Amended D20A Height Controls under PC78

Section 77 - Chapter D19 Assessment:

The alternative height control to the MDRS and Policy 3 under Chapter D19 that the Council is proposing to be a qualifying matter is the same control currently implemented, being the height limits on:

- Figures D19.6.1.1 Height limit surface;
- D19.6.1.2 Height limit surface – 2; and
- D19.6.1.3 Height limit surface – 3.

Regarding D19, Objective D19.2.(1) seeks that the views to and from the AWMM are protected. Policy D19.3.(1) seeks to prevent visual intrusions into the viewshaft.

It is considered that a visual intrusion differs from a physical intrusion, as it requires an assessment of whether the development has a visual effect. It is recognised that Policy D19.3.(1) is a 'prevent' policy which is supported by a non-complying activity for any intrusion into the D19 viewshaft, or exceeding the identified height limits.

Like D16 and D20A, this does not prevent development from exceeding the specified D19 height limits. As previously stated, the intrusion must be considered at the resource consent stage.

The non-complying activity is a high threshold, but it is considered appropriate as Chapter D19 is a qualifying matter.

Figure 4 below demonstrates the current level of control applied to the sites affected. This figure shows the current AUP viewshaft height against where the potential development intrudes. Figure 4 indicates the likely areas where the non-complying activity will be triggered (generally all areas coloured, except green).

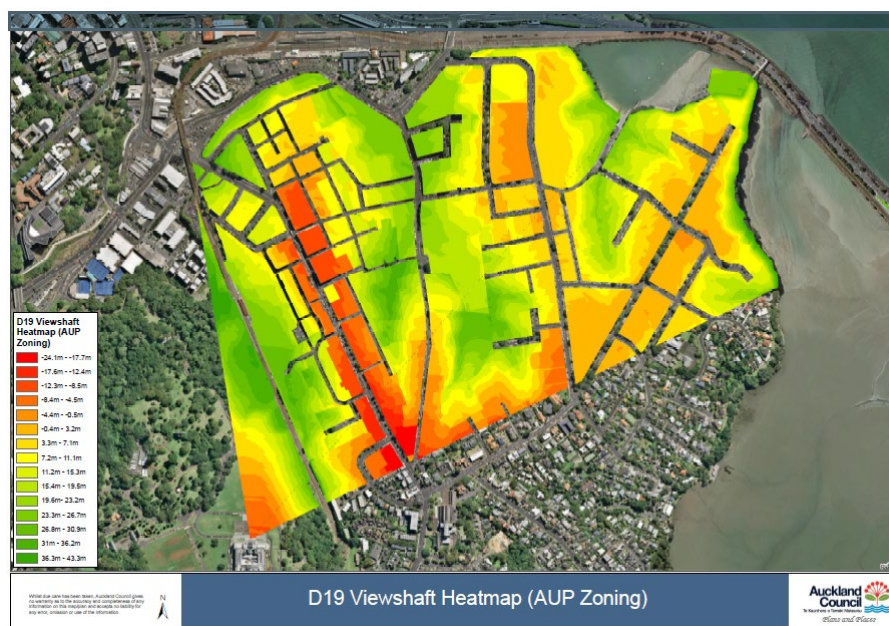


Figure 4 Heat Map of D19 Viewshaft Current AUP Zoning

Figure 5 below shows the difference between the viewshaft and the enabled height under MDRS and Policy 3. Figure 5 helps identify sites that will now have the potential to exceed the D19 viewshaft height. It should be noted that the height of the viewshaft is not changing, and the current AUP has established a reasonable level of use on the sites affected.

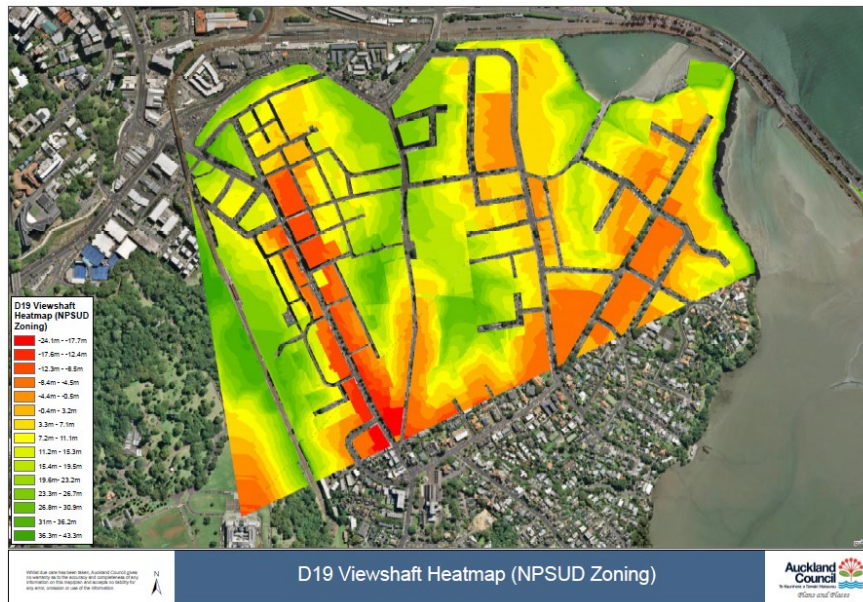


Figure 5 Heat Map of D19 Viewshaft Current NPSUD Zoning

The heat maps on Figures 4 and 5 were calculated as follows:

(Topography of the underlying sites + zone enabled height) minus the height above sea level of the sloping viewshaft.

This calculation provides a figure (height) below the viewshaft that potential development on the zoned land could build up to. It could be considered that the height above the viewshaft will be prevented if the development has an adverse visual effect. It is considered that this restriction is acceptable because Chapter D19 has been identified as sections 771(a) and 770(a) matters.

Summary of assessments:

In summary, Chapters D16, D19 and D20A will limit the AUP's ability to fully enable the intensification required by the MDRS and Policy 3. The level of constraint on the enabled intensification is difficult to determine until the resource consent stage, where the individual development will be assessed against the viewshafts qualities.

From the above assessment, the only amendment required is to extend the 8m height control onto sites where ground level is 12 metres or less below the Stockade Hill viewshaft.

Consequences for development potential

In general terms regarding the effects the overlays are trying to manage, enhance and maintain, development is only restricted if a height limit control is not complied with.

For sites located under a Chapter D16 Local Public View this is for any intrusion into a scheduled view.

For the existing and additional sites included under Chapter D20A Stockade Hill, any height above 8 meters will require a resource consent and could affect the enabled level of development of Policy 3 and MDRS.

For Chapter D19, the heat maps above indicate the additional level of development that will require a non-complying activity if a site wishes to develop to its full potential enabled by MDRS and Policy 3.

There is no 'typical site' for any of the overlays, as the viewshaft manages all development zones that may fall under them. The viewshafts manage development, being the height of buildings and structures that would intrude into the views by exceeding the identified height limits.

For chapter D19, as described above, Policy D19.3.(1) is a 'prevent' policy, and therefore it could be considered that development that has a visual intrusion will be prevented. But again, it needs to be acknowledged that it is difficult to determine what buildings will be prevented at a plan change level without a site specific design. The amendments are only seeking to implement the same AUP height control as are currently operative.

Evaluation of options

Qualifying matter	Option 1: Apply Policy 3 and MDRS, and retain Chapters D16 and D19 as they are, and extend sites affected under Chapter D20A	Option 2: Apply Policy 3 and MDRS do not apply Chapters D16, D19 and D20A as a Qualifying Matter.
Costs of applying the QM – broader social, economic, environmental, cultural	<p>Medium Cost</p> <p>The cost of applying D16 and D20A QM is expected to have a minor economic cost as sites affected by these overlays will not be able to develop to their full potential. Developments prevented due to these Qualifying Matters are not considered to have significant cost, when considered against the development enabled at a regional level.</p> <p>Chapter D19 has a greater economic effect as it will prevent</p>	<p>High cost</p> <p>To remove the viewshafts and height limits from the AUP is expected to have a social and environmental cost. Significant public views would not be protected, which will remove an important public benefit.</p> <p>This loss of public benefit will lead to the cost to environmental outcomes that are provided by the height controls. Further, the health and well-being that the</p>

	development to its full potential, on both residential and non-residential land . D19 does cover Parnell Road and the Parnell Train station.	views provide will be removed and have a negative social effect.
Costs of applying QM – housing supply / capacity	Low cost All overlays will affect the housing supply in the areas that they apply to, however, they do not prevent development. The current D16, D20A and D19 in the AUP provide a reasonable level of use. The current AUP does have a cost on housing capacity in the affected areas by the current controls, and the MDRS and Policy 3 zoning response will increase this cost as development potential increases.	Low cost The qualifying matters would not be applied, and therefore there would be full development potential provided by the zone. Therefore, there would be no cost to these areas' housing capacity or supply.
Benefits of the QM– broader social, economic, environmental, cultural	High benefit The three overlays were introduced into the AUP as they recognise significant local views. The significant local views provide a public benefit that provides positive social and environmental outcomes. It also provides public benefit by supporting community health and well-being by securing a sense of place. D19 specifically provides a benefit that is both cultural and social. The historic heritage site provides a viewing point of the Hauraki Gulf and a location for visitors coming to the region.	Low benefit There is an economic benefit from the removal of the three qualifying matters. The benefit would be from the increase in development capacity of both non-residential and residential land. The greatest economic benefit would be experienced in Parnell, with a minor benefit for the areas affected by Chapters D16 and D20A.

