

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Keen Trusts Partnership

Organisation name:

Agent's full name:

Email address: keen.as@xtra.co.nz

Contact phone number:

Postal address:
49 Fern Glen Road South
St Heliers
Auckland 1071

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:

Property address: 59 Ardmore Road, Ponsonby, Auckland 1011

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

From our understanding we believe that there are no specific changes to the building coverage maximum, landscaped area, building height and height in relation to boundary. This enables improvements to homes in the Special Character Area Overlay without compromising historical character. Therefore, we support in full the Proposed Plan Change - Clarifying the relationship between the Special Character Areas Overlay and underlying zone provisions within the Auckland Unitary Plan.

I or we seek the following decision by council: Accept the plan modification

Submission date: 25 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

PROPOSED PLAN CHANGE 26 - SPECIAL CHARACTER AREAS OVERLAY

SUBMISSION BY M.CAROL SCOTT : 2 pages.

24TH JUNE 2019

This plan change has numerous problems that work against the protection of the Auckland character/heritage areas in the way that it claims to do. :-

- 1) Council has undemocratically chosen to notify and provide information to only a selected number of rate-payers.
- 2) The information provided explains the intentions of the plan change, but does not give any details about how these intentions are to be achieved.
- 3) The opportunity to send a submission is restricted to 1 month, which is completely inadequate for submitters who are at work all day with limited spare time.
- 4) The language and format of the information required to understand PPC 26 is outside the knowledge of submitters whose training is not in this field. Also the material is often dense, technical, vague, and unclear and therefore obscures what is actually planned by Council. This makes it impossible for submitters to make a fair assessment of the plans.
- 5) The need to create PPC 26 is due to a failure of Council to correctly establish the appropriate material when developing the Unitary Plan. The least that Council could do in these circumstances is to provide easy access to clear and accessible material for all Aucklanders to take part in. This has not what has been provided.
- 6) The vague and imprecise language of the plan, which uses words like "refine" and "manage", allows council officers to use their discretion well beyond what should be allowed and what would best support the character/heritage areas they are meant to protect. This excess use of discretion by council planners is clearly evidenced by the property at the Character Overlay Area of 36 Hinemoa St, Birkenhead, where despite clear rules identifying the importance of maintaining character streetscape, planners have allowed the complete visual obliteration of the original villa on the section. Nothing in PPC 26 acknowledges this flaw or works to prevent this inappropriate level of officers' discretion.
- 7) PPC 26's intentions seem to be weighted on the side of those who wish to develop or redevelop their properties in these special areas, rather than assisting owners who wish to protect the character/heritage features of their homes.

102.1

8) The plan introduces a greater use of smaller yards, especially by drastically reducing the 3m rear yard, which could lead to extreme loss of space which has been an important feature of heritage areas. This is a major detrimental change.

9) It seems clear that this plan change is not what it pretends to be. In reality, the proposed changes are not designed to protect our heritage areas, but are an attempt to allow changes to the special amenities and buildings of these areas by detrimentally encouraging changes which will destroy them.

102.1

Changes Sought

That all residents living in Special Character Overlay Areas are informed by mail about Proposed Plan Change 26 with a clear summary of the changes, including explanations.

That the submission period is extended over July 2019.

That rear yards be restored to 3m.

102.2

That there be a suitable greater restriction on two-storey houses, eg larger yards.

102.3

M.Carol Scott

12 Bridge View Rd

Birkenhead

Auckland 0626

Submission to the Auckland Council regarding Proposed Plan Change 26

I would like to recommend that the special character of Arney Road continue to be recognized as valuable to Auckland and that the status quo as a Character Area be retained.

| 103.1

It is a pleasure to walk this street and enjoy viewing large houses and beautiful architecture of past times. As well as this, I believe that tall, mature trees are able to be preserved largely because of the rule that land cannot be subdivided under 1000 square metres to accommodate more than one dwelling.

| 103.2

| 103.3

I hope the historicity of Arney Road will not be lost to future generations and developers will not have opportunity to spoil it.

That sums up my submission.

Rosemary McElroy
54 Arney Road,
Remuera.
Auckland 1050

Email: mike.posie@xtra.co.nz

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Praveen Bondili

Organisation name:

Agent's full name:

Email address: praveentej1330@gmail.com

Contact phone number: 0212167256

Postal address:
16 Claude road
Manurewa
Auckland 2102

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:

Property address: 16 claude road

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
Benefits for new dwelling property

I or we seek the following decision by council: Accept the plan modification

Submission date: 25 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

104.1

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Neil Harnisch

Organisation name:

Agent's full name:

Email address: 21nehi21@gmail.com

Contact phone number:

Postal address:
P.O.Box 32441
Devonport
Auckland 0744

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:

Your information necessary to clearly understand the scope of the proposed changes is inadequate. What is provided is detail building restrictions but no overview of all effected areas and no maps to see zone boundaries of SCA.

Property address: 17 St Aubyn Street

Map or maps: You do not provide any!

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Regarding Attachment 6 Proposed Plan Change 26: Amendments to Chapter D18 & Chapter E38
Concern 1: No map or graph is offered to show where any or all these Special Character Area Overlays are within the Auckland Unitary Plan. Indeed it is necessary to understand the boundaries of specific zones. Having the complete picture gives insights into planners' agendas. NB the statement "Schedule 15 Special Character Schedule, Statements and Maps" is insufficient and should be attached to this document or a link given. I entered "Schedule 15 Special Character Schedule, Statements and Maps into the Council search field on the "Proposed Plan Changes" page and scrolling through all responses turned up nothing of that ilk. WHY DO YOU MAKE IT DIFFICULT TO FIND KEY INFORMATION? Concern 2: The Activity Status column in Table D18.4.1 Activity table –

Special Character Areas Overlay – Residential appears to lack a legend notation to explain the significance of the letters. E.g. P or RD – supposing it is PERMITTED & RESTRICTED???

| 105.3

I or we seek the following decision by council: Amend the plan modification if it is not declined

| 105.1

Details of amendments: You must show SCA zones in information!

| 105.2

Submission date: 25 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Dougall Kraayvanger

Organisation name:

Agent's full name:

Email address: dougalk@hotmail.com

Contact phone number:

Postal address:
46 Pompallier Terrace
Ponsonby
Auckland 1011

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:
Chapters D18 & E38

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Whilst these areas are very special area architecturally I would suggest that hard and fast rules about fencing and frontages should not be prescriptive given the fact of the close living that sometimes occurs in my neighbourhood - I live a metre and half from my neighbours on either side and I would like to think that none of us want to look in on each other 24/7 - this can be done sensitively so no exception rules I don't think are the answers especially on side boundaries. As for frontages many of us are very close to the street so a little protection from the day to day pedestrian traffic would be helpful.

I or we seek the following decision by council: Amend the plan modification if it is not declined

| 106.1

Details of amendments: Variations to side boundary and frontage rules should be relaxed to allow for close living and protection from public uninvited access.

| 106.2

Submission date: 25 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Mrs Robyn Rosemary Cameron

Organisation name:

Agent's full name:

Email address: cameronrobyn@gmail.com

Contact phone number:

Postal address:

5 Tudor Street
Devonport
Auckland 0624

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:

D18.6.1, Standards, D18.6.1.1 Building Heights, D18.6.1.2 Height in Relation to Boundary and
D18.6.1.3 Yards

107.2 107.3
107.4 107.5

Property address: 5 Tudor Street (and the surrounding area)

Map or maps:

Other provisions:

The Special Character Overlay is the wrong mechanism to protect heritage. It is cumbersome and over complicated to have two sets of rules applying to properties.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Height to Boundary. The Special Character Overlay. The plan change will allow greater building heights and densities in the side and rear of character properties. This will have detrimental effects on the heritage value of the buildings and so will not achieve the aims of protection of the character of the area. Character Area Overlay rule for height in relation to boundary defines the envelope based on a 3m vertical height and then a 45 degree incline. This is far more imposing than the standard of the Single House Zone which is based on a 2.5m vertical height and then a 45 degree incline. The outcome of this proposed more lenient rule is that buildings can be built higher with great bulk and visual impact. Rear yard. In the rear yard the proposal is to reduce the current 3m boundary to just 1m. This

will allow building to occur only one metre from a neighbour's boundary and will have a significant visual and privacy impact on neighbours. Relaxing the 3m setback for the rear yard will have a highly detrimental impact in areas of Devonport where sections near corner junctions have rear yards adjacent to side yards. By allowing the Character Overlay to predominate it puts neighbour in heritage areas at a disadvantage from those in the single house zone without an overlay. These neighbours will be impacted by more encroachments into their side and rear privacy. The size and scale of more development to the side and rear of houses in the SCA will add visual bulk that will detract from the character features of the area. The plan change will result in the original fronts of heritage houses being dwarfed and dominated by large rear and side developments. This will allow a form of façadism and is not genuine heritage protection.

I or we seek the following decision by council: Decline the plan modification

107.1

Submission date: 26 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

| |
|---------------------|
| For office use only |
| Submission No: |
| Receipt Date: |

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Tracy Hayson, Hayson Knell Ltd

Organisation Name (if submission is made on behalf of Organisation) on behalf of Gull NZ Ltd

Address for service of Submitter

PO Box 381, Tauranga 3140

Telephone: Fax/Email:

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

Plan Change/Variation Name

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Or
Property Address

Or
Map

Or
Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are:

See attachment.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below | 108.1
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.
- Apply Business Special Character Areas Overlay provisions to Business zoned sites. | 108.2

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

Signature of Submitter
(or person authorised to sign on behalf of submitter)

26 June 2019
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could /could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.



Hayson Knell

The reasons for my views are:

The plan change seeks to clarify and give dominant weighting to the Special Character Areas Overlay where there is conflict with the underlying zone provisions.

The site at 66 Vauxhall Road (and nearby sites) are zoned Business-Neighbourhood Centre. The Special Character Areas Overlay that applies to these sites is a Residential overlay (as identified on the AUP planning maps). The rules for the overlay are at odds with the business zoning of the site and the intended use of the land. Where a Special Character Areas Overlay applies to Business zoned sites it is more appropriate to apply the Business character overlay provisions (D18.6). The dominant weighting can then be applied to the Business Character Overlay rules, over the zone provisions.

This acknowledges the commercial use of land has different characteristics than residential use in form and function. For example, site coverage, impermeable surfaces and landscaping provisions should reflect the commercial development of the sites.

HAYSON KNELL LTD

100 Spring Street - PO Box 381 - Tauranga - Telephone: 07-577 1996
info@haysonknell.co.nz

Hi Team

Please accept this as our feedback submission for your proposed Special Character Areas Overlay within the Auckland Unitary Plan for the property situated at 19 Taupata Street, Mount Eden.

Background and context: We have reviewed your proposed changes and have spoken to you to seek further clarity on what the plan means for us.

Our buildings are 1970s constructed concrete block units. They are not in line with the lovely character villas in the street they are situated.

Should we wish to develop these buildings, we would be significantly improving on the quality of housing that is currently there, the visual appeal of the property and the streetscape. We would be creating something more visually appealing and better in **terms of health and wellbeing of the residents. But, it would not be in the 'special character' of the surrounding area.**

Proposal: We would like to suggest that further clarity, guidance and allowances are provided for properties that are not currently (and never have been) in line with the special character of the area that you are trying to preserve.

109.1

Thanks
Abbie

Abbie.Blacktopp@anz.com

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only

Submission No:

Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full
Name) _____

Organisation Name (if submission is made on behalf of Organisation)

KTW Systems LP _____

Address for service of Submitter

c-/ Rachel Dimery, Dimery Consulting Limited, Level 7, 2 Kitchener Street, Auckland Central 1010 _____

Telephone:

09 377 5054

Fax/Email:

rachel@dimery.co.nz

Contact Person: Rachel Dimery

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 26

Plan Change/Variation Name

Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Please refer to the attached.

Or

Property Address

Or

Map

Or

Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

Please refer to the attached.

The reasons for my views are:

Please refer to the attached.


(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below | 110.1
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

Please refer to the attached.

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing



26/06/2019

Rachel Dimery, duly authorised to sign on behalf of KTW Systems LP

Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I ~~could~~ / could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

| Submission Point | Specific provision of Proposed Plan Change 26 that the submission relates to: | Submission – support/oppose/amendments sought: | Reasons for my submission: | Relief Sought from Auckland Council (shown highlighted in yellow and in strikethrough and underline): | |
|------------------|---|--|--|---|---|
| 1. | General | Amendments sought | <p>KTW Systems LP owns 5 Palmerston Road, Birkenhead, North Shore.</p> <p>KTW Systems LP considers that the provisions of Proposed Plan Change 26 do not appropriately protect the views and amenity value enjoyed at 5 Palmerston Road from future development of neighbouring properties.</p> <p>KTW Systems LP considers that Proposed Plan Change 26 does not effectively ensure that an appropriate level of development can occur on the property at 5 Palmerston Road and on other neighbouring properties, having regard to the special character of the neighbourhood. The rule and standards framework should distinguish between rear sites and those fronting the street.</p> <p>KTW Systems LP considers that relevance of the objectives and policies in the underlying zone should be clarified, given the overlay does not contain any corresponding objectives or policies to address broader amenity values e.g. on-site amenity (both of the site and adjoining sites); and other effects such as stormwater run-off.</p> | <p>KTW Systems LP seeks amendment to the provisions to provide for:</p> <ul style="list-style-type: none"> a) the preservation of views from a dwelling at 5 Palmerston Road and amenity values on this site; b) appropriate development is enabled at 5 Palmerston Road; c) either include relevant objectives and policies in the overlay to address broader amenity values and other effects; or clarify that the objectives and policies of the underlying zone apply in addition to those in the Special Character Areas Overlay. <p>KTW Systems LP seeks further, consequential or alternative relief as may be necessary, desirable, or</p> | <p>110.2</p> <p>110.3</p> <p>110.4</p> <p>110.5</p> |

| | | | | | |
|-----------|---|--------------------------|--|--|--------------|
| | | | <p>The section 32 evaluation has been prepared with reference to the purpose of proposal when it should in fact refer to the objectives of the existing plan. In other words, the proposal is a change to an 'existing proposal' under s32(3). The objectives of the existing plan would remain if the plan change takes effect and are therefore relevant to the s32 evaluation.</p> | <p>appropriate to give effect to the decision sought.</p> | <p>110.5</p> |
| <p>2.</p> | <p>Activity Table D18.4 Preamble</p> | <p>Amendments sought</p> | <p>The wording lacks clarity. It is unclear whether 'precedence' is intended to mean that only the Special Character Areas Overlay activity status applies and cancels out the activity status in the underlying zone. The proposed wording as notified could also be read to mean that the Special Character Areas Overlay activity status takes priority over the activity status in the underlying zone, but that the activity status in the underlying zone also applies.</p> <p>The introduction in the Section 32 Evaluation would suggest that it is intended that only the Special Character Areas Overlay activity status</p> | <p>Amend the second paragraph under the heading D18.4 as follows:</p> <p><i>Where the activity status of an activity specified in Table D18.4.1 is different to the corresponding activity status also specified in the activity table for # in the underlying zone, then the activity status in table D18.4.1 takes precedence over the activity status in the underlying zone (whether or not that activity status is more restrictive) applies and the</i></p> | <p>110.6</p> |

| | | | | |
|----|--|-------------------|--|--|
| | | | applies. For the avoidance of doubt, amendments should be made to clarify this. | <u>activity status in the underlying zone does not apply.</u> |
| 3. | Activity Table D18.4 Preamble | Support | The wording of the third paragraph is supported, as it clarifies the activity status of activities not listed in Table D18.4.1. This will assist with the consistent administration of the plan. | Retain the third paragraph under the heading D18.4. The wording as notified is included below: <i><u>Where an activity is not provided for in Table D18.4.1, the activity will have the activity status provided in the underlying zone. All other relevant overlay, precinct, Auckland-wide and general rules apply.</u></i> |
| 4. | Table D18.4.1 Activity Table (A5A) | Amendments sought | The wording of the activity does not follow the same format as the other activities in the table and other chapters in the AUP(OP). Clause D18.6.1 states that all activities listed in Table D18.4.1 must comply with the development standards. It is therefore unnecessary to repeat this in the rule in the activity table. Deleting this text would be consistent with the format of the activity tables in other chapters of the AUP(OP). | Amend (A5A) as follows: <i><u>New fences and walls, and alterations to existing fences and walls that comply with Standard D18.6.1.7(1)</u></i> |

110.7

110.8

| | | | | | |
|----|--|-------------------|--|---|--------|
| 5. | Table D18.4.1 Activity Table (A5B) | Amendments sought | Rule C1.9(2) applies and there is no need to list non-compliances with a standard as an activity in Table D18.4.1. | Delete (A5B) in its entirety (shown as strikethrough below): (A5B) New fences and walls and alterations to existing fences and walls that do not comply with Standard D18.6.1.7(1) RD | 110.9 |
| 6. | Standard D18.6.1 | Support | The wording of this provision as proposed makes it clear that the development standards in the overlay are the only development standards that apply. | Retain D18.6.1 subclauses (a) and (b) as notified. | 110.10 |
| 7. | D18.6.1.1 Building Height | Support | The addition of text explaining the purpose of the development standard is supported. | Retain D18.6.1.1 as notified. | 110.11 |
| 8. | D18.6.1.2 Height in relation to boundary | Amendments sought | <p>The development standard as proposed states that rear sites are subject to the underlying zone height in relation to boundary. This will result in perverse outcomes, where front sites have a larger building envelope and impose greater impacts on adjoining rear sites e.g. greater dominance and shading effects.</p> <p>This amounts to effectively a spot zoning of rear sites. This will have economic costs for property</p> | <p>Amend D18.6.1.2(2) as follows:</p> <p>(2) The underlying zone height in relation to boundary standard applies where:</p> <p>(a) The the site has a frontage length of 15m or greater.; or</p> <p>(b) The site is a rear site.</p> | 110.12 |

| | | | | |
|-----|-----------------------------------|---------|--|------------------------------|
| | | | owners as it will diminish the development potential of rear sites. | |
| 9. | D18.6.1.3 Yards | Support | The provision as proposed clarifies that the development standards applying to rear yards are those specified in the underlying zone. This is supported as it better reflects existing development patterns. Furthermore, development in rear yards does not impact on streetscape values. | Retain as notified. 110.13 |
| 10. | D18.6.1.4 Building coverage | Support | The provision as proposed appropriately reflects existing development patterns and legacy development standards for the Birkenhead area (35% building coverage). | Retain as notified. 110.14 |
| 11. | D18.6.1.6 Maximum impervious area | Support | The provision as proposed appropriately reflect existing development patterns and legacy development standards for the Birkenhead area (60% impervious area for sites 500m ² – 1,000m ²). | Retain as notified. 110.15 |
| 12. | D18.6.1.7 Fences and walls | Support | The provision as proposed enables fences and walls up to 2m in height on rear boundaries and within rear yards. This is supported, as fences and walls on rear sites will not generate effects on streetscape values. | Retain as notified. 110.16 |

| | | | | |
|-----|--|---------|--|---------------------|
| 13. | D18.8.1.1(3)(c) Matters of discretion | Support | The provision as proposed applies the matters of discretion for the standard in the underlying zone. This is appropriate as the matters of discretion in the underlying zone include consideration of relevant matters such as the amenity of neighbouring sites, which are relevant to any relaxation of development standards. Without this amendment, the matters of discretion would be inappropriately focused solely on effects on streetscape and special character values. | Retain as notified. |
|-----|--|---------|--|---------------------|

110.17

To Whom it May Concern

As residents of Devonport, we are writing to object to the proposed modifications to the Unitary Plan Heritage Overlay.

