

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Jesma Leigh Magill

Organisation name: Passionate Half Moon Bay resident with a huge passion for Howick.

Agent's full name:

Email address: jes.magill@xtra.co.nz

Contact phone number:

Postal address:
12 Endymion Place
Half Moon Bay
Auckland 2012

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:

Howick must be included in Plan Change 26 - we can't consider this plan change until Howick has the Special Character statements, both residential and business overlays, are agreed and locked in.

201.2

Property address: Stockade Hill, Howick - Historic Area of Howick

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:

Howick's historic Stockade Hill plan changes are the result of inept and scullous dirty deals on behalf of leading council figures that go years back. A lack of moral fibre and poor town planning skills should not harm the built landscape of Howick for years to come. Come on Auckland Council - do the right thing. Please.

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

201.1

Submission date: 10 July 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 (the Overlay)

Chapter D18, special character areas overlay - residential and chapter E38, subdivision - urban of the Auckland Unitary Plan.

SUBMISSION BY REMUERA HERITAGE INC**10 July 2019**

1. Introduction

1.1. Remuera Heritage is an incorporated society, the purpose of which is to recognise, appreciate, preserve and share Remuera's past and present. This includes Remuera's built heritage as an early 19th and 20th century suburb and shopping centre of large sections with villas, bungalows, English style houses and cottages as well as Arts & Crafts style houses with leafy gardens and berms. From the 1980s there has been much infill housing and intensification building on these larger sections. Most of the "northern slopes" of Remuera are zoned Single House.

1.2. First we would like to note the following:

- Remuera Heritage did not receive a notification letter for Plan Change 26, despite there being a large area in Remuera covered by the Overlay.
- The timeline for submissions is too tight. Plan Change 26 appeared in the council's Our Auckland publication which was seen on 28 May 2019 but with no links to any information.- <https://ourauckland.aucklandcouncil.govt.nz/articles/news/2019/05/proposed-plan-change-26/>. The proposed plan change 26 didn't even appear on the relevant council webpage. But submissions could be made from 30 May to 28 June = only 28 days being allowed for digesting something of a very technical nature.
<https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/proposed-plan-changes/Pages/default.aspx>

In comparison, Remuera Heritage received a letter dated 27 May 2019 in relation to proposed Plan Change 27 – Amendments to Schedule 14.1 Historic Heritage Schedule (Errors, anomalies and information update and deletion of 11 places) to the Auckland Unitary Plan (operative in part). The closing date for submissions is given as 11 July 2019 = i.e. 46 days is allowed for submissions on something less complex than PC 26. *Remuera Heritage notes that the deadline has been extended to 12 July 2019, more in keeping with other plan changes.*

1.3. The language used is a barrier to understanding what PPC 26 is all about. "Refining standards", for example, is vague and uninformative. And this paragraph is unintelligible:

Other changes: • Additional matter of discretion & assessment criteria for restricted discretionary activities requiring that infringement of the aforementioned standards require additional assessment against the matters of discretion & assessment criteria of the underlying zoning.
<https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/proposed-plan-changes/Documents/pc-26-overview-simplified-explanation.pdf>

2. Plan Change 26

2.1. In general, we support the intention to clarify the difficulty and confusion that exists around having two sets of standards, activities and provisions applying where there is both the Special Character Areas Residential Overlay and an underlying zone. The proposed change appears to support the protection of special character and heritage through recommending that the provision in the Special Character Areas Overlay will prevail over the corresponding provision in the underlying zone. However, in actual fact, the SCAR Overlay is less restrictive in allowing anyone wanting to develop their property greater freedom to do so. It is not clear how the proposed change will assist owners who want to protect the character and amenity of the Special Character Area where the Single House Zone also applies. It allows more lenient rules about heights and yards, which will lead to much greater density, bulk and heights to the side and rear of properties. 202.1

2.2. For example:

2.2.1. Height to Boundary: The Special 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, where the sites have a road fronted boundary less than 15m in width. 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. It is not clear why bulkier houses should be allowed when the width of the property is less. 202.2

2.2.2. 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 where sections near corner junctions have rear yards adjacent to side yards.

By allowing the Character Overlay to predominate, it puts neighbours in special character and heritage areas at a disadvantage from those in the single house zone without an overlay. These neighbours will be impacted by more encroachments into their side and rear privacy.

2.3. The size and scale of more development to the side and rear of houses in the SCAR Overlay 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.

2.4. Remuera Heritage opposes the intention to reduce the requirement for sufficient space to be provided in rear yards in order to separate housing and ancillary buildings from the rear boundary of a site. Remuera Heritage submits that the current 3 metre rear yard should be retained. This will maintain character and amenity values in the area. Having rear yards of only 1 metre will reduce the privacy, tree cover, landscaping, views and general amenity of neighbours and neighbourhoods. 202.3

2.5. Regarding fencing height, the maximum heights for fencing from a house to the rear yard should be retained at a 1.8m maximum not 2m. 202.4

2.6. The Special Character Areas overlay rules allow for a "larger building envelope" (e.g. a bigger extension in your neighbour's backyard). Also, the council would not have to consider the effects on neighbours, which it does under the Single House Zone rules. The council has to consider the effects on the streetscape and character of the area, but not the neighbours. We do not support that.

2.7. Environmental effects and privacy. The plan needs to take into account the effects of development on neighbours as well as on streetscape. In particular, we wish to note that when special character and heritage houses were built in the 19th and early 20th centuries, privacy was much easier to maintain. Then there was significantly less light, air and noise pollution from radio, television, music, technology, outdoor living, recreational facilities and traffic. We want to retain respect for our neighbours and social and community wellbeing in the 21st century. These are now universally acknowledged as being of primary 202.5

importance to a healthy society. The more restrictive requirements should apply regarding rules, standards and provisions which affect these environmental factors in our communities. | 202.6

3. Also, Remuera Heritage does not support anything which will make special character and heritage buildings more easily able to be demolished and special character areas to be eroded. | 202.7

3.1. Remuera Heritage wants all neighbours in special character areas to be notified when there is development proposed on their boundary. | 202.8

4. In summary, the proposed plan change 26 is less about protecting special character and heritage and more about protecting property rights to develop character / heritage houses to the detriment of neighbours, community wellbeing and zoning values in traditional areas like Remuera. Remuera Heritage seeks that the underlying zone, the Single House zone, prevail over the rules, standards and provisions of the Special Character Areas Overlay, where both are applicable.

Chair Sue Cooper
Remuera Heritage
P O Box 28-556
Remuera 1050
Ph: 027 276 9847

admin@remueraheritage.org.nz

PROPOSED PLAN CHANGE 26 – SPECIAL CHARACTER AREAS OVERLAY (the Overlay)

Chapter D18, special character areas overlay - residential and chapter E38, subdivision - urban of the Auckland Unitary Plan.

SUBMISSION BY CHARACTER COALITION

7 July 2019

1. Introduction

The Character Coalition is an umbrella group representing 60+ heritage, historical and special interest groups and residents associations who care deeply about protecting and promoting the heritage of Auckland's built environment.

2. Plan Change 26

2.1. In general, the Character Coalition supports the intention to clarify the difficulty and confusion that exists around having two sets of standards, activities and provisions applying where there is both the Special Character Areas Residential Overlay and an underlying zone. The proposed change appears to support the protection of special character and heritage through recommending that the provision in the Special Character Areas Overlay will prevail over the corresponding provision in the underlying zone. However, in actual fact, the SCAR Overlay is less restrictive in allowing anyone wanting to develop their property greater freedom to do so. It is not clear how the proposed change will assist owners who want to protect the character and amenity of the Special Character Area where the Single House Zone also applies. It allows more lenient rules about heights and yards, which will lead to much greater density, bulk and heights to the side and rear of properties. | 203.1

2.2. For example:

2.2.1. Height to Boundary: The Special 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, where the sites have a road fronted boundary less than 15m in width. 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. It is not clear why bulkier houses should be allowed when the width of the property is less. | 203.2

2.2.2. 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 where sections near corner junctions have rear yards adjacent to side yards.

By allowing the Character Overlay to predominate, it puts neighbours in special character and heritage areas at a disadvantage from those in the single house zone without an overlay. These neighbours will be impacted by more encroachments into their side and rear privacy.

2.3. The size and scale of more development to the side and rear of houses in the SCAR Overlay 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.

2.4. The Character Coalition opposes the intention to reduce the requirement for sufficient space to be provided in rear yards in order to separate housing and ancillary buildings from the rear boundary of a site. Remuera Heritage submits that the current 3 metre rear yard should be retained. This will | 203.3

maintain character and amenity values in the area. Having rear yards of only 1 metre will reduce the privacy, tree cover, landscaping, views and general amenity of neighbours and neighbourhoods.

2.5. Environmental effects and privacy. The plan needs to take into account the effects of development on neighbours as well as on streetscape. In particular, we wish to note that when special character and heritage houses were built in the 19th and early 20th centuries, privacy was much easier to maintain. Then there was significantly less light, air and noise pollution from radio, television, music, technology, outdoor living, recreational facilities and traffic. We want to retain respect for our neighbours and social and community wellbeing in the 21st century. These are now universally acknowledged as being of primary importance to a healthy society. The more restrictive requirements should apply regarding rules, standards and provisions which affect these environmental factors in our communities. | 203.4
| 203.5

2.6. Also, The Character Coalition does not support anything which will make special character and heritage buildings more easily able to be demolished and special character areas to be eroded. | 203.6

2.7. The Character Coalition wants all neighbours in special character areas to be notified when there is development proposed on their boundary. | 203.7

3. In summary, the proposed plan change 26 is less about protecting special character and heritage and more about protecting individual property rights to develop character / heritage houses to the detriment of neighbours, community wellbeing and zoning values in traditional areas. The Character Coalition seeks that the underlying zone, the Single House zone, prevail over the rules, standards and provisions of the Special Character Areas Overlay, where both are applicable.

4. The Character Coalition seeks to be heard at the forthcoming hearing.

Address for service:

Chair Sally Hughes
Character Coalition
PO Box 25 971
St Heliers
Auckland 1740
sally@charactercoalition.org.nz
Ph. 0272 843 344



Mount St John Residents Group Incorporated

10 July 2019

To whom it may concern:

Re: **Submission from Mount St John Residents' Group Incorporated on Auckland Council's Plan Change 26: Clarifying Special Character Areas Overlay and underlying zone provisions**

The Mount St John Residents Group is an Incorporated Society representing most of the residents who live close to Mount St John, Epsom. Our membership draws from Mount St John Avenue, Belvedere St, Margot St, Halifax Avenue, Ranfurly Rd, and the western side of Market Rd alongside Mount St John.

In general, we are supportive of Plan Change 26. This plan change seeks to clarify how the Special Character Areas Overlay works with underlying zones in some areas of Auckland. | 204.1

Largely, we think it achieves its purpose.

In particular:

- **C2A and B1 zoning:** We strongly support the clarification of isthmus zoning C2A and B1 zonings (Refer table E38.8.2.6.1 – Special Character Areas Overlay – residential and Business Subdivision Controls). This refers specifically to the 1000 square metre ‘minimum net site area’. | 204.2

We note this zoning began as an initiative of the owners of land surrounding Mount St John who sought to preserve the character of the area, and views and sightlines to the cone.

We support reinforcement of this zoning.

- **Impervious Areas.** We support the clarification of the overlay in relation to zoning for impervious areas. We note that the total impervious area now takes into account the area of the building as well as paving, decks, driveways etc. This is a sensible clarification of this requirement. | 204.3

- **Height to boundary rules.** We support the changes to the height to boundary rules, which allow for the development of sites which have a frontage of less than 15 metres to three metres, and then at a 45 degree angle. This will allow for greater development of more constrained sites. | 204.4

We do not support:

- **The change to front fence heights.** We note that these have been restricted to only fences of 1.2 metres. Under current rules, front fences can be 1.8 metres high providing there is 50% visibility through the fence or only 50% of the frontage is fenced. Under the proposed rules,



Mount St John Residents Group Incorporated

the current 1.8 metre fence height is rescinded. We ask that Auckland Council retains the current options for the 1.8 metre high front fence rule.

| 204.5

- We believe that a 1.2 metre fence would not prohibit a medium or large sized dog jumping over it. Nor would a 1.2 metre fence constrain a small, medium or large sized dog from (potentially) negatively interacting with passing public and causing a nuisance.
- The proposed changes conflict with the Dog Control Act 1996, which require that dogs be kept under control at all times. A 1.2 metre fence would not ensure this Act is properly given effect.
- The proposed changes also conflict with the advice given by Auckland Council on its website as follows and its policy on responsible dog ownership:
<https://www.aucklandcouncil.govt.nz/dogs-animals/problems-dogs/Pages/control-your-dog.aspx>

Ways to confine your dog

- *Fencing – without holes or gaps and tall enough so your dog cannot jump over it.*

AND

Check that there is nothing your dog can climb on, like a compost bin or wood pile, to jump over a fence.

Our group would like to thank Council for this opportunity to have a say. We wish to be heard by way of an oral submission at the appropriate time.

Yours faithfully,

Aaron Beer
 Chairman
 Mount St John Residents Group Incorporated

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Richard Graham Poole

Organisation name:

Agent's full name:

Email address: richardpoole@xtra.co.nz

Contact phone number:

Postal address:
12 Endymion Place
Half Moon Bay
Auckland 2012

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:
Plan Change 26

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:

Howick must be included in Plan Change 26 - we can't consider this Plan Change until Howick has the Special Character statements, both residential and business overlays, agreed and locked in.

| 205.2

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

| 205.1

Submission date: 11 July 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.

Jonathan Hardie-Neil
53 Kelvin Road,
Remuera,
Auckland 1050

LOT 19 DP 19744

10 July 2019

Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

By email: unitaryplan@aucklandcouncil.govt.nz

Attn: John Duguid

Dear John,

Proposed Plan Change 26

Clarifying the relationship between the Special Character Areas Overlay and underlying zone provisions within Auckland Unitary Plan

We are in receipt of your letter of 30th May, 2019.

This letter has raised a number of questions for us. I phoned the council to speak to your department about this but was told I could not expect a call back within 5 days and the best approach is to list my points in this letter and they could probably all be addressed together.

Whilst we understand the intention of this letter is to clarify how the Unitary Plan interacts with a Special Character Overlay we would require the Council to provide clarity as to how our property is included in this issue in the first place and whether this is a valid inclusion.

We are not aware of when this came into effect and when our property received such classification. This has never been formally communicated to us by Council. We have never had any council member visit our site, nor any formal communication from Council to inform us of the issues related to the Special Character Overlay and how this will impact us as landowners or how and when our land was subject to such a classification. How did it become included, what was the process undertaken, and when?

If our property has been in fact correctly properly designated and legally included in the overlay under the plan, we now seek to understand this and understand how and when this came into effect and what conditions this then places on our opportunity to use this land into the future – either for development or subdivision.

Furthermore, if in fact our land is subject to this designation, then we wish to both strongly object to the process that has been undertaken and we wish to understand more thoroughly whether any subsequent restrictions on the land should have had an impact to the rates we have been charged since the inclusion.

206.1

Our rateable value increased dramatically in 2014 (+1million) and then further increased with the valuations done in 2017 (+1.5million). We assumed at the time that these increases were due largely to the value of the land and must have been based on the section size and perceived potential of site development value as assessed by the valuation algorithm given the issues with land and housing in the Auckland isthmus. If this Special Character Overlay provides for any restrictions on the extent and nature of development (and any other restrictions on development on this property that are not imposed on similarly rated properties) then I would like to seek compensation and ask that our rates be reassessed and adjusted accordingly and refunded for the years since the change.

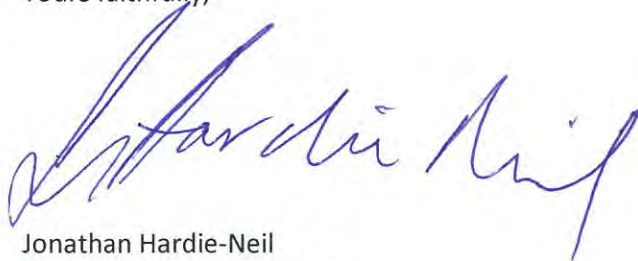
We would be willing to engage our own registered valuer to determine the real value which we can use to reassess the value and calculate what impact the restrictions have had on the valuation if it is possible to negotiate a new rates assessment.

We originally purchased the property for both the location and the section size and obvious potential for multi-site development in the future. If this has been eroded by reclassifications that we have not been a party to or agreed with then it is unacceptable to us that our investment has been impacted.

Therefore, we do want to engage with the Council on this issue. We could for example reluctantly, and on an expressly without prejudice basis, accept a potential limited classification or inclusion of the property within a Special Character Area Overlay on the basis that we or future owners can discuss with you what development (including subdivision, compensation, opportunities for transferrable rights to development) rights can be retained.

We do understand that some balance could be struck. For example, we accept that the property may be correctly classified, however, that in and of itself should not be a reason why all rights to the land should be curtailed or extinguished, and the rateable value should be adjusted accordingly.

Yours faithfully,



Jonathan Hardie-Neil
Trustee of the Jonathan Trust

Jonathan jon@edwardsnz.co.nz 021 834227

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)

Alfred Richard (Dob) Bellamy

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

South Plan Planning Group Inc

Address for service of Submitter

6 Lands cape Rd, Mt Eden, Auckland 1024

Telephone:

021 869 148

Fax/Email:

d.bellamy@auckland.ac.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)

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

all "as attached"

all "as attached"

207

The reasons for my views are:

(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.

207.1

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

AP Bell

11 July, 2019

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.