Risk of acting or not acting

Section 32(2)(c) of the RMA requires this evaluation to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. The risk of not acting, which allows for the development to build through these viewshafts and height limits, could have a significant cost to social and environmental outcomes. As these are significant local controls, they provide for a well-functioning urban environment that provides social well-being and achieves environmental outcomes.

The risk of acting, which means retaining the existing three qualifying matters, provides for better environmental outcomes whilst still making the AUP able to meet both Objective 1 and 2 of the NPS-UD.

Overall conclusion

Chapter D16 Local Public View and Chapter D20A Stockade Hill viewshaft are qualifying matters under 77I(j) and 77O(j) which are 'any other matter that makes higher density development as provided for by policy 3 and MDRS', as the case requires, inappropriate in an area, but only if section 77R and 77L is satisfied.

Chapter D19 Auckland War Memorial Museum Viewshaft Overlay is a qualifying matter under 77I(a) and 77O(a) as a matter of national importance that decision makers are required to recognise and provide for under section 6 of the RMA.

As identified above, the local benefits associated with retaining the controls under Chapters D16 and D20A outweigh the cost to the development capacity enabled by the MDRS and Policy 3 in areas where the qualifying matter applies.

The three AUP Viewshaft overlays provide locally significant views from individual viewpoints to landscapes and features that contribute to the unique character of many of Auckland's neighbourhoods and coastal areas. Specifically:

- Chapter D16 seeks to manage significant local views of Auckland's wider landscape and maritime setting and provides a sense of identity at the local level. Individual public viewing points, and their locally significant viewshafts, contribute to the unique character of many of Auckland's neighbourhoods and coastal areas.
- Chapter D20A, which is a specific viewshaft at Stockade Hill, is used to restrict building heights to ensure that new development is of a height that does not intrude into or obstruct views to the coastal environment.
- Chapter D19 provides special visual protection measures to secure the highly appreciated views associated with this historic heritage place. Auckland War Memorial Museum is located in a prominent location within Auckland Domain.

All three qualifying matters do not influence the underlying zoning and therefore do not affect the density potential sought by Policy 3 of NPS-UD and the MDRS. The qualifying matters do limit building height, which cannot be fully appreciated until the resource consent stage when visual intrusions can be assessed.

The scale of the affected properties and the loss of potential development to contribute to the housing supply are justifiable, even with the required density as directed by the MDRS and Policy 3 at the affected sites and centres.

Also, it is considered that these Overlays contribute to Objectives (d) and (e) of Section 8 of the HGMPA.

Therefore, it is considered that Chapters D16, D19 and D20A are still effective and efficient means of providing public benefit. The controls have the least possible limitations on development capacity whilst striking a balance to provide this public benefit.

Information Used

The following reports, documents, evidence, and plan versions were used to help the development of the plan change and assess Chapters D16 Local Public views, Chapters D19 Auckland War Memorial Museum Viewshaft Overlay and Chapter D20A Stockade Hill viewshaft as a qualifying matter.

Name of document, report, plan	How did it inform the development of the plan change
Melean Absolum Ltd– reports draft and finalising (Attachments A and B)	Supporting document to the s32 report.
Auckland Unitary Plan (Operative in Part 2016)	Chapters D16 Local Public views, Chapters D19 Auckland War Memorial Museum Viewshaft Overlay and Chapter D20A Stockade Hill viewshaft - identifies the restrictions relating to subdivision, use and development within the overlay. The AUP maps show the location of the overlays.
Plan Change 3 Protection of Views from Stockade Hill, Howick Auckland Unitary Plan (Operative in Part)	Provided insight into the establishment of Chapter D20A Stockade Hill - https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/Pages/details.aspx?UnitaryPlanId=4

Consultation

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

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. The consultation documentation included Information #6: Qualifying matters (Part 1).

This information sheet described what a qualifying matter is and which qualifying matters were specifically identified by the government in the NPS-UD and the RMA. And that these specifically identified qualifying matters may make the MDRS and policy 3 less enabling of development in relation to an area within a relevant residential zone only to the extent necessary to accommodate 1 or more of the listed qualifying matters.

The information sheet also provided a corresponding list of AUP provisions which relate to the specifically identified qualifying matters which included Chapters D16 Local Public views, Chapters D19 Auckland War Memorial Museum Viewshaft Overlay and Chapter D20A Stockade Hill viewshaft.

Attachments

Attachment A

NPS UD IMPLEMENTATION - QUALIFYING MATTERS

LOCAL PUBLIC VIEWS & AWMM VIEWSHAFT OVERLAYS



For Auckland Council

MELEAN ABSOLUM LIMITED
Landscape Architects

June 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 four 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 existing Local Public Views (LPV) and Auckland War Memorial Museum Viewshaft (AWMMV) overlays in the AUP are both deemed potentially to be a QM in terms of the MDRS. 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 overlays. Two additional reports deal with the other two overlays, namely Ridgeline Protection Overlay and the Stockade Hill Viewshaft overlay.

This report sets out the values of the overlays; provides a brief description of the various locations where each of the overlays 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 LOCAL PUBLIC VIEWS

There are six public views protected by the Local Public View overlay (LPVO) in the Auckland Unitary Plan (operative in Part) (AUP). The LPVO arose from provisions within both the Auckland City District Plan (Isthmus Section) and the Manukau City District Plan. Each of these TLAs had responded to concerns raised by their ratepayers that increasing development intensity threatened to obscure views of local landscape features that were important to the local community.

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 D16.1 Overlay Description:

In addition to the distinctive volcanic landscape and regionally significant outstanding natural landscapes and outstanding natural features, Auckland's wider landscape and maritime setting provides a sense of identity at the local level. Individual viewing points, and their locally significant viewshafts from public places, contribute to the unique character of many of Auckland's neighbourhoods and coastal areas. Although many significant local views are naturally self-preserved by topography or proximity to the coast and require no specific protective restrictions, some are in prominent public locations but could be obstructed by buildings occurring in the foreground. These viewing points and the views from them have been scheduled in the Local Public Views Overlay to ensure the benefits they provide are retained for future generations.

Schedule 11 in the AUP identifies each of the LPVO areas and illustrates the 'floor' of each viewshaft. Two of the viewshafts and their specific controls are also included in D16. Development which intrudes into the viewshaft (up through the 'floor') is assessed as a restricted discretionary activity.

Of the six LPVOs, only three are potentially affected by the NPS UD. The other three cross only road or open space zoned land at Mangemangeroa Reserve on the edge of Botany or at Lagoon Pool and Leisure Centre at Panmure. In this report each of the remaining three viewshafts is assessed to determine whether they are likely to be interrupted by development utilising the MDRS provisions and the extent to which this threat should be resisted by identifying the LPVO as a QM, in order to protect the views for current and future generations.

2.1 PILKINGTON ROAD, PANMURE BASIN

The controls pertaining to this LPVO are illustrated in both D16.10.1 and Schedule 11 Map 11.7. The grid reference for the origin of the viewshaft is provided in the drawing and originates just north of Pleasant View Road on Pilkington Road. The viewshaft continues down Pilkington Road, crosses Queens Road and continues over one commercial building fronting Queens Road and four separate commercial properties accessed from Korma Lane. It then continues across Lagoon Drive and over the top of the Lagoon Pool and Leisure Centre and Panmure Basin itself, landing on the far shore close to Marine Lane.

It appears from the AUP GIS maps that some changes have occurred to the boundaries of the commercial properties which the viewshaft affects, when up-to-date cadastral information is compared with that shown in D16.10.1 and Schedule 11 Map 11.7. Nevertheless, there remain four properties zoned Business Town Centre (B-TC) on Korma Lane that are crossed by this LPVO, as shown in **Figure 1**, below.