Devonport has always had the height to boundary measurement based on an envelope border by a vertical height of 2.5m, 1 metre from the boundary and then a 45 degree angle measurement, ensuring that the scale of any additions are not dominant, respect privacy and are responsive to sunlight considerations.

111.1

The proposed new Plan 26, which seeks to change measurements, will have a detrimental effect on the quality of life of residents, not to mention the heritage value of properties. Building so close to boundaries inevitably means that issues of noise, sunlight and privacy can seriously impact neighbourly relations and mental health.

111.2

So often we find issues of concern are treated by Council in a disconnected way. So, eg, mental health, which is being discussed so prominently at the moment, is clearly not considered in these planning modifications, which are obviously concerned with the policy of intensification. What is the point of addressing one problem by creating other problems? Let's have some joined up thinking for a change!

Alexander and Julia Cowdell

cowdellz@xtra.co.nz

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

| |
|---------------------|
| For office use only |
| Submission No: |
| Receipt Date: |

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

PETER DESMOND WITHELL

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

3 RYLE STREET, FREEMANS BAY, AUCKLAND, 1011

Telephone:

021 980 856

Fax/Email:

sego@wa.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 26

Plan Change/Variation Name

Clarifying the relationship between the Special Character Areas Overlay and underlying zone provisions

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

D 18 - Special Character Overlay / E 38 - Subdivision Urban

Or

Property Address

Or

Map

Or

Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are:

I believe the Plan Change will provide clarity for development in a Special Character Overlay area. These rules help manage and retain our heritage areas. These rules should not be open for interpretation, depending on a sites underlying Zone. The Special Character Overlay rules should always replace any conflicting rule.

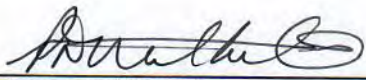
(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

112.1

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing


Signature of Submitter
(or person authorised to sign on behalf of submitter)

27/6/19
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could /could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Sheng Yun Nie

Organisation name:

Agent's full name:

Email address: effienie@hotmail.com

Contact phone number: 022 161 8828

Postal address:
48A Woodside Road
Mount Eden
Auckland 1024

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:

Property address: 48A Woodside Road, Mount Eden, Auckland

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
The plan should be modified due to the development of Auckland.

I or we seek the following decision by council: Accept the plan modification

Submission date: 26 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

| 113.1

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Graeme Cummings

Organisation name:

Agent's full name:

Email address: cummings.graeme@gmail.com

Contact phone number:

Postal address:

5 North Ave
Narrowneck
Auckland 0624

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:

D18.6.1.7 Fences and Walls

Property address: 5 North Ave, Narrowneck

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

I object to the imposition of a fence restriction of 1.2m to the front boundary.

| 114.2

I or we seek the following decision by council: Decline the plan modification

| 114.1

Submission date: 26 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: David Barber

Organisation name:

Agent's full name:

Email address: david.barber@xtra.co.nz

Contact phone number:

Postal address:

david.barber@xtra.co.nz

Manurewa

Auckland 2102

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:

Special Character Area Overlay

Property address: 6 Earls Court, Hillpark

Map or maps: Hillpark

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

I support the proposed additions to the activity table, but would like to see protection of trees, particularly natives over a certain height, minimum size of site for a residence reinstated to 750 sq metres, and greater restriction on signage from residents working from home. Already in past few years since the Unitary Plan has become in force our district of Hillpark has lost a great many big trees simply felled or badly hacked with apparent permission from this Council simply for trivial reasons such as the small branches/leaves falling on their children while playing. There have been many examples of big ugly fences put up in front of properties with apparent Council permission. There are many examples of large signs put outside residential properties advertising home businesses operating within. There are new houses and/or additions that are being built which are completely out of character to our area. All the above activities, and more, contribute to a gradual changing of the character of our area which we had been assured as a Special Character overlay

would never happen. Therefore, I would like to see more tighter rules adopted to ensure clarity in order to save these special character areas of Auckland slowly eroding and losing their uniqueness. Thank you.

I or we seek the following decision by council: Accept the plan modification with amendments

| 115.1

Details of amendments: trees over say 8 metres requiring resource consent to be trimmed/felled, greater control over signage outside residential properties, disallowing new fences which are deemed not in character with the area.

| 115.2
| 115.3
| 115.4

Submission date: 26 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

To whom it may concern
I support the Proposed Plan Change 26:

| 116.1

On the whole, the Plan Change gives added weight and certainty to the SCO rules and so prevents the ambiguity in interpretation which has already arisen in some cases, and consequent compromises being sought. The Plan Change gives certainty when it comes to defining what type of development is allowed in our suburb by making the SCO rules definitive.

This will allow for development as well as protecting the character of the inner suburbs of special character

Ngā mihi

Tricia Reade

802/9 Hopetoun Street
Freemans Bay
Auckland 1001
New Zealand
Tel: + 64 9 373 2966
Mob: + 64 21 968 862

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Victoria Toon

Organisation name:

Agent's full name:

Email address: victoria.toon@gmail.com

Contact phone number: 0212530969

Postal address:

PO Box 10-100 Dominion Road 1446

Mt Eden

Auckland 1024

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:

D18.6.1.7 Fences and Walls

Property address: Walters Road

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

We have existing fences and gates on our front boundary which are on sloping ground being 1.5m on one side and 1.6m on the opposite side. The proposed change stipulates the height is "measured from ground level". This would result in a sloping fence and for some owners whom have greater differences this would look ridiculous. On one side of our property the next door neighbour's house is at a significant lower level to ours (the volcanic rock slips away). On their side our adjacent fence is at a far greater height to their house than it is to ours. I am concerned that should we need to replace a fence we would have to reduce the height of our fences which may mean we could no longer use our existing heritage styled gates. The proposed plan should not apply to replacement fences. In terms of security I believe 1.2m is far too low. There are 2 drug recovery houses and one prison half-way rehabilitation house in our street. Generally they are no trouble but there have been incidences in the last few years where we have had burglars roaming around our property whom have then gone on to

| 117.2

| 117.3

burgled our next door neighbour by hopping the fence. We were basically forced into having an electronic pedestrian gate to attempt to keep suspicious people out. Whilst a lower fence might sound wonderful for heritage views this height is not practical. We are no longer living in the 1920's and must be mindful of security.

I or we seek the following decision by council: Decline the plan modification

117.1

Submission date: 27 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

| |
|---------------------|
| For office use only |
| Submission No: |
| Receipt Date: |

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

JOANE RHA CROWLEY

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

4 ARTHUR ST, FREEMANS BAY

Telephone:

021-2701344

Fax/Email:

jo.crowley@stra.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 26

Plan Change/Variation Name

Clarifying the relationship between the Special Character Areas Overlay and underlying zone provisions

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

D 18 - Special Character Overlay / E 38 - Subdivision Urban

Or

Property Address

Or

Map

Or

Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

This is an automated message. Please do not reply. If you have questions about ads, you can get help. You can also manage your email notification settings for this ad account. Facebook, Inc., Attention: Community Support, 1 Facebook Way, Menlo Park, CA 94025

The reasons for my views are:

I believe the Plan Change will provide clarity for development in a Special Character Overlay area. These rules help manage and retain our heritage areas. These rules should not be open for interpretation, depending on a sites underlying Zone. The Special Character Overlay rules should always replace any conflicting rule.

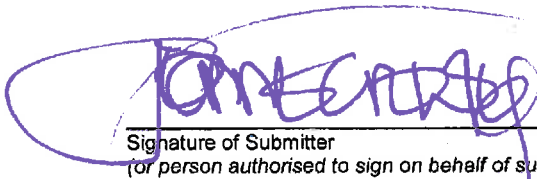
(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

118.1

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing


 Signature of Submitter
 (or person authorised to sign on behalf of submitter)

26.6.19
 Date

Notes to person making submission:
 If you are making a submission to the Environmental Protection Authority, you should use Form 16B.
 Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.
 If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.
 I could /could not gain an advantage in trade competition through this submission.
 If you could gain an advantage in trade competition through this submission please complete the following:
 I am / am not directly affected by an effect of the subject matter of the submission that:
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

| |
|---------------------|
| For office use only |
| Submission No: |
| Receipt Date: |

Submitter details

Full Name or Name of Agent (if applicable)

~~Mr/Mrs/Miss/Ms~~(Full Name) Melanie Abernethy

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

4 ~~15~~ Arthur St
Freemans Bay

Telephone: 093602690 Fax/Email: melanie.abernethy003@gmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number PC 26

Plan Change/Variation Name Clarifying the relationship between the Special Character Areas Overlay and underlying zone provisions

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s) D 18 - Special Character Overlay / E 38 - Subdivision Urban

Or
Property Address

Or
Map

Or
Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are:

I believe the Plan Change will provide clarity for development in a Special Character Overlay area. These rules help manage and retain our heritage areas. These rules should not be open for interpretation, depending on a sites underlying Zone. The Special Character Overlay rules should always replace any conflicting rule.

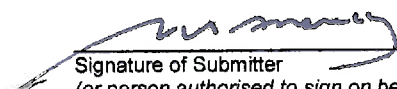
(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

119.1

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing


Signature of Submitter
(or person authorised to sign on behalf of submitter)

27/6/2019
Date

Notes to person making submission:
 If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could / could not gain an advantage in trade competition through this submission.
 If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Ken chang

Organisation name:

Agent's full name:

Email address: kenchang_08@yahoo.co.nz

Contact phone number: 021708688

Postal address:
35 Denbigh Avenue
Mt. Roskill
Auckland 1041

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:

Property address: 35 Denbigh Avenue , Mt. Roskill ,Auckland

Map or maps:

Other provisions:
Proposed Plan Change 26 relates to /chapter D18

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
Good for the area

I or we seek the following decision by council: Accept the plan modification

| 120.1

Submission date: 27 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: DARCY MCNICOLL

Organisation name:

Agent's full name:

Email address: darcymcnicoll1@gmail.com

Contact phone number:

Postal address:
PO BOX 32304
DEVONPORT
AUCKLAND 0744

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:

Proposed modification to rule 26 D18.6.1, Standards, D18.6.11 Building Heights, D18.6.1.2 Height in relation to boundary and D18.6.1.3 Yards.

Property address: DEVONPORT ,STANLEY BAY, CHELTENHAM GENERAL DEVONPORT AREA COVERED BY SPECIAL CHARACTER OVERLAY

Map or maps: DEVONPORT

Other provisions:

The Special Character Overlay is the wrong mechanism to protect heritage. It is cumbersome and over complicated to have two sets of rules applying to properties

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

Height to Boundary: The Special Ch- The plan change will allow greater building heights and densities in the side and rear of character properties. This will have detrimental effects on the heritage value of the buildings and so will not achieve the aims of protection of the character of the area. Character Area Overlay rule for height in relation to boundary defines the envelope based on a 3m vertical height and then a 45 degree incline. This is far more imposing than the standard of the Single House Zone which is based on a 2.5m vertical height and then a 45 degree incline. The outcome of this proposed more lenient rule is that building can be built higher with great bulk and visual impact. Rear

121.2
121.3
121.4
121.5

Yard: In the rear yard the proposal is to reduce the current 3m boundary to just 1m. This will allow building to occur only one metre from a neighbour's boundary and will have a significant visual and privacy impact on neighbours. Relaxing the 3m setback for the rear yard will have a highly detrimental impact in areas of Devonport where sections near corner junctions have rear yards adjacent to side yards. By allowing the Character Overlay to predominate it puts neighbours in heritage areas at a disadvantage from those in the single house zone without an overlay. These neighbours will be impacted by more encroachments into their side and rear privacy. The size and scale of more development to the side and rear of houses in the SCA will add visual bulk that will detract from the character features of the area. The plan change will result in the original fronts of heritage houses being dwarfed and dominated by large rear and side developments. This will allow a form of facadism and is not genuine heritage protection.

I or we seek the following decision by council: Decline the plan modification

| 121.1

Submission date: 27 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: ROBYN MCNICOLL

Organisation name:

Agent's full name:

Email address: darcymcnicoll@xtra.co.nz

Contact phone number:

Postal address:
PO Box 32304
DEVONPORT
AUCKLAND 0744

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:

Proposed modification to rule 26 D18.6.1, Standards, D18.6.11 Building Heights, D18.6.1.2 Height in relation to boundary and D18.6.1.3 Yards.

Property address: DEVONPORT AND GENERAL AREA SPECIAL CHARACTER OVERLAYS

Map or maps: DEVONPORT

Other provisions:

Proposed modification to rule 26 D18.6.1, Standards, D18.6.11 Building Heights, D18.6.1.2 Height in relation to boundary and D18.6.1.3 Yards.

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

Height to Boundary: The Special Ch- The plan change will allow greater building heights and densities in the side and rear of character properties. This will have detrimental effects on the heritage value of the buildings and so will not achieve the aims of protection of the character of the area. Character Area Overlay rule for height in relation to boundary defines the envelope based on a 3m vertical height and then a 45 degree incline. This is far more imposing than the standard of the Single House Zone which is based on a 2.5m vertical height and then a 45 degree incline. The outcome of this proposed more lenient rule is that building can be built higher with great bulk and visual impact. Rear Yard: In the rear yard the proposal is to reduce the current 3m boundary to just 1m. This will allow

122.2
122.3
122.4
122.5

building to occur only one metre from a neighbour's boundary and will have a significant visual and privacy impact on neighbours. Relaxing the 3m setback for the rear yard will have a highly detrimental impact in areas of Devonport where sections near corner junctions have rear yards adjacent to side yards. By allowing the Character Overlay to predominate it puts neighbours in heritage areas at a disadvantage from those in the single house zone without an overlay. These neighbours will be impacted by more encroachments into their side and rear privacy. The size and scale of more development to the side and rear of houses in the SCA will add visual bulk that will detract from the character features of the area. The plan change will result in the original fronts of heritage houses being dwarfed and dominated by large rear and side developments. This will allow a form of facadism and is not genuine heritage protection.

I or we seek the following decision by council: Decline the plan modification

| 122.1

Submission date: 27 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



**SUBMISSION ON PROPOSED PLAN CHANGE 26 TO THE PARTIALLY OPERATIVE
AUCKLAND UNITARY PLAN PURSUANT TO CLAUSE 6 OF THE FIRST SCHEDULE
OF THE RESOURCE MANAGEMENT ACT 1991**

To: Auckland Council
Unitary Plan
Private Bag 92300
Auckland 1142
Attention: Planning Technician

By E-Mail only: unitaryplan@aucklandcouncil.govt.nz

Submitter: V.H. Bull
5D Church Street
Devonport

Address for Service: 4Sight Consulting Limited
201 Victoria Street West
Auckland Central
PO Box 911 310, Victoria Street West
AUCKLAND 1142

Attention: Gael McKitterick
Phone: 022 160 6554
Email: gaelm@4sight.co.nz

INTRODUCTION

- 1) The submitter is the owner of four sites in Devonport, being 5D Church Street, and 22B, 23 and 24 King Edward Parade, which are all located within the Residential Single House Zone and also all affected by the Special Character Area Overlay.
- 2) The submissions on the provisions of Proposed Plan Change 26 (“the Plan Change”) are focused on the key issues affecting the submitter’s land. In this regard, the submitter largely supports the intent of the Plan Change to provide greater clarity on the relationship between the underlying zones and the Special Character Area Overlay for the reason that the existing lack of clarity creates uncertainty in respect to the applicability of standards, and the need for otherwise unnecessary resource consent applications.

THE SPECIFIC PROVISIONS OF THE PROPOSED PLAN CHANGE THAT THE SUBMISSION BY VH BULL RELATES TO ARE SUMMARISED AS FOLLOWS:

- 1) The Plan Change seeks to clarify the relationship between the Special Character Areas Overlay and the underlying zone provisions. The Plan Change seeks to introduce changes to make it clear that certain planning provisions of the Special Character Areas Overlay prevail over the corresponding provisions of the underlying zones. The submission supports that intent.
- 2) The Plan Change amends a number of the development standards within the Special Character Areas Overlay by the inclusion of a ‘purpose’ for the associated standard. The submission supports the intent of these amendments to provide greater clarity and certainty in respect to the development outcomes sought by those standards.
- 3) The Plan Change amends a number of the development standards such as yards and height in relation to boundary to provide opportunities for more efficient forms of development on small sites, including deleting rear yard requirements and enabling the use of common walls and gable ends. The submission supports these outcomes.
- 4) The Plan Change clarifies that all subdivision in the SCAO is required to comply with the minimum standards set out in Table E38.8.2.6.1. This is supported.
- 5) The Plan Change amends the Height in Relation to Boundary standard to provide that rear sites and those with a frontage over 15m in length must comply with the recession angle standard in the underlying zone rather than the 3m plus 45 degree standard in the SCAO. This matter is **opposed** as it is inequitable particularly for rear sites and will result in differing HRB standards applying to the same common boundary.
- 6) The specific provisions submitted on, the rationale for the submission on each of these matters, and the relief sought is contained in the following Schedule.
- 7) In addition to the specific outcomes sought in the attached Schedule, the following general relief is sought:
 - a) Achieve the following:
 - i. The purpose and principles of the Resource Management Act 1991 (“RMA”) and consistency with the relevant provisions in Sections 6 - 8 RMA;
 - ii. Assist Auckland Council (“Council”) carry out its functions of achieving the integrated management of the effect of the use, development or protection of land;
 - iii. Meet the requirements of the statutory tests in section 32 of the RMA;
 - iv. Avoid, remedy or mitigate any relevant and identified environmental effects; and



- v. Ensure certainty and clarity in the interpretation and application of the Special Character Areas Overlay, including avoiding duplication between the overlay and zone rules.
- b) Make any alternative or consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of the Auckland Unitary Plan that are not specifically subject of this submission but where consequential changes are required to ensure a consistent approach is taken throughout the document; and
- c) Any other relief required to give effect to the issues raised in this submission.