11 July 2019

Submission by the South Epsom Planning Group on Proposed Plan Change 26

1. The South Epsom Planning Group Inc (SEPG) is a neighbourhood group based in South Epsom. The approximate area of interest for the Society is bounded to the north by St Leonards and Empire Roads, to the west by Mt Eden and Rewa Roads, to the east by Coronation and Buckley Roads, and to the south by the steep escarpment formed by the explosion crater of the Three Kings volcanic system. In general terms this area encompasses the elevated land form known as the St Andrews Rd/Landscape Rd hill area. The Society has approximately 50 members.
2. SEPG was instrumental in achieving character and amenity protection for the area in previous plans, and submitted to have that protection retained in the Unitary Plan.



3. The SEPG area is currently zoned Single House Residential and is subject to a Special Character Area – Residential (SCAR) Overlay (Isthmus B2). In general terms lot sizes in this area of the city are large with most in excess of 1,000 square metres dating from the time of residential settlement (post 1920) when many lots were ¼ acre in size. There is one substantial property on the hilltop (approximately 5 acres) which serves as the local administrative centre for the Tongan Government. The large lot size of the hill area has enabled the neighbourhood to maintain its 'garden suburb' ambiance with many notable

large trees. Significant views are afforded to houses on the hilltop and slopes and are valued by residents.

4. The Society is generally supportive of the intention of Proposed Plan Change 26 (PPC26) in so far as it has been crafted to remove the confusion initially generated by differences between the zoning rules and those of the overlay, now clarified by the Environment Court.
5. However the Society is concerned at the potential impacts likely to be created by some proposed changes including those to yards. Specifically, the Society opposes the intention to reduce the requirement for a sufficient space to be provided in rear yards to separate housing and ancillary buildings from the rear boundary of sites. The Society submits that the current 3 metre rear yard) should be retained. We submit that retention of the current separation distance is required in maintain important character and amenity values in the area. We oppose the outcome that would be provided by having rear yards of 1 metre, being rear yard buildings within 2 meters of each other. The effect would be to reduce the privacy, tree cover, views and general amenity of adjoining owners and neighbourhoods.
6. The Society supports the introduction of purpose statements for development standards, but has suggested amendments, in particular broadening the focus from 'streetscape' to also include rear yards and neighbourhoods more generally. In our view the approach we have taken better embraces the broader content of the SCAR Objectives and Policies. Similar proposed amendments have been made to matters for discretion. Other proposed amendments are technical and/or refine the text. Proposed amendments are attached in Appendix One.
7. The s32 Report is incomplete with respect to its consideration of issues and development of options:
8. The s32 Report states:
"PPC 26 clarifies that where there are equivalent provisions (such as development standards) in the underlying zone and in the SCA overlay, that the provision in the SCA Residential Overlay will take precedence over those equivalent provisions within the underlying zone."
As indicated above this intention is supported by the Society. The report also states:
"The Plan Change also makes some amendments to some of the development standards in the SCA overlay to ensure that they are appropriately tailored to the special character values in the areas to which they relate."
In our view PPC26 as presented does not achieve this.
9. The PPC 26 document, and on our parse the s32 Report, do not include a complete copy of the current SCAR Objectives and Policies. In our view the problem with this is that there is a danger that the proposed plan change has not provided for a full consideration

| 207.2

| 207.3

| 207.4

of what the objectives and policies are. The objectives and policies inform all matters under consideration.

| 207.4

10. A full statement of the objectives would include, at 2c:

“The physical attributes that define, contribute to, or support the special character of the area are retained, including the relationship of built form to landscape qualities and/or natural features including topography, vegetation, trees, and open spaces.”

The objective provides that special character is not limited to architecture (2a) and streetscape (2b) but also *“the relationship of built form to landscape qualities and/or natural features including topography, vegetation, trees, and open spaces.”*

This aspect of (2c) is largely overlooked in both the s32 analysis and in PPC26 itself.

11. A full statement of the policies would include, at 2c:

“ .. new buildings, alterations and additions to existing buildings, infrastructure and subdivision ... respond positively to the design, scale, height, setback and massing of existing development, any distinctive pattern of subdivision, intensity of development... ”

Again, there is no limitation to architecture and streetscape in Policies, although that is where there is an over-concentration of emphasis when developing the new ‘purpose statements’ and amending assessment matters in PPC26.

12. Our submission proposes, by addition, amendments which take into account all SCAR Objectives and Policies.

13. The Society reserves its position with respect to “common walls” and their appropriateness or otherwise in the SCAR Overlay.

14. The Society reserves its position with respect to Objectives and Policies in the SCAR Overlay and underlying zones, given that it is not clear in all cases whether the overlay or underlying zone takes precedence.

Relief Sought by SEPG

The Society seeks changes to the wording of PPC26 as provided in Appendix One.

The Society seeks to be heard at the forthcoming hearing.

Address for Service:

A.R. Bellamy

6 Landscape Rd, Mt Eden

Auckland 1024

Email: d.bellamy@auckland.ac.nz

Phone: 021 869 148

Appendix One - Proposed Changes to PPC26

The following includes proposed text changes to PPC26 at the time of submission.

Red text – additions

Red strikethrough text – proposed deletions

Commentary, questions and explanations where required are provided to the right hand side of the page.

Proposed Text Change 1

207.5

D18.6 Development Standards

Commented [A1]: Improve the D18.6 heading.

D18.6.1 Development Standards for buildings in the ...

Commented [A2]: Improve the D18.6.1 heading. The standards are not limited to buildings. There are also standards about yards, fences, impervious area etc

Proposed Text Change 2

207.6

D18.6.1.1. Building height

Purpose: to manage the height of buildings in relation to all boundaries to:

Commented [A3]: The importance of street and streetscape is recognised. This addition provides balance by drawing attention to all boundaries.

• retain the existing built form character of predominantly one to two storeys in the established residential neighbourhoods, with new buildings, alterations and additions to existing buildings responding positively to the design, scale, height, setback and massing of existing development;

Commented [A4]: Strengthening the purpose with text from Policy 2c

• maintain the relationship of built form to the street, yards and open space; and

Commented [A5]: Our submission is concerned that PPC26 overlooks the importance of yards in the SCAR Overlay

• maintain a reasonable level of sunlight access to adjoining properties and minimise avoid, remedy, or mitigate visual dominance and shading effects on adjoining properties.

Commented [A6]: The use of “avoid, remedy or mitigate” is more consistent with the RMA

Proposed Text Change 3

207.7

D18.6.1.2. Height in relation to boundary

Commented [A7]: We support in principal para (2) which applies the underlying zone HIRB standard when the frontage is 15m or greater.

Purpose: to manage the height and bulk of buildings in relation to all boundaries to:

We query that this would appear to remove the front boundary HIRB standard in the SCAR Overlay.

• retain the character of the streetscape and yards;

• enable a built form that reflects the identified character of the area with new buildings, alterations and additions to existing buildings responding positively to the design, scale, height, setback and massing of existing development and

• maintain a reasonable level of sunlight access to adjoining properties and minimise avoid, remedy, or mitigate visual dominance and shading effects on adjoining properties.

Proposed Text Change 4

D18.6.1.3. Yards

207.8 Purpose: to retain the historical built character of the streetscape area by managing the building setback from and the relationship of the buildings to the street all boundaries.

In Table D18.6.1.3.1 Yards, re-instate in the last row:

Rear 3m

(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

Proposed Text Change 5

207.9 Table D18.6.1.4.1

In D18.6.1.4.1, for the table heading:

Table B18.6.1.4.1 Maximum building coverage ...

In the column one heading, Net site area

Proposed Text Change 6

D18.8. Assessment – Restricted discretionary activities

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

Commented [A8]: The SCA Overlay is not concerned only with streetscape and front yards, rear yards are also important.

Commented [A9]: The s32 report (p9) states that Council's position through the IHP process was that "standards for yards, building coverage, landscaped area and paved surfaces also varied for the different special character areas to reflect different subdivision and development patterns." 3m was adopted for rear yards in the overlay, and contributes to maintaining special character values.

PPC26 now proposes to drop 3m. The s32 report (at 5.4) does not provide any credible rationale for why this significant change has been proposed.

Special consideration needs to be given to rear sites.

Commented [A10]: Issues raised here are similar to those in Proposed Text Change 4 above.

Commented [A11]: (3) is deleted because all yards are now specified in the table.

Commented [A12]: And for following tables where applicable

Commented [A13]: What if it is overall status of an application is, for example, Non-Complying. Do these matters of discretion still apply? An alternative could be: The Council will restrict its discretion to all the following matters when assessing a restricted discretionary activities. resource consent application.

Commented [A14]: As written both the principal and minor dwellings would be included. Accessory buildings could potentially have effects as great or greater than minor dwellings.

207.10 (e) where a replacement building is proposed, its design, quality, purpose and amenities and the contribution that such as building might make to the qualities of streetscape character; ~~and~~

(f) the effect on landscape and vegetation;

~~(g) the social, environmental, economic, and amenity effects on adjoining sites and the area of the design, scale, height, setback and massing of the proposed building; and~~

~~(h) the social, environmental, economic, and amenity effects, for adjoining sites and the area, on landscape qualities and/or natural features including topography, outlook, vegetation, trees, and open spaces.~~

(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 on the streetscape and special character context as outlined in the ~~Special Character Area Statement~~;

(b) the building and its contribution to streetscape character; including its design, quality, purpose and amenities including matters of scale, form, massing, materials, setbacks and the relationship to the street; ~~and~~

~~(c) the effects on landscape and vegetation, the social, environmental, economic, and amenity effects on adjoining sites and the area of the design, scale, height, setback and massing of the proposed building; and~~

~~(h) the social, environmental, economic, and amenity effects, for adjoining sites and the area, on landscape qualities and/or natural features including topography, outlook, vegetation, trees, and open spaces.~~

(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~~

(a) the matters listed in D18.8.1.1(2) above.

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 both individually and 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.~~

(b) the matters of discretion for the standard (or equivalent standard) in the underlying zone, ~~noting that if there is a conflict the matters listed in (a) above take precedence.~~

Commented [A15]: For clarity (a broad range of effects should be considered)

Commented [A16]: Capitalisation consistency to be maintained throughout

Commented [A17]: This is redundant as it is already captured, both in the old (b) and new (a) below

Commented [A18]: The effects of all infringements should be considered.

Commented [A19]: More simply stated in the new (a) above

Commented [A20]: To capture the principal of the SCAR Overlay taking precedence.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Frank and Celia Visser

Organisation name: Celia Visser Design

Agent's full name:

Email address: celiav@visserdesign.com

Contact phone number: 021907627

Postal address:
54 College Hill
Freemans Bay
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:
D18.6.1 Standards for buildings in the Special Character Overlay - Residential

Property address: 60 and 62 College Hill Freemans Bay

Map or maps:

Other provisions:

Number 60 College Hill has been built under previous consents, it is out of character and conflicting with the Special character Overlay of our street. It has lost all of the visual appeal associated with 1890's and early 1900's period character cottages and our property and neighbours have lost much of it's street appeal as a result. The previous house on this site was demolished and current premises erected on this site several years ago. We understand that the owner of 60 College Hill, also owns 62 College Hill which is in a state of disrepair. We are concerned that the owner will demolish this by neglect and build a modern style premises as he did at no. 60 College Hill out of keeping with the Special Character overlay that other residents are trying to adhere to. Visually no.60 is very modern in appearance. We do not know how it gained consent in a Special Character Overlay. Behind us on no.12 Georgina St, almost the entire section has been taken up with building additions. This seems to conflict with Special Character plan overlays D18.6.1.4.1 requiring the maximum coverage area being 35% for a property of approximately 600 sqm

208.2

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:

We just want consistency from The Auckland Council. Some how an exception has been made for 60 College Hill and we do want any further changes to the Special Character overlay of the area to be approved. A great deal of money has been spent by our neighbour, the owner of 56 College Hill, to restore this cottage to something of it's former splendour. No.62 will soon require demolition by neglect as it is in a significant state of repair. The character of these cottages must be retained with front veranda/ porch and central doorway expressing the era's design.

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

| 209.1

Submission date: 11 July 2019

Supporting documents
Number 62 and 60 College Hill.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.



The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: John and Sarah Walker

Organisation name:

Agent's full name:

Email address: johnwalkerblacklabel@outlook.com

Contact phone number:

Postal address:
5 Palmer Crescent
Mission Bay
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:

Fencing rules should only be as per the Single House zone H3.6.12. The SCAR overlay rules of D18.6.1.7 are overly restrictive of 1.2m maximum with no provision of what boundary it is. Need to look at whether front/ side or rear. A fence of only that height offers no privacy nor security as that is a fence that can be jumped by dogs or people. Why is it considered that the residents want to have passive surveillance of the street. This is just an assumption . Many people are away all day at work and want privacy and security inside their homes rather than looking out the window at the street to keep the street safe somehow ! If it is streetscape that is of concern and you want the houses to be seen from the street then all people will do is plant large trees that will continue to grow and then the house cannot even be seen from the street in the end. The overlay used to be ...just an overlay . Then suddenly it was to be read together and of equal weight and now with the Plan Change you wish for it to prevail. It is too confusing and onerous. If the overlay is a prevailing document why then isn't there a separate zone. Yards D18.6.1.3- Is confusing with respect to sites either side. What if your adjoining sites are rear sites ? Is this only relevant to counting front sites ?

Property address: 5 Palmer Crescent, Mission Bay

Map or maps: Site is zoned Single House Zone - Special Character Area on AUP Maps.

Other provisions:

Maybe the owner of the site should be able to pick and choose which rules they wish to apply on their site. Most fences in the street are between 1.5 metres and 1.8 metres already and for continuity purposes and for the best appearance adjoining sites also wish to follow the fencing patter. Just because a fence is high doesn't mean it is unattractive. One opposite site has their pool for their children in their front yard and has a fence of 1.8 metres in concrete but all these fences are planted with a small leafed clinging climber that has now covered this exterior. it is now of an attractive dark

green appearance. They need security and privacy for their children in this front yard pool. This is perfectly understandable. Another neighbour has a great dane dog. They also need a high fence to keep the dog in. Fences are often also only effective for noise reduction from traffic at a height of 1.8 metres and close boarded. They are not left in there raw state but are painted charcoal or black and are a recessive and not dominant feature. Often they offset the green foliage. Retaining walls often need a greater height also to stabilise the land.

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 rules of the SCAR are totalitarian in approach especially the fencing rules. The rules of the Single House zone are more reasonable and their should be a choice between the two where there is a reasonable explanation. If you need a more definitive approach, then go out and identify those specific/ particular sites and houses with an extent of place study rather than a broad brush approach. There is confusion of yards especially where the SHZ adjoins a Mixed Housing Zone. Does Table D18.6.1.3.1 Yards only apply if all sites are all Single House zone and all also SCAR overlay ?

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

209.1

Details of amendments: Amend Yards D18.6.1.3/ Amend Fences D18.6.1.7/ Amend SCAR and make it a different zone.

209.2

209.3

209.4

Submission date: 11 July 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: Susan Andrews

Organisation name: Heritage New Zealand Pouhere Taonga

Agent's full name:

Email address: sandrews@heritage.org.nz

Contact phone number: 09 307 9920

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 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:

Please see attached submission.

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

210.1

Submission date: 11 July 2019

Supporting documents

HNZPT Submission PC26 - Clarifying the Relationship Bwtn the SCA Overlay and Underlying Zone Provisions 11th July 2019.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.



11th July 2019

File ref:

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

Dear Sir or Madam

SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA

PROPOSED PLAN CHANGE 26: CLARIFYING THE RELATIONSHIP BETWEEN THE SPECIAL CHARACTER AREAS OVERLAY AND UNDERLYING ZONE PROVISIONS

To: Auckland Council

Name of submitter: Heritage New Zealand Pouhere Taonga

1. This is a submission on the following proposed change to the Auckland Unitary Plan (Operative in Part) (the proposal):

Proposed Plan Change 26: Clarifying the relationship between the Special Character Areas Overlay and underlying zone provisions: To clarify that where there are corresponding provisions (including activities and standards) in the Special Character Areas Overlay and in the underlying zone, the provision in the Special Character Area Overlay will prevail over the corresponding provision in the underlying zone.

2. Heritage New Zealand could not gain an advantage in trade competition through this submission.

3. The specific provisions of the proposal that Heritage New Zealand's submission relates to are:

The entire proposed plan change.

4. Heritage New Zealand's submission is:

4.1. Heritage New Zealand is an autonomous Crown Entity with statutory responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014 for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage.

4.2. Heritage New Zealand supports the intention of this plan change to provide clarity as to how the Special Character Area Overlay and the underlying residential zone provisions are intended to interact, and that in instances of corresponding provisions in the Special Character Areas Overlay and in the underlying zone, the provision in the Special Character Area Overlay will prevail.

5. The reasons for Heritage New Zealand's position are as follows:

5.1. Heritage New Zealand considers the amendments proposed to provide clarification will enable improved protection, retention and management of Special Character Areas identified as having collective and cohesive values, significance, relevance and interest to the communities both locally and within the wider Auckland region.

6. Heritage New Zealand seeks the following decision from the local authority:

That the plan change be adopted in entirety as notified.

7. Heritage New Zealand does wish to be heard in support of our submission.

Yours sincerely



Sherry Reynolds
Director Northern Region

Address for Service:

Susan Andrews
PO Box 105 291, Auckland
09 307 9920

sandrews@heritage.org.nz

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Stephanie Jane Barnett

Organisation name:

Agent's full name:

Email address: stephbarnettnz@gmail.com

Contact phone number:

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:

PC 26 Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions

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:

Howick needs to be included as a special character area, is has great historical value to both Maori and Pakeha.