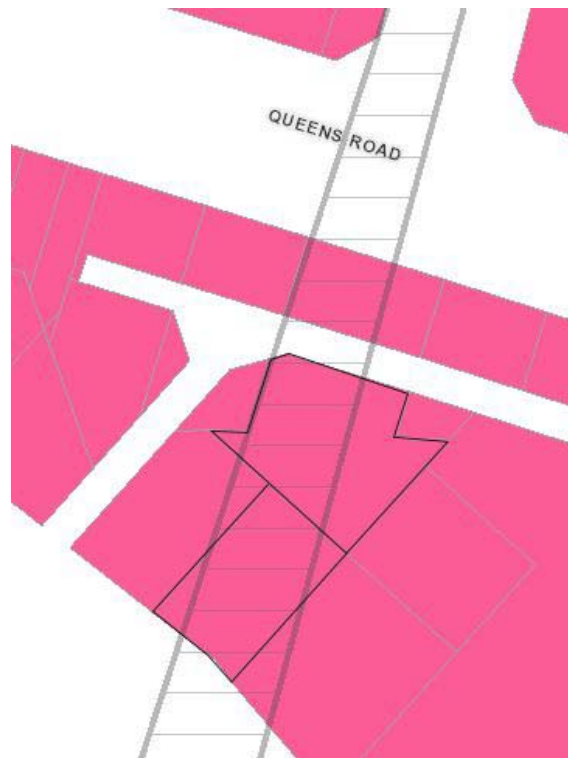


Figure 1: The Pilkington Road LPVO at Korma Lane

To the south of Lagoon Drive, the LPVO crosses the public pool zoned Open Space – Sport and Active Recreation, (OS-S&AR) with the basin beyond.

Although the view down Pilkington Road towards Panmure Basin is narrow, it does provide those travelling southwards the opportunity to be reminded of the attractive and unusual local landscape feature. Although street trees along Queens Road do partially obscure the view of the water beyond, they are growing slowly, as shown by comparison of the photograph taken in 2015 for the IHP hearings, with that taken in 2022 for this report, shown overleaf. They are also not permanent features and could be removed if desired.

The viewshaft's identification and inclusion in the Auckland City District Plan - Isthmus Section presumably indicates a community desire to retain a publicly available visual link with the basin from the more elevated land to the north of the main street.



Photograph 1: *Pilkington Road LPVO in 2015*



Photograph 2: *Pilkington Road LPVO in 2022*

Under both the AUP and the NPS UD, the B-TC zoned properties could be redeveloped with substantially taller buildings that would obstruct the view towards the basin.

RECOMMENDATION

The very small number of properties that would be constrained by the LPVO under the NPS UD is the same as those that are constrained under the AUP. This will have very little effect on the development potential of either Panmure or Auckland as a whole. I therefore recommend retention of this LPVO and its recognition as a QM for the purposes of the IPI.

2.2 SELWYN ROAD & THE GLEBE INTERSECTION

This LVPO has its origin at the intersection of Selwyn Road and The Glebe, in Howick, at the corner of All Saints Anglican church property. The view protected is over residential development that slopes to the north-east, allowing views to the Hauraki Gulf, Beachlands and Motukaraka Island, with Ponui and Waiheke Islands beyond.



Figure 2 The Selwyn Road LPVO

As can be seen in **Figure 2**, above, the viewshaft as currently illustrated in the AUP is a triangle extending approximately 180m from the origin point. It covers an area in which the affected properties are all zoned R-SH, with the Nixon Park / Howick Bowling Club land on the southern side of Selwyn Road. A total of 14 properties are either wholly or partially under the LPVO as illustrated.

The viewpoint, close to the centre of Howick provides a great opportunity to understand the relationship of Howick with the inner Gulf and its islands. The reasonably busy road provides the opportunity for appreciation of the view by many, including bus passengers. The view is interrupted to some extent by power lines but otherwise is coherent and continues as one travels down Selwyn Road. High quality coastal landscapes that are clearly visible from close to the centre of Howick create a valuable local view, as shown in **Photograph 3**, below.



Photograph 3 The Selwyn Road LPV as photographed in 2015.

It is clear from a comparison of the AUP map (**Figure 2**) with **Photograph 3**, that the view of the Hauraki Gulf and islands extends much further than the triangle incorporated in the AUP GIS map. **Figure 3**, below, is a map of the viewshaft extended along the angle denoted in Schedule 11 to the point where it meets the sea. It is a more accurate representation of the extent of the viewshaft than that shown in **Figure 2**.

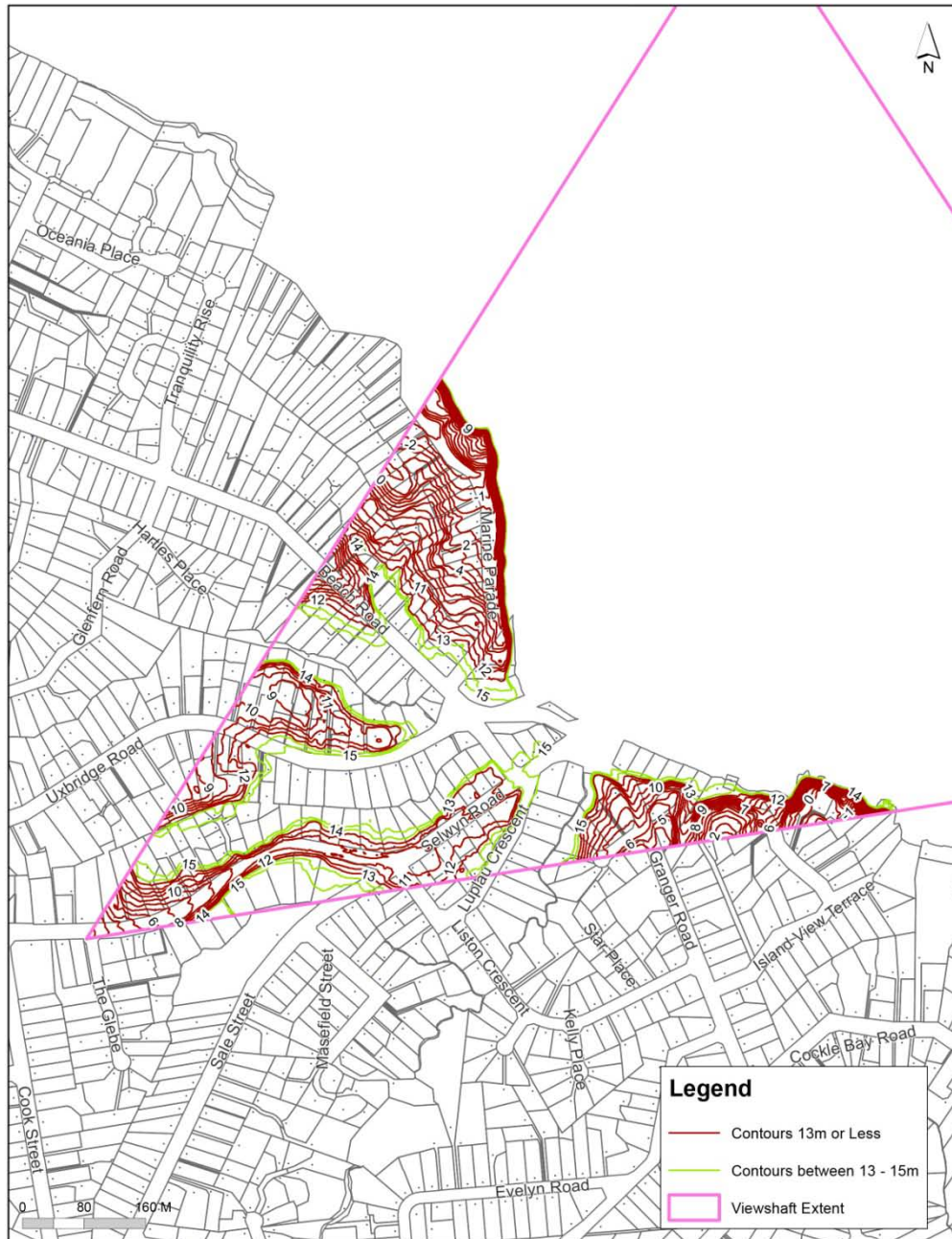


Figure 3 Auckland Council GIS map of Local Public View 11.2

The contours in **Figure 3** illustrate the distance between ground level and the floor of the viewshaft. Where that distance is 13m or less, the contours are red and where it is between 13m and 15m they are shown as green. As can be seen, the landform between the origin point and the sea is a valley with higher land at the north-western and southern edges of the viewshaft.