THE SUBMITTER WISHES TO BE HEARD IN SUPPORT OF THIS SUBMISSION

IF OTHERS MAKE A SIMILAR SUBMISSION, THE SUBMITTER WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.

THE SUBMITTER COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.

- a) The submitter is directly affected by an effect of the subject matter of that submission that
 - i. Adversely affects the environment; and
 - ii. Does not relate to trade competition or the effects of trade competition.

Signed on and behalf of V.H. Bull

A handwritten signature in blue ink that reads 'Gael McKitterick'.

.....
Gael McKitterick

Principal Planning and Policy Consultant

Dated this day of 27 June 2019

SCHEDULE ONE

THE SPECIFIC PARTS OF PLAN CHANGE 26 (“PC26”) THAT ARE SUBJECT OF THIS SUBMISSION ARE:

- D18 Activity Table (Explanation) - supports
- Table D18.4.1 Activity table- supports
- Section D18 Standards for Special Character Areas Overlay including
 - D18.6.1 Standards for Buildings in Special Character Areas Overlay -supports
 - D18.6.1.1 Building Height- supports
 - D18.6.1.2 Height in Relation to Boundary- supports in part, opposes in part
 - D18.6.1.3 Yards- supports
 - D18.6.1.4 Building Coverage- supports
 - D18.6.1.5 Landscaping-supports
 - D18.6.1.7 Fences and walls-supports
 - D18.6.2 Standards for Buildings-supports
- Section 18.8 Assessment – Restricted discretionary activities-supports
- Section E38 Subdivision Urban E8.6.2.1 -supports

THE POSITION OF THE SUBMITTER AND THE REASON FOR THE SUBMISSION:

The submitter **supports** the following aspects of PC26:

- a.** The intent of PC26 which is to make it clear that certain planning provisions of the Special Character Areas Overlay prevail over the corresponding provisions of the underlying residential zones, is supported. In this respect, the need under the AUP to comply with both the underlying zone provisions and those of the SCAO results in lack of certainty, and the need for unnecessary resource consent applications. The proposed changes will provide a clear hierarchy of the status of the planning provisions. The need to comply with two sets of controls (overlay and underlying zone) has significant cost over benefit, is neither practical nor necessary and has the potential to result in difference of interpretation by the Council and applicants.
- b.** The amendments to D18 Activity Table (Explanation) are supported as they represent a positive amendment clarifying the status of certain activities in the SCAO (alterations and additions as well as land use activities) while retaining the opportunities for other activities as currently provided for in the underlying zone.
- c.** The amendment to Table D18.4.1 Activities (A45A and 45B) relating to fences are supported. The amendment is useful as it differentiates between the standards that are relevant to the SCOA and the zone, and also to the control of fences and walls in their own right, rather than only as part of a wider development proposal. The inclusion of fences of up to 2m in height on side and rear boundaries enable privacy and security needs to be provided for.
- d.** The amendment to Standard D18.6.1 Standards is supported. It will ensure that development in the SCAO is required to comply with one set of development standards. Currently two separate sets of development controls apply (one in the SCAO and the other contained in the underlying zone). In many instances the provisions/standards differ, and sometimes considerably, between the underlying zone and the SCAO creating uncertainties in the design and development for an applicant and increasing the potential for

123.1

development to infringe development standards and to therefore require affected party approval from neighbouring land owners and/or be subject to challenge.

- e. The inclusion of a purpose in D18.6.1.1 Building Height is supported, being appropriate and required for the consideration of any proposal which seeks to infringe the permitted standard.
- f. The amendment to standard D18.6.1.2 Height in Relation to Boundary is supported in so far as it includes a purpose for the standard, deletes the requirement for HRB to apply to front boundaries and in respect to the exemptions contained in clauses 3-6. These amendments clarify the intent of the standard, provide exemptions to enable more flexible design solutions and a style of development which is appropriate to the heritage values of the area, without adversely affecting neighbourhood amenity.
- g. The amendment to standard D18.6.1.3 Yards is supported, including the inclusion of a 'purpose' for the rule, required for the consideration of any proposal which seeks to infringe the permitted standard. The deletion of the 3m yard setback and the inclusion of clause (2) providing for common walls is supported as both provisions recognise the design limitations of smaller sites, that a 3m set back is unreasonably restrictive and the need to provide for design flexibility.
- h. The amendment to standard D18.6.1.4 Building Coverage is supported, including the inclusion of a 'purpose' for the rule, required for the consideration of any proposal which seeks to infringe the permitted standard.
- i. The amendment to standard D18.6.1.5 Landscaping is supported, including the inclusion of a 'purpose' for the rule, required for the consideration of any proposal which seeks to infringe the permitted standard.
- j. The amendment to standard D18.6.1.6 Maximum Impervious Area is supported. The inclusion of a 'purpose' for the rule is required for the consideration of any proposal which seeks to infringe the permitted standard. The amendment from 'maximum paved area', and its replacement with 'maximum impervious area' is supported as it appropriately recognises that some paved areas can be impervious.
- k. The amendment to standard D18.6.1.7 Fences is supported. The inclusion of a 'purpose' for the rule is required for the consideration of any proposal which seeks to infringe the permitted standard. The provision for fences of up to 2m in height is appropriate on side and rear boundaries to provide for security and privacy requirements, without adversely affecting neighbouring amenity.
- l. The amendment to Section E38 Urban Subdivision is supported as it clarifies that the 450m² standard applies to all subdivision including where the parent site is greater than 1ha.

| 123.10

The submitter **opposes** the following aspects of PC26:

- m. The submitter opposes Standard D18.6.1.2 Height in Relation to Boundary clauses (1a) and (1b). These clauses require that those sites which have a frontage wider than 15m and all rear sites, must comply with the HRB control of the underlying zone. This will create an inequitable situation in respect to the development standards on common boundaries, does not relate to the effects of development, and unreasonably restrict development on rear sites which may be entirely adjoined by sites with a frontage of less than 15m and

therefore able to utilize the 3m plus 45 degree standard. All sites in the SCAO should be subject to the 3m plus 45 degree HRB setback standard.

RELIEF SOUGHT

- | | | |
|----|---|--------|
| 1) | Adopt the amendments proposed in PC26 to standard D18 Special Character Area Overlay as notified including the amendments to the following: | |
| | ▪ D18 Activity Table (Explanation) | 123.2 |
| | ▪ Table D18.4.1 Activity table | 123.3 |
| | ▪ Section D18 Standards for Special Character Areas Overlay, including: | |
| | ○ D18.6.1 Standards for Buildings in Special Character Areas Overlay | 123.4 |
| | ○ D18.6.1.1 Building Height | 123.5 |
| | ○ D18.6.1.2 Height in Relation to Boundary, (except in respect to clauses (1A and (1B) as set out in paragraph (3) below | 123.6 |
| | ○ D18.6.1.3Yards | 123.7 |
| | ○ D18.6.1.4 Building Coverage | 123.8 |
| | ○ D18.6.1.5 Landscaping | 123.9 |
| | ○ D18.6.1.7 Fences and walls | 123.11 |
| | ○ D18.6.2 Standards for Buildings | 123.12 |
| | ▪ Section 18.8 Assessment – Restricted discretionary activities | 123.13 |
| 2) | Adopt the amendments to standard E38 Urban Subdivision as notified. | 123.14 |
| 3) | Amend Standard D18.6.1.2 Height in Relation to Boundary by the deletion of clause (1a) and 1(b) so that all sites in the SCAO are required to comply with a 45 degree recession plane measured from a point 3m above the ground level along side and rear boundaries. | 123.15 |
| 4) | Adopt any other such relief, including additions, deletions, consequential amendments or alternative relief necessary to give effect to these submissions as a result of the matters raised. | 123.16 |

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Stephen John Mills

Organisation name:

Agent's full name:

Email address: stephen.mills@shortlandchambers.co.nz

Contact phone number:

Postal address:
9 First Avenue Stanley Point
Devonport
Auckland 0624

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:
D18.6.1 Standards, D18.6.11 Building Heights, D18.6.1.2 Height in relation to boundary and D18.6.1.3 Yards

Property address: 9 First Avenue, Stanley Point, Devonport

Map or maps:

Other provisions:

The Special Character Overlay is the wrong mechanism to protect heritage. It is cumbersome and overly complicated to have 2 sets of rules that apply to the same property.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Height to boundary: the plan change will allow greater building heights and densities in the side and rear of character properties. This will have detrimental effects on the heritage value of the buildings and as a result will not achieve the avowed aim of protecting the character of the area. Character Area Overlay: the rule for height to boundary defines the envelope based on a 3m vertical height and then a 45 degree incline. This is far more imposing than the standard for the Single House Zone which is based on a 2.5 vertical height and then a 45 degree angle. The effect will be to allow a higher building with greater bulk and visual impact. Rear Yard: the effect will be to reduce the current 3 metre boundary to 1 metre. This will have a significant visual and privacy impact on neighbours and will

| 124.2

| 124.3

have a particularly detrimental effect in Devonport where sections near corner junctions have rear yards adjacent to side yards. The effect of the Character Overlay and allowing it to predominate has the perverse effect of allowing a greater encroachment on side and rear privacy than is the case in the single house zone with no Character Overlay. A particular concern is that the proposed change is likely to result in the heritage frontages of houses being dominated by large rear and side yard developments. This will not result in genuine heritage protection.

I or we seek the following decision by council: Decline the plan modification

| 124.1

Submission date: 27 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Submission to a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only

Submission No:

Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Ms/Miss/Ms/Eng
(Name)

DAVID DUNCAN

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

1 ARTHUR ST FREEMANS BAY AUCKLAND

Telephone:

021 663453

Fax/Email:

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 26

Plan Change/Variation Name

Clarifying the relationship between the Special Character Areas Overlay and underlying zone provisions

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

D 18 - Special Character Overlay / E 38 - Subdivision Urban

Or

Property Address

Or

Map

Or

Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended

Yes

No

The reasons for my views are:

125

I believe the Plan Change will provide clarity for development in a Special Character Overlay area. These rules help manage and retain our heritage areas. These rules should not be open for interpretation, depending on a sites underlying Zone. The Special Character Overlay rules should always replace any conflicting rule.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation | 125.1
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

27/6/19

Signature of Submitter
(or person authorised to sign on behalf of submitter)

Date

Notes to person making submission:
 If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could /could not gain an advantage in trade competition through this submission.
 If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

| |
|---------------------|
| For office use only |
| Submission No: |
| Receipt Date: |

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

GRAHAM CAMPBELL WALL

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

3 ARTHUR ST FREEMANS BAY
AUCKLAND 1011

Telephone:

021951368

Fax/Email:

graham@grahamwall.com

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 26

Plan Change/Variation Name

Clarifying the relationship between the Special Character Areas Overlay and underlying zone provisions

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

D 18 - Special Character Overlay / E 38 - Subdivision Urban

Or

Property Address

Or

Map

Or

Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

AUCKLAND COUNCIL

27 JUN 2019

CBD - ALBERT ST

The reasons for my views are:

I believe the Plan Change will provide clarity for development in a Special Character Overlay area. These rules help manage and retain our heritage areas. These rules should not be open for interpretation, depending on a sites underlying Zone. The Special Character Overlay rules should always replace any conflicting rule.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

126.1

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

Signature of Submitter
(or person authorised to sign on behalf of submitter)

24 - 6 - 19

Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could / could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: John Dillon

Organisation name:

Agent's full name: David Wren

Email address: david@davidwren.co.nz

Contact phone number: 098150543

Postal address:

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:
The entire plan change

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
Please see attached document

I or we seek the following decision by council: Accept the plan modification with amendments

| 127.1

Details of amendments: Please see attached document

Submission date: 27 June 2019

Supporting documents
Submission PC26 J Dillon.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Proposed Plan Change 26 - Submission

1. This document supports the submission from John Dillon on Proposed Plan Change 26 (PC26) to the Auckland Unitary Plan.

Provisions Subject to this Submission.

2. This submission concerns the entire PC26 and specifically the following provisions
 - D18.4 Activity Table
 - D18.6.1 Standards for buildings in the Special Character Areas Overlay - Residential and in the Special Character Areas Overlay – General (with a residential zoning)
 - D18.6.1.2. Height in relation to boundary
 - D18.6.1.3. Yards
 - D18.8.1. Matters of discretion
 - E38.8.2.6. Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business

Reasons for Submission

3. Introduction

4. Overall the direction the direction of PC26 is supported as it provides a solution to the complicated situation currently facing applicants dealing with proposals that are subject to the Special Character Area overlay. To the extent that PC 26 resolves the current cumbersome requirements, the plan change is supported subject to the changes outlined below and in the alternative relief sought in paragraph 31.
5. It is submitted that subject to the changes outlined below PC26 will be in accordance with the purpose and principle of the Resource Management Act 1991.

6. D18.4 Activity Table

7. The changes proposed to the introduction to the activity table state that where the activity status of an activity specified in Table D18.4.1 is different to the corresponding activity status in the underlying zone, then the activity status in Table D18.4.1 takes precedence over the activity status in the underlying zone.
8. The use of the term 'take precedence' in this clause is unclear and will lead to further confusion and interpretative difficulties. Precedence puts one thing ahead of another. This

therefore does not mean that the underlying activities rules will cease to apply, but simply that the SCA activity rules take precedence. It is submitted that the clause 'take precedence' in this rule should be amended by inserting the word 'replace' instead of 'take precedence'. This will ensure that there is no further confusion as to which activity rules apply.

127.2

9. D18.6.1. Standards for buildings in the Special Character Areas Overlay - Residential and in the Special Character Areas Overlay – General (with a residential zoning)

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

127.3

11. D18.6.1.2. Height in relation to boundary

12. The introduction of different height in relation to boundary rules for sites of less than 15m wide and those of 15m wide or greater is inappropriate and will result in anomalies. Firstly in many areas there is no difference in the style and shape of buildings based on the width of the site. Most corner sites, no matter where they are located will be detrimentally affected for no planning reason other than they are corner sites.

13. The use of a 15m cut off point for the imposition of the rule is arbitrary and ignores the fact that even on larger sites the stud height of older houses is higher than most modern houses and that makes the 3m and 45 degree height to boundary standard appropriate. The location of existing buildings on site is more of a determinant of ability to comply with the height to boundary standards than the width of the site.

14. It is submitted that this distinction should be removed.

127.4

15. D18.6.1.3. Yards

16. The removal of the rear yard rule is supported.

127.5

17. It is submitted that the side yard should be removed also. In most cases the actual side yard in areas subject to the Special Character Overlay will have small side yards, in many cases less than 1m (which is the main underlying standard). Imposing a 1.2m yard is inconsistent with the new stated purpose of the rule and has nothing to do with streetscape. A standard side yard approach as per the underlying zone is adequate for most situations and this will not

127.6

impact on streetscape.

18. D18.6.1.7. Fences and walls and other structures

19. The changes proposed to the fencing rules are generally supported however the rule does not sufficiently allow for corner sites where there were typically higher fences along the long front boundary. It is submitted that the rule be amended to allow a 2m high fence along the longerfront boundary of corner sites. This will enable fencing to match the traditional type of fencing provided in the older areas of Auckland and for residents to obtain privacy in their rear yards.

127.7

20. D18.8.1. Matters of discretion

21. PC 26 introduces a cross reference in respect of matters for discretion to the matters of discretion for the standard (or equivalent standard) in the underlying zone. It is submitted that these matters should be self contained within the overlay as the rules replace the rules in the underlying zone. Referencing back to the underlying zone where there are different rules will cause confusion especially where the purposes of the rules are different.

127.8

22. E38.8.2.6. Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business

23. PC 26 introduces a new clause (3) which states that the subdivision net site area controls in Table E38.8.2.6.1 take precedence over those in Table E38.2.3.1.

24. The use of the term 'take precedence' in this clause is unclear and will lead to further confusion and interpretative difficulties. Precedence puts one thing ahead of another. This therefore does not mean that the underlying activities rules will cease to apply, but simply that the SCA activity rules take precedence. It is submitted that the clause 'take precedence' in this rule should be amended by inserting the word 'replace' instead of 'take precedence'. This will ensure that there is no further confusion.

127.9

25. Changes Requested.

26. I seek the following changes to PC26 (Additions underlined and deletions struck through). These changes seek to clarify how the proposed changes to the rules should work and to give effect to this submission.

D18.4. Activity table

Table D18.4.1 Activity table Special Character Areas Overlay – Residential specifies the activity status of land use and development for activities in the Special Character Area Overlay – Residential pursuant to section 9(3) of the Resource Management Act 1991.

Where the activity status of an activity specified in Table D18.4.1 is different to the corresponding activity status in the underlying zone, then the activity status in Table D18.4.1 ~~takes precedence over~~ replaces the activity status in the underlying zone (whether or not that activity status is more restrictive).

Where an activity is not provided for in Table D18.4.1, the activity will have the activity status provided in the underlying zone. All other relevant overlay, precinct, Auckland- wide and general rules apply.....

D18.6. Standards

D18.6.1. Standards for buildings in the Special Character Areas Overlay - Residential and in the Special Character Areas Overlay – General (with a residential zoning)

a) All activities that are listed as permitted, controlled or restricted discretionary activities – undertaken within the Special Character Areas Overlay – Residential or Special Character Areas Overlay – General (with a residential zoning), whether they are listed in Table D18.4.1 or in the underlying zone, must comply with the following development standards.

D18.6.1.2. Height in relation to boundary

Purpose: to manage the height and bulk of buildings to:

- retain the character of the streetscape;
- enable a built form that reflects the identified character of the area; and
- maintain a reasonable level of sunlight access and minimise visual dominance effects.

(1) Buildings in the Special Character Areas Overlay – Residential must not project above a 45-degree recession plane measured from a point 3m above the ground level along any side and rear boundaries of the site where:

(a) The site has a frontage length of less than 15m

(i) ~~For corner sites, standard D18.6.1.2 (1) applies from each frontage, where that frontage has a length of less than 15m.~~

(2) ~~The underlying zone height in relation to boundary standard applies where:~~ (a) ~~The site has a frontage length of 15m or greater; or~~

(b) ~~The site is a rear site.~~

.....

Table D18.6.1.3.1 Yards

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

D18.6.1.7. Fences and walls and other structures

Purpose:

- To retain the boundary fences and walls that contribute to the character of the area and ensure that new fences and walls complement the existing character of the streetscape.