I or we seek the following decision by council: Accept the plan modification with amendments | 211.1

Details of amendments: Include the Howick in the special character | 211.2

Submission date: 11 July 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: Julia Foster

Organisation name: Save stockade hill views

Agent's full name:

Email address: abfabbubbles@hotmail.com

Contact phone number:

Postal address:

Howick
Auckland 2014

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:
Include pc 26 to stockade hill to save the views

| 212.2

Property address: Stockade hill Howick

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:
So everyone can enjoy the views without obstruction

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

| 212.1

Submission date: 11 July 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.

Grey Power



HOWICK PAKURANGA & DISTRICTS
ASSOCIATION INC.
P O Box 38-281, Howick, Auckland 2145

11 July 2019

Submission to PC26 to: unitaryplan@aucklandcouncil.govt.nz

1. **Submitter Details** – Peter Bankers, President, Grey Power Howick Pakuranga & Districts Association Inc
2. **Scope of Submission:**

PC26 Plan Change/Variation: clarifying the relationship between Special Character Areas Overlay and Underlying Zone Provisions.

The specific provisions that the Association's submission relates to are:

Plan Provisions –

1. *We generally support the purpose and intention of PC26. It is acknowledged that PC26 overcomes a problem created by the Council's previous incorrect interpretation of the relationship between the Special Character Areas Overlay that covers some parts of Howick which have a variety of underlying business and residential zones.*
2. *In Part D18.1 the exception of Howick from the Special Character Area Overlay considerations is not acceptable and should be deleted.*
3. *The Special Character Area at Howick is requested to be expanded over those parts of the adjoining Mixed Housing Urban Zone in close proximity to Stockade Hill.*
4. *A Special Character Area description for Howick covering residential and business areas is required to be inserted into Part D18.1 of PC26 and in Schedule 15 at Part 15.1.6.1.*
5. *In all other respects we support PC26 and seek to have the controls and standards within PC26 available to cover the expanded Special Character Area shown on the attached Plan.*

Submission: *We oppose the specific provisions identified above which exclude Howick from consideration under PC26 and wish to have the following provisions amended:*

- (a) *The removal of the exemption of Howick from Part 18.1 Background.*
- (b) *The expansion of the Special Character Area at Howick to cover the properties identified on the attached plan.*
- (c) *The inclusion of a description for the existing and expanded Special character Areas of Howick into the table within D18.1 and within Schedule 15 at Part 15.1.6.1.*

The reasons for our views are –

1. *Howick has several special characteristics that require particular protection in the manner provided for in Part D18 of the Auckland Unitary Plan (AUP). For that reason it is requested that the exception provided for Howick in Part 18.1 is removed. Howick should be treated in the same manner as all other Special Character Areas and deserves a full explanation in Schedule 15 at Part 15.1.6.1.*
2. *We see that PC26 is an opportunity to address this long-standing omission in respect of Howick.*

We seek the following decision by the Council:

We accept the proposed Plan Change with the amendments outlined below. | 213.1

Amendments Requested for the Reasons set out are –

1. *Amend Part D18.1 by removing the words “other than Howick”.* | 213.2
2. *Expand the Special Character notation on the Planning Maps to include the areas identified on the attached plan.* | 213.3
3. *Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted.* | 213.4
4. *Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes.* | 213.5
5. *Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes.* | 213.6

We wish to be heard in support of our submission.

PETER BANKERS
President

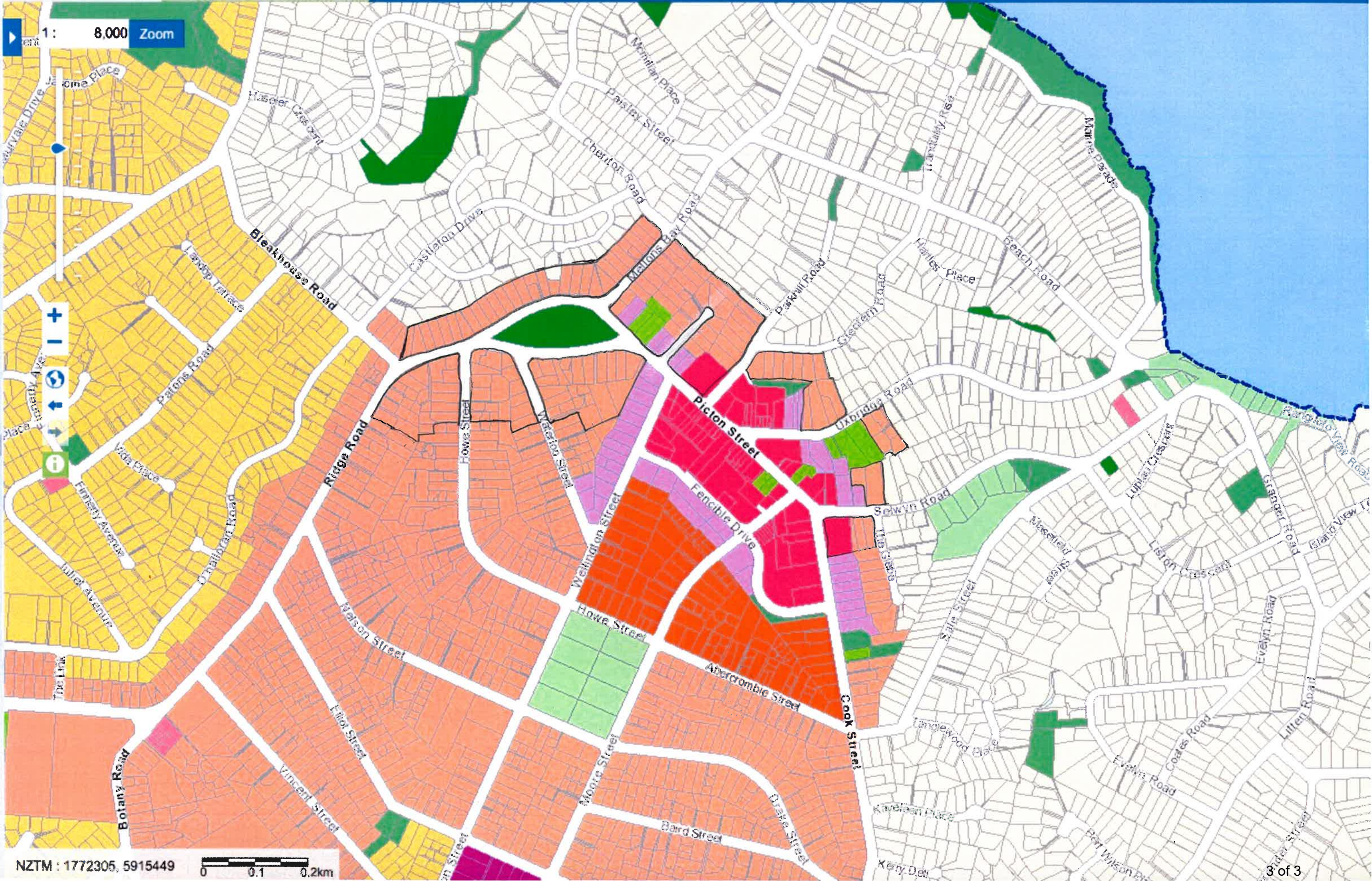
Phone: 09 534 7634

Mobile: 021 763 404

Email: peter.bankers@allianceit.co.nz



1: 8,000 Zoom



NZTM : 1772305, 5915449 0 0.1 0.2km

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: John O'Grady

Organisation name:

Agent's full name: Ashleigh O'Grady

Email address: johnogrady@xtra.co.nz

Contact phone number:

Postal address:
152 Hinemoa Street
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:
Proposed rules to the Special Character Areas overlay

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 proposed Plan Change 26 seeks changes to the Auckland Unitary Plan to make it clear that certain planning provisions of the Special Character Areas Overlay would prevail over the corresponding provisions of the underlying residential zones. The Unitary Plan passed in 2016 was a massive overhaul in zoning rules to deliver better and more affordable housing for Auckland. The Unitary Plan's more permissive zoning was to ensure a faster, less expensive consenting process to provide more affordable developments and to deliver housing for Aucklanders. However in the case of Special Character Areas this is not the case with consenting being expensive and time consuming. In many areas it is hard to define where the Special Character Areas and underlying residential zones physically change. With specific reference to Birkenhead we have streets such as Hinemoa, Rawene, Huka road and the like where properties with Residential-Terrace Housing and Apartment Building zones meet with properties of Residential -Single House zones. In these areas the intensive housing

will continue to dominant the single house with street scape and vista continually being over-shadowed by the terrace housing and apartment developments. Planning rules in these areas need to be more flexible to allow clever construction and design techniques to allow property owners to mitigate the effects of the more dominant zone. To a significant degree we have lost the desired effect of the Special Character areas with mixed housing already within the zones now further impacted with terrace and apartment style housing. In short the provisions become a significant liability for property owners in the Special Character zones with planning provisions in many circumstances best handled under the provisions of the underlying residential zones. To summarise, the Special Character in some areas are not warranted as any special character has been lost and further compromised by the Unitary plan changes. The provisions become a significant liability and impediment to the property owners rights and enjoyment of their property. The current equal weighting of the special character areas and the provisions of the underlying residential zone need to be maintained with each property/development assessed on its merits.

214.2

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

214.1

Submission date: 11 July 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 PC26 to: unitaryplan@aucklandcouncil.govt.nz

1. **Submitter Details** – Catherine Linton: 3/24 Selwyn Road, Cockle Bay, Auckland. Tel: 021 274 6142

2. **Scope of Submission :**

PC26 Plan Change/Variation: clarifying the relationship between Special Character Areas Overlay and Underlying Zone Provisions.

The specific provisions that my submission relates to are:

Plan Provisions –

1. I generally support the purpose and intention of PC26. It is acknowledged that PC26 overcomes a problem created by the Council's previous incorrect interpretation of the relationship between the Special Character Areas Overlay that covers some parts of Howick which have a variety of underlying business and residential zones.
2. In Part D18.1 the exception of Howick from the Special Character Area Overlay considerations is not acceptable and should be deleted.
3. The Special Character Area at Howick is requested to be expanded over those parts of the adjoining Mixed Housing Urban Zone in close proximity to Stockade Hill.
4. A Special Character Area description for Howick covering residential and business areas is required to be inserted into Part D18.1 of PC26 and in Schedule 15 at Part 15.1.6.1..
5. In all other respects the I support PC26 and seek to have the controls and standards within PC26 available to cover the expanded Special Character Area shown on the attached Plan.

Submission: I oppose the specific provisions identified above which exclude Howick from consideration under PC26.

I wish to have the following provisions amended:

- (a) The removal of the exemption of Howick from Part 18.1 Background.
- (b) The expansion of the Special Character Area at Howick to cover the properties identified on the attached plan.
- (c) The inclusion of a description for the existing and expanded Special character Areas of Howick into the table within D18.1 and within Schedule 15 at Part 15.1.6.1.

The reasons for my views are –

1. Howick has several special characteristics that require particular protection in the manner provided for in Part D18 of the Auckland Unitary Plan (AUP). For that reason, it is requested that the exception provided for Howick in Part 18.1 is removed. Howick should be treated in the same manner as all other Special Character Areas and deserves a full explanation in Schedule 15 at Part 15.1.6.1.
2. I see that PC26 is an opportunity to address this long-standing omission in respect of Howick.

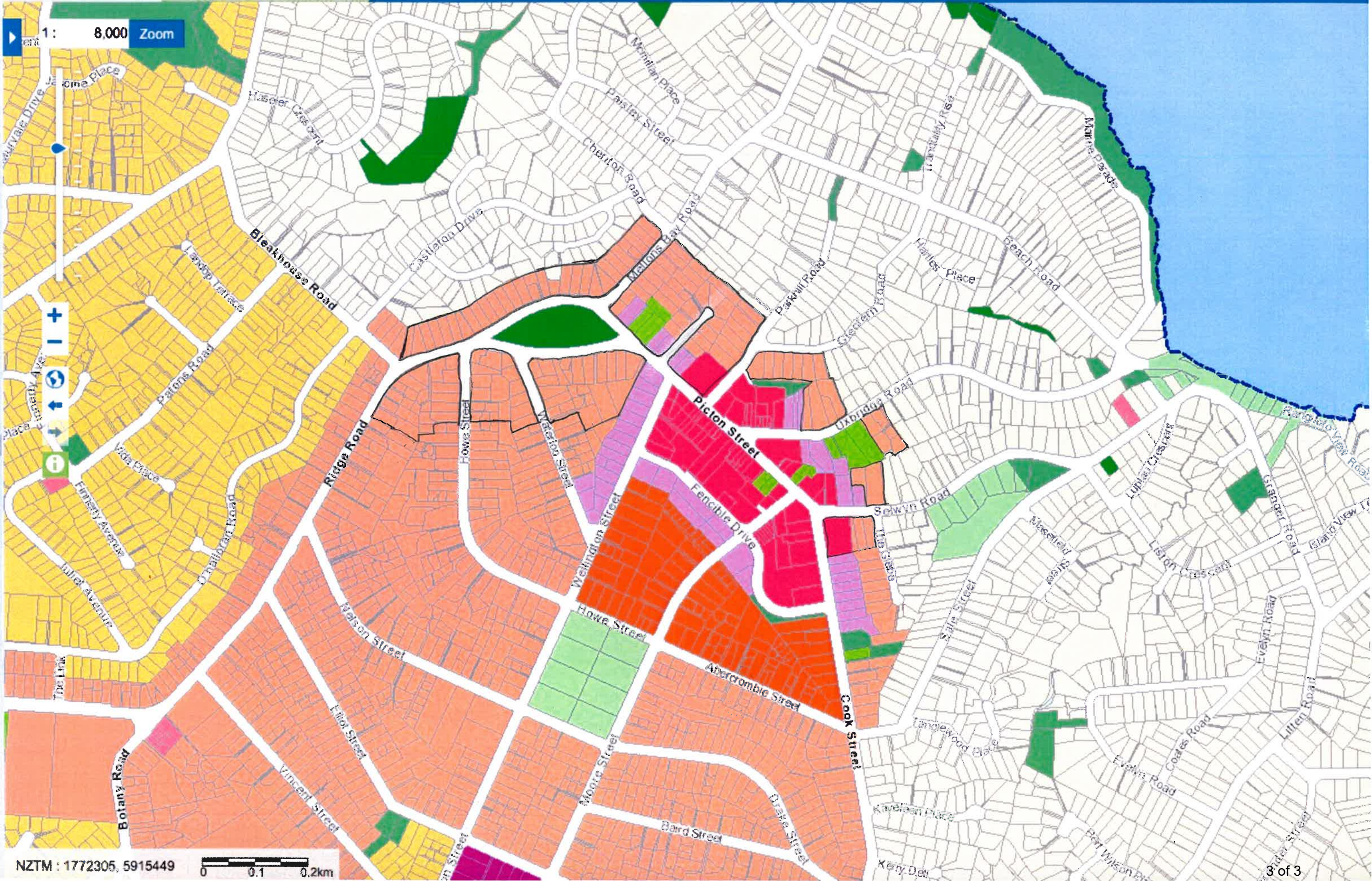
I seek the following decision by the Council:

- | | | |
|---|--|-------|
| I accept the proposed Plan Change with the amendments outlined below. | | 215.1 |
| Amendments Requested for the Reasons set out are – | | |
| 1. Amend Part D18.1 by removing the words “other than Howick”. | | 215.2 |
| 2. Expand the Special Character notation on the Planning Maps to include the areas identified on the attached plan. | | 215.3 |
| 3. Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted. | | 215.4 |
| 4. Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes. | | 215.5 |
| 5. Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes. | | 215.6 |

I wish to be heard in support of my submission.



1: 8,000 Zoom



NZTM : 1772305, 5915449 0 0.1 0.2km

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Don Huse

Organisation name:

Agent's full name:

Email address: don.huse@me.com

Contact phone number: 021 612 465

Postal address:
8 Stratford Street,
Parnell
Auckland 1052

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 PC 26, PROVIDED it will give greater assurance to me (and my wife and family) as a PARNELL resident in general and as an owner/occupier of a house at 8 Stratford Street, PARNELL in particular, that the applicable Special Character Area provisions, will much more strongly ensure: - that any house alterations or new-builds will not adversely affect the amenity and value of any other properties included in the applicable special character area; - that no multi-storey apartment or commercial buildings can in any circumstances be built in (or immediately adjacent to) the applicable special character area; and, - that in any event, no AC consent to proceed with ANY construction (new or renovation) in the applicable special character area be granted, without reasonable prior advice being given to all the property owners in the immediate vicinity (or such owners who may be reasonably expected to be affected by or have an interest in such construction) such that they may seek clarification from the AC or lodge an objection with AC, in connection with the proposed construction.

216.2

216.3

216.4

Property address: 8 Stratford Street, PARNELL, Auckland 1052

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 want “cast-iron” assurance that the amenity and value of our house (and all others located in the special character areas) is fully protected by PC26. To the extent that this is achieved by PC 26, we support it. Please note the conditionality of (our) my support, in respect of the various “circles” completed above and below.

216.5

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

216.1

Submission date: 11 July 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: Melissa Pearce

Organisation name:

Agent's full name:

Email address: melpearce999@gmail.com

Contact phone number: 021999910

Postal address:
22 Tranquility Rise
Mellon's Bay
Auckland 2014

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 strongly believe that Howick should be part of P26 plan & that Stockade Hill should NOT be developed. It is used for many community events. Stockade Hill is a special character area. It is part of the appeal of Howick. I have lived in Howick for 47 years & my children go to many celebrations at stockade hill.

217.2 217.3

Property address: Stockade Hill

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:

Stockade Hill is used by the whole community & is part of Howick appeal. It is an integral part of Howick history & must be protected.