All the land under the viewshaft is zoned Residential - Single House or Open Space of some sort, except for a single property close to the intersection of Beach Road and Selwyn Road which is zoned Business - Neighbourhood Centre. The MDRS provisions would apply to the Residential zoned land under the viewshaft, unless this Local Public View is deemed a Qualifying Matter.

Careful analysis of the view from the viewpoint shows that taller development has the potential to interrupt the view of the sea from this location. For example, two palm trees in the rear garden of 26 Marine Parade are visible above the roof above the parked silver 4WD, with the sea behind them. Should redevelopment of properties along Marine Parade in line with the MDRS provisions occur, then buildings could interrupt the sea view currently protected by the Residential - Single House zone height limits. Such interruption would fail to maintain or enhance the visual integrity of the view, as intended by the LPV overlay.

With respect to the increased density of development enabled by the MDRS provisions, in this case an increase from 35% (R-SH) to 50% building coverage, such an increase would have little effect on the quality of the view.

RECOMMENDATION

I recommend retention of this LPVO and its recognition as a QM for the purposes of the IPI.

I also recommend that the map in Schedule 11.2 be replaced with a map showing the full extent of the viewshaft, as illustrated by the pink triangle in **Figure 3** above.

Additionally, I recommend that the graphic used for illustrating the LPV overlay in the on-line GIS maps be adjusted to show the full extent of the views protected.

2.3 ST JOHN'S REDOUBT, MANUKAU

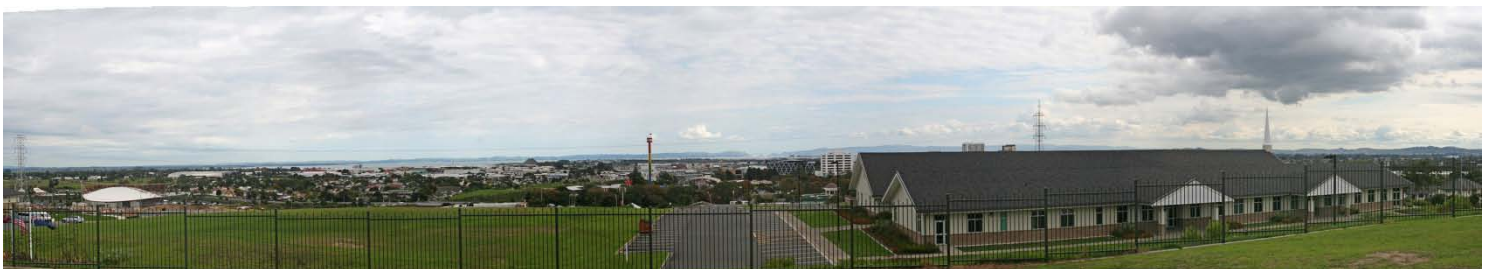


Figure 4 The St John's Redoubt LPVO

As shown in Figure 4 above, the viewshaft of the LPVO originates on the western edge of the St John's Redoubt Historic Reserve and spreads westwards terminating at the Southern Motorway. Although the land below the LPVO is zoned Residential - Mixed House Suburban, the property it crosses is owned and has been developed by the Church of Jesus Christ of the Latter-day Saints (CJCLS).

As well as the two buildings visible on the property in Figure 4, a third multi-storied building is currently under construction on the site, to the south of the LPVO. The application for the construction of this building states that it does not infringe the LPVO, but the approved drawings (LUC60341224) do not show the overlay. It is assumed that the new building does, indeed, avoid the overlay.

At the time of the IHP hearings on the AUP in 2015-16, the view from the origin point was as shown in Photograph 4, below. As can be seen in the enlargement of the centre of the photograph in Photograph 5, overleaf. The view focuses on the Manukau Heads in the distance and takes in a great swathe of south Auckland, as well.



Photograph 4 View from the LPVO origin in 2015



Photograph 5 The centre of the LPV, focused on the Manukau Heads, Awhitu and Cornwallis

As well as the new building on the CJCLS property, other developments to the west of the Southern Motorway have taken place since 2015, including the 15 storey Sebel Hotel, as can be seen in Photograph 6, below.



Photograph 6 The view from the LPVO origin in May 2022

As can be seen the view to Manukau Heads is now screened by new development to the west of the Southern Motorway and beyond the LPVO. Additional development of a similar height to the Sebel Hotel can be anticipated elsewhere in the Business-Mixed Use zoned land around Lakewood Court, the cul-de-sac that provides access to the Sebel Hotel. Potentially even taller buildings could emerge in the Business - Metropolitan Centre zoned land further west down Manukau Station Road.

Having researched the role of the redoubt in the Waikato Wars¹ and the likely purpose of the LPVO when it was first put in the Manukau City District Plan, it seems likely that the connection between the redoubt and the Great South Road was seen as important. The Great South Road connected a string of defensive sites from Auckland southwards in the 1860s and views to that highway would presumably have been important at that time. Unfortunately, the LVPO terminates on the eastern side of the Southern Motorway which itself is to the east of the Great South Road. There remains no visible connection between the redoubt and that road.

At the time of the IHP hearings I assumed it was the relationship between the redoubt and the Manukau Harbour and Heads, some 30km away, was also important. Whether this is the case or not, that visual connection has also been severed.

There seems, on the face of it, little point in retaining the LPVO in its current form. It currently terminates on the edge of the motorway, which itself is out of sight. Extending the viewshaft as far as the Manukau Harbour, approximately 6km away, would entail a detailed assessment of the potential impacts on development opportunities along this 6km long corridor.

RECOMMENDATION

There are three possible options for this LPVO:

1. Either remove the overlay from the AUP through the IPI process;
2. Leave the LPVO as it is and identify it as a QM for the purposes of the IPI; or
3. Investigate the extension of the overlay as far as the Manukau Harbour to retain views of the Awhitu Peninsula. The viewshaft would run roughly parallel with Wiri Station Road reaching the coast close to Wiroa Island at the airport.

My recommendation is option 1. Given the level of development already undertaken beyond the western end of the viewshaft, and the potential additional development that could be undertaken, there is little point in retaining a viewshaft that, in reality, protects no particular view.

¹ See 'St Johns Redoubt 1863 Heritage Assessment' by Amy Dodd for the Auckland Conservancy of the Dept of Conservation, dated 25 May 2006

As with the local public views overlays, the Auckland War Memorial Museum (AWMM) viewshaft was rolled over from two legacy plans, namely the Auckland City (Isthmus and Central Area Sections) District Plans. It appeared in both because its origin was within the Isthmus Section, while its control applied in the Central Area.

The viewshaft is unusual in two ways. Firstly, it is intended to protect views both to and from the Museum building. This is an important distinction between this viewshaft and the protected local public views. The viewshaft protects views of the city and harbour from the Museum, an important and popular local and tourist destination.

By covering a substantial part of the main shipping channel between Maungauika (North Head) and Takapararua (Bastion Point) it also protects views to the Museum from the water, so that visitors arriving by ship, recreational boats and ferry passengers can all enjoy views of this important heritage building which has architectural and community significance. By happy coincidence this also protects views of the Museum from Devonport and other locations across the water north of the end of the viewshaft.

Secondly, the viewshaft is in three adjoining parts. The western part of the viewshaft sets a 1:40 gradient from the origin on the bottom step of the Museum over the eastern CBD and port area, terminating in the sea between the port and Devonport. The eastern part of the viewshaft sets a less steep gradient, 1:54.7, over the Parnell ridge, before again, terminating in the sea. Between these two planes is a transition plane, essentially slopes between the 1:40 and 1:54.7 planes, enabling the allowable building height contours in the eastern and western parts to join up.



Figure 5 The AWMM Viewshaft

Standing on the origin point on the Museum steps one can get a panoramic view from the taller buildings in the CBD emerging above the pohutukawas along Domain Drive, in the west; past Bayswater Peninsula, Stanley Point, the waters of the Waitemata Harbour, the tall container cranes at the port, the eastern side of Rangitoto; right round to buildings along St Stephens Avenue. These are identifiable in **Photograph 7**, overleaf, by the spire of Bishopcourt in front of the damaged but re-grown Norfolk Island pine tree with the four tall chimneys of Neligan House just beyond. Properties along the northern road frontage of St Stephens Avenue are excluded from and lie immediately south of the viewshaft.