(1) Fences and walls, or any combination of these, in the Special Character Areas Overlay - Residential must not exceed the height specified below, measured from ground level:

(a) On the front boundary or between the front façade of the house and the front boundary, 1.2m in height. (except that on corner sites this rule shall apply only on the shorter frontage)

(b) On the side boundary of the front yard, or between the house and the side boundary, where the fence or wall is located forward of the front façade of the house, 1.2m in height.

(c) For the purposes of this standard, the front façade of the house means the front wall of the main portion of the house facing a street, and shall exclude bay windows, verandahs, stairs, attached garages and similar projecting features. The front facade Houses on corner sites ~~have two front facades~~ is the front facade facing the shorter frontage of the site.

(d) On any other boundary or within any other yard not described above, 2m in height.

D18.8.1. Matters of discretion

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary resource consent application.

D18.8.1.1. Special Character Areas Overlay - Residential

.....

(3) For an infringement of the any of the standards listed in Standard D18.6.1 Standards for buildings in the Special Character Areas Overlay – Residential:

(a) the effects of the infringement of the standard on the streetscape and special character context as outlined in the special character area statement; and

Note 1

Where more than one standard will be infringed, the effects of all infringements on the streetscape and special character context as outlined in the special character area statement will be considered together.

(b) the matters for external alterations or additions to buildings or for the construction of a new building or relocation of buildings onto a site listed in D18.8.1.1(2) above.

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

(c) any policy which is relevant to the standard;

(d) the purpose of the standard;

(e) the effects of the infringement of the standard;

(f) the effects on the amenity of neighbouring sites;

(g) the effects of any special or unusual characteristic of the site which is relevant to the standard;

(h) the characteristics of the development;

(i) any other matters specifically listed for the standard; and

(j) where more than one standard will be infringed, the effects of all infringements.

E38.8.2.6. Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business

(1) Proposed sites identified in the Special Character Areas Overlay – Residential and Business must comply with the minimum net site area in Table E38.8.2.6.1 Special Character Overlay – Residential and Business subdivision controls.

(2) Proposed sites identified in the Special Character Areas Overlay – Residential and Business that are not listed in Table E38.8.2.6.1 must comply with the relevant minimum net site area for that site's zone in Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare.

(3) The minimum net site area controls within Table E38.8.2.6.1 Special Character Areas Overlay – Residential and Business subdivision controls ~~take precedence over~~ replace those within Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare.

127.9

27. Other Changes

28. Any alternative and additional changes to PC26 that would provide for the matters set out in this submission.

127.10

29. Any other consequential or alternative amendments arising from these changes.

30. Subject to the above changes the plan change is supported and should not be changed.

31. It is submitted that the Special Character Overlay effectively is a de-facto zone in its own right. It is submitted that the Council give consideration to inserting the overlay as a new zone rather than continuing with the zone and overlay combination, especially in respect of properties currently zoned residential.

127.11

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Peter and Sarah Wren

Organisation name:

Agent's full name: David Wren

Email address: david@davidwren.co.nz

Contact phone number: 098150543

Postal address:

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:
The entire plan change

Property address:

Map or maps:

Other provisions:
Please see attached document

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
Please see attached document

I or we seek the following decision by council: Accept the plan modification with amendments

| 128.1

Details of amendments: See attached document

Submission date: 27 June 2019

Supporting documents
Submission PC26 P and S Wren.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Proposed Plan Change 26 - Submission

1. This document supports the submission from Peter and Sarah Wren on Proposed Plan Change 26 (**PC26**) to the Auckland Unitary Plan.

Provisions Subject to this Submission.

2. This submission concerns the entire PC26 and specifically the following provisions
 - D18.4 Activity Table
 - D18.6.1 Standards for buildings in the Special Character Areas Overlay - Residential and in the Special Character Areas Overlay – General (with a residential zoning)
 - D18.6.1.2. Height in relation to boundary
 - D18.6.1.3. Yards
 - D18.8.1. Matters of discretion
 - E38.8.2.6. Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business

Reasons for Submission

3. Introduction

4. Overall the direction the direction of PC26 is supported as it provides a solution to the complicated situation currently facing applicants dealing with proposals that are subject to the Special Character Area overlay. To the extent that PC 26 resolves the current cumbersome requirements, the plan change is supported subject to the changes outlined below and in the alternative relief sought in paragraph 31.
5. It is submitted that subject to the changes outlined below PC26 will be in accordance with the purpose and principle of the Resource Management Act 1991.

6. D18.4 Activity Table

7. The changes proposed to the introduction to the activity table state that where the activity status of an activity specified in Table D18.4.1 is different to the corresponding activity status in the underlying zone, then the activity status in Table D18.4.1 takes precedence over the activity status in the underlying zone.
8. The use of the term 'take precedence' in this clause is unclear and will lead to further confusion and interpretative difficulties. Precedence puts one thing ahead of another. This

therefore does not mean that the underlying activities rules will cease to apply, but simply that the SCA activity rules take precedence. It is submitted that the clause 'take precedence' in this rule should be amended by inserting the word 'replace' instead of 'take precedence'. This will ensure that there is no further confusion as to which activity rules apply.

128.2

9. D18.6.1. Standards for buildings in the Special Character Areas Overlay - Residential and in the Special Character Areas Overlay – General (with a residential zoning)

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

128.3

11. D18.6.1.2. Height in relation to boundary

12. The introduction of different height in relation to boundary rules for sites of less than 15m wide and those of 15m wide or greater is inappropriate and will result in anomalies. Firstly in many areas there is no difference in the style and shape of buildings based on the width of the site. Most corner sites, no matter where they are located will be detrimentally affected for no planning reason other than they are corner sites.

13. The use of a 15m cut off point for the imposition of the rule is arbitrary and ignores the fact that even on larger sites the stud height of older houses is higher than most modern houses and that makes the 3m and 45 degree height to boundary standard appropriate. The location of existing buildings on site is more of a determinant of ability to comply with the height to boundary standards than the width of the site.

14. It is submitted that this distinction should be removed.

128.4

15. D18.6.1.3. Yards

16. The removal of the rear yard rule is supported.

128.5

17. It is submitted that the side yard should be removed also. In most cases the actual side yard in areas subject to the Special Character Overlay will have small side yards, in many cases less than 1m (which is the main underlying standard). Imposing a 1.2m yard is inconsistent with the new stated purpose of the rule and has nothing to do with streetscape. A standard side yard approach as per the underlying zone is adequate for most situations and this will not

128.6

impact on streetscape.

18. D18.6.1.7. Fences and walls and other structures

19. The changes proposed to the fencing rules are generally supported however the rule does not sufficiently allow for corner sites where there were typically higher fences along the long front boundary. It is submitted that the rule be amended to allow a 2m high fence along the longerfront boundary of corner sites. This will enable fencing to match the traditional type of fencing provided in the older areas of Auckland and for residents to obtain privacy in their rear yards.

128.7

20. D18.8.1. Matters of discretion

21. PC 26 introduces a cross reference in respect of matters for discretion to the matters of discretion for the standard (or equivalent standard) in the underlying zone. It is submitted that these matters should be self contained within the overlay as the rules replace the rules in the underlying zone. Referencing back to the underlying zone where there are different rules will cause confusion especially where the purposes of the rules are different.

128.8

22. E38.8.2.6. Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business

23. PC 26 introduces a new clause (3) which states that the subdivision net site area controls in Table E38.8.2.6.1 take precedence over those in Table E38.2.3.1.

24. The use of the term ‘take precedence’ in this clause is unclear and will lead to further confusion and interpretative difficulties. Precedence puts one thing ahead of another. This therefore does not mean that the underlying activities rules will cease to apply, but simply that the SCA activity rules take precedence. It is submitted that the clause ‘take precedence’ in this rule should be amended by inserting the word ‘replace’ instead of ‘take precedence’. This will ensure that there is no further confusion.

128.9

25. Changes Requested.

26. I seek the following changes to PC26 (Additions underlined and deletions struck through). These changes seek to clarify how the proposed changes to the rules should work and to give effect to this submission.

D18.4. Activity table

Table D18.4.1 Activity table Special Character Areas Overlay – Residential specifies the activity status of land use and development for activities in the Special Character Area Overlay – Residential pursuant to section 9(3) of the Resource Management Act 1991.

Where the activity status of an activity specified in Table D18.4.1 is different to the corresponding activity status in the underlying zone, then the activity status in Table D18.4.1 ~~takes precedence over~~ replaces the activity status in the underlying zone (whether or not that activity status is more restrictive).

Where an activity is not provided for in Table D18.4.1, the activity will have the activity status provided in the underlying zone. All other relevant overlay, precinct, Auckland- wide and general rules apply.....

D18.6. Standards

D18.6.1. Standards for buildings in the Special Character Areas Overlay - Residential and in the Special Character Areas Overlay – General (with a residential zoning)

a) All activities that are listed as permitted, controlled or restricted discretionary activities – undertaken within the Special Character Areas Overlay – Residential or Special Character Areas Overlay – General (with a residential zoning), whether they are listed in Table D18.4.1 or in the underlying zone, must comply with the following development standards.

D18.6.1.2. Height in relation to boundary

Purpose: to manage the height and bulk of buildings to:

- retain the character of the streetscape;
- enable a built form that reflects the identified character of the area; and
- maintain a reasonable level of sunlight access and minimise visual dominance effects.

(1) Buildings in the Special Character Areas Overlay – Residential must not project above a 45-degree recession plane measured from a point 3m above the ground level along any side and rear boundaries of the site where:

~~(a) The site has a frontage length of less than 15m~~

~~(i) For corner sites, standard D18.6.1.2 (1) applies from each frontage, where that frontage has a length of less than 15m.~~

~~(2) The underlying zone height in relation to boundary standard applies where: (a) The site has a frontage length of 15m or greater; or~~

~~(b) The site is a rear site.~~

.....

Table D18.6.1.3.1 Yards

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

D18.6.1.7. Fences and walls and other structures

Purpose:

- To retain the boundary fences and walls that contribute to the character of the area and ensure that new fences and walls complement the existing character of the streetscape.

(1) Fences and walls, or any combination of these, in the Special Character Areas Overlay - Residential must not exceed the height specified below, measured from ground level:

(a) On the front boundary or between the front façade of the house and the front boundary, 1.2m in height. (except that on corner sites this rule shall apply only on the shorter frontage)

(b) On the side boundary of the front yard, or between the house and the side boundary, where the fence or wall is located forward of the front façade of the house, 1.2m in height.

(c) For the purposes of this standard, the front façade of the house means the front wall of the main portion of the house facing a street, and shall exclude bay windows, verandahs, stairs, attached garages and similar projecting features. The front facade Houses on corner sites ~~have two front facades~~ is the front facade facing the shorter frontage of the site.

(d) On any other boundary or within any other yard not described above, 2m in height.

D18.8.1. Matters of discretion

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary resource consent application.

D18.8.1.1. Special Character Areas Overlay - Residential

.....

(3) For an infringement of the any of the standards listed in Standard D18.6.1 Standards for buildings in the Special Character Areas Overlay – Residential:

(a) the effects of the infringement of the standard on the streetscape and special character context as outlined in the special character area statement; and

Note 1

Where more than one standard will be infringed, the effects of all infringements on the streetscape and special character context as outlined in the special character area statement will be considered together.

(b) the matters for external alterations or additions to buildings or for the construction of a new building or relocation of buildings onto a site listed in D18.8.1.1(2) above.

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

(c) any policy which is relevant to the standard;

(d) the purpose of the standard;

(e) the effects of the infringement of the standard;

(f) the effects on the amenity of neighbouring sites;

(g) the effects of any special or unusual characteristic of the site which is relevant to the standard;

(h) the characteristics of the development;

(i) any other matters specifically listed for the standard; and

(j) where more than one standard will be infringed, the effects of all infringements.

E38.8.2.6. Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business

(1) Proposed sites identified in the Special Character Areas Overlay – Residential and Business must comply with the minimum net site area in Table E38.8.2.6.1 Special Character Overlay – Residential and Business subdivision controls.

(2) Proposed sites identified in the Special Character Areas Overlay – Residential and Business that are not listed in Table E38.8.2.6.1 must comply with the relevant minimum net site area for that site's zone in Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare.

(3) The minimum net site area controls within Table E38.8.2.6.1 Special Character Areas Overlay – Residential and Business subdivision controls ~~take precedence over~~ replace those within Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare.

129.9

27. Other Changes

- 28. Any alternative and additional changes to PC26 that would provide for the matters set out in this submission. 129.10
- 29. Any other consequential or alternative amendments arising from these changes.
- 30. Subject to the above changes the plan change is supported and should not be changed.
- 31. It is submitted that the Special Character Overlay effectively is a de-facto zone in its own right. It is submitted that the Council give consideration to inserting the overlay as a new zone rather than continuing with the zone and overlay combination, especially in respect of properties currently zoned residential. 129.11

To whom it may concern I am a Trustee of the BC & GL McLeay Family Trust.

This Trust owns two properties in the zone that the proposed plan change applies to.

17 George St and 21 George St Mt Eden.

I oppose the relaxing of Height to Boundary rules, both for front street boundary, and the reduced height, from 3m 45deg to 2.5m 45 deg.

| 129.1

| 129.2

Along with the eliminating of the rear yard minimum of 3m for Special Character areas, down to the 1m for the underlying single house zone.

| 129.3

I feel it is better to stay with the original rules especially where I can see no analysis of real impacts.

The reason is that even in the single house zone, an additional "minor dwelling " can be built ,and by reducing the rear yard buffer , it would allow

additional buildings, and these could be closer to neighbouring properties.They also often have a streetscape/heritage character impact, even if at

the rear.

I question the permeable surface change in definition,as unclear what the impact is.

| 129.4

I understand other groups are also raising these concerns ,along with Character Coalition.

Yours Sincerely,

Gretta McLeay Trustee of BC & GL McLeay Trust

barrie.gretta@xtra.co.nz

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Ross William Macdonald

Organisation name:

Agent's full name:

Email address: ross@mhm.co.nz

Contact phone number: 0274808535

Postal address:
PO Box 17140
Greenlane
auckland 1546

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:

Proposed plan change 26 Chapter D18 special character areas overlay taking precedent over the Auckland unitary plan

Property address: 182 Remuera Rd Remuera.

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

There are adjoining apartment blocks that are not of Special character so this part of Remuera Rd should be exempt of this overlay .

| 130.2

I or we seek the following decision by council: Decline the plan modification

| 130.1

Submission date: 27 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Alastair George McInnes FLETCHER

Organisation name:

Agent's full name:

Email address: alastairfletcher@yahoo.co.nz

Contact phone number:

Postal address:
5 Eton Ave Devonport Auckland 0624
Cheltenham
Devonport
Auckland 0624

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:

Special character overlay reduction of height to boundary rules.

Property address: 2/5 Eton Ave Devonport and neighbouring section in Cheltenham Rd

Map or maps:

Other provisions:

I request that the proximity to the boundary and height restrictions in relation to the boundary not be reduced for modifications nor infill new buildings in the Devonport Special Character area.

| 131.2

| 131.3

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

To allow closer proximity to the boundary of current properties, and to the existing houses, will reduce both sunlight and privacy and negatively affect the quality of life of residents. Current requirements in general suburbs, relating to height and shade angles should be applied to heritage areas.

I or we seek the following decision by council: Decline the plan modification

| 131.1

Submission date: 27 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

132



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

| |
|---------------------|
| For office use only |
| Submission No: |
| Receipt Date: |

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

Mr + Michael Ballantyne + Jennifer Ballantyne

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

*30 Bella Vista Road
Herne Bay, Auckland*

Telephone: Fax/Email:

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

Plan Change/Variation Name

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Or
Property Address

Or
Map

Or
Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are:

See email content

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below | 132.1
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

See email content

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

[Signature]
Signature of Submitter
(or person authorised to sign on behalf of submitter)

27.6.19
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I ~~could~~ / could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Email address: Please include the copy below as part of the signed attached submission form. Thank you for your consideration.

From: Mrs Jennifer and Mr Michael Ballantyne - as Trustees of the Henry Trust
Resident/Property owner
30 Bella Vista Road
Herne Bay, Auckland 1011

The reasons for my views and amend as outlined below.

We wish to oppose the following clause of the Auckland Council's proposal:

Plan Change/Variation Number PC26
18.6.1.4 Building coverage Clause (1)

We oppose the retention of the building coverage rules based on arbitrary thresholds relating to site areas. For sites that are marginally over their threshold there is a loss of up to 20+ percent permitted building coverage which substantially affects the ability to develop or rebuild a site appropriately for the scale of the property.

For example, our property at 30 Bella Vista Road with 1143m² would be allowed 285m² of coverage under your proposal, whereas a 999m² property would enjoy 349m². This is nonsensical. This may be an issue if our house was destroyed by fire or natural causes.

Our recommendation would be to apply a fairer formula that means properties just above thresholds are not penalised. We are not mathematicians, but would suggest something like the following:

Up to 200m²: 55 percent of netsite area
200m² - 500m²: 55 percent of the first 200m² + 45% of the next 300m²
500m² and above: 43% of first 500m², 35% of any additional m²

132.2

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

| |
|---------------------|
| For office use only |
| Submission No: |
| Receipt Date: |

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

MR STEVE GARETH LEWIS

Organisation Name (if submission is made on behalf of Organisation)

SUBMISSION ON BEHALF OF PROPERTY OWNERS OF 63 DISRAELI ST, EPSOM

Address for service of Submitter

63 DISRAELI STREET
EPSOM, AUCKLAND

Telephone:

021-325-204

Fax/Email:

hayley_steve@hotmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 26

Plan Change/Variation Name

Clarifying the relationship between the Special Character Areas Overlay and underlying zone provisions

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

—

Or

Property Address

63 DISRAELI STREET, EPSOM, AUCKLAND

Or

Map

—

Or

Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended

Yes No

The reasons for my views are:

PLEASE REFER TO THE ATTACHED REASONS.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

Accept the proposed plan change / variation with amendments as outlined below

Decline the proposed plan change / variation

If the proposed plan change / variation is not declined, then amend it as outlined below.

133.1

PLEASE REMOVE THE SPECIAL CHARACTER AREA OVERLAY FROM THE BULK OF THE PROPERTY AT 63 DISRAELI STREET (AS SHOWN ON THE ATTACHED PLAN), IN KEEPING WITH THE PROPERTY'S FRONTAGE AND ENVIRONS ON DISRAELI ST.