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

217.1

Details of amendments: Howick must be added to PC 26

Submission date: 12 July 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.

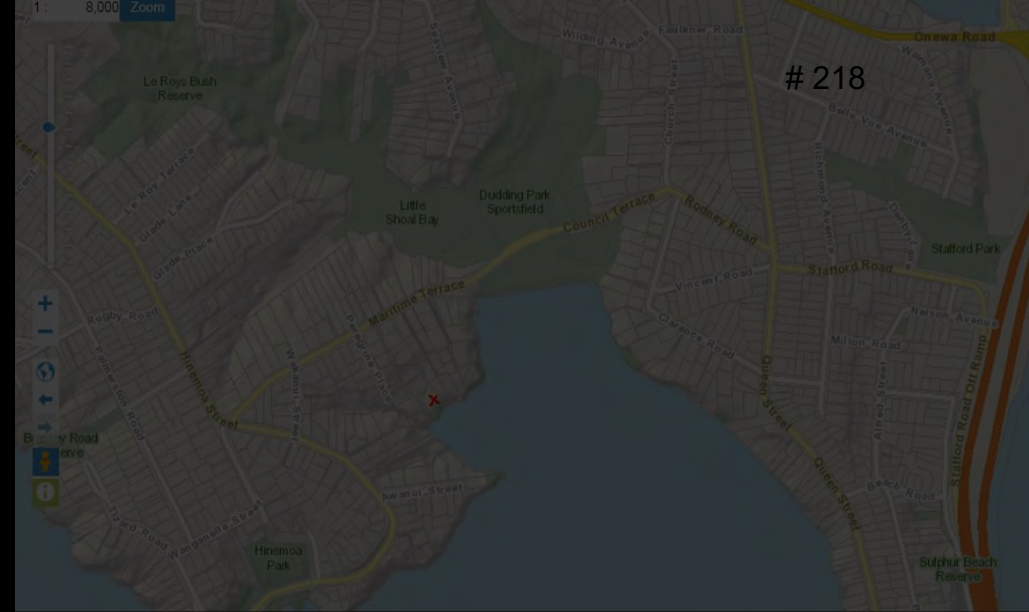
Yes

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

Submission – Proposed plan 26 Special Character Overlay

Issues identified in Proposed Plan Change 26 (PPC 26)
Or don't steal our privacy and sunlight

I live at 27B Maritime Terrace, Birkenhead and read with dismay about the planned changes and how they will directly affect our quality of life and home, and also the wonderful unique environment of Birkenhead. I feel by highlighting how these changes will directly affect our quality of life you will gain an understanding of the potential impact of these planned changes to many households and rate payers



Fundamentally my understanding is the proposal is to increase the height in relation to boundary for buildings from 2.5 meters to 3m, then out from that height at 45 degrees – this would result in new larger houses looming over the homes of others – the proposal is also to reduce the backyard rear boundary building restriction changing from 3 m to 1 m – again resulting in larger homes looming over others resulting in potentially less sunlight on neighbouring properties and a loss of privacy.

This will affect us directly as we have a couple of empty sections **X** next to our home **Y** that at some stage will be developed.

My concern is that our home was designed in the 1990's (but based on heritage "Arts and Crafts") nestles into its site and unobtrusively in its environment. Under the proposed new rules a ne house will be more obtrusive.



The main issue I have is that our home was built with the current plan in place and as such would suffer significantly from the proposed changes due to the theft of sunlight and privacy.

Currently with a 3 m rear boundary restriction houses are aligned – sharing morning sun and retaining privacy from a common sight line

The line below in purple shows the 3m line from the boundary as estimated by ArcGIS



218

Currently with a 3 m rear boundary restriction houses are aligned – sharing morning sun and retaining privacy from a common sight line
The boxes represent a new house

218.2

A change to a 3m rear boundary –results in loss of morning sun for us and afternoon sun for our neighbours and privacy of all



A change to a 3m rear boundary –results in loss of morning sun for us and afternoon sun for our neighbours and privacy of all

The boxes are an estimate of what a new house might look like based on the 1m rear boundary rule – extremely intrusive



On our side north eastern boundary – the section on 37 is above us on the slope – the .5 m change on height to boundary once again would result in the loss of privacy and sunlight - As you can see from the GIS on this slide – we are already shadowed by trees (SEA zoning) – the introduction of a house .5 of a meter closer at a height of 8m would have a significant effect on the limited light we get highlighted in red



Distance: 3.0 Meters

Distance: 17.3 Meters
Distance: 3.0 Meters

Summary

- Larger houses – looming over others –destroying the unique nature of our unique environment, stealing sunlight and privacy – don't let it happen
- Leighton Haliday
- 27B Maritime Terrace
- Birkenhead
- Leighton@haldiay.com Mobile 021058663

SUBMISSION ON PROPOSED PLAN CHANGE 26

Clause 6 of Schedule 1, Resource Management Act 1991

To: Auckland Council (**'Council'**)

Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142
Attn: Planning Technician
via email: unitaryplan@aucklandcouncil.govt.nz

Submitter: Mark Crosbie, Heidi Crosbie, and Adeux Trustee Limited (**'Submitter'**)

1.0 SCOPE OF SUBMISSION

1.1 This is a submission on Proposed Plan Change 26 (**'PC26'**) named "Clarifying the relationship between the Special Character Areas Overlay and underlying zone provisions". The specific aspects and provisions of PC26 that this submission relates to are set out in the **Schedule**.

2.0 REASONS FOR SUBMISSION

2.1 For those provisions of PC26 that the Submitter supports in the **Schedule** below, those provisions:

- (a) will promote sustainable management of resources, will achieve the purpose of the RMA and are not contrary to Part 2 and other provisions of the Resource Management Act 1991 (**'RMA'**);
- (b) will enable the social and economic well-being of the community in the Auckland region;
- (c) will meet the reasonably foreseeable needs of future generations; and
- (d) represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.

2.2 For those provisions of PC26 that the Submitter opposes in the **Schedule** below, this is because without the amendments proposed by the Submitter, those provisions:

- (a) will not promote sustainable management of resources, will not achieve the purpose of the RMA and are contrary to Part 2 and other provisions of the RMA;
- (b) will not enable the social and economic well-being of the community in the Auckland region;
- (c) will not meet the reasonably foreseeable needs of future generations; and

(d) do not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.

2.3 Without limiting the generality of paragraphs 2.1 and 2.2, further specific reasons for the Submitters' submission are set out in the **Schedule** below.

3.0 REFLIEF SOUGHT

3.1 The Submitter seeks the following decision from Auckland Council on the PC26 provisions:

(a) That the proposed provisions be retained, or deleted or amended, as set out in the Submitter's submission so as to provide for the sustainable management of Auckland's natural and physical resources and thereby achieve the purpose of the RMA.

219.1

(b) Such further or other consequential or alternative relief as may be necessary to fully give effect to the matters raised and relief sought in this submission.

219.17

3.2 Suggested relief to deal with the concerns set out in the Submitters' submission is set out in the **Schedule**. However, there may be other methods or relief that are able to address the Submitter's concerns, and the suggested revisions do not limit the generality of the reasons for the Submitter's submission.

3.3 The Submitter could not gain an advantage in trade competition through this submission.

3.4 The Submitter wishes to be heard in support of its submission.

3.5 If others make a similar submission, the Submitter will consider presenting a joint case with them at the hearing.



Sarah Burgess, Barker & Associates Limited,
(as person authorised to sign on behalf of the Submitter)

DATE: 12 July 2019

Address for Service: Mark Crosbie, Heidi Crosbie, and Adeux Trustee Limited
c/- Barker & Associates Limited
PO Box 1986
Shortland Street
Auckland Central 1140
Attn: Sarah Burgess
Ph: 09 375 0900
Email: sarahb@barker.co.nz

SCHEDULE: DETAILED SUBMISSIONS AND RELIEF SOUGHT

	Provision	Submission	Relief Sought (marked in red, additions <u>underlined</u> and deletions struck-through)
1.	Table D18.4.1 (A5A) and (A5B) (Activity statuses – fencing)	The Submitter supports the proposed inclusion of these activity statuses, as they provide clarity.	Include activities (A5A) and (A5B) proposed in PC26.
2.	D18.6.1.1. Building Height Purpose	The Submitter opposes the inclusion of part of the third bullet “maintain a reasonable level of sunlight access...” as this is not consistent with any of the purposes of the underlying zones, such as Residential – Single House. In the underlying zones, maintaining a “reasonable level of sunlight access” is attributed to the height in relation to boundary standard, and not building height.	Amend the third bullet of the Purpose as follows: <ul style="list-style-type: none"> • maintain a reasonable level of sunlight access and minimise visual <u>dominance effects.</u>
3.	D18.6.1.2. Height in relation to Boundary Clauses (1)(a) and (2)(a)	<p>The Submitter considers that basing the permitted height in relation to boundary (‘HIRTB’) standard upon the site frontage width is inappropriate in respect to the Isthmus A sites contained within the overlay. Whilst many Isthmus A sites have frontages less than 15m in width, there is a high number that have frontages of 15m, or slightly greater, and still exhibit the characteristic of Isthmus A sites of closely built dwellings.</p> <p>For example, the sites along Masons Avenue in Herne Bay have frontages of typically 15m or slightly greater. The Submitter owns 9 Masons Avenue which has a site frontage width of 15.24m however the existing dwelling is built as closely as 1.5m from the side boundary. The Submitter has undertaken concept design for additions and alterations to the dwelling on the basis of the 3m + 45° plane being applicable, and would be disadvantaged by the proposed changes. The proposed change is considered to draw an arbitrary line, and also raises issues of practicality and cost through potentially having to have site frontages surveyed before being able to know which rule applies.</p> <p>The Submitter opposes the inclusion of this parameter for all Isthmus A sites within the Special Character Area – Residential (‘SCAR’) overlay. The Submitter seeks that the provisions are amended for the 3m + 45° to apply to all Isthmus A sites and sites with frontages less than 15m, and for the underlying zone provisions to apply to all other sites.</p>	<p>Amend D18.6.1.2(1)(a) and (2)(a) as follows:</p> <p>(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 <u>side and rear boundaries</u> of the site <u>where:</u></p> <p>(a) The site is in the Special Character Area Overlay – Residential: Isthmus A; or <u>has a frontage length of less than 15m</u></p> <p>(i) <u>For corner sites, standard D18.6.1.2 (1) applies from each frontage, where that frontage has a length of less than 15m.</u></p> <p>(2) <u>The underlying zone height in relation to boundary standard applies where:</u></p> <p>(a) The site is not is in the Special Character Area Overlay – Residential: Isthmus A; or <u>has a frontage length of 15m or greater; or</u></p> <p>(b) <u>The site is a rear site.</u></p>

219.2

219.3

219.4

	Provision	Submission	Relief Sought (marked in red, additions <u>underlined</u> and deletions struck through)					
		Given that Isthmus B and C sites are typically larger and characterised by less dense built form, it is considered that the 15m provision can be retained for those sites.		219.4				
4.	D18.6.1.2. Height relation to Boundary Clause (1)	The Submitter supports the removal of the HIRTB planes from front boundaries which will make the SCAR provisions consistent with those applying to other residential zones.	Include the amendments to D18.6.1.2(1) proposed in PC26.	219.5				
5.	D18.6.1.2. Height relation to Boundary Clauses (3)-(6) (exclusion provisions)	The Submitter supports the inclusion of the exclusion provisions set out in D18.6.1.2(2)-(6) which will make the SCAR provisions consistent with those applying to other residential zones.	Include the exclusion provisions set out in D18.6.1.2(2)-(6) proposed in PC26.	219.6				
6.	D18.6.1.2. Height relation to Boundary	The Submitter seeks that the provisions set out in underlying zones that do not require HIRTB from Open Space zoned sites exceeding 2,000m ² and Business-zoned sites, should be adopted in the SCAR overlay.	<p>Include the following provisions in D18.6.1.2:</p> <p>(7) <u>Standards D18.6.1.2(1) and (2) above do not apply to a boundary adjoining any of the following:</u></p> <p>(a) <u>a Business – City Centre Zone; Business – Metropolitan Centre Zone; Business – Town Centre Zone; Business – Local Centre Zone; Business – Neighbourhood Centre Zone; Business - Mixed Use Zone; Business – General Business Zone; Business – Business Park Zone; Business – Light Industry Zone and Business – Heavy Industry Zone.</u></p> <p>(b) <u>sites within the Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space - Community Zone exceeding 2000m²</u></p>	219.7				
7.	D18.6.1.3. Yards	The Submitter supports the deletion of the 3m rear yard and the reversion to the underlying zone rear yard setback, however given that SCAR sites are characterised by existing closely-built dwellings, the Submitter seeks for the 1.2m side yard standard to similarly be deleted and for reversion to the underlying zone side yard setback.	<p>Amend D18.6.1.3(1) as follows:</p> <p>(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:</p> <p>Table D18.6.1.3.1 Yards</p> <table border="1"> <thead> <tr> <th>Yard</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Front</td> <td>The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject</td> </tr> </tbody> </table>	Yard	Minimum depth	Front	The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject	<p>219.8</p> <p>219.9</p>
Yard	Minimum depth							
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Provision		Submission	Relief Sought (marked in red, additions <u>underlined</u> and deletions struck through)												
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Rear	3m														
8.	D18.6.1.4. Building coverage Clause (1)	<p>The Submitter opposes the retention of the building coverage provisions being based on arbitrary thresholds relating to site areas.</p> <p>For sites that are marginally over their threshold there is a loss of between 5-10% permitted building coverage which substantially affects the develop ability of the sites given their small sizes.</p> <p>The Submitter seeks for the legacy District Plan – Isthmus Section Residential 1 zone ‘formula’ for calculating permitted building coverage, paved area, and landscaped area to be instated for Isthmus A sites.</p> <p>Several examples are provided as follows:</p> <ul style="list-style-type: none"> 70 Seafield View Road, Grafton, is 336m² in area. Sites 200-300m² are permitted to have 45% building coverage, however sites 300m²-400m² are permitted to have 40%. The site therefore loses 5% of permitted building coverage (the equivalent of 16.8m²). Under the Isthmus A formula, the site would have a permitted building coverage of 45.93%; and 9 Glasgow Terrace, Newmarket, is 372m² in area and subject to the same coverage provisions as above. The site loses 5% of permitted building coverage (the equivalent of 18.6m²). Under the Isthmus A formula, the site would have a permitted building coverage of 43.5%. <p>The proposed changes sought are considered to be appropriate as they reflect that the pattern of subdivision which has sites that range in size. Typically, smaller sites have greater building coverage and having standards that respond better to each site, allows for reasonable use of a site.</p>	<p>Amend D18.6.1.4(1) as follows:</p> <p>(1) The maximum building coverage for sites in the Special Character Areas Overlay – Residential: <u>Isthmus A</u> 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: <u>Isthmus A</u> below:</p> <p>Table D18.6.1.4.1 Building coverage in the Special Character Areas Overlay – Residential: <u>Isthmus A</u></p> <table border="1"> <thead> <tr> <th>Site Area</th> <th>Building Coverage</th> </tr> </thead> <tbody> <tr> <td>Up to 200m²</td> <td>55 per cent of the net site area</td> </tr> <tr> <td>200m² – 300m²<u>500m²</u></td> <td>45 per cent of the net site area <u>Per cent of the net site area =</u> <u>35+[(500 – A) x 0.06●]</u> <u>Where A = site area (m²)</u> <u>● = 6 recurring</u></td> </tr> <tr> <td>300m² – 500m²</td> <td>40 per cent of the net site area</td> </tr> <tr> <td>500m² – 1,000m²</td> <td>35 per cent of the net site area</td> </tr> <tr> <td>Greater than 1,000m²<u>500m²</u></td> <td>25<u>35</u> per cent of the net site area</td> </tr> </tbody> </table>	Site Area	Building Coverage	Up to 200m ²	55 per cent of the net site area	200m ² – 300m² <u>500m²</u>	45 per cent of the net site area <u>Per cent of the net site area =</u> <u>35+[(500 – A) x 0.06●]</u> <u>Where A = site area (m²)</u> <u>● = 6 recurring</u>	300m² – 500m²	40 per cent of the net site area	500m² – 1,000m²	35 per cent of the net site area	Greater than 1,000m² <u>500m²</u>	25 <u>35</u> per cent of the net site area
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219.10