Although much of the harbour is hidden from view from the origin point, it is important to remember that this viewshaft works in two directions. The tall northern face of the Museum immediately behind the origin point rises a considerable height and is visible from much of the inner harbour.

To better understand the implications of the NPS UD on development potential in the area covered by the AWMM viewshaft, two 'heat maps' were prepared. They are attached as **Appendix 1** to this report. They illustrate the height of the floor of the viewshaft, minus the zone height in each of two scenarios; the AUP zones and NPS UD zones. So, for example, 20m viewshaft floor minus THAB (24m) = -4m. So a building of 24m high (permitted activity under the THAB zone) can potentially stick through the viewshaft floor by 4m on the 20m contour. Such a proposal would trigger an assessment of the viewshaft infringement.

Comparing the two 'heat maps' it is clear that the greatest increase in potential intrusion through the viewshaft floor arising from the new NPS UD zoning would be along either side of St Stephens Avenue north of the Gladstone Road intersection. Enabling the height limits of the NPS UD zoning would potentially break through the floor of the viewshaft by up to 8.4m in this area.

As well as enabling increased building height, the NPS UD also allows an increase in building density. In this instance the residential properties zoned Mixed Housing Suburban would be able to increase density from 40% to 50% building coverage, while the Single House zoned land would be able to increase density from 35% to 50% building coverage under the MDRS. The potential impact of increased density of development on the view, either from or to the Museum would be small, with possibly a reduction in the extent of vegetation visible, this being removed to make way for increased site coverage. In this particular overlay, it is the floor of the viewshaft that will protect the views, while the intensity of development beneath the floor will have little effect.

RECOMMENDATIONS

In light of the cultural, heritage and landscape significance of this overlay, I recommend its retention, in terms of control on the height of development, and its recognition as a QM for the purposes of the IPI.



Photograph 7 View of the AWMM Viewshaft from the Museum steps

ANNEXURE 1

AUP & NPS UD ZONING HEAT MAPS



D19 Viewshaft Heatmap (AUP Zoning)

Red	-24.1m - -17.7m
Dark Orange	-17.6m - -12.4m
Orange	-12.3m - -8.5m
Light Orange	-8.4m - -4.5m
Yellow-Orange	-4.4m - -0.5m
Yellow	-0.4m - 3.2m
Light Yellow	3.3m - 7.1m
Yellow-Green	7.2m - 11.1m
Light Green	11.2m - 15.3m
Green	15.4m - 19.5m
Light Green	19.6m - 23.2m
Green	23.3m - 26.7m
Light Green	26.8m - 30.9m
Green	31m - 36.2m
Dark Green	36.3m - 43.3m

Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.



D19 Viewshaft Heatmap (AUP Zoning)

public



**D19 Viewshaft
Heatmap (NPSUD
Zoning)**

	-24.1m - -17.7m
	-17.6m - -12.4m
	-12.3m - -8.5m
	-8.4m - -4.5m
	-4.4m - -0.5m
	-0.4m - 3.2m
	3.3m - 7.1m
	7.2m - 11.1m
	11.2m - 15.3m
	15.4m - 19.5m
	19.6m - 23.2m
	23.3m - 26.7m
	26.8m - 30.9m
	31m - 36.2m
	36.3m - 43.3m

public

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D19 Viewshaft Heatmap (NPSUD Zoning)

Attachment B

NPS UD IMPLEMENTATION - QUALIFYING MATTERS

STOCKADE HILL VIEWSHAFT OVERLAY



For Auckland Council

MELEAN ABSOLUM LIMITED
Landscape Architects

July 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 four 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 existing Stockade Hill Viewshaft (SHV) overlay in the AUP is deemed potentially to be a QM in terms of the MDRS. 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. Two additional reports deal with the other overlays, namely Ridgeline Protection Overlay and the Local Public View (LPV) and Auckland War Memorial Museum Viewshaft (AWMM) overlays.

This report sets out the values of the overlay, and considers the potential adverse effects of the level of development enabled by the MDRS on the viewshaft area. 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 BACKGROUND

The Stockade Hill Viewshaft Overlay provisions can be found in D20A of the Auckland Unitary Plan (Operative in Part) (AUP). The overlay arose as a result of community led submissions to the Independent Hearing Panel (IHP) on the Proposed Unitary Plan and subsequent settlement of appeals to Plan Change 3 (PC3) to the AUP.

3 EXISTING PROVISIONS

The existing provisions include identical objective and policies as those found in D16, the Local Public View (LPV) overlay. The standards restrict buildings to an 8m height limit within the area illustrated in D20A.6.1.1, as shown below. Buildings exceeding this height limit are to be considered as restricted discretionary activities with corresponding assessment criteria being used.

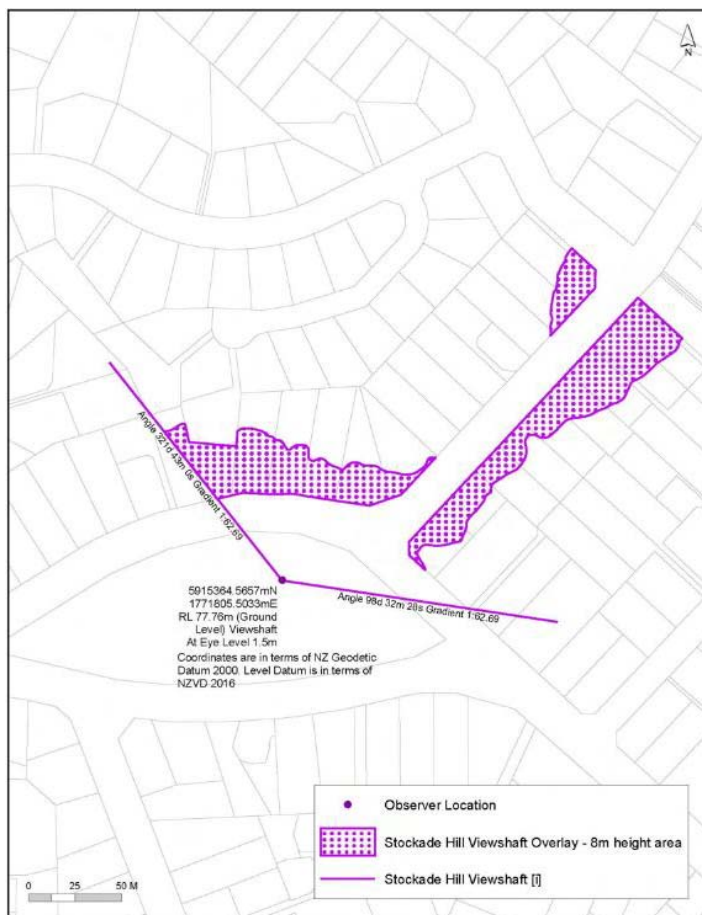


Figure 1 D20A.6.1.1 in the AUP

Despite the breadth of the Stockade Hill Viewshaft, ($136^{\circ} 49' 29''$), the landform within it, together with the height restrictions applying to the residential zones under it, only a small area either side of Mellons Bay Road needed to have the 8m height restriction in order to protect the view available in the AUP.

4 EFFECTS OF MDRS

The area over which the increased height enabled by the MDRS under the Enabling Act might interrupt the viewshaft has been calculated by the comparison of the floor of the viewshaft with the elevation of the land beneath it. As shown in **Figure 2**, overleaf, contours illustrate those areas where the gap between the floor of the viewshaft and the ground is at or less than the 12m maximum height limit of the MDRS provisions.

As shown in **Figure 2**, there are five separate areas where the floor of the viewshaft is likely to be breached by development in line with the MDRS building height provisions. From west to east they are:

- Area 1 a large area on the Musick Point Peninsula;
- Area 2 a small area to the east of Bucklands Beach Road around Quedley Court;
- Area 3 the seaward end of Bleakhouse Road, to the north-west of Glenoaks Rise;
- Area 4 either side of Bleakhouse Road between numbers 111 and 187; and
- Area 5 the area already covered by the existing provisions but extended further north-east along Mellons Bay Road.