133.2

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

Steve Lewis
Signature of Submitter
(or person authorised to sign on behalf of submitter)

27-JUNE-2019
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could / could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Background

1. This submission is made on behalf of the trustees of the family trust which owns 63 Disraeli Street in Epsom Auckland (the property).
2. Most properties with frontage to this section of St Andrews Road have a Special Character Area (SCA) overlay. However the SCA applies to properties fronting St Andrews Road, not Disraeli Street.
3. The property is located at the eastern end of Disraeli Street, not St Andrews Road. The property does have a small pedestrian access which leads to an off-street car park on St Andrews Road. The width of the pedestrian access on the property title is 1.5m wide and the carpark is 3m wide. Apart from this access strip, none of the site is visible from St Andrews Rd.
4. This property seems to have landed under the SCA Overlay by an historic issue of address – when the original site was subdivided during the 1980's, a small access strip was included which gave the site a St Andrews Rd address, number 11. This was subsequently changed to the current Disraeli St address, in the year 2000.
5. The property does not relate to the St Andrews Rd precinct but is distinctly part of eastern Disraeli Street. Houses in this section of Disraeli Street were typically constructed during the period 1980-2000 and do not have a Special Character Area Overlay in the Unitary Plan. Also, the existing buildings on the property, were built in the 1980's, and cannot be considered to be of the same heritage as those in St Andrews Rd properties. The character of the houses in this section of Disraeli St are totally different from the character of the houses in the SCA of St Andrews Rd.
6. Apart from the house on the corner (at 9 St Andrews Rd), no other houses on either side of this section of Disraeli St are covered by the SCA.

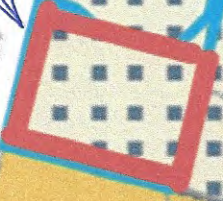
Submission

7. The owners consider that the Special Character Area Overlay is appropriate for the properties on Saint Andrew's Road, and also it is appropriate for the SCA to apply to the pedestrian access strip and off street carpark at the property. However the bulk of the property should not have a Special Character Area Overlay (as shown on the attached plan), in keeping with its frontage and environs on Disraeli Street.

PLEASE REMOVE THE
SPECIAL CHARACTER AREA
OVERLAY FROM THIS
AREA MARKED IN RED

Disraeli Street

St Andrews Road



The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Ting Kwok Cheung and Man Ngo Johnson Cheung and Suet Fan Ma

Organisation name:

Agent's full name:

Email address: tingkwokcheung@hotmail.com

Contact phone number: 0211789838

Postal address:
68 Lingarth Street
Remuera
Auckland 1050

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:
the Special Character Areas Overlay applies to specific local areas, in particular 56 Epsom Avenue, Epsom

Property address: 56 Epsom Avenue, Epsom, Auckland 1023

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
See attached pdf file

I or we seek the following decision by council: Amend the plan modification if it is not declined | 134.1

Details of amendments: Details of amendments: Special Character Areas Overlay do not apply to 56 Epsom Avenue, Epsom, Auckland 2013 | 134.2

Submission date: 27 June 2019

Supporting documents
56 Epsom Avenue.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Feedback on proposed PC26, the Special Character Areas Overlay

We are the owners of 56 Epsom Avenue. We are objecting to the PC26 being applied to our property once this PC has become operative.

Objection reasons are:

1. 56 Epsom Avenue is just an ordinary weather board and brick house built in around year 1940. It is very much similar to those state houses commonly found everywhere in NZ. It comprises of lower brick wall and upper weather board. There is not any "SPECIAL CHARACTER" at all that you can name it as a special character house.
2. It can be easily observed from outside of the building that even some of the window's constructions are not in consistence when we bought this property 12 years ago.
3. Besides, based on the existing unitary plan, our house will be surrounded by a large number of Apartment and Terrace houses once the site in the Teacher College is being developed. Our house will become like a dwarf surrounded by a group of giant. That virtually renders the site rather unsightly.
4. The re-development potential will be largely limited by the proposed PC26, if we wish to submit any improvement works or redevelopment works in future. Both the cost and time would be significantly increased.
5. It is therefore totally unfair for us, a very common and non-character house to be classified as "special character" house.

Conclusion:

We honestly think that the Auckland Council should exclude us from the special character zone, and the special character areas overlay should not be applied to 56 Epsom Avenue.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Man Ngo Johnson Cheung and Suet Fan Ma and Ting Kwok Cheung

Organisation name:

Agent's full name:

Email address: tingkwokcheung@hotmail.com

Contact phone number: 0211789838

Postal address:
68 Lingarth Street
Remuera
Auckland 1050

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:
the Special Character Areas Overlay applies to specific local areas, in particular 90 Owens Road, Epsom, Auckland 1023

Property address: 90 Owens Road, Epsom, Auckland 1023

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
please see attached file

I or we seek the following decision by council: Amend the plan modification if it is not declined

Details of amendments: Details of amendments: Special Character Areas Overlay do not apply to 90 Owens Road, Epsom, Auckland 2013

Submission date: 27 June 2019

Supporting documents
90 Owens Road.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Feedback on proposed PC26, the Special Character Areas Overlay

We are the owners of 90 Owens Road. We are objecting to the PC26 being applied to our property once this PC has become operative.

Objection reasons are:

1. 90 Owens Road is just an ordinary two storeys weather board house. It comprises of weather board and tile roofing. There is not any "SPECIAL CHARACTER" at all that you can name it as a special character house.
2. As the building is getting older and older, the maintenance cost incurred annually becomes bigger and bigger. Until a stage, when the maintenance cost become so out of proportion that we will then have no choice but just have to consider to redevelop the whole house within the site.
3. However, the re-development potential will be largely limited by the proposed PC26, if we wish to submit any improvement works or redevelopment works in future. Both the cost and time would be significantly increased.
4. It is therefore totally unfair for us, a very common and non-character house to be classified as "special character" house.

Conclusion:

We honestly think that the Auckland Council should exclude us from the special character zone, and the special character areas overlay should not be applied to 90 Owens Road.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

| |
|---------------------|
| For office use only |
| Submission No: |
| Receipt Date: |

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

MR MICHAEL HARRY

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

1 ARTHUR ST, FREEMANS BAY, AUCKLAND

Telephone: 021287969 Fax/Email: rharry@mac.com

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number PC 26

Plan Change/Variation Name Clarifying the relationship between the Special Character Areas Overlay and underlying zone provisions

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s) D 18 - Special Character Overlay / E 38 - Subdivision Urban

Or
Property Address

Or
Map

Or
Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are:

135

I believe the Plan Change will provide clarity for development in a Special Character Overlay area. These rules help manage and retain our heritage areas. These rules should not be open for interpretation, depending on a sites underlying Zone. The Special Character Overlay rules should always replace any conflicting rule.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

135.1

Accept the proposed plan change / variation with amendments as outlined below

Decline the proposed plan change / variation

If the proposed plan change / variation is not declined, then amend it as outlined below.

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing



27/6/19

Signature of Submitter

Date

(or person authorised to sign on behalf of submitter)

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could / could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Kah Keng Low

Organisation name:

Agent's full name:

Email address: keng.0921@hotmail.com

Contact phone number:

Postal address:
13 Loughros Place
pinehill
Auckland 0632

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:
Additions & Alterations; Yards;

136.2
136.3

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
The changes of the Proposed Change 26 will restrict the development of our house.

I or we seek the following decision by council: Decline the plan modification

136.1

Submission date: 28 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Robyn Gandell

Organisation name:

Agent's full name:

Email address: robbyngandell@gmail.com

Contact phone number:

Postal address:

16 Mars Av
Sandringham
Auckland 1041

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:

D18.6.1.6. Maximum paved impervious area

| 137.2

Property address: 16 Mars Av, Sandringham

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Currently my property floods in any heavy rain. When I moved to this property 12 years ago I did not experience any flooding and the flooding episodes only appeared and have increased over the last 4 years. During this time there has been a gentrification of the area with increase in additions to houses, infill housing and consequently greater land coverage. The water that floods my front drive , parking area and lawn can easily be observed flowing down the street and gutter, then down the access way to my front driveway. I therefore attribute the increased flooding to increase in hardcover of the surrounding land. Sandringham was a swamp. Although drained there are many areas that are included as 50 and 100 year flood plains. Your proposal to allow increased impervious area in this suburb means that many more houses will experience flooding as I already do. It is particularly worrying that such a substantial increase in impervious area is to be allowed. Most sections fall in the 200 - 500 m squared size which allows an increase from 20% of the site to 60% of the site in

impervious material. this is an increase 3 times the current allowable impervious surface. Where is all this water going to go? In my case although I have a drain on my property, as the lowest point in the surrounding area the moment there is heavy rain the drain no longer drains. Obviously Sandringham's drains cannot cope with the current usual rain events how will they possible cope with a three times increase in this water. If you allow this increase in impermeable cover I can see that i will spend many more days either stuck in my house or wading out in gumboots and having to park my car on the street so it doesn't get flooded. I can also see many more people in my street and other low lying swampy Sandringham areas experiencing the same problems. There is no need to increase impervious areas sections in areas like Sandringham except to build bigger houses. As I look at my neighbours I ca see that bigger houses, in this gentrifying area, doesn't mean more people just more space (for my immediate neighbours a pool and conservatory) for the people already living in the houses. Please reconsider your decision to increase impervious areas but such an enormous amount for the advantage of a wealthy few but to the disadvantage of many others. I have included photos to show the extent of the flooding.

I or we seek the following decision by council: Accept the plan modification with amendments

| 137.1

Details of amendments: No increase in impervious areas

Submission date: 28 June 2019

Supporting documents
Flooding.pdf

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



Flooding and cars moved to prevent water damage. The drain grating is under the lemon tree in the centre of the picture and is obviously completely useless in this downpour.



No flooding. Not the level of the stones on the garden. The drain grating is under the lemons in the centre of the picture.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to
Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

| |
|---------------------|
| For office use only |
| Submission No: |
| Receipt Date: |

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Lynne Butler / Trevor Lund
Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

P. O. Box 554 Warkworth 0941

Telephone: 021 932 935 Fax/Email: trevorlund@xtra.co.nz
Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

| | |
|------------------------------|---|
| Plan Change/Variation Number | <u>PC 26</u> |
| Plan Change/Variation Name | <u>Clarifying the relationship between the Special Character Areas Overlay and underlying zone provisions</u> |

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s) D 18 - Special Character Overlay / E 38 - Subdivision Urban
 Or
 Property Address
 Or
 Map
 Or
 Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above
 I oppose the specific provisions identified above
 I wish to have the provisions identified above amended Yes No

The reasons for my views are:

I believe the Plan Change will provide clarity for development in a Special Character Overlay area. These rules help manage and retain our heritage areas. These rules should not be open for interpretation, depending on a sites underlying Zone. The Special Character Overlay rules should always replace any conflicting rule.

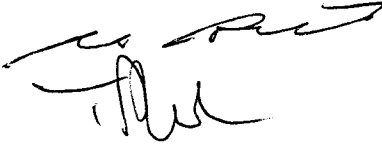
(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

138.1

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing



 Signature of Submitter
 (or person authorised to sign on behalf of submitter)

28 June 2019

 Date

Notes to person making submission:
 If you are making a submission to the Environmental Protection Authority, you should use Form 16B.
 Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.
 If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.
 I could /could not gain an advantage in trade competition through this submission.
 If you could gain an advantage in trade competition through this submission please complete the following:
 I am / am not directly affected by an effect of the subject matter of the submission that:
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Anna Dales

Organisation name:

Agent's full name:

Email address: anna@dcs.gen.nz

Contact phone number: 0272927646

Postal address:
17 Woodside Road
Mount Eden
Auckland 1024

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:

I support the purpose of the proposed plan change that seeks to clarify the intended relationship of the SCA Residential with the relevant underlying zone and the intent that where there are equivalent standards, then the standard in the SCA Residential will prevail over the underlying zone. the specific rules that the submission relates to are as follows: Activity table D18.4.1 D18.1.1.1. Height in relation to boundary D18.6.1.3. Yards

Property address:

Map or maps:

Other provisions:

I support the purpose of the proposed plan change that seeks to clarify the intended relationship of the SCA Residential with the relevant underlying zone and the intent that where there are equivalent standards, then the standard in the SCA Residential will prevail over the underlying zone.

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

I support the purpose of the proposed plan change that seeks to clarify the intended relationship of the SCA Residential with the relevant underlying zone and the intent that where there are equivalent standards, then the standard in the SCA Residential will prevail over the underlying zone. In particular, we support the following specific changes to rules as follows: • Height in Relation to

Boundary standard of 3m and a 45° recession plane to apply to sites with a road fronted boundary less than 15m in width. Comment: This is a sensible change as it recognises that many sites in the older character areas are narrow and will more effectively provide for reasonable development of these sites within the constraints of the narrow site widths on such character sites. • The average front yard setback dimension and the 1.2m side yard standard is to apply. • The 3m rear yard requirement is to be deleted deferring to the underlying zoning rear yard standard being 1m. Comment: Support the average front yard setback dimension as the prevailing rule. Support removal of the 3m rear yard as I am unaware of what it was trying to achieve (or what potential effect it was trying to manage). I would also recommend the deletion of the SCA Residential side yard of 1.2m and leave as 1.0m as again I am unaware of what it was trying to achieve (or what potential effect it was trying to manage by adding 200mm (0.2m) to the side yard setback.

I or we seek the following decision by council: Accept the plan modification with amendments

139.1

Details of amendments: I recommend the deletion of the SCA Residential side yard of 1.2m and leave as 1.0m as I am unaware of what it was trying to achieve (or what potential effect it was trying to manage by adding 200mm (0.2m) to the side yard setback.

139.2

Submission date: 28 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Amit Sood

Organisation name: N/A

Agent's full name: N/A

Email address: amitsud012@yahoo.com

Contact phone number: 0211322108

Postal address:

2 idris court
the gardens
Manurewa
Manukau 2105

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:

Property address: 9 hill crest grove, Manurewa

Map or maps:

Other provisions:

Considering to authorize subdivision of property

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Vast land unproductive land, should be allowing opportunity to develop more properties, there not any significant impact on environment or residential around. growth of suburb.

I or we seek the following decision by council: Accept the plan modification

Submission date: 28 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Susan and John Moody

Organisation name:

Agent's full name:

Email address: moodyfive@yahoo.com

Contact phone number: 09 523 1774

Postal address:
52 Seaview Rd
Remuera
Auckland 1050

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:
Fence Site Coverage Side Boundary Control

Property address: 52 Seaview Rd Remuera Auckland 1050

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
Our recommendations are * fence at 1.4m * site coverage at greater than 30% * more generous side boundary control

I or we seek the following decision by council: Decline the plan modification

Submission date: 28 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? Yes

141.2
141.3
141.4
141.1

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Somersby Trust

Organisation name:

Agent's full name: Craig Moriarty - Haines Planning Consultants Limited

Email address: craig.moriarty@hainesplanning.co.nz

Contact phone number: 09 360 1182

Postal address:
PO Box 90842
Victoria Street West
Auckland Central
Auckland 1142

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:
D18.6.1.3 Yards Purpose and Table D18.6.1.3.1 Yards

Property address: 108 Wheturangi Road, Greenlane, Auckland

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The Submitter is concerned at the removal of the rear yard provisions within Table D18.6.1.3.1 Yard and the subsequent potential adverse effects that may occur within the Isthmus B2 – Epsom / Greenlane area. More specifically, the submitter is concerned about the sites which share a boundary with Cornwall Park (and its Open Space zones). The Submitter seeks that a minimum 10m rear yard rule for sites which share a rear boundary with Cornwall Park in the Residential: Isthmus B – Epsom / Greenlane Special Character Areas Overlay. This is so the Special Character Area Overlay enables a separation distance from the park boundary which is consistent with the existing built character of the neighbourhood and accords with the objectives and policies of the Overlay. The requested 10m rear yard rule is also consistent with the 10m Interface Control Areas of the ASB Showgrounds Precinct and the Alexandra Park Precinct, which also border Cornwall Park.

I or we seek the following decision by council: Accept the plan modification with amendments

142.1

Details of amendments: The Submitter seeks that a minimum 10m rear yard rule for sites which share a rear boundary with Cornwall Park in the Residential: Isthmus B – Epsom / Greenlane Special Character Areas Overlay.

Submission date: 28 June 2019

Supporting documents

1286 SUB PC26 Rear Yard Somersby Trust Final 280619.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?

Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



SUBMISSION ON PC 26: CLARIFYING THE RELATIONSHIP BETWEEN THE SPECIAL CHARACTER AREAS OVERLAY (RESIDENTIAL AND GENERAL) AND THE UNDERLYING ZONES

BY SOMERSBY TRUST

Overview of the Submission

1. This submission on proposed Plan Change 26 ("PC26") to the Auckland Unitary Plan Operative in Part ("AUP(OP)") is made on behalf of Somersby Trust ("the Submitter").
2. The Submitter is the owner and occupier of 108 Wheturangi Road ("the Site") which is located within the Residential – Single House Zone and Residential: Isthmus B2 – Epsom / Greenlane of the Special Character Area Overlay.
3. The Submitter is concerned at the removal of the rear yard provisions within Table D18.6.1.3.1 Yard and the subsequent potential adverse effects that may occur within the Isthmus B2 – Epsom / Greenlane area. More specifically, the submitter is concerned about the sites which share a boundary with Cornwall Park (and its Open Space zones).
4. The Submitter seeks that a minimum 10m rear yard rule for sites which share a rear boundary with Cornwall Park in the Residential: Isthmus B – Epsom / Greenlane Special Character Areas Overlay. This is so the Special Character Area Overlay enables a separation distance from the park boundary which is consistent with the existing built character of the neighbourhood and accords with the objectives and policies of the Overlay. The requested 10m rear yard rule is also consistent with the 10m Interface Control Areas of the ASB Showgrounds Precinct and the Alexandra Park Precinct, which also border Cornwall Park.

PC26

5. Overall, the submitter supports PC26 which seeks to clarify the relationship between the Special Character Areas Overlay (Residential and General) and the underlying zone.

However, the Submitter opposes the Council's proposed modification of D18.6.1.3 Yards Purpose and Table D18.6.1.3.1 Yards.