	Provision	Submission	Relief Sought (marked in red, additions <u>underlined</u> and deletions struck through)										
9.	D18.6.1.5 Landscaped area Clause (1)	The Submitter opposes the retention of the landscaped area provisions being based on thresholds relating to site areas for Isthmus A sites, based on the reasons described under 8. above.	<p>Amend D18.6.1.5(1) as follows:</p> <p>(1) The minimum landscaped areas for sites in the Special Character Areas Overlay – Residential: <u>Isthmus A</u> is the percentage of net site area listed in Table D18.6.1.5.1 Landscaped area in the Special Character Areas Overlay – Residential: <u>Isthmus A</u> below:</p> <p>Table D18.6.1.5.1 Landscaped area in the Special Character Areas Overlay – Residential: <u>Isthmus A</u></p> <table border="1" data-bbox="1361 488 2007 983"> <thead> <tr> <th>Site Area</th> <th>Landscaped area</th> </tr> </thead> <tbody> <tr> <td>Up to 200m²</td> <td>28 per cent of the net site area</td> </tr> <tr> <td>200m² – 500m²</td> <td>33 per cent of the net site area <u>Per cent of the net site area =</u> <u>40 - [(500 - A) x 0.04]</u> <u>Where A = site area (m²)</u></td> </tr> <tr> <td>500m² – 1,000m²</td> <td>40 per cent of the net site area</td> </tr> <tr> <td>Greater than 1,000m² <u>500m²</u></td> <td>50<u>40</u> per cent of the net site area</td> </tr> </tbody> </table>	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 <u>Per cent of the net site area =</u> <u>40 - [(500 - A) x 0.04]</u> <u>Where A = site area (m²)</u>	500m² – 1,000m²	40 per cent of the net site area	Greater than 1,000m² <u>500m²</u>	50 <u>40</u> per cent of the net site area
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500m² – 1,000m²	40 per cent of the net site area												
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10.	D18.6.1.6. Maximum impervious area	The Submitter opposes the retention of the impervious area provisions being based on thresholds relating to site areas based on the reasons described under 8. above.	<p>Amend D18.6.1.6(1) as follows:</p> <p>(1) The maximum paved <u>impervious</u> area for sites in the Special Character Areas Overlay – Residential: <u>Isthmus A</u> must not exceed the percentage of net site area listed in Table D18.6.1.6.1 Maximum paved <u>impervious</u> area in the Special Character Areas Overlay – Residential: <u>Isthmus A</u> below:</p> <p>Table D18.6.1.6.1 Maximum paved <u>impervious</u> area in the Special Character Areas Overlay – Residential: <u>Isthmus A</u></p> <table border="1" data-bbox="1361 1286 2007 1417"> <thead> <tr> <th>Site Area</th> <th>Paved <u>Impervious</u> area</th> </tr> </thead> <tbody> <tr> <td>Up to 200m²</td> <td>17 <u>72</u> per cent of the net site area</td> </tr> </tbody> </table>	Site Area	Paved <u>Impervious</u> area	Up to 200m ²	17 <u>72</u> per cent of the net site area						
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219.11

219.12

	Provision	Submission	Relief Sought (marked in red, additions <u>underlined</u> and deletions struck through)	
			200m ² – 500m ²	20-65 per cent of the net site area <u>Site area minus minimum landscaped area permitted under D18.6.1.5 above</u>
			500m ² – 1,000m ²	25-60 per cent of the net site area
			Greater than 1,000m ² –500m ²	25-50-60 per cent of the net site area
11.	D18.6.1.7. Fences and walls Purpose, and Clause (1)	<p>The new rules are designed to provide privacy for rear yards and outdoor spaces (through the 2m maximum height for other boundaries) and therefore this should be referenced in the purpose of the fence standards.</p> <p>The provisions as currently written under Clause (1)(b) are unclear and, as written, read as if fences between the side façade of a dwelling and the side boundary should be a maximum of 1.2m in height. If this is the intention of the provision then the Submitter objects, as this would result in privacy and security issues. If this is not the intention, then the wording should be clarified. The rules would benefit from a diagram to aid in interpretation.</p> <p>The Submitter also objects to corner sites being treated as having two front façades which would be subject to a 1.2m high fence height as this prevents outdoor living areas from being appropriately screened to provide for privacy. There should be an allowance for some of the frontage to comprise higher fencing.</p>	<p>Amend D18.6.1.7 as follows:</p> <p><u>Purpose: to manage the heights of fences and walls on front, side, and rear boundaries and within front, side, and rear yards to:</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> <u>provide privacy for dwellings and particularly rear outdoor areas where this would avoid significantly obscuring the visibility of the dwelling from the streetscape.</u> <u>minimise visual dominance effects to immediate neighbours and the street.</u> <p>(1) Fences and walls and other structures, or any combination of these, in the Special Character Areas Overlay - Residential must not exceed <u>a the height specified below, measured from of 1.2m above</u> ground level.:</p> <ol style="list-style-type: none"> <u>On the front boundary or between the front façade of the house and the front boundary, 1.2m in height.</u> <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> <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</u> 	

219.13

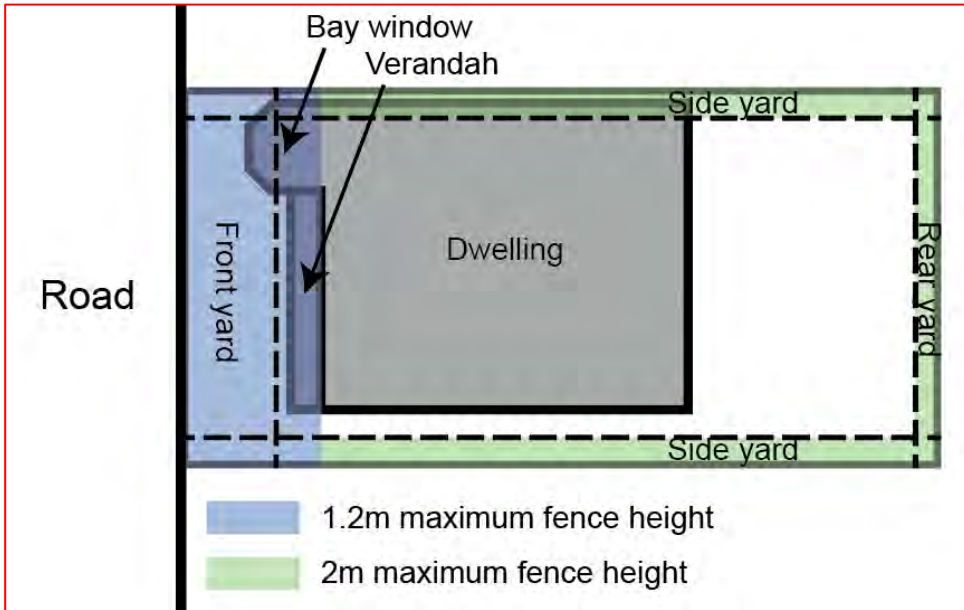
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219.14

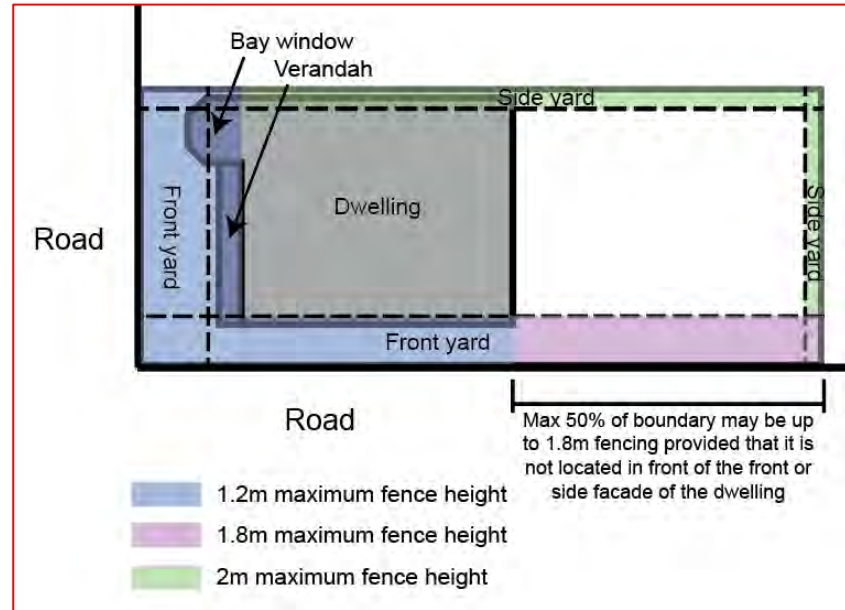
	Provision	Submission	Relief Sought (marked in red, additions <u>underlined</u> and deletions struck through)
			<p><u>street, and shall exclude bay windows, verandahs, stairs, attached garages and similar projecting features.</u></p> <p><insert Figure D18.6.1.7.1 Fence heights for front sites shown overleaf></p> <p>(d) <u>Houses on corner sites have two front facades, except that on one site frontage, up to 50% of the frontage length may comprise fencing up to 1.8m in height, provided that this is not located in front of a front or side façade of the dwelling.</u></p> <p><insert Figure D18.6.1.7.2 Fence heights for corner sites shown overleaf></p>
12.	E38.8.2.6 Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business Clause (3)	The Submitter supports the proposed inclusion of this clause as it clarifies that the minimum site areas for the SCAR sites should take precedence over the underlying zone, however it remains unclear which activity statuses under Table E38.4.2 should be applied to a proposal for subdivision of a SCAR site.	Amend the subdivision provisions to make it clear that vacant subdivision of SCAR sites requires consent under (A24) and (A25) only, and not (A16) and (A17).

219.16

D18.6.1.7.1 Fence heights for front sites



D18.6.1.7.2 Fence heights for corner sites



FORM 5

SUBMISSION ON PROPOSED PLAN CHANGE 26 AUCKLAND UNITARY PLAN

To: Auckland Council
Private Bag 92300
Auckland 1142

Name of Submitter: The Roman Catholic Bishop of the Diocese of Auckland

The Roman Catholic Bishop of the Diocese of Auckland (“the Submitter”) provides this submission on Proposed Plan Change 26 (“**PC26**”) to the Auckland Unitary Plan (Operative in Part).

The submitter owns a number of properties that the Plan Change applies to.

The Submitter could not gain an advantage in trade competition through this submission and the submission does not raise matters that relate to trade competition or the effects of trade competition.

The submission relates to the proposed amendments to the text and provisions of the Auckland Unitary Plan set out in PC26. The Submitter generally **supports** the amended provisions, but seeks some amendments to the following standards:

| 220.1

- D18.6.1.2 Height in relation to boundary; and
- D18.6.1.7 Fences and walls

Reasons for submission

- The proposed amendments will clarify and resolve the current situation which gives rise to duplication and conflict between the standards in the underlying zone and those in the Special Character Areas Overlay (SCA Overlay). The Submitter considers that the standards of the SCA Overlay should prevail and replace the standards of the underlying zone;
- The proposed 15m frontage threshold in Standard D18.6.1.2 is considered to be arbitrary, unwieldy, unnecessary, and unfairly impacts on larger sites and corner sites;
- There is no obvious or compelling resource management reason for the distinction in height in relation to boundary (HIRB) standards that would apply to sites above and below the 15m frontage threshold, yet the obvious option of using the SCA Overlay HIRB standard for all sites in the SCA Overlay was not considered in the s32 evaluation report;

- It will often be difficult to distinguish any material difference between adjacent sites that are subject to different HIRB standards (refer, for example, to **Appendix A**);
- The potential effects arising from the relatively small 0.5m additional height enabled by the SCA Overlay HIRB compared with the zone HIRB do not justify the administrative complexity and inequity that will result from implementation of the proposed SCA Overlay standard;
- For example, there will be streets within the SCA Overlay that have the two HIRB standards effectively alternating from site to site as a result of frontage widths. There will also be cases where wedge shaped sites are required to use the HIRB standard from the underlying zone because of a frontage exceeding 15m but the site quickly narrows to less than that width (for examples, refer **Appendix B**), or the reverse of that situation where sites with a frontage less than 15m are predominately wider than that threshold;
- The bulk of a building is primarily controlled by the building coverage standard, which enables a lower percentage coverage within the SCA Overlay for larger sites. It does not seem either equitable or justifiable to limit the HIRB of a larger site when all adjoining sites are able to take advantage of a relatively more generous HIRB standard and the larger site has less building coverage available;
- The Submitter generally supports the removal of HIRB along the road frontage.
- The combination of a more restrictive building coverage allowance and a larger site size will result in a lower proportion of the site’s boundaries having buildings located in close proximity to them, relative to smaller sites that have higher proportional coverage enabled. This situation will offer increased amenity to neighbouring sites. The Submitter considers that it would not be appropriate to further restrict the development potential that can be achieved on sites with frontages over 15m, and supports the use of the 3.0m+45° HIRB standard for all sites located within the SCA Overlay;
- The Submitter generally supports the restriction of front boundary fences to a maximum height of 1.2m, under standard D18.6.1.7. However, the Submitter considers that some recognition should be provided for corner sites in order to enable fencing of sufficient height to maintain privacy for outdoor living spaces. As such, the Submitter seeks that the standard be amended to allow fencing of one frontage of a corner site to a height of 2m (the same height as is enabled for side and rear boundaries under the standard).

Relief sought

The Submitter seeks the following decision from Auckland Council in respect of PC26:

- That, subject to the amendments set out below, PC26 be confirmed;
- That standard D18.6.1.2 be amended so that all sites within the SCA Overlay are subject to a 3.0m+45° HIRB standard (refer **Appendix C** for specific amendments);
- That standard D18.6.1.7 be amended so that a fence up to 2m high is enabled on one front boundary of a corner site (refer **Appendix C** for specific amendments); and
- Such other amendments to the provisions of the AUP as may be necessary to give effect to the relief sought in this submission.

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The Submitter wishes to be heard in support of this submission. If other parties make a similar submission, the Submitter would consider presenting a joint case with them at any hearing.



Michael Campbell
Campbell Brown Planning Limited
For and on behalf of The Roman Catholic Bishop of the Diocese of Auckland as his duly authorised agent.

12 July 2019

Address for service of submitter:

C/- Campbell Brown Planning Limited
PO Box 147001
Ponsonby
AUCKLAND 1144

Attention: Michael Campbell

Telephone: (09) 394 1694

Mobile: (021) 2789018


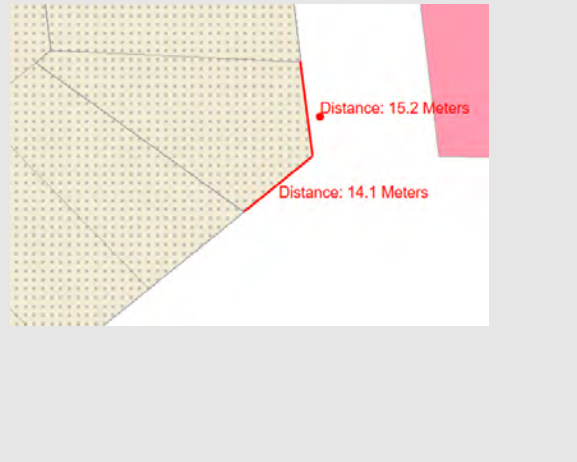
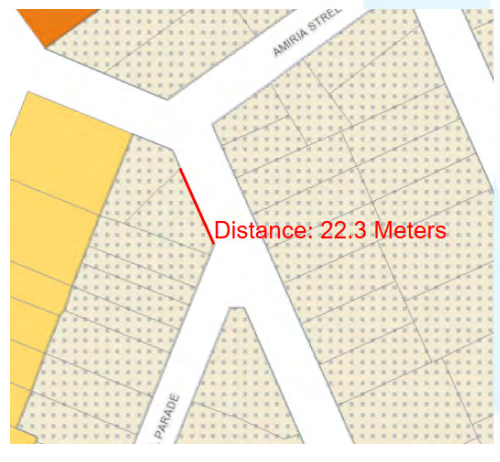
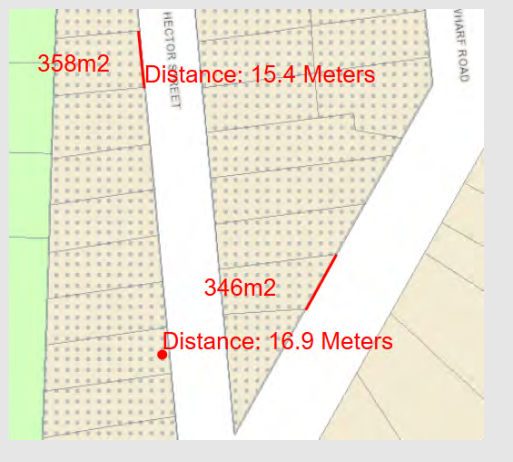
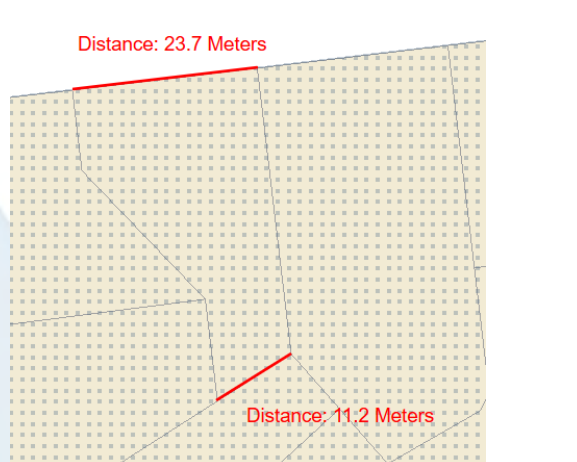
Email: michael@campbellbrown.co.nz

APPENDIX A

Example of a site in the SCA Overlay that would be subject to the 2.5m+45° HIRB standard when similar sites surrounding it would be subject to the 3m+45° standard



APPENDIX B

<p>34 Bella Vista Road, Herne Bay (655 m²)</p>		<p>16 Marina Parade, Herne Bay (620m²)</p>		<p>2 Herne Bay Road, Herne Bay (645m²)</p>	
<p>50 Hackett Street, Ponsonby (258m²)</p>		<p>11 Hector Street & 22 Hector Street, Herne Bay</p>		<p>34 Bella Vista Road, Herne Bay (655m²)</p>	

APPENDIX B

<p>80 St Marys Bay Road, Ponsonby (412m²)</p>	 <p>Distance: 30.3 Meters</p>	<p>5 Hackett Street, Ponsonby (231m²)</p>	 <p>Distance: 22.2 Meters</p>	<p>1 Vine Street vs 5 Vine Street, Ponsonby</p>	 <p>Distance: 10.1 Meters Distance: 17.5 Meters 285m² 270m²</p>
<p>9 Selby Square, Ponsonby (503m²)</p>	 <p>Distance: 8.8 Meters Distance: 16.6 Meters</p>	<p>2 Scott Street vs 3 Scott Street, Ponsonby</p>	 <p>Distance: 30.1 Meters Distance: 11.5 Meters Distance: 12.0 Meters 366m² 356m²</p>	<p>82 Vermont Street vs 56 Vermont Street, Ponsonby</p>	 <p>Distance: 13.5 Meters Distance: 16.7 Meters 1902m² 632m²</p>