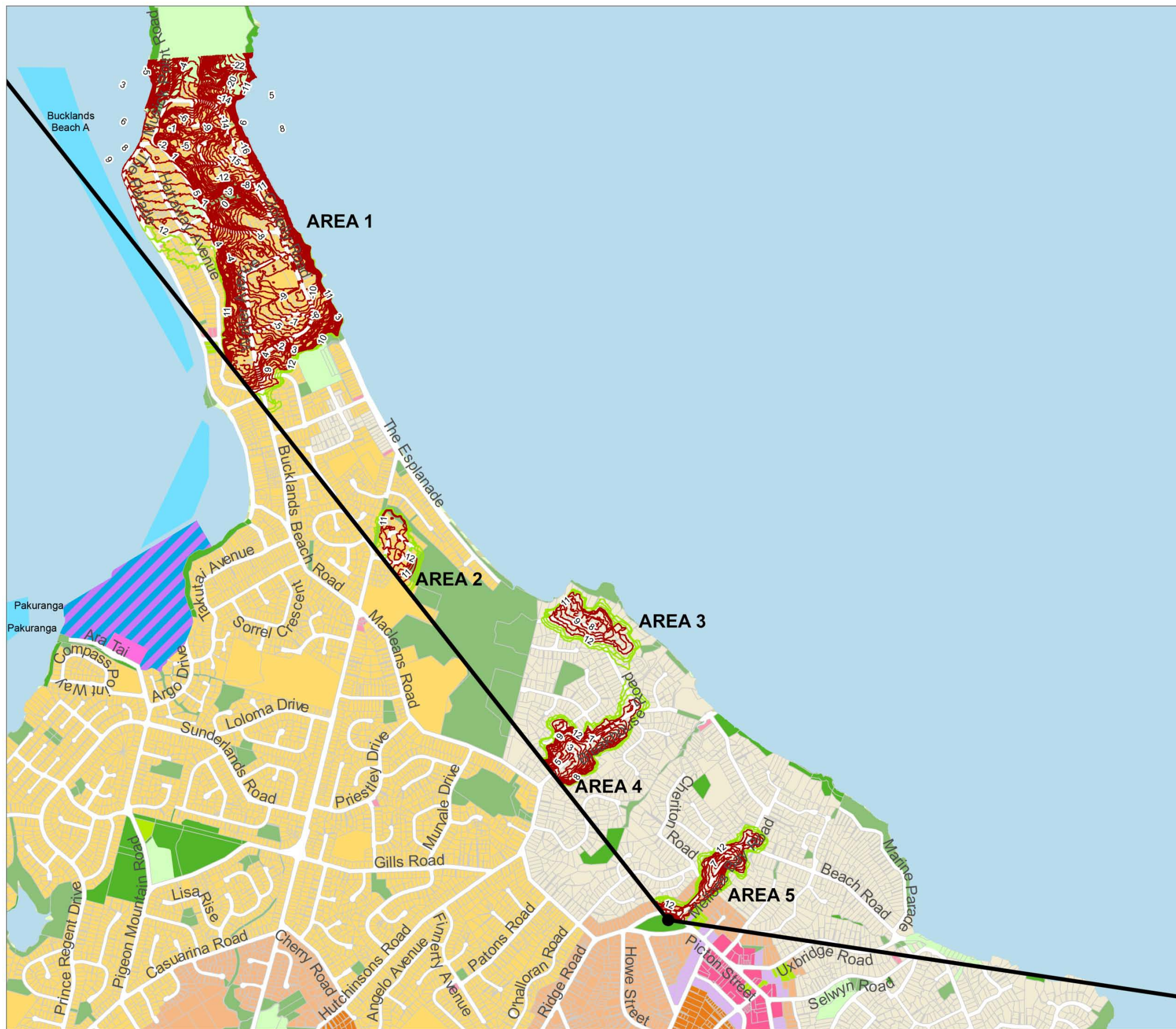
Areas 1 and 2 are also covered by the Regionally Significant Volcanic Viewshaft and Height Sensitive Areas Overlay and are to be exempt from the MDRS provisions by virtue of that separate QM.

Areas 3, 4 and those parts of Area 5 north-east of Cheriton Road are zoned Residential - Single House. The remainder of Area 5 is zoned Residential Mixed Housing Urban and is already partially covered by the existing AUP 8m height limit.

The introduction of development in accordance with the MDRS provisions within the identified areas has the potential to intrude into or obstruct views to the coastal environment from Stockade Hill and not maintain and enhance the visual integrity of the view. For example at the southern end of Area 4 three storey development could readily screen the view of the sea and mask the clear separation between Rangitoto and the mainland. Similarly, further east taller development could 'fill in the gap' between Bleakhouse Road and Motutapu. Buildings up to 12m high at the northern end of Area 5 could equally mask the view of the sea in front of Waiheke.

RECOMMENDATION

Given the clear local support for protection of views from Stockade Hill I recommend increasing the area to which the 8m height limit will apply to cover the whole of Areas 3, 4 and 5 in **Figure 2**, attached. The recommended replacement plan for the AUP is illustrated in **Figure 3**, below.



Stockade Hill Viewshaft

Wider Contours

- Contours 12m and below
- Contours 13 - 15m
- Observer Location
- Local Viewshaft
- Local Viewshaft Contours

Auckland Unitary Plan Operative in part (15 Nov 2016)

- Residential - Large Lot Zone
- Residential - Rural and Coastal Settlement Zone
- Residential - Single House Zone
- Residential - Mixed Housing Suburban Zone
- Residential - Mixed Housing Urban Zone
- Residential - Terrace Housing and Apartment Buildings Zone
- Open Space - Conservation Zone
- Open Space - Informal Recreation Zone
- Open Space - Sport and Active Recreation Zone
- Open Space - Civic Spaces Zone
- Open Space - Community Zone
- Business - City Centre Zone
- Business - Metropolitan Centre Zone
- Business - Town Centre Zone
- Business - Local Centre Zone
- Business - Neighbourhood Centre Zone
- Business - Mixed Use Zone
- Business - General Business Zone
- Business - Business Park Zone
- Business - Heavy Industry Zone
- Business - Light Industry Zone
- Future Urban Zone
- Green Infrastructure Corridor (Operative in some Special Housing Areas)
- Rural - Rural Production Zone
- Rural - Mixed Rural Zone
- Rural - Rural Coastal Zone
- Rural - Rural Conservation Zone
- Rural - Countryside Living Zone
- Rural - Waitakere Foothills Zone
- Rural - Waitakere Ranges Zone
- Strategic Transport Corridor Zone
- Special Purpose Zone
- Coastal - General Coastal Marine Zone [rcp]
- Coastal - Marina Zone [rcp/dp]
- Coastal - Mooring Zone [rcp]
- Coastal - Minor Port Zone [rcp/dp]
- Coastal - Ferry Terminal Zone [rcp/dp]
- Coastal - Defence Zone [rcp]
- Coastal - Coastal Transition Zone
- Water [i]
- Hauraki Gulf Islands
- Road [j]

N

0 180 360 720 Metres

Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information

Date: 29/06/2022

Figure 2 GIS map with contours to 12m identified.