6. The Council proposes the D18.6.1.3 Yards Purpose to read:

"Purpose: to retain the historical built character of the streetscape by managing the setback and the relationship of the building to the street." However, the Submitter considers this 'Purpose' to be insufficient and too narrow to effectively retain the historical built character of the Cornwall Park area. Instead the Submitter proposes the Purpose to be reworded as follows:

"Purpose: to retain the historical built character of the ~~streetscape~~ **areas** by managing the setback and the relationship of the building to the street **and open space areas**"

7. Additionally, PC26 seeks to strike out a minimum rear yard setback from Table D18.6.1.3.1. by stating "the underlying zone yard standards apply for all other yards not specified within Table D18.6.1.3.1" under Standard D18.6.1.3.(3). The Submitter opposes this change and instead requests a 10m minimum rear yard setback within the Residential: Isthmus B – Epsom / Greenlane Special Character Areas Overlay for buildings which share a rear boundary with Cornwall Park (and its Open Space zones).
8. The Submitter considers that these minor changes to PC26 are made in accordance with and in support of the objectives and policies of Chapter D18 Special Character Areas Overlay – Residential and Business.
9. The requested 10m rear yard rule is also consistent with the 10m Interface Control Areas of the ASB Showgrounds Precinct and the Alexandra Park Precinct, which also border Cornwall Park.

Cornwall Park Significance

10. Cornwall Park was first established in 1901 as a gift from Sir John Logan Campbell. Since then, Cornwall Park has been an important open space resource which provides highly valued outdoor amenity to urban Aucklanders. Furthermore, the Park includes representative heritage, ecological, agricultural, wildlife, mauri and community values within its landscape. The Park is seen as a central landmark for all Aucklanders and this significance should be protected.
11. Protecting Cornwall Park's amenity values means protecting its landscape from the encroachment of private residential development. The provision of a 10m minimum rear yard setback from the Park will protect the views, quality and sense of spaciousness enjoyed by Park patrons.

12. For adjoining residential dwellers, a 10m rear yard setback for new developments will provide several co-benefits. Sunlight, privacy and optimisation of private open space will also enhance residential amenity values.
13. Environmentally, a larger rear setback will enable opportunities for rear yard planting, which will help to reinforce and diversify the local ecosystems of Cornwall Park.

Relevant Objectives and Policies

14. The following objectives and policies are taken from the Auckland Unitary Plan (Operative in Part) and support the proposal to protect the amenity of Cornwall Park's open space from the encroachment of private development.

D18 Special Character Areas Overlay – Residential and Business

D18.2 Objectives

(1) ...

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

(a) ...

(b) ...

(c) *the relationship of built form to landscape qualities and/or natural features include topography, vegetation, trees and open spaces.*

(3) ...

D18.3. Policies

(1) *Require all development and redevelopment to have regard and respond positively to the identified special character values and context of the area as identified in the special character area statement.*

(2) *Maintain and enhance the built form, design and architectural values of the buildings and the area, as identified in the special character area statement, so that new buildings, alteration and additions to existing buildings, infrastructure and subdivision (where applicable):*

(a) *Maintain the continuity or coherence of the identified special character values of the area;*

- (b) *Maintain the streetscape and qualities and cohesiveness;*
- (c) *Respond positively to the design, scale, height setback and massing of existing development, any distinctive pattern of subdivision, intensity of development, its relationship to the street, streetscape cohesiveness and is of a compatible form which contribute to the identified special character values of the area;*
- (d) *Maintain the relationship of built form to open space and landscape context;*
- (e) ...
- (f) ...
- (g) ...
- (h) ...
- (i) ...
- (3) ... – (14) ...

Schedule 15 Special Character Schedule, Statement and Maps

15.1.7.3 Special Character Areas Overlay – Residential: Isthmus B

Visual Coherence

There is variation in the degree of visual coherence evident in parts of the area. Within particular areas, there is consistency in subdivision pattern and lot sizes, density and rhythm in the positioning of houses, age and style of housing as well as the scale, materials and forms generally evident. ...

15. The objectives and policies within the D18 Special Character Area Overlay chapter use strong vocabulary such as ‘maintain’ and ‘respond positively to’ the relationship of development/built form and open space. Objective D18.2.(2)(c) and the above policies within the AUP(OP) provide a framework to assist in the creation of rules and therefore help secure better outcomes for specific areas. Therefore, it is important for the proposed PC26 to also take the existing objective and policies into consideration and support the existing development pattern (continuity and coherence).
16. The objectives and policies of Chapter D18 aim to maintain and enhance the current built form and amenity values, including to “maintain the relationship of built form to

open space and landscape context". The existing suburban form of the Isthmus B2 area is notable for its generous rear yards where they adjoin Cornwall Park. A 10m minimum setback within the Residential: Isthmus B – Epsom / Greenlane Special Character Areas Overlay for buildings which share a rear boundary with Cornwall Park would retain the current suburban character and amenity reflective of the Special Character Overlay Area.

Submission Summary

17. The Submitter seeks the rewording of the proposed 'Yard Purpose' in Chapter D18.6.1.3 as set out paragraph 6 above. | 142.2
18. The Submitter also seeks a 10m minimum rear yard setback for those sites within the Special Character Area Overlay: Isthmus B2 which adjoin Cornwall Park (and its Open Space zones). | 142.3
19. Overall, the Submitter supports the proposed PC 26 subject to the adoption of the above changes.

Procedural Matters

20. The Submitter could not gain an advantage in trade competition through this submission.
21. The Submitter wishes to be heard in support of this submission.
22. The Submitter would consider presenting a joint case with any other party seeking similar relief.
23. The Submitter agrees to participate in mediation or other alternative dispute resolution and would be pleased to discuss the content of this submission with Council staff as part of their reporting considerations



Craig Moriarty

Date: 28 June 2019

On behalf of Somersby Trust

Address for Service:

Somerby Trust
C/- Haines Planning Consultants Limited
PO Box 90842
Victoria Street West
AUCKLAND 1142

Attention: Craig Moriarty

Telephone: (09) 360 1182

Facsimile: (09) 360 0182

Email: craig.moriarty@hainesplanning.co.nz

1286 SUB PC26 SOMERBY

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Nicola Campbell

Organisation name:

Agent's full name:

Email address: nicola@spiritedleadership.co.nz

Contact phone number:

Postal address:
19 Ponsonby Tce
Ponsonby
Auckland 1011

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:
D18-special Character overlay/E 38-Subdivision Urban

Property address: 19 Ponsonby Tce

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

I support the proposed plan change and would like the Special Character overlay and underlying zone provisions to also influence planning provisions, rules and regulations for future development of the HNZ Bayard St Property which is located within this Special Character area.

143.2

I or we seek the following decision by council: Accept the plan modification

143.1

Submission date: 28 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Wendy Alison Harrex

Organisation name:

Agent's full name:

Email address: wendyharrex@gmail.com

Contact phone number:

Postal address:
85 Richmond Road
Ponsonby
Auckland 1021

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:
Entire modification

Property address: 85 Richmond Road, Ponsonby, Auckland

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:
I support maintaining the integrity of the intention of the Special Character Zones

I or we seek the following decision by council: Accept the plan modification

Submission date: 28 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

| 144.1

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Patrick Reddington and Letitia Reddington

Organisation name:

Agent's full name:

Email address: patandtish@gmail.com

Contact phone number:

Postal address:
58 RaweneRoad
Birkenhead
Auckland 0626

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:

Height in relation , to boundry yards,paved areas and fences. How high you can build a new dwelling or additions to an existing dwelling in relation to a side or rear boundry.

Property address: 58 Rawene Road

Map or maps:

Other provisions:

Rear yard reduction from 3 to 1m2.

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

Reducing the 3m2 rear yard rule to 1m2 will allow better use of existing land and allow some infill homes which are needed in our expanding City.

I or we seek the following decision by council: Accept the plan modification

Submission date: 28 June 2019

Attend a hearing

145.2
145.3
145.4
145.5

145.1

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



**SUBMISSION ON PROPOSED PLAN CHANGE 26 TO THE PARTIALLY OPERATIVE
AUCKLAND UNITARY PLAN PURSUANT TO CLAUSE 6 OF THE FIRST SCHEDULE
OF THE RESOURCE MANAGEMENT ACT 1991**

To: Auckland Council
Unitary Plan
Private Bag 92300
Auckland 1142
Attention: Planning Technician

By E-Mail only: unitaryplan@aucklandcouncil.govt.nz

Submitter: Z Energy Limited¹
PO Box 2091
WELLINGTON 6140

BP Oil NZ Limited
PO Box 99 873
AUCKLAND 1149

Mobil Oil NZ Limited
PO Box 1709
AUCKLAND 1140

Hereafter, collectively referred to as the Oil Companies

Address for Service: 4Sight Consulting Limited
201 Victoria Street West
Auckland Central
PO Box 911 310, Victoria Street West
AUCKLAND 1142

Attention: Gael McKitterick
Phone: 022 160 6554
Email: gaelm@4sight.co.nz

¹ On behalf of the wider Z group, including the Z Energy and Caltex operations in New Zealand.

INTRODUCTION

- 1) The Oil Companies receive, store and distribute refined petroleum products. The Oil Companies have commercial, shore and marine based, and aviation and bulk storage facilities and are also owners of retail outlets and suppliers of petroleum products to individually owned retail outlets.
- 2) The submissions on these provisions are focused on the key issues affecting the Oil Companies as they relate to the above activities. In this regard, the submitter largely supports the intent of the Plan Change to provide greater clarity on the relationship between the underlying zones and the Special Character Area Overlay as the existing lack of clarity creates uncertainty in respect to the applicability of standards, and the need for otherwise unnecessary resource consent applications. The lack of clarity has the potential to have wider implications for interpretation of the provisions in the Unitary Plan
- 3) The Oil Companies have a particular interest in Plan Change 26 as a consequence of the fact that the industry [as Wiri Oil Services Limited (WOSL)] was involved in the 2017 Environment Court Declaration on the interpretation of the relationship between the Special Character Area Overlay-Residential (SPAOR), the general rules and the Single House Zone provisions. Namely WOSL and the Oil Companies were concerned that the interpretation of these relationships in respect to the SCAO should not impact the relationship of overlays elsewhere in the City, including the Wider Emergency Management Area and the Inner Emergency Management Area overlays, both being overlays which apply to properties located around the Wiri Oil Services terminal.

| 146.1

THE SPECIFIC PROVISIONS OF THE PROPOSED PLAN CHANGE THAT THE OIL COMPANIES' SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS:

- 1) The Plan Change seeks to clarify the relationship between the Special Character Areas Overlay and the underlying zone provisions of the partially operative Auckland Unitary Plan ("The Unitary Plan"). The Plan Change seeks to introduce changes to make it clear that certain planning provisions of the Special Character Areas Overlay prevail over the corresponding provisions of the underlying zones. The submission supports that intent.
- 2) The Plan Change achieves its intent by amendments to the 'Explanation' and to the 'Standards' that apply in the Special Character Area Overlay, with the Plan Change including no amendments to clauses, explanations or standards in other parts (including to the general standards) of the Unitary Plan. This is supported.
- 3) The specific provisions submitted on, the rationale for the Oil Companies' submission on each of these matters, and the relief sought is contained in the following Schedule.
- 4) In addition to the specific outcomes sought in the attached Schedule, the following general relief is sought:
 - a) Achieve the following:
 - i. The purpose and principles of the Resource Management Act 1991 ("RMA") and consistency with the relevant provisions in Sections 6 - 8 RMA;
 - ii. Assist Auckland Council ("Council") carry out its functions of achieving the integrated management of the effect of the use, development or protection of land;
 - iii. Meet the requirements of the statutory tests in section 32 of the RMA; and
 - iv. Avoid, remedy or mitigate any relevant and identified environmental effects;
 - b) Make any alternative or consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of the Proposed District Plan that are not specifically subject of this submission but where consequential changes are required to ensure a consistent approach is taken throughout the document; and

c) Any other relief required to give effect to the issues raised in this submission.

THE OIL COMPANIES WISH TO BE HEARD IN SUPPORT OF THIS SUBMISSION

IF OTHERS MAKE A SIMILAR SUBMISSION, THE OIL COMPANIES WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.

THE OIL COMPANIES COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.

- i. The Oil Companies are directly affected by an effect of the subject matter of that submission that -
- ii. Adversely affects the environment; and
- iii. Does not relate to trade competition or the effects of trade competition.

Signed on and behalf of Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Ltd



.....
Gael McKitterick

Principal Planning and Policy Consultant

Dated this day of 28 June 2019

SCHEDULE ONE

THE SPECIFIC PARTS OF PLAN CHANGE 26 (“PC26”) THAT IS SUBJECT OF THIS SUBMISSION IS:

- D18 Activity Table (Explanation) - which is supported
- D18.6.1 Standards for Buildings in Special Character Area Overlays, which is supported in part

THE REASON FOR THE SUBMISSION:

D18 Activity Table (Explanation)

D18 Activity Table (Explanation) of the Proposed Plan Change clarifies the relationship between the Activity Tables in the underlying zone and those of the Special Character Area Overlay. It provides that where an activity is listed in both the underlying zone and the SCAO, the activity status in the SCAO takes precedence over that in the underlying zone. It also provides that any activity which is not provided for in the SCAO, will have the activity status of the underlying zone. The proposed amendment also clearly states that the activity status of land uses is not affected by the SCAO but is determined by the underlying zoning.

The Oil Companies recognise the potential for plan users to misinterpret and to be confused by the relationship between an underlying zone and the Special Character Area Overlay. The Oil Companies support the clarity introduced by the amendments proposed through PC26, and in particular supports the fact that the amendments to clarify this relationship, including identifying that the provisions in the SCAO take priority over those of the underlying zone, have been achieved without any amendment to other standards or explanations in the AUP.

D18.6.1 Standards for Buildings in Special Character Areas Overlay

Standard D18.6.1 as amended by PC26 is supported. The amendments firstly clearly set out the development standards which will apply to all development in the SCAO, and secondly provides that these standards replace the corresponding standards of the underlying zone. The amendment introduced by the Plan Change are therefore supported as they will remove the existing uncertainties arising due to the lack of clarity in respect to the relationship between the underlying zone and the SCAO, removing the need to comply with two often quite different sets of development standards, with increased potential to infringe development controls and require affected party approvals.

The Oil Companies support the amendments to standard D18.6.1 as these will provide certainty and clarity on the relationship between the SCAO and the underlying zone, without resulting in any changes to other standards or explanations elsewhere in the AUP, amendments which could have the potential to impact the relationship of other overlays (such as the Wider Emergency Management Area and the Inner Emergency Management Area overlays which apply around Wiri terminal) to the underlying zone provisions.

RELIEF SOUGHT (ADDITIONS IN UNDERLINE AND GREY SHADING, DELETIONS IN STIKE THROUGH AND GREY SHADING)

- | | | |
|----|--|-------|
| 1) | Adopt the amendments to standard D18 Activity Table (Explanation) as notified. | 146.2 |
| 2) | Adopt the amendments to standard D18.6.1 Standards for Buildings in Special Character Areas Overlay as notified. | 146.3 |



- 3) Adopt any other such relief, including additions, deletions, consequential amendments or alternative relief necessary to give effect to these submissions as a result of the matters raised.

146.4

The need for special consideration for historical character areas such as Ponsonby is an important piece to ensure there is ongoing guidelines to retain the integrity of history into the future

Key consideration should be to the value of heritage at the front of these properties whilst allowing owners to renovate the living spaces to allow for the conveniences and comfort of modern living

The general appearance ...fencing paths and especially paint-colours giving the area a sense of unified history is an important consideration

I have included photos of what I would consider to be examples of extremely poor taste when considered in light of heritage

It is also important to assign a team of architects empathetic to heritage area requirements to create guidelines

Thankyou for the opportunity to comment
Yours Sincerely
Annette Mason
30 Richmond rd Ponsonby

silencealchemy@icloud.com









The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Roger Henstock

Organisation name:

Agent's full name:

Email address: r.nhenstock@xtra.co.nz

Contact phone number:

Postal address:
32 Wapiti Avenue,
Epsom
Auckland 1051

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:
Proposed Plan Change 26

Property address: 32 Wapiti Avenue

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

My wife and I support the concept that the Special Character Areas Overlay should take precedence over the corresponding provisions of the underlying residential zones.

I or we seek the following decision by council: Accept the plan modification

| 148.1

Submission date: 28 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Philip John Mayo

Organisation name:

Agent's full name:

Email address: mayop@xtra.co.nz

Contact phone number:

Postal address:
P.O.Box 147313
Ponsonby
Auckland 1144

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:

D18.6.1.3.1 Yards - 3 metre rear yard (retain) D18.6.1.4.1 Coverage - 45% Isthmus A (increase to 50%) D18.6.1.7 (b) Fence height- side 1.2m in front of facade (increase to 2 metres) E38.8.2.3.1 Subdivision Single House Zone- minimum net site area (retain as 600 m2)

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The refining of these standards goes beyond the scope of the Unitary Plan process and the court decision which sought clarification of the rules and not changes to the standards. They are also contrary to the objectives and policies and character statements for the single house zone which seek to maintain and enhance the amenity values of established neighbourhoods and neighbourhood character. D18.6.1.3.1 Yards- rear 3 metres, retain as many of the sites in particular in the Isthmus A zone are 300 metres or less and are sited close to the street frontage so the back yard becomes the only space for outdoor living and having buildings 1 metre from the rear boundary of an adjoining site would reduce the vital and aural amenity of the yard. D18.6.1.4.1 Coverage- Isthmus A 45%, increase to 50% as many of the houses on smaller sites already occupy 50% of the site which means that if

| 149.2

| 149.3

you rebuild an existing leanto it requires dispensation. D18.6.1.7(b) Fence Height - side 1.2 metres in front of facade, amend to 2 metres. As from a design perspective it makes sense to continue the 2 metre height to the front boundary both visually and to maintain privacy. In addition, the Plan emphasises that the streetscape is one of the important aspects of the Special Character area and reducing the fence height does nothing to enhance the street. E.38.2.3.1 Subdivision - reject whole amendment, in particular, Isthmus A 400 m². As stated above the purpose of the single house zone is to maintain and enhance the amenity values of established neighbourhoods and neighbourhood character. By reducing the minimum site area required from 600 square metres is reducing the amenity and neighbourhood character and is contrary to the objectives and policies and special character statements of the Plan. The Unitary Plan has identified areas for future growth and sought to preserve established character in the special character areas and reducing the requirement would only diminish character and amenity. Retain 600m² minimum net site area for single house zone.

| 149.4

| 149.5

I or we seek the following decision by council: Decline the plan modification

| 149.1

Submission date: 28 June 2019

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: B Dayal

Organisation name:

Agent's full name: Vijay Lala (Tattico Limited)

Email address: vijay.lala@aucklandcouncil.govt.nz

Contact phone number: 099734302

Postal address:
PO BOX 91562
Victoria Street
CBD
Auckland 1142

Submission details

This is a submission to:

Plan modification number: PC 26

Plan modification name: PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

My submission relates to

Rule or rules:

a) D18.4. Activity Table – Explanation b) Table D18.4.1 Activity table – Special Character Areas Overlay – Residential - Activity (A2) c) Table D18.4.1 Activity table – Special Character Areas Overlay – Residential - Activity (A3) d) Table D18.4.1 Activity table – Special Character Areas Overlay – Residential - Activity (A4) e) D18.6.1.1. Building height - Purpose f) D18.6.1.2. Height in relation to boundary (2) g) D18.6.1.3. Yards - Table D18.6.1.3.1 Yards h) D18.6.1.7. Fences and walls i) D18.8.2.1. Special Character Areas Overlay – Residential – Assessment Criteria j) E38.8.2.6. Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business (4)

Property address:

Map or maps:

Other provisions:

k) Any other consequential changes, including but not restricted to changes to the objectives and policies of the overlay and Auckland Unitary Plan to give effect to this submission.