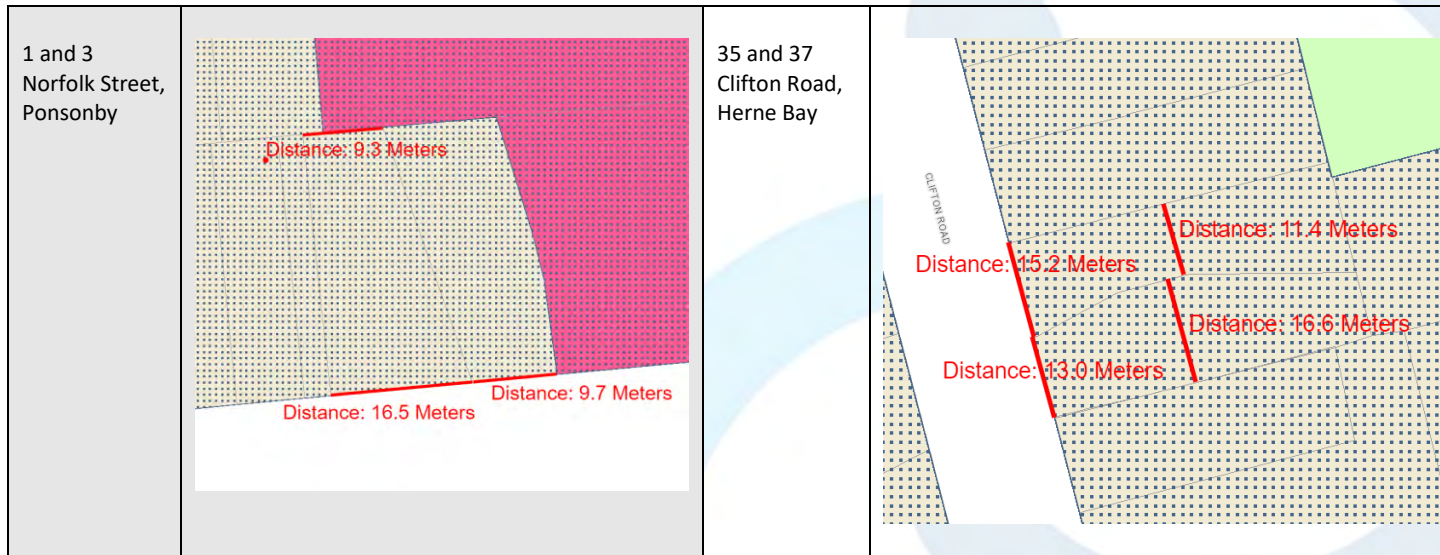
APPENDIX B

<p>88 Brown Street, Ponsonby (187 m²)</p>		<p>3 Coleridge Street, Grey Lynn (759 m²)</p>		<p>8 Barrie Street vs 12 Barrie Street, Freemans Bay</p>	
<p>4 Smith Street vs 5 Tahuna Street, Freemans Bay</p>		<p>25 Cleghorn Avenue vs 27 Cleghorn Avenue, Three Kings</p>		<p>21-23 Ngaroma Road vs 49 Ngaroma Road, Epsom</p>	

APPENDIX B

<p>19 Belvedere Street, Epsom (675 m²)</p>	<p>Distance: 5.3 Meters Distance: 24.3 Meters</p>	<p>42A Orakei Road, Remuera (607 m²)</p>	<p>Distance: 26.8 Meters Distance: 8.0 Meters</p>	<p>44 Entrican Avenue, Remuera (1390m²)</p>	<p>Distance: 50.6 Meters Distance: 32.5 Meters Distance: 11.1 Meters Distance: 59.1 Meters</p>
<p>48 Entrican Avenue, Remuera (3714 m²)</p>	<p>Distance: 9.5 Meters</p>	<p>1 Farrar Street, Grey Lynn (300m²)</p>	<p>Distance: 20.3 Meters</p>	<p>105 Brighton Road, Parnell (419m²)</p>	<p>Distance: 15.5 Meters</p>

APPENDIX B



APPENDIX C

PROPOSED AMENDMENTS TO PC26 STANDARDS

Proposed amendments are shown below in underline and ~~striketrough~~.

D18.6.1.2. Height in relation to boundary

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

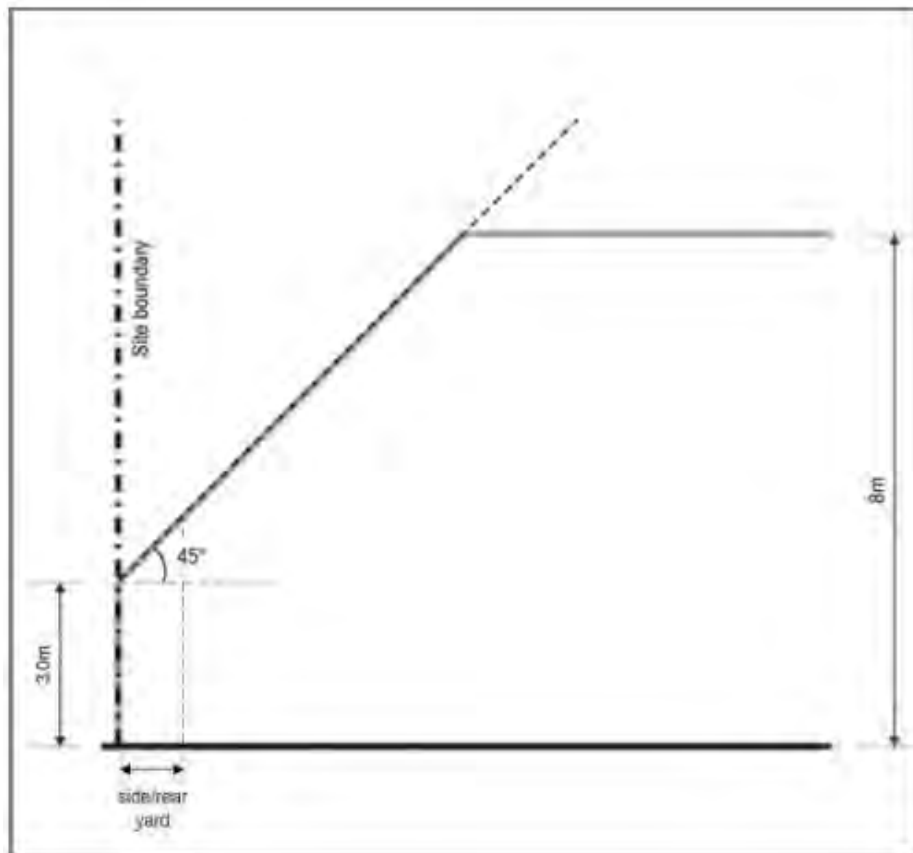
- retain the character of the streetscape;
- enable a built form that reflects the identified character of the area; and
- maintain a reasonable level of sunlight access and minimise visual dominance effects.

(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 side and rear boundaries of the site where ~~-, as shown in Figure D18.6.1.2.1 Height in relation to boundary below.~~

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

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

Figure D18.6.1.2.1 Height in relation to boundary



~~(2)~~ The underlying zone height in relation to boundary standard applies where:

- ~~(a)~~ The site has a frontage length of 15m or greater; or
- ~~(b)~~ The site is a rear site.

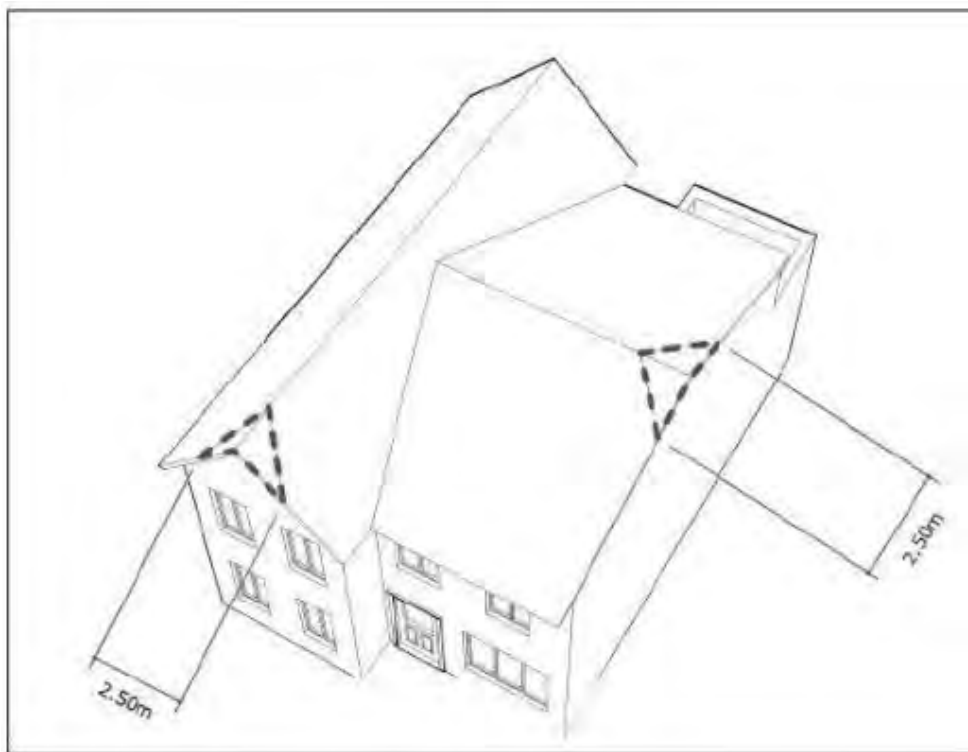
~~(3)~~ Standard D18.6.1.2(1) above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

~~(4)~~ Where the boundary forms part of a legal right of way, entrance strip, or access site, Standard D18.6.1.2(1) applies from the farthest boundary of the legal right of way, entrance strip, access site or pedestrian accessway.

~~(5)~~ A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:

- (a) no greater than 1.5m² 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.

D18.6.1.7. Fences and walls

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.
 - (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.~~ On corner sites, where more than one frontage exists, the foregoing requirements of this standard shall only apply to one frontage. Heights of boundary fences and walls on any additional frontages may be in accordance with (d) below.
 - (d) On any other boundary or within any other yard not described above, 2m in height.

SUBMISSION ON PROPOSED PLAN CHANGE 26

Clause 6 of Schedule 1, Resource Management Act 1991

To: Auckland Council ('**Council**')

Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142
Attn: Planning Technician
via email: unitaryplan@aucklandcouncil.govt.nz

Submitter: Auckland Grammar School ('**AGS**')

1.0 SCOPE OF SUBMISSION

1.1 This is a submission on Proposed Plan Change 26 ('**PC26**') named "Clarifying the relationship between the Special Character Areas Overlay and underlying zone provisions". The specific aspects and provisions of PC26 that this submission relates to are set out in the **Schedule**.

2.0 REASONS FOR SUBMISSION

2.1 For those provisions of PC26 that AGS supports in the **Schedule** below, those provisions:

- (a) will promote sustainable management of resources, will achieve the purpose of the RMA and are not contrary to Part 2 and other provisions of the Resource Management Act 1991 ('**RMA**');
- (b) will enable the social and economic well-being of the community in the Auckland region;
- (c) will meet the reasonably foreseeable needs of future generations; and
- (d) represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.

2.2 For those provisions of PC26 that AGS opposes in the **Schedule** below, this is because without the amendments proposed by AGS, those provisions:

- (a) will not promote sustainable management of resources, will not achieve the purpose of the RMA and are contrary to Part 2 and other provisions of the RMA;
- (b) will not enable the social and economic well-being of the community in the Auckland region;
- (c) will not meet the reasonably foreseeable needs of future generations; and

(d) do not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.

2.3 Without limiting the generality of paragraphs 2.1 and 2.2, further specific reasons for AGS's submission are set out in the **Schedule** below.

3.0 REFLIEF SOUGHT

3.1 AGS seeks the following decision from Auckland Council on the PC26 provisions:

(a) That the proposed provisions be retained, or deleted or amended, as set out in AGS's submission so as to provide for the sustainable management of Auckland's natural and physical resources and thereby achieve the purpose of the RMA.

221.1

(b) Such further or other consequential or alternative relief as may be necessary to fully give effect to the matters raised and relief sought in this submission.

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3.2 Suggested relief to deal with the concerns set out in AGS's submission is set out in the **Schedule**. However, there may be other methods or relief that are able to address AGS's concerns, and the suggested revisions do not limit the generality of the reasons for AGS's submission.

3.3 AGS could not gain an advantage in trade competition through this submission.

3.4 AGS wishes to be heard in support of its submission.

3.5 If others make a similar submission, AGS will consider presenting a joint case with them at the hearing.



Sarah Burgess, Barker & Associates Limited,
(as person authorised to sign on behalf of the Submitter)

DATE: 12 July 2019

Address for Service: Auckland Grammar School
c/- Barker & Associates Limited
PO Box 1986
Shortland Street
Auckland Central 1140
Attn: Sarah Burgess
Ph: 09 375 0900
Email: sarahb@barker.co.nz

SCHEDULE: DETAILED SUBMISSIONS AND RELIEF SOUGHT

	Provision	Submission	Relief Sought (marked in red, additions <u>underlined</u> and deletions struck-through)	
1.	Table D18.4.1 (A5A) and (A5B) (Activity statuses – fencing)	AGS supports the proposed inclusion of these activity statuses, as they provide clarity.	Include activities (A5A) and (A5B) proposed in PC26.	221.2
2.	D18.6.1.1. Building Height Purpose	AGS opposes the inclusion of part of the third bullet “maintain a reasonable level of sunlight access...” as this is not consistent with any of the purposes of the underlying zones, such as Residential – Single House. In the underlying zones, maintaining a “reasonable level of sunlight access” is attributed to the height in relation to boundary standard, and not building height.	Amend the third bullet of the Purpose as follows: <ul style="list-style-type: none"> maintain a reasonable level of sunlight access and <u>minimise visual dominance effects.</u> 	221.3
3.	D18.6.1.2. Height in relation to Boundary Clauses (1)(a) and (2)(a)	<p>AGS considers that basing the permitted height in relation to boundary (‘HIRTB’) standard upon the site frontage width is inappropriate in respect to the Isthmus A sites contained within the overlay. Whilst many Isthmus A sites have frontages less than 15m in width, there is a high number that have frontages of 15m, or slightly greater, and still exhibit the characteristic of Isthmus A sites of closely built dwellings.</p> <p>AGS opposes the inclusion of this parameter for all Isthmus A sites within the Special Character Area – Residential (‘SCAR’) overlay. AGS seeks that the provisions are amended for the 3m + 45° to apply to all Isthmus A sites and sites with frontages less than 15m, and for the underlying zone provisions to apply to all other sites.</p> <p>Given that Isthmus B and C sites are typically larger and characterised by less dense built form, it is considered that the 15m provision can be retained for those sites.</p>	<p>Amend D18.6.1.2(1)(a) and (2)(a) as follows:</p> <p>(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 <u>side and rear boundaries</u> of the site <u>where:</u></p> <p>(a) The site is in the Special Character Area Overlay – Residential: Isthmus A; or <u>has a frontage length of less than 15m</u></p> <p>(i) <u>For corner sites, standard D18.6.1.2 (1) applies from each frontage, where that frontage has a length of less than 15m.</u></p> <p>(2) <u>The underlying zone height in relation to boundary standard applies where:</u></p> <p>(a) The site is not is in the Special Character Area Overlay – Residential: Isthmus A; or <u>has a frontage length of 15m or greater; or</u></p> <p>(b) <u>The site is a rear site.</u></p>	221.4
4.	D18.6.1.2. Height in relation to Boundary Clause (1)	AGS supports the removal of the HIRTB planes from front boundaries which will make the SCAR provisions consistent with those applying to other residential zones.	Include the amendments to D18.6.1.2(1) proposed in PC26.	221.5

	Provision	Submission	Relief Sought (marked in red, additions <u>underlined</u> and deletions struck through)									
5.	D18.6.1.2. Height in relation to Boundary Clauses (3)-(6) (exclusion provisions)	AGS supports the inclusion of the exclusion provisions set out in D18.6.1.2(2)-(6) which will make the SCAR provisions consistent with those applying to other residential zones.	Include the exclusion provisions set out in D18.6.1.2(2)-(6) proposed in PC26.	221.6								
6.	D18.6.1.2. Height in relation to Boundary	AGS seeks that the provisions set out in underlying zones that do not require HIRTB from Open Space zoned sites exceeding 2,000m ² and Business-zoned sites, should be adopted in the SCAR overlay.	<p>Include the following provisions in D18.6.1.2:</p> <p>(7) <u>Standards D18.6.1.2(1) and (2) above do not apply to a boundary adjoining any of the following:</u></p> <p><u>(a) a Business – City Centre Zone; Business – Metropolitan Centre Zone; Business – Town Centre Zone; Business – Local Centre Zone; Business – Neighbourhood Centre Zone; Business - Mixed Use Zone; Business – General Business Zone; Business – Business Park Zone; Business – Light Industry Zone and Business – Heavy Industry Zone.</u></p> <p><u>(b) sites within the Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space - Community Zone exceeding 2000m²</u></p>	221.7								
7.	D18.6.1.3. Yards	AGS supports the deletion of the 3m rear yard and the reversion to the underlying zone rear yard setback, however given that SCAR sites are characterised by existing closely-built dwellings, AGS seeks for the 1.2m side yard standard to similarly be deleted and for reversion to the underlying zone side yard setback.	<p>Amend D18.6.1.3(1) as follows:</p> <p>(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:</p> <p>Table D18.6.1.3.1 Yards</p> <table border="1"> <thead> <tr> <th>Yard</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Front</td> <td>The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject site or six sites on one side of the subject site</td> </tr> <tr> <td>Side</td> <td>1.2m</td> </tr> <tr> <td>Rear</td> <td>3m</td> </tr> </tbody> </table>	Yard	Minimum depth	Front	The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject site or six sites on one side of the subject site	Side	1.2m	Rear	3m	<p>221.8</p> <p>221.9</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											
Rear	3m											