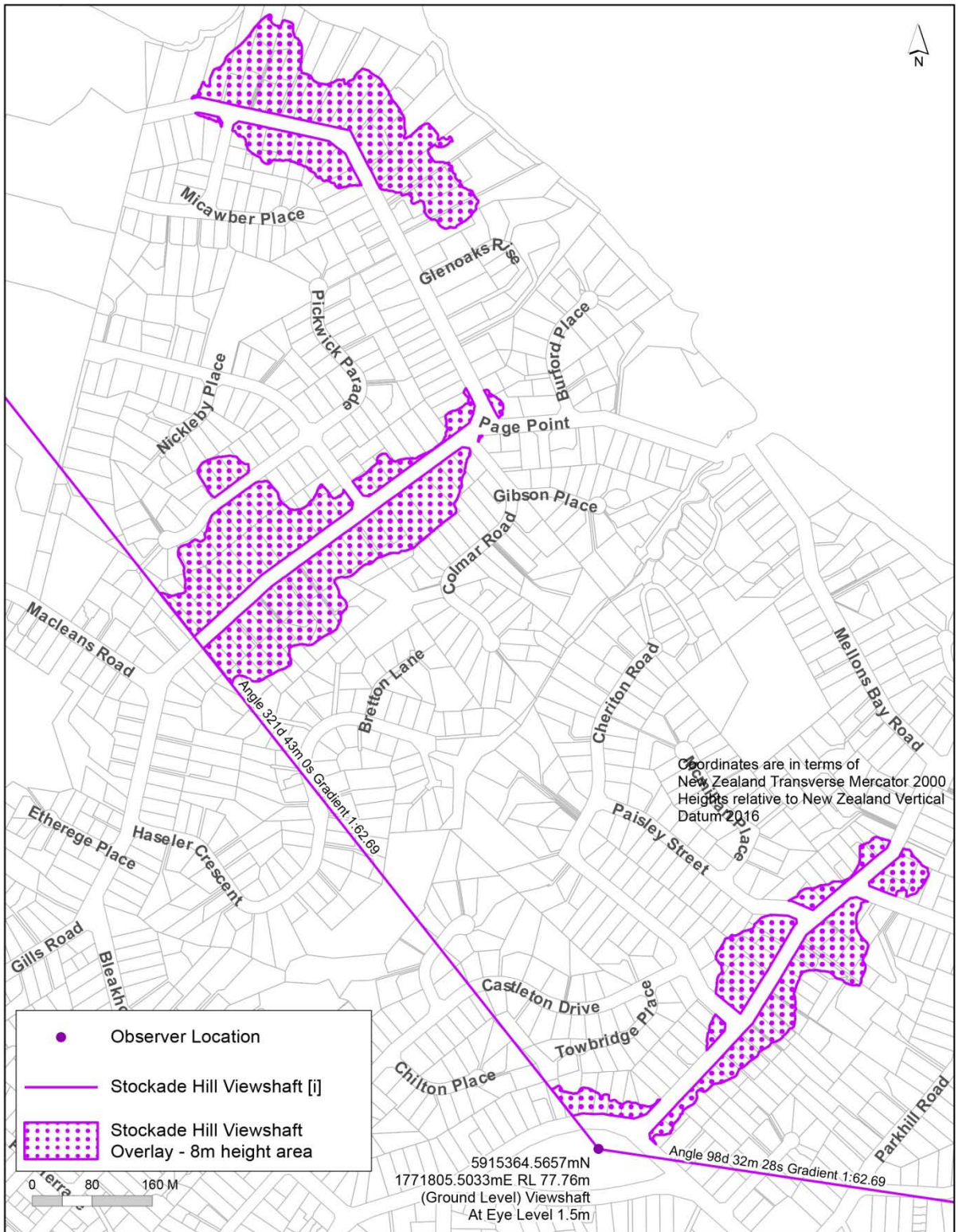


Figure 3 Recommended replacement map D20A.6.1.1 in the AUP

Attachment C

ATTACHMENT C

Chapter D16 Local Public Views Properties affected

Section 77I Residential

Street number	Road	LPV Number	Current AUP Zone
20	Selwyn Road	Map 11.1	Residential - Signal House zone
24	Selwyn Road	Map 11.1	Residential - Signal House zone
26	Selwyn Road	Map 11.1	Residential - Signal House zone
30A	Selwyn Road	Map 11.1	Residential - Signal House zone
30C	Selwyn Road	Map 11.1	Residential - Signal House zone
32	Selwyn Road	Map 11.1	Residential - Signal House zone
34	Selwyn Road	Map 11.1	Residential - Signal House zone
34A	Selwyn Road	Map 11.1	Residential - Signal House zone
38	Selwyn Road	Map 11.1	Residential - Signal House zone
38A	Selwyn Road	Map 11.1	Residential - Signal House zone
38B	Selwyn Road	Map 11.1	Residential - Signal House zone
40	Selwyn Road	Map 11.1	Residential - Signal House zone
55	Uxbridge Road	Map 11.1	Residential - Signal House zone
49B	Uxbridge Road	Map 11.1	Residential - Signal House zone
19	Redoubt Road	Map 11.5	Residential - Mixed Housing Suburban zone

Section 77O non-residential properties

Street number	Road	LPV Number	AUP Zone
71 - 79	Queens Road	Map 11.7	Business - Town Centre Zone
77	Queens Road	Map 11.7	Business - Town Centre Zone
3	Korma Lane	Map 11.7	Business - Town Centre Zone
28	Lagoon Drive Panmure	Map 11.7	Business - Town Centre Zone
26	Lagoon Drive Panmure	Map 11.7	Business - Town Centre Zone
30	Lagoon Drive Panmure	Map 11.7	Business - Town Centre Zone

ATTACHMENT C

Chapter D20A Stockade Hill Viewshaft properties affected

Section 77I Residential

Street Number	Road	Zone
135	Bleakhouse Road	Residential - Single House Zone
261B	Bleakhouse Road	Residential - Single House Zone
57A	Mellons Bay Road	Residential - Single House Zone
119	Bleakhouse Road	Residential - Single House Zone
2C	Cheriton Road	Residential - Single House Zone
200	Bleakhouse Road	Residential - Single House Zone
269	Bleakhouse Road	Residential - Single House Zone
31	Mellons Bay Road	Residential - Single House Zone
145	Bleakhouse Road	Residential - Single House Zone
2/26	Mellons Bay Road	Residential - Single House Zone
65	Mellons Bay Road	Residential - Single House Zone
273	Bleakhouse Road	Residential - Single House Zone
65A	Mellons Bay Road	Residential - Single House Zone
233	Bleakhouse Road	Residential - Single House Zone
210	Bleakhouse Road	Residential - Single House Zone
133	Bleakhouse Road	Residential - Single House Zone
227R	Bleakhouse Road	Residential - Single House Zone
67	Mellons Bay Road	Residential - Single House Zone
157	Bleakhouse Road	Residential - Single House Zone
75	Mellons Bay Road	Residential - Single House Zone
1	Charles Dickens Drive	Residential - Single House Zone
169	Bleakhouse Road	Residential - Single House Zone
61	Mellons Bay Road	Residential - Single House Zone
64	Mellons Bay Road	Residential - Single House Zone
1/26	Mellons Bay Road	Residential - Single House Zone
269B	Bleakhouse Road	Residential - Single House Zone
47	Mellons Bay Road	Residential - Single House Zone
155	Bleakhouse Road	Residential - Single House Zone
93B	Mellons Bay Road	Residential - Single House Zone
271	Bleakhouse Road	Residential - Single House Zone
53A	Mellons Bay Road	Residential - Single House Zone
20	Copperfield Terrace	Residential - Single House Zone
194	Bleakhouse Road	Residential - Single House Zone
225C	Bleakhouse Road	Residential - Single House Zone
18	Copperfield Terrace	Residential - Single House Zone
53	Mellons Bay Road	Residential - Single House Zone
162	Bleakhouse Road	Residential - Single House Zone
148	Bleakhouse Road	Residential - Single House Zone
259	Bleakhouse Road	Residential - Single House Zone
118A	Bleakhouse Road	Residential - Single House Zone
141A	Bleakhouse Road	Residential - Single House Zone
2	Charles Dickens Drive	Residential - Single House Zone
13	Copperfield Terrace	Residential - Single House Zone

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1/10	Copperfield Terrace	Residential - Single House Zone
257	Bleakhouse Road	Residential - Single House Zone
204	Bleakhouse Road	Residential - Single House Zone
1/7	Dorrit Lane	Residential - Single House Zone
72	Mellons Bay Road	Residential - Single House Zone
206	Bleakhouse Road	Residential - Single House Zone
239A	Bleakhouse Road	Residential - Single House Zone
139	Bleakhouse Road	Residential - Single House Zone
90	Mellons Bay Road	Residential - Single House Zone
116	Bleakhouse Road	Residential - Single House Zone
122	Bleakhouse Road	Residential - Single House Zone
129A	Bleakhouse Road	Residential - Single House Zone
153	Bleakhouse Road	Residential - Single House Zone
187	Bleakhouse Road	Residential - Single House Zone
41	Mellons Bay Road	Residential - Single House Zone
70	Mellons Bay Road	Residential - Single House Zone
35	Mellons Bay Road	Residential - Single House Zone
6	Beach Road	Residential - Single House Zone
225B	Bleakhouse Road	Residential - Single House Zone
161	Bleakhouse Road	Residential - Single House Zone
43	Mellons Bay Road	Residential - Single House Zone
8	Beach Road	Residential - Single House Zone
5	Paisley Street	Residential - Single House Zone
231	Bleakhouse Road	Residential - Single House Zone
39	Mellons Bay Road	Residential - Single House Zone
156	Bleakhouse Road	Residential - Single House Zone
92	Mellons Bay Road	Residential - Single House Zone
15	Colmar Road	Residential - Single House Zone
11	Colmar Road	Residential - Single House Zone
215	Bleakhouse Road	Residential - Single House Zone
2/196	Bleakhouse Road	Residential - Single House Zone
55A	Mellons Bay Road	Residential - Single House Zone
96	Mellons Bay Road	Residential - Single House Zone
98	Mellons Bay Road	Residential - Single House Zone
96A	Mellons Bay Road	Residential - Single House Zone
82	Mellons Bay Road	Residential - Single House Zone
119A	Bleakhouse Road	Residential - Single House Zone
84	Mellons Bay Road	Residential - Single House Zone
163	Bleakhouse Road	Residential - Single House Zone
118	Bleakhouse Road	Residential - Single House Zone
1/33	Mellons Bay Road	Residential - Single House Zone
93A	Mellons Bay Road	Residential - Single House Zone
206A	Bleakhouse Road	Residential - Single House Zone
2/7	Dorrit Lane	Residential - Single House Zone
243	Bleakhouse Road	Residential - Single House Zone
63	Mellons Bay Road	Residential - Single House Zone