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Please refer attached submission documents.

I or we seek the following decision by council: Accept the plan modification with amendments

150.1

Details of amendments: Refer Submission and Attachment A - Requested Changes to Plan Change 26

Submission date: 28 June 2019

Supporting documents
PC26 - Submission - B Dayal.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Proposed Plan Change 26

Special Character Area Overlay

June 2019

1 SUBMITTER DETAILS

| Submitter Details | |
|---------------------|---|
| Submitter | B Dayal |
| Agent | Vijay Lala Tattico Limited |
| Address for Service | Tattico Limited PO BOX 91562 Auckland, 1142 |
| Email | vijay.lala@tattico.co.nz |
| Phone | +64 21 411 124 |
| Trade Competition | The submitter can not gain an advantage in trade competition through this submission. |

2 SCOPE OF SUBMISSION

This submission is made on behalf of B Dayal (c/- Tattico Limited) on Proposed Plan Change 26 which aims to clarify the relationship between the Special Character Area Overlay and the underlying zones.

In general, the proposed plan change is supported for the following reasons:

- (1) It is sound planning practice to make clear which provisions apply to development in the Special Character Overlay;
- (2) The most appropriate set of provisions to apply to development in the Special Character Overlay are those contained in the overlay itself. The only time in which the zone rules should apply is where there is no corresponding rule in the Special Character Overlay.

Notwithstanding this general support, it is considered that amendments to the plan change are necessary so that the final set of provisions are the most appropriate, efficient and effective.

Some of the amendments sought relate to wording and increasing the clarity of the provisions. Other amendments relate to the substance of the provision itself. An example of such an amendment is the proposal to remove the net site area control for subdivision around approved development in the Special Character Overlay.

Overall, the changes will ensure that the development of sites within the Special Character Area Overlay will occur in a manner that is consistent with; and will make a positive contribution to the identified special character values of the area.

3 SUMMARY OF REQUESTED CHANGES AND REASONS

Below is a summary of the requested changes and the reasons for those changes. The changes are shown in blue so as to differentiate them from the changes proposed by the Council which use black underline and ~~strikethrough~~. A copy of the proposed plan change with the amendments tracked is contained in Attachment A to this submission.

a) D18.4. Activity Table – Explanation

| Proposed Amendment | Reason |
|---|--|
| <p><u>Where the activity status of an activity specified in Table D18.4.1 is different to the corresponding activity status in the underlying zone, then the activity status in Table D18.4.1 takes precedence over applies in place of the activity status in the underlying zone (whether or not that activity status is more restrictive).</u> For the avoidance of doubt, the activity status of the corresponding activity in the underlying zone does not apply.</p> | <p>The revised phrasing is considered to clearly define the activity status of activities within Table D18.4.1 as the prevailing activity status where there is a corresponding activity in the underlying zone.</p> <p>The requested change is considered to support the purpose of plan change which is to reduce the ambiguity between the overlay and the underlying zone.</p> |

150.2

b) Table D18.4.1 Activity table – Special Character Areas Overlay – Residential - Activity (A2)

| Proposed Amendment | Reason | | | | |
|--|------------------------|------------------------|--------------------|--|--|
| <table border="1" data-bbox="280 1619 820 1760"> <tr> <td data-bbox="280 1619 687 1688">Activity</td> <td data-bbox="687 1619 820 1688">Activity status</td> </tr> <tr> <td colspan="2" data-bbox="280 1688 820 1760">Development</td> </tr> </table> | Activity | Activity status | Development | | <p>The revised phrasing provides greater clarity and certainty relating to permitted additions and alterations to the rear of a building.</p> <p>Requiring additions and alterations to the rear of the building to utilise the same design and material of the existing building is not considered to make a positive or meaningful</p> |
| Activity | Activity status | | | | |
| Development | | | | | |

| | | | |
|------|---|---|---|
| (A2) | <p>Minor Additions and alterations to the rear of a building on all sites in the Special Character Area Overlay – Residential or Special Character Areas Overlay - General (with a residential zoning) where works to the building use the same design and materials to the existing building</p> | P | <p>contribution to the identified character of the area.</p> <p>Additions and alterations to the rear of the building will have no impact on the character of the streetscape or overall character of the area as they are not visible from the street.</p> <p>In some instances it may not be practical to impose such controls on the design and materiality of rear additions and alterations as the design and/or materials as it may not result in a positive contribution to the identified character values of the area.</p> |
|------|---|---|---|

150.3

c) Table D18.4.1 Activity table – Special Character Areas Overlay – Residential - Activity (A3)

| Proposed Amendment | | Reason |
|--------------------|--|---|
| Activity | Activity status | |
| Development | | |
| (A3) | <p>Total demolition or substantial demolition (exceeding 30 per cent or more, by area, of front and side wall elevations and roof areas) of a building, or the removal of a building (excluding accessory buildings), or the relocation of a building within the site on: (a) ...</p> | RD |
| | | <p>Similar to (b) above, the demolition of rear walls will do little to contribute to the character of the streetscape and is not considered to be relevant to the purpose of this activity.</p> <p>Roof areas are not considered to be an integral feature of a building which contributes to maintaining the existing character of the area.</p> <p>The replacement of the roof will have no impact on the character of the streetscape or overall character of the overlay. Therefore, the inclusion of “roof areas” in the demolition standards for the overlay is not considered to be appropriate and should be excluded.</p> |

150.4

d) Table D18.4.1 Activity table – Special Character Areas Overlay – Residential - Activity (A4).

| Proposed Amendment | | | Reason |
|--------------------|--|------------------------|---|
| Activity | | Activity status | The requested addition supports the change to activity (A2) as listed in <i>Table D18.4.1 Activity table – Special Character Areas Overlay – Residential</i> . The requested addition ensures there is no ambiguity around the activity status of permitted additions/alterations to the rear of buildings. |
| Development | | | |
| (A4) | External alterations or additions to a building on all sites in the Special Character Areas Overlay– Residential or Special Character Areas Overlay - General (with a residential zoning), except as provided for by Standard D18.4.1(A2). | RD | |

150.5

e) D18.6.1.1. Building height - Purpose

| Proposed Amendment | Reason |
|--|--|
| <p>D18.6.1.1. Building height</p> <p><u>Purpose: to manage the height of buildings to:</u></p> <ul style="list-style-type: none"> ▪ <u>retain the existing built form character of predominantly one to two storeys in the established residential neighbourhoods and provide for the planned environmental outcomes enabled by this standard;</u> ▪ <u>maintain the relationship of built form to the street and open space; and</u> ▪ <u>maintain a reasonable level of sunlight access and minimise visual dominance effects.</u> | The revised phrasing recognises the permitted building height provided for by <i>D18.6.1.1 – Building height</i> . This requested change is considered appropriate as it enables development which provides for the planned environmental outcomes of the area in a manner which is consistent with the identified character values of the area. |

150.6

f) D18.6.1.2. Height in relation to boundary (2)

| Proposed Amendment | Reason |
|---|---|
| <p>D18.6.1.2. Height in relation to boundary</p> <p>(2) <u>The underlying zone height in relation to boundary standard applies where:</u></p> <p>(a) <u>The site has a frontage length of 15m or greater; or</u></p> <p>(b) <u>The site is a rear site.</u></p> | <p>Development standard <i>D18.6.1.2(2)</i> is not considered to be the most appropriate method to maintain the identified character values of an area.</p> <p>The 3m + 45 degree height recession plane has been historically applied to these sites and is considered to be the most effective method to maintaining the existing character of an area.</p> <p>The reduced height recession plane of the underlying zone may result in inappropriate additions and alterations to buildings, which may comply with the standard, however may result in adverse character effects.</p> |

150.7

g) D18.6.1.3. Yards - Table D18.6.1.3.1 Yards

| Proposed Amendment | | Reason |
|--------------------------------|--|--|
| Table D18.6.1.3.1 Yards | | <p>The requested change is considered to emphasize the importance of maintaining streetscape character. The side yard/setback is not considered to be a development standard which helps to retain the historic built character of the streetscape given the yard/setback makes little positive contribution to the building's relationship to the street.</p> <p>Providing amenity from an oblique view from the footpath or road makes little to no positive contribution to the character of the streetscape.</p> |
| Yard | Minimum depth | |
| Front | The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject site or six sites on one side of the subject site | |
| Side | 1.2m <u>1.0</u> | |
| Rear | 3m | |

150.8

h) D18.6.1.7. Fences and walls

| Proposed Amendment | Reason |
|--|--|
| <p>D18.6.1.7. Fences <u>and</u> walls <u>and</u> other structures</p> <p><u>Purpose:</u></p> <ul style="list-style-type: none"> <u>To retain the boundary fences and walls that contribute to the character of the area and ensure that new fences and walls complement the existing character of the streetscape.</u> <p>(1) <u>Fences <u>and</u> walls <u>and</u> other structures, or any combination of these, in the Special Character Areas Overlay - Residential must not exceed a <u>the height specified below, measured from</u> of 1.2m above ground level.:</u></p> <p>(a) <u>On the front boundary or between the front façade of the house and the front boundary, 1.2m in height.</u></p> <p>(b) <u>On the side boundary of the front yard, or between the house and the side boundary, where the fence or wall is located forward of the front façade of the house, 1.2m in height.</u></p> <p>(c) <u>For the purposes of this standard, the front façade of the house means the front wall of the main portion of the house facing a street, and shall exclude bay windows, verandahs, stairs, attached garages and similar projecting features. Houses on corner sites have two front facades.</u></p> <p>(d) <u>On any other boundary or within any other yard not described above, 2m in height.</u></p> | <p>Fences and walls along all other boundaries, except front boundaries, are not considered to have any impact on the existing character of the streetscape.</p> <p>The requested change emphasizes the purpose of the control which is to maintain and enhance the character of the streetscape. Restricting fence/wall heights along all other boundaries not considered to contribute positively to the character of the streetscape.</p> |

150.9

150.10

i) D18.8.2.1. Special Character Areas Overlay – Residential – Assessment Criteria

| Proposed Amendment | Reason |
|---|---|
| <p>D18.8.2.1. Special Character Areas Overlay – Residential</p> <p>(1) For an infringement of any of the standards listed in Standard D18.6.1 Standards for buildings in the Special Character Areas Overlay – Residential:</p> <p>(a) Policies D18.3(1) to (7).</p> <p>(b) <u>the relevant assessment criteria for the standard (or equivalent standard) in the underlying zone.</u></p> <p><u>(x) whether structures in the front yard (including garages in the front yard) are consistent with the existing character of the streetscape</u></p> | <p>The requested addition to the assessment criteria for the Special Character Area Overlay – Residential will enable structures within the front yard which are consistent with the existing character of the streetscape.</p> <p>A number of residential areas within the region can be defined by development patterns which include structures within the front yard. The inclusion of this criteria enables the development of structures within the front yard where it is considered to be consistent with the existing streetscape character.</p> |

150.11

- j) E38.8.2.6. Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business (4)

| Proposed Amendment | Reason |
|--|---|
| <p>E38.8.2.6. Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business</p> <p>(1) Proposed sites identified in the Special Character Areas Overlay – Residential and Business must comply with the minimum net site area in Table E38.8.2.6.1 Special Character Overlay – Residential and Business subdivision controls.</p> <p>(2) Proposed sites identified in the Special Character Areas Overlay – Residential and Business that are not listed in Table E38.8.2.6.1 must comply with the relevant minimum net site area for that site’s zone in Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare.</p> <p>(3) <u>The minimum net site area controls within Table E38.8.2.6.1 Special Character Areas Overlay – Residential and Business subdivision controls take precedence over those within Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare.</u></p> <p>(4) <u>The following controls do not apply where consent is granted for an approved development.</u></p> | <p>The requested change ensures sites can be developed and subdivided as enabled by the plan. Applying a net site area control is not considered appropriate when considering a joint land-use and subdivision application.</p> <p>Development and subdivision deemed to be appropriate through a joint land-use and subdivision application should not be required to meet minimum net site area control as the character, amenity and urban design effects of any such application will have been comprehensively addressed through the land-use component of the resource consent.</p> |

150.12

- k) Any other consequential changes, including but not restricted to changes to the objectives and policies of the overlay and Auckland Unitary Plan to give effect to this submission.

150.13

4 DECISION SOUGHT FROM COUNCIL

The submitter seeks that that the Council make the following decision:

- (a) That the plan change is approved subject to the amendments summarised in Section 3 of this submission and marked up in **Attachment A**;
- (b) Any other consequential amendments that are necessary to give effect to the matters raised in this submission.

The amendments set out in this submission are intended to further clarify that the provisions of the Special Character Overlay apply, in place of, the corresponding provisions of the underlying zone.

The amendments sought also ensure that the provisions within the Special Character Overlay are the most effective and efficient for retaining the characteristics of the Special Character Overlay whilst also enabling appropriate development.

In addition to the above:

- (a) The submitter wishes to be heard in support of this submission.
- (b) Consideration would be given to providing joint evidence in support of this submission.



Vijay Lala | Director

Tattico Limited

Attachment A – Requested Changes to Plan Change 26

Requested changes are marked in underlined for new text and ~~strikethrough~~ where existing text is proposed to be deleted.

D18. Special Character Areas Overlay – Residential and Business

D18.1. Background

The Special Character Areas Overlay – Residential and Business seeks to retain and manage the special character values of specific residential and business areas identified as having collective and cohesive values, importance, relevance and interest to the communities within the locality and wider Auckland region.

Each special character area, other than Howick, is supported by a Special character area statement identifying the key special character values of the area. Assessment of proposals for development and modifications to buildings within special character areas will be considered against the relevant policies and the special character area statements and the special character values that are identified in those statements. These values set out and identify the overall notable or distinctive aesthetic, physical and visual qualities of the area and community associations.

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

Special character areas are provided for as follows:

- (1) Special Character Areas - Business; and
- (2) Special Character Areas – Residential; and
- (3) Special Character Areas - General (both residential and business).

Areas in the Special Character Areas Overlay - General may contain a mix of sites zoned residential or business. In such cases, for any site/s in a residential zone, the Special Character Areas Overlay - Residential provisions will apply and for any site/s in a business zone, the Special Character Areas Overlay - Business provisions will apply.

The following areas...

D18.2. Objectives

- (1) The special character values of the area, as identified in the special character area statement are maintained and enhanced.
- (2)

D18.3. Policies

Special Character Areas Overlay - Residential

(1) Require all development and redevelopment to have regard and respond positively to the identified special character values and context of the area as identified in the special character area statement.

(2)

D18.4. Activity table

Table D18.4.1 Activity table Special Character Areas Overlay – Residential specifies the activity status of ~~land use and~~ development for activities in the Special Character Area Overlay – Residential pursuant to section 9(3) of the Resource Management Act 1991.

Where the activity status of an activity specified in Table D18.4.1 is different to the corresponding activity status in the underlying zone, then the activity status in Table D18.4.1 ~~takes precedence over~~ applies in place of the activity status in the underlying zone (whether or not that activity status is more restrictive). For the avoidance of doubt, the activity status of the corresponding activity in the underlying zone does not apply.

Commented [J1]: Reason: The revised phrasing better defines the relationship between the overlay and the underlying zone.

Where an activity is not provided for in Table D18.4.1, the activity will have the activity status provided in the underlying zone. All other relevant overlay, precinct, Auckland-wide and general rules apply.

Areas in the Special Character Areas Overlay - General may contain a mix of sites zoned residential or business. In such cases, for any site/s in a residential zone, the Special Character Areas Overlay - Residential rules in Table D18.4.1 Activity table will apply and for any site/s in a business zone, the Special Character Areas Overlay - Business rules in Table D18.4.2 Activity table will apply.

Rules for network utilities and electricity generation in the Special Character Areas Overlay – Residential and Business are located in E26 Infrastructure.

Table D18.4.1 Activity table – Special Character Areas Overlay - Residential

| Activity | | Activity status |
|--------------------|---|-----------------|
| Development | | |
| (A1) | Restoration and repair to a building on all sites in the Special Character Areas Overlay–Residential or the Special Character Areas Overlay - General (with a residential zoning) | P |

| | | |
|-------|--|----|
| (A2) | Minor Additions and alterations to the rear of a building on all sites in the Special Character Area Overlay – Residential or Special Character Areas Overlay - General (with a residential zoning) where works to the building use the same design and materials to the existing building | P |
| (A3) | Total demolition or substantial demolition (exceeding 30 per cent or more, by area, of <u>front and side</u> wall elevations and roof areas) of a building, or the removal of a building (excluding accessory buildings), or the relocation of a building within the site on: (a) all sites in all the following Special Character Areas Overlay - Residential: (i) Special Character Area Overlay – Residential: Isthmus A; (ii) Special Character Areas Overlay – Residential: Pukehana Avenue; (iii) Special Character Area Overlay – General: Hill Park (those sites with a residential zone); and (iv) Special Character Area Overlay – General: Puhoi (those sites with a residential zone); and (b) all other sites identified as subject to demolition, removal or relocation rules as shown in the maps in the Special Character Areas Overlay Statements. | RD |
| (A4) | External alterations or additions to a building on all sites in the Special Character Areas Overlay–Residential or Special Character Areas Overlay - General (with a residential zoning), <u>except as provided for by D18.4.1(A2).</u> | RD |
| (A5) | Construction of a new building or relocation of a building onto a site on all sites in the Special Character Area Overlay–Residential or Special Character Areas Overlay - General (those sites with a residential zone) | RD |
| (A5A) | <u>New fences and walls, and alterations to existing fences and walls that comply with Standard D18.6.1.7(1)</u> | P |
| (A5B) | <u>New fences and walls and alterations to existing fences and walls that do not comply with Standard D18.6.1.7(1)</u> | RD |

Commented [J2]: Reason: The revised phrasing provides greater clarity and certainty relating to permitted additions and alterations to the rear of a building.