	Provision	Submission	Relief Sought (marked in red, additions <u>underlined</u> and deletions struck through)												
8.	D18.6.1.4. Building coverage Clause (1)	<p>AGS opposes the retention of the building coverage provisions being based on arbitrary thresholds relating to site areas.</p> <p>For sites that are marginally over their threshold there is a loss of between 5-10% permitted building coverage which substantially affects the develop ability of the sites given their small sizes.</p> <p>AGS seeks for the legacy District Plan – Isthmus Section Residential 1 zone ‘formula’ for calculating permitted building coverage, paved area, and landscaped area to be instated for Isthmus A sites.</p> <p>Several examples of University properties are provided as follows:</p> <ul style="list-style-type: none"> 70 Seafield View Road, Grafton, is 336m² in area. Sites 200-300m² are permitted to have 45% building coverage, however sites 300m²-400m² are permitted to have 40%. The site therefore loses 5% of permitted building coverage (the equivalent of 16.8m²). Under the Isthmus A formula, the site would have a permitted building coverage of 45.93%; and 9 Glasgow Terrace, Newmarket, is 372m² in area and subject to the same coverage provisions as above. The site loses 5% of permitted building coverage (the equivalent of 18.6m²). Under the Isthmus A formula, the site would have a permitted building coverage of 43.5%. <p>The proposed changes sought are considered to be appropriate as they reflect that the pattern of subdivision which has sites that range in size. Typically, smaller sites have greater building coverage and having standards that respond better to each site, allows for reasonable use of a site.</p>	<p>Amend D18.6.1.4(1) as follows:</p> <p>(1) The maximum building coverage for sites in the Special Character Areas Overlay – Residential: <u>Isthmus A</u> 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: <u>Isthmus A</u> below:</p> <p>Table D18.6.1.4.1 Building coverage in the Special Character Areas Overlay – Residential: <u>Isthmus A</u></p> <table border="1" data-bbox="1361 518 2004 1137"> <thead> <tr> <th>Site Area</th> <th>Building Coverage</th> </tr> </thead> <tbody> <tr> <td>Up to 200m²</td> <td>55 per cent of the net site area</td> </tr> <tr> <td>200m² – 300m²<u>500m²</u></td> <td>45 per cent of the net site area <u>Per cent of the net site area =</u> <u>35+[(500 – A) x 0.06●]</u> <u>Where A = site area (m²)</u> <u>● = 6 recurring</u></td> </tr> <tr> <td>300m² – 500m²</td> <td>40 per cent of the net site area</td> </tr> <tr> <td>500m² – 1,000m²</td> <td>35 per cent of the net site area</td> </tr> <tr> <td>Greater than 1,000m²<u>500m²</u></td> <td>25<u>35</u> per cent of the net site area</td> </tr> </tbody> </table>	Site Area	Building Coverage	Up to 200m ²	55 per cent of the net site area	200m ² – 300m² <u>500m²</u>	45 per cent of the net site area <u>Per cent of the net site area =</u> <u>35+[(500 – A) x 0.06●]</u> <u>Where A = site area (m²)</u> <u>● = 6 recurring</u>	300m² – 500m²	40 per cent of the net site area	500m² – 1,000m²	35 per cent of the net site area	Greater than 1,000m² <u>500m²</u>	25 <u>35</u> per cent of the net site area
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9.	D18.6.1.5 Landscaped area Clause (1)	<p>AGS opposes the retention of the landscaped area provisions being based on thresholds relating to site areas for Isthmus A sites, based on the reasons described under 8. above.</p>	<p>Amend D18.6.1.5(1) as follows:</p> <p>(1) The minimum landscaped areas for sites in the Special Character Areas Overlay – Residential: <u>Isthmus A</u> is the percentage of net site area listed in Table D18.6.1.5.1 Landscaped area in the Special Character Areas Overlay – Residential: <u>Isthmus A</u> below:</p>												

221.10

221.11

	Provision	Submission	Relief Sought (marked in red, additions <u>underlined</u> and deletions struck through)										
			<p>Table D18.6.1.5.1 Landscaped area in the Special Character Areas Overlay – Residential: <u>Isthmus A</u></p> <table border="1"> <thead> <tr> <th data-bbox="1357 300 1671 347">Site Area</th> <th data-bbox="1671 300 2004 347">Landscaped area</th> </tr> </thead> <tbody> <tr> <td data-bbox="1357 347 1671 432">Up to 200m²</td> <td data-bbox="1671 347 2004 432">28 per cent of the net site area</td> </tr> <tr> <td data-bbox="1357 432 1671 632">200m² – 500m²</td> <td data-bbox="1671 432 2004 632"> 33 per cent of the net site area <u>Per cent of the net site area =</u> <u>40 - [(500 – A) x 0.04]</u> <u>Where A = site area (m²)</u> </td> </tr> <tr> <td data-bbox="1357 632 1671 716">500m² – 1,000m²</td> <td data-bbox="1671 632 2004 716">40 per cent of the net site area</td> </tr> <tr> <td data-bbox="1357 716 1671 794">Greater than 1,000m² <u>500m²</u></td> <td data-bbox="1671 716 2004 794">5040 per cent of the net site area</td> </tr> </tbody> </table>	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 <u>Per cent of the net site area =</u> <u>40 - [(500 – A) x 0.04]</u> <u>Where A = site area (m²)</u>	500m² – 1,000m²	40 per cent of the net site area	Greater than 1,000m² <u>500m²</u>	50 40 per cent of the net site area
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10.	D18.6.1.6. Maximum impervious area	AGS opposes the retention of the impervious area provisions being based on thresholds relating to site areas based on the reasons described under 8. above.	<p>Amend D18.6.1.6(1) as follows:</p> <p>(1) The maximum paved impervious <u>impervious</u> area for sites in the Special Character Areas Overlay – Residential: <u>Isthmus A</u> must not exceed the percentage of net site area listed in Table D18.6.1.6.1 Maximum paved impervious <u>impervious</u> area in the Special Character Areas Overlay – Residential: <u>Isthmus A</u> below:</p> <p>Table D18.6.1.6.1 Maximum paved impervious <u>impervious</u> area in the Special Character Areas Overlay – Residential: <u>Isthmus A</u></p> <table border="1"> <thead> <tr> <th data-bbox="1357 1098 1671 1145">Site Area</th> <th data-bbox="1671 1098 2004 1145">Paved<u>Impervious</u> area</th> </tr> </thead> <tbody> <tr> <td data-bbox="1357 1145 1671 1230">Up to 200m²</td> <td data-bbox="1671 1145 2004 1230">17 <u>72</u> per cent of the net site area</td> </tr> <tr> <td data-bbox="1357 1230 1671 1415">200m² – 500m²</td> <td data-bbox="1671 1230 2004 1415"> 20-65 per cent of the net site area <u>Impervious area =</u> <u>Site area minus minimum landscaped area permitted under D18.6.1.5 above</u> </td> </tr> </tbody> </table>	Site Area	Paved <u>Impervious</u> area	Up to 200m ²	17 <u>72</u> per cent of the net site area	200m ² – 500m ²	20-65 per cent of the net site area <u>Impervious area =</u> <u>Site area minus minimum landscaped area permitted under D18.6.1.5 above</u>				
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221.11

221.12

	Provision	Submission	Relief Sought (marked in red, additions <u>underlined</u> and deletions struck through)	
			500m ² – 1,000m ²	<u>25-60 per cent of the net site area</u>
			Greater than 1,000m ² 500m ²	25 50 <u>60</u> per cent of the net site area
11.	D18.6.1.7. Fences and walls Purpose, and Clause (1)	<p>The new rules are designed to provide privacy for rear yards and outdoor spaces (through the 2m maximum height for other boundaries) and therefore this should be referenced in the purpose of the fence standards.</p> <p>The provisions as currently written under Clause (1)(b) are unclear and, as written, read as if fences between the side façade of a dwelling and the side boundary should be a maximum of 1.2m in height. If this is the intention of the provision then AGS objects, as this would result in privacy and security issues. If this is not the intention, then the wording should be clarified. The rules would benefit from a diagram to aid in interpretation.</p> <p>AGS also objects to corner sites being treated as having two front facades which would be subject to a 1.2m high fence height as this prevents outdoor living areas from being appropriately screened to provide for privacy. There should be an allowance for some of the frontage to comprise higher fencing.</p>	<p>Amend D18.6.1.7 as follows:</p> <p><u>Purpose: to manage the heights of fences and walls on front, side, and rear boundaries and within front, side, and rear yards to:</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> <u>provide privacy for dwellings and particularly rear outdoor areas where this would avoid significantly obscuring the visibility of the dwelling from the streetscape.</u> <u>minimise visual dominance effects to immediate neighbours and the street.</u> <p>(1) Fences <u>and walls and other structures</u>, or any combination of these, in the Special Character Areas Overlay - Residential must not exceed <u>a the height specified below, measured from 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.</u></p> <p><i><insert Figure D18.6.1.7.1 Fence heights for front sites shown overleaf></i></p>	

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221.14

221.15

221.16

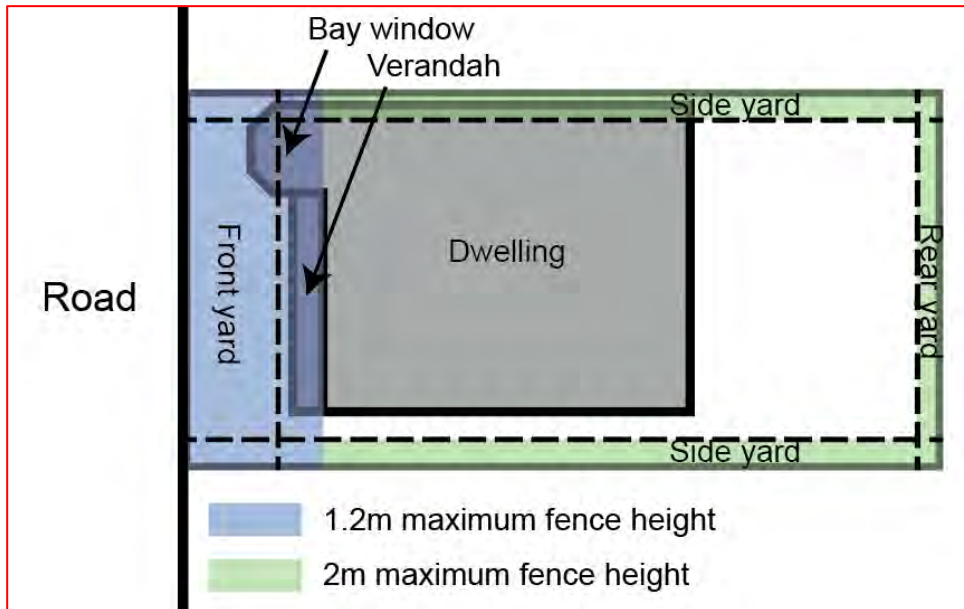
221.13

	Provision	Submission	Relief Sought (marked in red, additions <u>underlined</u> and deletions struck through)
			<p>(d) <u>Houses on corner sites have two front facades, except that on one site frontage, up to 50% of the frontage length may comprise fencing up to 1.8m in height, provided that this is not located in front of a front or side façade of the dwelling.</u></p> <p><insert Figure D18.6.1.7.2 Fence heights for corner sites shown overleaf></p>
12.	E38.8.2.6 Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business Clause (3)	AGS supports the proposed inclusion of this clause as it clarifies that the minimum site areas for the SCAR sites should take precedence over the underlying zone, however it remains unclear which activity statuses under Table E38.4.2 should be applied to a proposal for subdivision of a SCAR site.	Amend the subdivision provisions to make it clear that vacant subdivision of SCAR sites requires consent under (A24) and (A25) only, and not (A16) and (A17).

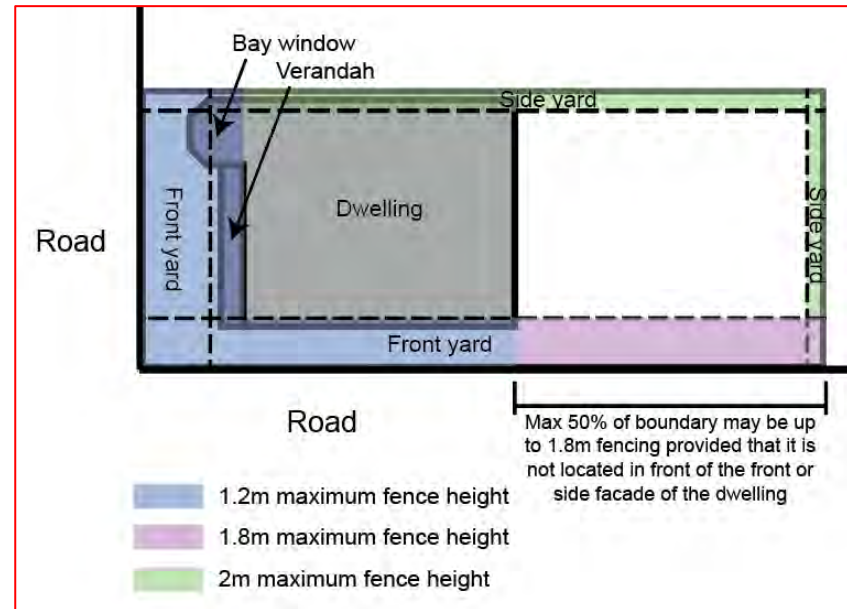
216.13

221.17

D18.6.1.7.1 Fence heights for front sites



D18.6.1.7.2 Fence heights for corner sites



The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Rachael and Jonathan Sinclair

Organisation name:

Agent's full name:

Email address: rachsinaclair@orcon.net.nz

Contact phone number:

Postal address:
5 Castle Street
Grey Lynn
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:

D18 Special Character Areas Overlay - Residential and Business, D18.4 Activity Table, D18.6 Standards, D18.6.1, D18.6.1.1 Building heights, D18.6.1.2 Height in relation to boundary, D18.6.1.3 Yards, D18.6.1.4 Building coverage, D18.6.1.6 Maximum paved impervious area

Property address:

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:

We support the plan change overall as having one set of clear rule to apply (as opposed to two sets) reduces the scope for confusion and is more efficient. Standard D18.6.1 - we support the inclusion of purpose statements for the various standards in the Overlay. Standard D18.6.1.2 - we support the Overlay height to boundary being applied (3m and 45 degree) but believe it should apply to all sites in the area (not just those 15m or less frontage) Standard D18.6.1.2 (4) - we support this clarification so that height in relation to boundary applies on the farthest boundary of the legal right of way, entrance strip, access site to pedestrian accessway. Standard D18.6.1.3 - we support the removal of the 3m rear yard requirement in the Overlay and that the Zone rear yard requirement would apply. Standard D18.6.1.6 - support the increase in impervious surface in the Overlay.

| 222.2

| 222.3

| 222.4

| 222.5

| 222.6

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

222.1

Details of amendments: Standard D18.6.1.2 - we support the Overlay height to boundary being applied (3m and 45 degree) but believe it should apply to all sites in the area (not just those 15m or less frontage)

Submission date: 12 July 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 to PC26 to: unitaryplan@aucklandcouncil.govt.nz

1. **Submitter Details** – Grant Dickson

2. **Scope of Submission :**

PC26 Plan Change/Variation :clarifying the relationship between Special Character Areas Overlay and Underlying Zone Provisions.