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126	Bleakhouse Road	Residential - Single House Zone
86	Mellons Bay Road	Residential - Single House Zone
123	Bleakhouse Road	Residential - Single House Zone
128	Bleakhouse Road	Residential - Single House Zone
2B	Cheriton Road	Residential - Single House Zone
10	Copperfield Terrace	Residential - Single House Zone
247R	Bleakhouse Road	Residential - Single House Zone
115	Bleakhouse Road	Residential - Single House Zone
132	Bleakhouse Road	Residential - Single House Zone
16	Copperfield Terrace	Residential - Single House Zone
111	Bleakhouse Road	Residential - Single House Zone
1/77	Mellons Bay Road	Residential - Single House Zone
159	Bleakhouse Road	Residential - Single House Zone
216	Bleakhouse Road	Residential - Single House Zone
150	Bleakhouse Road	Residential - Single House Zone
5A	Colmar Road	Residential - Single House Zone
279	Bleakhouse Road	Residential - Single House Zone
1/57	Mellons Bay Road	Residential - Single House Zone
160	Bleakhouse Road	Residential - Single House Zone
130	Bleakhouse Road	Residential - Single House Zone
202	Bleakhouse Road	Residential - Single House Zone
7	Beach Road	Residential - Single House Zone
13	Colmar Road	Residential - Single House Zone
57B	Mellons Bay Road	Residential - Single House Zone
51A	Mellons Bay Road	Residential - Single House Zone
2/121	Bleakhouse Road	Residential - Single House Zone
65B	Mellons Bay Road	Residential - Single House Zone
136	Bleakhouse Road	Residential - Single House Zone
143	Bleakhouse Road	Residential - Single House Zone
175	Bleakhouse Road	Residential - Single House Zone
235	Bleakhouse Road	Residential - Single House Zone
141	Bleakhouse Road	Residential - Single House Zone
129	Bleakhouse Road	Residential - Single House Zone
50A	Mellons Bay Road	Residential - Single House Zone
214	Bleakhouse Road	Residential - Single House Zone
2/57	Mellons Bay Road	Residential - Single House Zone
1/09	Colmar Road	Residential - Single House Zone
26	Mellons Bay Road	Residential - Single House Zone
263	Bleakhouse Road	Residential - Single House Zone
22	Mellons Bay Road	Residential - Single House Zone
117	Bleakhouse Road	Residential - Single House Zone
149	Bleakhouse Road	Residential - Single House Zone
127A	Bleakhouse Road	Residential - Single House Zone
2/134	Bleakhouse Road	Residential - Single House Zone
68	Mellons Bay Road	Residential - Single House Zone
10	Nickleby Place	Residential - Single House Zone

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88	Mellons Bay Road	Residential - Single House Zone
18	Towbridge Place	Residential - Single House Zone
15	Copperfield Terrace	Residential - Single House Zone
59	Mellons Bay Road	Residential - Single House Zone
4	Paisley Street	Residential - Single House Zone
1/121	Bleakhouse Road	Residential - Single House Zone
2/77	Mellons Bay Road	Residential - Single House Zone
154	Bleakhouse Road	Residential - Single House Zone
2/9	Colmar Road	Residential - Single House Zone
24	Copperfield Terrace	Residential - Single House Zone
2	Picton Street	Residential - Single House Zone
113	Bleakhouse Road	Residential - Single House Zone
6	Glenoaks Rise	Residential - Single House Zone
239	Bleakhouse Road	Residential - Single House Zone
131	Bleakhouse Road	Residential - Single House Zone
269A	Bleakhouse Road	Residential - Single House Zone
2D	Cheriton Road	Residential - Single House Zone
73	Mellons Bay Road	Residential - Single House Zone
12	Copperfield Terrace	Residential - Single House Zone
263A	Bleakhouse Road	Residential - Single House Zone
140	Bleakhouse Road	Residential - Single House Zone
137	Bleakhouse Road	Residential - Single House Zone
55	Mellons Bay Road	Residential - Single House Zone
52	Mellons Bay Road	Residential - Single House Zone
2	Beach Road	Residential - Single House Zone
63A	Mellons Bay Road	Residential - Single House Zone
1/196	Bleakhouse Road	Residential - Single House Zone
2/33	Mellons Bay Road	Residential - Single House Zone
26	Copperfield Terrace	Residential - Single House Zone
267	Bleakhouse Road	Residential - Single House Zone
76	Mellons Bay Road	Residential - Single House Zone
71	Mellons Bay Road	Residential - Single House Zone
138	Bleakhouse Road	Residential - Single House Zone
112A	Bleakhouse Road	Residential - Single House Zone
275	Bleakhouse Road	Residential - Single House Zone
74	Mellons Bay Road	Residential - Single House Zone
37	Mellons Bay Road	Residential - Single House Zone
49	Mellons Bay Road	Residential - Single House Zone
120	Bleakhouse Road	Residential - Single House Zone
7	Copperfield Terrace	Residential - Single House Zone
9	Copperfield Terrace	Residential - Single House Zone
20	Mellons Bay Road	Residential - Single House Zone
146	Bleakhouse Road	Residential - Single House Zone
173	Bleakhouse Road	Residential - Single House Zone
5	Beach Road	Residential - Single House Zone
50C	Mellons Bay Road	Residential - Single House Zone

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225A	Bleakhouse Road	Residential - Single House Zone
16	Mellons Bay Road	Residential - Single House Zone
18	Mellons Bay Road	Residential - Single House Zone
51	Mellons Bay Road	Residential - Single House Zone
1	Oliver Twist Avenue	Residential - Single House Zone
112	Bleakhouse Road	Residential - Single House Zone
41A	Mellons Bay Road	Residential - Single House Zone
225D	Bleakhouse Road	Residential - Single House Zone
5	Cheriton Road	Residential - Single House Zone
151	Bleakhouse Road	Residential - Single House Zone
2/48A	Mellons Bay Road	Residential - Single House Zone
158	Bleakhouse Road	Residential - Single House Zone
283	Bleakhouse Road	Residential - Single House Zone
24	Mellons Bay Road	Residential - Single House Zone
2/87	Mellons Bay Road	Residential - Single House Zone
261A	Bleakhouse Road	Residential - Single House Zone
237	Bleakhouse Road	Residential - Single House Zone
265	Bleakhouse Road	Residential - Single House Zone
22	Copperfield Terrace	Residential - Single House Zone
8	Copperfield Terrace	Residential - Single House Zone
185	Bleakhouse Road	Residential - Single House Zone
1/87	Mellons Bay Road	Residential - Single House Zone
1/48A	Mellons Bay Road	Residential - Single House Zone
229	Bleakhouse Road	Residential - Single House Zone
11	Copperfield Terrace	Residential - Single House Zone
94	Mellons Bay Road	Residential - Single House Zone
8	Nickleby Place	Residential - Single House Zone
69	Mellons Bay Road	Residential - Single House Zone
147	Bleakhouse Road	Residential - Single House Zone
208	Bleakhouse Road	Residential - Single House Zone
152	Bleakhouse Road	Residential - Single House Zone
1/134	Bleakhouse Road	Residential - Single House Zone
124	Bleakhouse Road	Residential - Single House Zone
66A	Mellons Bay Road	Residential - Single House Zone
66	Mellons Bay Road	Residential - Single House Zone
198	Bleakhouse Road	Residential - Single House Zone
14	Copperfield Terrace	Residential - Single House Zone
3/48A	Mellons Bay Road	Residential - Single House Zone
7	Cheriton Road	Residential - Single House Zone
94A	Mellons Bay Road	Residential - Single House Zone
127	Bleakhouse Road	Residential - Single House Zone
50B	Mellons Bay Road	Residential - Single House Zone
36	Mellons Bay Road	Residential - Single House Zone
171	Bleakhouse Road	Residential - Single House Zone
125	Bleakhouse Road	Residential - Single House Zone
11	Dorrit Lane	Residential - Single House Zone

ATTACHMENT C