Additions and alterations to the rear of the building will have no impact on the character of the streetscape or overall character of the area.

Commented [J3]: Reason: Rear walls do not contribute to the character of streetscape. As such, the demolition of rear walls have no relevance to the demolition standards of the overlay.

Roof areas are not considered to be an integral feature of the building which contributes to maintaining the existing character of the area.

The replacement of the roof has no impact on the character of the streetscape or overall character of the overlay and should not be included as a part of the demolition standards for the overlay.

Commented [J4]: Reason: Ensures clarity around permitted activities provided for under D18.4.1(A2).

Table D18.4.2 Activity table – Special Character Area – Business specifies the activity status of land use and development for activities in the Special Character Area Overlay – Business pursuant to section 9(3) of the Resource Management Act 1991.

Areas in the Special Character Areas Overlay - General may contain a mix of sites zoned residential or business. In such cases, for any site/s in a residential zone, the Special Character Areas Overlay - Residential rules in Table D18.4.1 Activity table will

apply and for any site/s in a business zone, the Special Character Areas Overlay - Business rules in Table D18.4.2 Activity table will apply.

Table D18.4.2 Activity table – Special Character Areas Overlay – Business

| Activity | | Activity status |
|---|--|-----------------|
| Development | | |
| Special Character Areas Overlay – Business with identified character defining buildings | | |
| (A6) | External redecoration and repair to a character defining building | P |
| (A7) | | |
| Special Character Areas Overlay – Business with no identified character defining or character supporting buildings <u>and Special Character Areas Overlay – General (with a business zoning)</u> | | |
| (A8) | External redecoration and repair of a building in the Special Character Areas Overlay – Business with no identified character defining or character-supporting buildings | P |
| (A9) | | |

D18.5. Notification

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

D18.6. Standards D18.6.1. Standards for buildings in the Special Character Areas Overlay - Residential and in the Special Character Areas Overlay – General (with a residential zoning)

- a) All activities ~~listed in Table D18.4.1 Activity table~~ undertaken within the Special Character Areas Overlay – Residential or Special Character Areas Overlay – General (with a residential zoning), whether they are listed in Table D18.4.1 or in the underlying zone, must comply with the following development standards.
- b) Except where otherwise specified in this chapter, the development standards within D18.6.1 replace the following corresponding development standards within the underlying zone and the corresponding development standards within the underlying zone do not apply:
 - Building height

- Height in relation to boundary
- Yards
- Building coverage
- Maximum impervious area
- Landscaped area or Landscaping
- Fences and walls

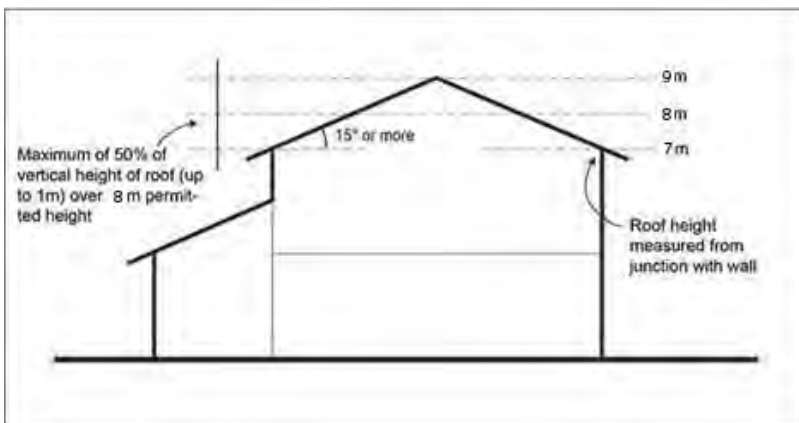
D18.6.1.1. Building height

Purpose: to manage the height of buildings to:

- retain the existing built form character of predominantly one to two storeys in the established residential neighbourhoods and provide for the planned environmental outcomes enabled by this standard;
- maintain the relationship of built form to the street and open space; and
- maintain a reasonable level of sunlight access and minimise visual dominance effects.

(1) Buildings in the Special Character Areas Overlay – Residential must not exceed 8m in height except that 50 per cent of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more. This is shown in Figure D18.6.1.1.1 Building height in the Special Character Areas Overlay – Residential.

Figure D18.6.1.1.1 Building height in the Special Character Areas Overlay - Residential



Commented [J5]: Reason: The revised phrasing recognises the permitted building height provided for by the provisions of the overlay.

D18.6.1.2. Height in relation to boundary

Purpose: to manage the height and bulk of buildings to:

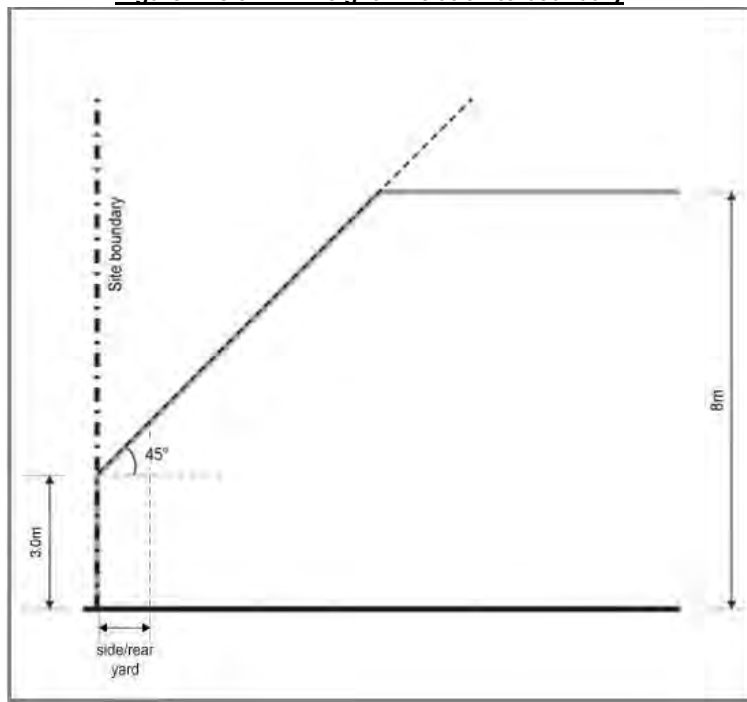
- retain the character of the streetscape;
- enable a built form that reflects the identified character of the area; and
- maintain a reasonable level of sunlight access and minimise visual dominance effects.

(1) Buildings in the Special Character Areas Overlay – Residential must not project above a 45-degree recession plane measured from a point 3m above the ground level along any side and rear boundaryies of the site where:

(a) The site has a frontage length of less than 15m

(i) For corner sites, standard D18.6.1.2 (1) applies from each frontage, where that frontage has a length of less than 15m.

Figure D18.6.1.2.1 Height in relation to boundary



(2) The underlying zone height in relation to boundary standard applies where:

Commented [J6]: Reason: The 3m + 45 degree height recession plane has been historically applied to these sites and is considered to be the most effective method to maintain the existing character of the area.

The reduced height recession plane in the underlying zone may result in inappropriate additions and alterations to buildings that will result in adverse characters effects.

(a) The site has a frontage length of 15m or greater; or

(b) The site is a rear site.

(3) Standard D18.6.1.2(1) above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

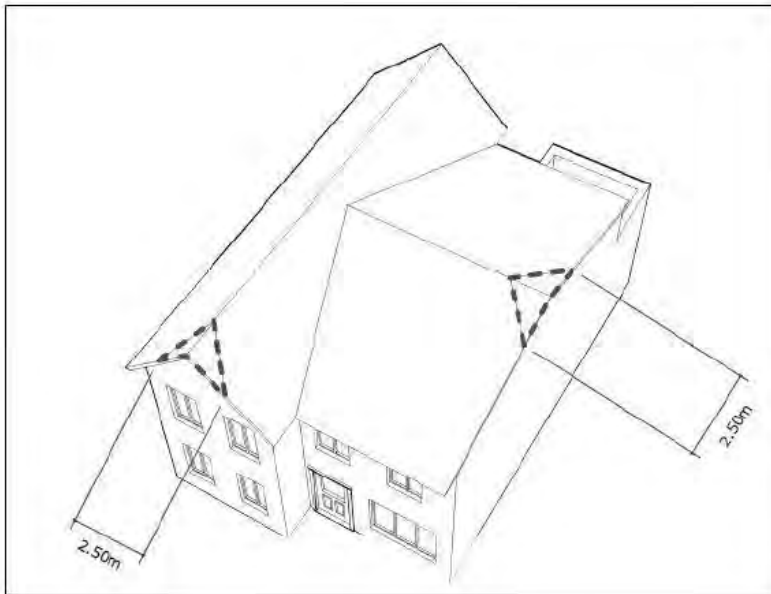
(4) Where the boundary forms part of a legal right of way, entrance strip, or access site, Standard D18.6.1.2(1) applies from the farthest boundary of the legal right of way, entrance strip, access site or pedestrian accessway.

(5) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:

(a) no greater than 1.5m² in area and no greater than 1m in height; and

(b) no greater than 2.5m cumulatively in length measured along the edge of the roof.

Figure D18.6.1.2.2 Exceptions for gable ends and dormers and roof projections



(6) No more than two gable ends, dormers or roof projections are allowed for every 6m length of site boundary.

D18.6.1.3. Yards

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

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

Table D18.6.1.3.1 Yards

| Yard | Minimum depth |
|-------|--|
| Front | The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject site or six sites on one side of the subject site |
| Side | 1.2m 1.0 |
| Rear | 3m |

Commented [J7]: Reason: The side yard/setback does not contribute to a building’s relationship to the streetscape. Providing amenity from an oblique view from the footpath or road makes little to no positive contribution to the character of the streetscape.

Commented [J8]: The deletion of the rear yard standard is supported.

- (2) Standard D18.6.1.3.1 above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
- (3) The underlying zone yard standards apply for all other yards not specified within Table D18.6.1.3.1.

D18.6.1.4. Building coverage

Purpose: to manage the extent of buildings on a site commensurate with the existing built character of the neighbourhood.

- (1) The maximum building coverage for sites in the Special Character Areas Overlay – Residential must not exceed the percentage of net site area listed in Table D18.6.1.4.1 Building coverage in the Special Character Areas Overlay – Residential below:

Table D18.6.1.4.1 Building coverage in the Special Character Areas Overlay – Residential

| Site area | Building coverage |
|---|----------------------------------|
| Up to 200m ² | 55 per cent of the net site area |
| 200m ² – 300m ² | 45 per cent of the net site area |
| 300m ² – 500m ² | 40 per cent of the net site area |
| 500m ² – 1,000m ² | 35 per cent of the net site area |
| Greater than 1,000m ² | 25 per cent of the net site area |

(2) Where a site is within the Rural and Coastal Settlement zone, Standard D18.6.1.4. Building coverage does not apply and Standard H2.6.9. Building coverage applies.

D18.6.1.5. Landscaped area

Purpose: to maintain the level of landscaped character and trees consistent with the identified character of the area.

(1) The minimum landscaped area for sites in the Special Character Areas Overlay – Residential is the percentage of net site area listed in Table D18.6.1.5.1 Landscaped area in the Special Character Areas Overlay – Residential below:

Table D18.6.1.5.1 Landscaped area in the Special Character Areas Overlay – Residential

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

(2) The front yard must comprise at least 50 per cent landscaped area.

(3) Where a site is within the Rural and Coastal Settlement zone, Standard D18.6.1.5. Landscaped area does not apply.

D18.6.1.6. Maximum paved impervious area

Purpose:

- to reinforce the building coverage and landscaped area standards; and
- to limit impervious areas on a site to maintain the identified character of the area.

(1) The maximum ~~paved~~ impervious area for sites in the Special Character Areas Overlay – Residential must not exceed the percentage of ~~net~~ site area listed in Table D18.6.1.6.1 Maximum ~~paved~~ impervious area in the Special Character Areas Overlay – Residential below:

Table D18.6.1.6.1 Maximum ~~paved~~ impervious area in the Special Character Areas Overlay – Residential

| Site area | Paved <u>Impervious</u> area |
|---------------------------------------|--|
| Up to 200m ² | 47 <u>72</u> per cent of the net site area |
| 200m ² – 500m ² | 29 <u>65</u> per cent of the net site area |

| | |
|---|--|
| 500m ² – 1,000m ² | 25 <u>60</u> per cent of the net site area |
| Greater than 1,000m ² | 25 <u>50</u> per cent of the net site area |

(2) Where a site is within the Rural and Coastal Settlement zone, Standard D18.6.1.6. Maximum impervious area does not apply and Standard H2.6.8. Maximum impervious area applies.

D18.6.1.7. Fences and walls ~~and other structures~~

Purpose:

- To retain the boundary fences and walls that contribute to the character of the area and ensure that new fences and walls complement the existing character of the streetscape.
- (1) Fences ~~and~~ walls ~~and other structures~~, or any combination of these, in the Special Character Areas Overlay - Residential must not exceed ~~a~~ the height specified below, measured from ~~of 1.2m above~~ ground level:-
- (a) On the front boundary ~~or between the front façade of the house and the front boundary~~, 1.2m in height.
 - (b) On ~~the side boundary of the front yard, or between the house and the side boundary, where the fence or wall is located forward of the front façade of the house~~, 1.2m in height.
 - (c) For the purposes of this standard, the front façade of the house means ~~the front wall of the main portion of the house facing a street, and shall exclude bay windows, verandahs, stairs, attached garages and similar projecting features. Houses on corner sites have two front facades.~~
 - (d) On any other boundary or within any other yard not described above, 2m in height.

Commented [J9]: Reason: Fences and walls along all other boundaries are not considered to have any impact on the existing character of the streetscape.

Therefore, restricting fence/wall heights along all other boundaries is not considered to contribute positively to the character of the streetscape.

D18.6.2. Standards for buildings in the Special Character Areas Overlay – Business and in the Special Character Areas Overlay – General (with a business zoning)

.....

D18.7. Assessment – controlled activities

There are no controlled activities in this section.

D18.8. Assessment – Restricted discretionary activities D18.8.1. Matters of discretion

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary resource consent application.

D18.8.1.1. Special Character Areas Overlay - Residential

(1) For the total demolition or substantial demolition (exceeding 30 per cent or more, by area, of wall elevations and roof areas); or the removal of a building (excluding accessory buildings) from a site; or the relocation of a building within the site:

(a) the effects....

(2) For external alterations or additions to buildings; or for the construction of a new building or the relocation of a building onto a site:

(a) the effects....

(3) For an infringement of the any of the standards listed in Standard D18.6.1 Standards for buildings in the Special Character Areas Overlay – Residential:

(a) the effects of the infringement of the standard on the streetscape and special character context as outlined in the special character area statement; and

Note 1

Where more than one standard will be infringed, the effects of all infringements on the streetscape and special character context as outlined in the special character area statement will be considered together.

(b) the matters for external alterations or additions to buildings or for the construction of a new building or relocation of buildings onto a site listed in D18.8.1.1(2) above.

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

D18.8.1.2. Special Character Business Areas

.....

D18.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities.

D18.8.2.1. Special Character Areas Overlay – Residential

- (1) For the total demolition or substantial demolition (exceeding 30 per cent or more, by area, of wall elevations and roof areas); or the removal of a building (excluding accessory buildings) from a site; or the relocation of a building within the site:
 - (a)...
- (2) For external alterations and additions to a building: (a) Policies D18.3(1) to (7);
 - (b)
- (3) For the construction of a new building or relocation of a building onto a site:
 - (a) Policies D18.3(1) to (7);
 - (b) for all areas...
- (4) For an infringement of any of the standards listed in Standard D18.6.1 Standards for buildings in the Special Character Areas Overlay – Residential:
 - (a) Policies D18.3(1) to (7).

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

(x) whether structures in the front yard (including garages in the front yard) are consistent with the existing character of the streetscape

Commented [J10]: Reason: The addition of this criteria allows for the consideration of the existing streetscape character when considering the development of structures within the front yard.

D18.8.2.2. Special Character Areas Overlay - Business

- (1) For the total

D18.9. Special information requirements

There are no special information requirements in this section.

E38. Subdivision - Urban

E38.1. Introduction

Subdivision is the process of dividing a site or a building into one or more additional sites or units, or changing an existing boundary location.

Objectives, policies and rules in this section apply to subdivision in all zones except for the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, Rural – Rural Conservation Zone, Rural – Countryside Living Zone, Rural - Waitākere Foothills Zone, Rural - Waitākere Ranges Zone, Future Urban Zone, and Special Purpose – Quarry Zone which are located in E39 Subdivision – Rural.

...

E38.8. Standards for subdivisions in residential zones

Subdivision listed in Table E38.4.2 Subdivision in residential zones must comply with the applicable standards for the proposed subdivision in E38.6 General standards for subdivision and E38.8.1 General standards in residential zones.

...

E38.8.2.6. Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business

- (1) Proposed sites identified in the Special Character Areas Overlay – Residential and Business must comply with the minimum net site area in Table E38.8.2.6.1 Special Character Overlay – Residential and Business subdivision controls.
- (2) Proposed sites identified in the Special Character Areas Overlay – Residential and Business that are not listed in Table E38.8.2.6.1 must comply with the relevant minimum net site area for that site’s zone in Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare.
- (3) The minimum net site area controls within Table E38.8.2.6.1 Special Character Areas Overlay – Residential and Business subdivision controls take precedence over those within Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare.
- (4) The following controls do not apply where consent is granted for an approved development.

Table E38.8.2.6.1 Special Character Areas Overlay – Residential and Business subdivision controls

| Special Character Areas Overlay – Residential and Business – Sub area | Minimum net site area |
|---|---|
| Isthmus A | 400m ² or 500m ² where the site does not comply with the shape factor |

Commented [J11]: Reason: Net site area controls should not apply to joint land use and subdivision applications.

The character and urban design effects of any proposed developed will have been compressively addressed through the land-use consent.

Net site area controls are more appropriate when considering vacant lot subdivision applications.

| | |
|---|---|
| Isthmus B1 and B3 | 1,000m ² |
| Isthmus B2 | 600m ² |
| Isthmus C1 | 400m ² or 500m ² where the site does not comply with the shape factor |
| Isthmus C2 | 600m ² |
| Isthmus C2a (refer to Figure E38.8.2.6 below) | 1,000m ² on sites identified in Figure E38.8.2.6 below |
| North Shore Area A* | 450m ² |
| North Shore Area B* | 500m ² |
| North Shore Area C* | 600m ² |

*The maps showing North Shore Area A, North Shore Area B, and North Shore Area C can be found in Schedule 15 Special Character Schedule, Statements and Maps.