The specific provisions that my submission relates to are:

Plan Provisions –

1. *I generally support the purpose and intention of PC26. It is acknowledged that PC26 overcomes a problem created by the Council's previous incorrect interpretation of the relationship between the Special Character Areas Overlay that covers some parts of Howick which have a variety of underlying business and residential zones.*
2. *In Part D18.1 the exception of Howick from the Special Character Area Overlay considerations is not acceptable and should be deleted.*
3. *The Special Character Area at Howick is requested to be expanded over those parts of the adjoining Mixed Housing Urban Zone in close proximity to Stockade Hill.*
4. *A Special Character Area description for Howick covering residential and business areas is required to be inserted into Part D18.1 of PC26 and in Schedule 15 at Part 15.1.6.1..*
5. *In all other respects the I support PC26 and seek to have the controls and standards within PC26 available to cover the expanded Special Character Area shown outlined by a thin black line on the attached Plan.*

Submission: *I oppose the specific provisions identified above which exclude Howick from consideration under PC26.*

I wish to have the following provisions amended:

- (a) *The removal of the exemption of Howick from Part 18.1 Background.*
- (b) *The expansion of the Special Character Area at Howick to cover the properties identified on the attached plan.*

- (c) *The inclusion of a description for the existing and expanded Special character Areas of Howick into the table within D18.1 and within Schedule 15 at Part 15.1.6.1.*

The reasons for my views are –

1. *Howick has several special characteristics that require particular protection in the manner provided for in Part D18 of the Auckland Unitary Plan (AUP). For that reason it is requested that the exception provided for Howick in Part 18.1 is removed. Howick should be treated in the same manner as all other Special Character Areas and deserves a full explanation in Schedule 15 at Part 15.1.6.1.*
2. *I see that PC26 is an opportunity to address this long-standing omission in respect of Howick.*

I seek the following decision by the Council:

I accept the proposed Plan Change with the amendments outlined below. | 223.1

Amendments Requested for the Reasons set out are –

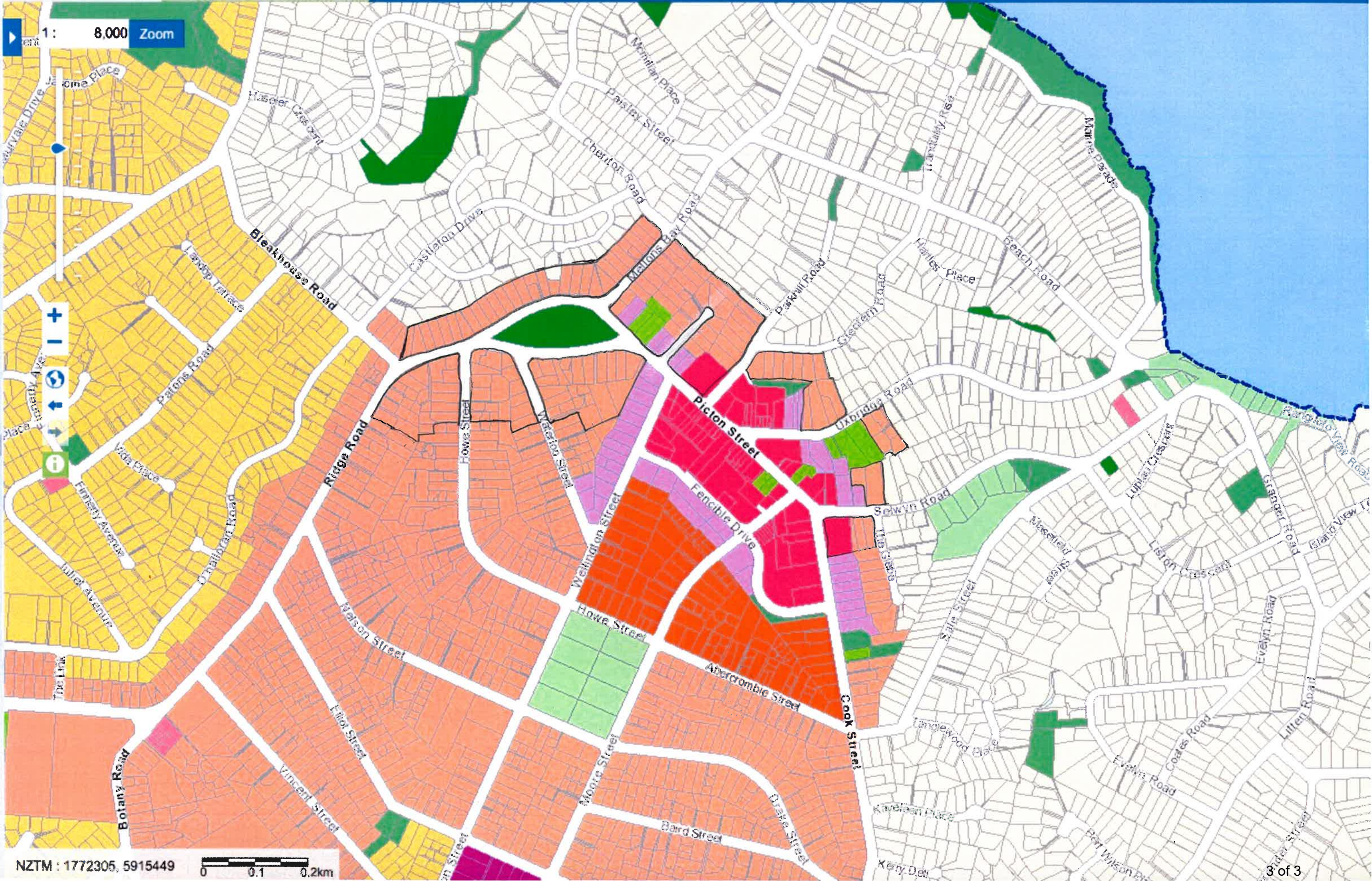
1. *Amend Part D18.1 by removing the words “other than Howick”.* | 223.2
2. *Expand the Special Character notation on the Planning Maps to include the areas identified on the attached plan.* | 223.3
3. *Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted.* | 223.4
4. *Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes.* | 223.5
5. *Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes.* | 223.6

I wish to be heard in support of my submission.

Dated 12 July 2019



1: 8,000 Zoom



NZTM : 1772305, 5915449 0 0.1 0.2km

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

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

224



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(Full Name)

CHRIS HUME

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

HUME ARCHITECTS LTD.

Address for service of Submitter

LEVEL 4, VULCAN BUILDING, 118 QUEEN ST

P.O. BOX 106605, DOWNTOWN, AUCKLAND 1143.

Telephone:

09 357 0462

Fax/Email:

chris@humearch.co.nz

Contact Person: (Name and designation, if applicable)

CHRIS HUME, DIRECTOR

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)

PLAN CHANGES 26 IN TOTAL - REFER 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

The reasons for my views are:

REFER ATTACHED SUBMISSION,

(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.

REFER ATTACHED SUBMISSION.

- 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)

12.07.19
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.

12th July 2019

hume

A

RE : SUBMISSION ON PROPOSED PLAN CHANGE 26 TO THE AUCKLAND COUNCIL UNITARY PLAN.

gen@humearch.co.nz
+64 9 357 0462
level 4, vulcan building
118 queen st
po box 106 605
downtown auckland 1143
www.humearch.co.nz

Introduction

As a Director of an Architectural Practice that is active, and has significant experience in working in Special Character Area as defined in the Unitary Plan and in various District Plans that existed prior to the introduction of the Unitary Plan I have a professional interest in addressing Plan Change 26.

I also reside in Devonport within the Special Character Area Overlay and my property will be significantly affected by the proposed Plan Change.

This submission is made by Hume Architects Ltd. and as such represents our community of past, present and future clients in general.

Overview

Plan Change 26 has been generated by the Environment Court clarifying that both the Special Character Overlay Rules and the underlying zoning controls must apply.

The Court determined inconsistent wording of rules in the Auckland Unitary Plan for resource consents for properties zoned 'Single House' and where a Special Character Area Residential Overlay applies.

However, Plan Change 26 does not just address that issue. It goes further than clarifying the relationship as "The Council is also seeking to refine some of its standards within the Special Character Area Overlay, including height in relation to boundary, yards, paved areas and fences."

While these individual rule changes may or may not have merit in clarifying the relationship differences between Special Character Areas and the Underlying Zone, they must purely relate to issues of Special Character and not seek to introduce any more restrictive rules that do not carry that relationship.

In principle, the underlying Single House Zone rules should apply unless there are specific circumstances that warrant and relate to the retention and enhancement of that Special Character. The Single House Zone objectives state:

H3.2. Objectives

*(1) Development maintains and is in keeping with the amenity values of established residential neighbourhoods **including those based on special character informed by the past.***

The special character of heritage residential areas covered by the Special Character Area Overlay are characterised in Schedule 15 for different Special Character Areas.

Council in their overview in the Section 32 report note:

*“Upon review of the Character Statements, it is evident that the development pattern across each of the character areas is not uniform and there are other parts of the overlay, **other than Isthmus A, C1 or Devonport character areas** that exhibit similar narrow sites and patterns of development. By way of example, Isthmus A includes not only early villas but also transitional bungalows and then interwar development with large lot sizes and an array of housing typologies.”*

It is my assertion that if any site is within a Special Character Area Overlay then the similar equitable rules should apply over the whole Special Character Area. In Plan Change 26 Council are attempting to, in the height in relation to boundary, and site coverage rules (not addressed in this plan change) to generalise and ‘cherry pick’ at the rules in a manner that leads to anomaly and inequity in their implementation.

As such, my submission is that I oppose the whole Plan Change in its present form for the reasons that it does not consider the Special Character Area’s in their overall (and varying) differences to the Single House Zone, it seeks to introduce new rules that are inequitable and does not consider the D18 rules in respect to individual Special Character Areas or Special Character Areas in total.

While I support the intent of clarification required by the Environment Court, I do not support the Plan Change in its present form. | 224.1

Specific Provisions and brief commentary on the proposed rules that I support or oppose are following. I also submit relevant rules and definitions in D18 that Council propose not changing or clarifying that I consider integral to any resultant Plan Change.

D18.4 Activity Table. Special Character Areas Residential. Clarification of Activity status. Support. | 224.2

Table D18.4.1
 (A2) - ‘Minor’ alterations require definition note ‘ redecoration’ is noted in Special Character Area Business but not defined. Clarification Required. | 224.3
 (A5a) - should be as underlying zone. **Oppose.** | 224.4
 (A5b) - should be as underlying zone. **Oppose.**

Table D18.4.2
 (A6) - ‘External redecoration’ requires definition. Clarification Required. | 224.5
 (A8) - ‘External redecoration’ requires definition. Clarification Required.

D18.6 Standards
 D18.6.1.1 Building Height
 Remains as Special Character Area Overlay. Support. | 224.6

D18.6.1.2 Height in relation to boundary
 (1) (a) The site has a frontage length of less than 15m. **Oppose.** | 224.7
 (2) The underlying zone height in relation to boundary standard applies where:
 (a) The site has a frontage length of 15m or greater. **Oppose.** | 224.8
 OR
 (b) The site is a rear site. **Oppose.**

The Plan Change has been used to introduce a ew rule that is inequitable and will not support the Objectives of the Special Character Area Overlay.

D18.6.1.2

(4) Where the boundary forms part of a legal right of way, entrance strip or access site, Standard D18.6.2(1) applies from the farthest boundary of the legal right of way, entrance strip, access site or pedestrian access way.

(5) A gable end, dormer or roof. .

(6)

Support.

Support.

Support.

224.9

D18.6.1.3 Yards

Table D18.6.1.3.1 Yards

Side Yard - 1.2m

Oppose.

224.10

Side yards in the Special Character Area Overlay areas should be no more restrictive than the underlying zone of 1.0m.

Table D18.6.1.3.1

(3) The underlying zone yard standards apply for all other yards not specified within Table 18.6.1.3.1.

Support.

224.11

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.

Oppose.

224.12

Table D18.6.1.4.1

Building coverage in the Special Character Areas Overlay - Residential

Oppose.

224.13

The site area to coverage relationships do not acknowledge the majority of sites in the Special Character Area overlays and are too prescriptive. The table should be amended to be more equitable with less stages and relate to the Underlying Zone.

D18.6.1.5 Landscape Area

Table D18.6.1.5.1

Oppose.

224.14

Refer commentary above.

D18.6.1.6 Impervious Area

Table D18.6.1.6.1

Oppose.

224.15

Refer commentary above.

D18.6.1.7 Fences and walls.

Oppose.

224.16

The Underlying Zone rules should apply.

The above commentary is a summary of the reasons for this submission and will be expanded upon and explained in full by attendance at the relevant hearing. I do not consider the Section 32 process carried out by Council has fully considered the proposed changes in the overall context of the Special Character Area's relationship to the Unitary Plan and Underlying Zones. A number of the proposed changes along with

the existing rules within the Special Character Areas that Council does not propose to change will likely lead to inequitable and disadvantaged outcomes for a significant number of sites within the Special Character Areas.

I wish to be heard in support of this submission at any hearing.

Chris Hume (Director)

Hume Architects Ltd

m: 027 473 2352

p: 09 357 0462

e: chris@humearch.co.nz

NZCD (Arch), BArch, FNZIA

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Dirk Hudig

Organisation name:

Agent's full name: Dirk Hudig

Email address: dirkhudig@gmail.com

Contact phone number: 093784990 021 227 5972

Postal address:
54 Marine Parade
Herne Bay
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:

1. I generally support the purpose and intention of PC26. It is acknowledged that PC26 overcomes a problem created by the Council's previous incorrect interpretation of the relationship between the Special Character Areas Overlay that covers much of Herne Bay and St Mary's Bay and the underlying zoning which is predominantly Single House Zone. 2. At Rule D18.6.1.7 the I seek to retain the inclusion of the words – "and other structures". 3. The inclusion in Rule D18.8.1.1(3) of consideration for the maintenance of dwellings within an SEA overlay to ensure there is enough space between adjacent walls of existing or new dwellings to allow the maintenance and decoration of the adjacent façades on both properties. It is considered that a minimum distance of 1200 millimetres between adjacent walls of dwellings on separate sites, regardless of the location of the intervening title boundary, is adequate space to allow the erection of scaffolding or other equipment for the maintenance, repair and painting of the adjacent facades. 4. Related to the additional matter of discretion set out above I request an amendment to Rule D18.8.2.1(4) by inserting a minimum distance between adjacent walls or façades of existing or proposed buildings to ensure maintenance of those walls can be achieved.

Property address:

Map or maps:

Other provisions:

The reasons for my views are – 1. In respect of Rule D18.6.1.7 I request the inclusion of the words – "and other structures" because there are many structures other than fences and walls which are able to adversely affect the amenities of neighbouring properties. The provision for "and other structures" was included by the Independent Hearings Panel following submissions made by the Herne Bay Residents Association during the hearings on submissions arising from the proposed Auckland

Unitary Plan. There is no explanation or reason for the omission of these words which have been in Rule D18.6.1.7 since the AUP was made operative. There is no s32 explanation. 2. The matter of discretion which I request be added to Rule D18.8.1.1(3) is to ensure that any infringement of the side yard standard includes the consideration of whether the façade of an adjoining dwelling/building can continue to be maintained (repairs, maintenance and painting) in the event that the infringement is granted consent. This is a simple matter that has been in the previous legacy Auckland District Plan and previous Auckland District Schemes for at least 40 years. No infringement should be considered without a full assessment of its effect on the maintenance and amenity of the closes façade/wall of an adjacent house/building. 3. In support of the requested matter of discretion set out above, the I request that the following assessment criterion is added to Rule D18.8.2.1(4) as follows: (c) Maintaining a building services space of not less than 1200mm between the walls of existing or proposed dwelling/buildings on adjacent sites regardless of the location of the intervening site boundary.

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

225.1

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

The reason for my or our views are:

The request the Auckland Council adjusts the proposed Plan Change with the amendments outlined below: 1. Amend Rule D18.6.1.7 to include the words “and other structures” wherever they are struck out in the text of PC26. 2. Amend Rule D18.8.1.1(3) by adding to sub-para (a) – “while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/building to allow repairs, maintenance and painting. 3. Amend Rule D18.1.2.1(4)(c) by adding - “while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/building to allow repairs, maintenance and painting.

225.2

225.3

225.4

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

Submission date: 12 July 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.

Yes

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

SUBMISSIONS AUCKLAND COUNCIL ON PROPOSED PLAN CHANGE 26 (PC26)**SUMMITTER DETAILS: HERNE BAY RESIDENTS ASSOCIATION INCORPORATED**

CONTACT PERSON: Dirk Hudig co-chair, email dirkhudig@gmail.com phone (09)3784990

CONTACT PERSON: Don Mathieson co-chair, email don@mit.co.nz phone 021 993 381

SCOPE OF SUBMISSION: Clarifying the relationship between Special Character Areas Overlay and Underlying Zone Provisions.

The Herne Bay Residents Association Inc (the Association) submits as follows:

1. *The Association generally supports the purpose and intention of PC26. It is acknowledged that PC26 overcomes a problem created by the Council's previous incorrect interpretation of the relationship between the Special Character Areas Overlay that covers much of Herne Bay and St Mary's Bay and the underlying zoning which is predominantly Single House Zone.*
2. *At Rule D18.6.1.7 the Association seeks to retain the inclusion of the words – "and other structures".*
3. *The inclusion in Rule D18.8.1.1(3) of consideration for the maintenance of dwellings within an SEA overlay to ensure there is enough space between adjacent walls of existing or new dwellings to allow the maintenance and decoration of the adjacent façades on both properties. It is considered that a minimum distance of 1200 millimetres between adjacent walls of dwellings on separate sites, regardless of the location of the intervening title boundary, is adequate space to allow the erection of scaffolding or other equipment for the maintenance, repair and painting of the adjacent facades.*
4. *Related to the additional matter of discretion set out above the Association requests an amendment to Rule D18.8.2.1(4) by inserting a minimum distance between adjacent walls or façades of existing or proposed buildings to ensure maintenance of those walls can be achieved.*

226.1

The Association opposes the specific provisions identified above and wishes to have those provisions amended

The reasons for the views of the Association are –

1. *In respect of **Rule D18.6.1.7** the Association requests the inclusion of the words – "**and other structures**" because there are many structures other than fences and walls which are able to adversely affect the amenities of neighbouring properties. The provision for "and other structures" was included by the Independent Hearings Panel following submissions made by the Association during the hearings on submissions arising from the proposed Auckland Unitary Plan. There is no explanation or reason for the omission of these words which have been in Rule D18.6.1.7 since the AUP was made operative. There is no s32 explanation.*
2. *The matter of discretion which the Association requests be added to **Rule D18.8.1.1(3)** is to ensure that any infringement of the side yard standard includes the consideration of whether the façade of an adjoining dwelling/building can continue to be maintained (repairs, maintenance and painting) in the event that the infringement is granted consent. This is a simple matter that has been in the previous legacy Auckland District Plan and previous Auckland District Schemes for at least 40 years. No infringement should be considered without a full assessment of its effect on the maintenance and amenity of the closes façade/wall of an adjacent house/building.*
3. *In support of the requested matter of discretion set out above, the Association requests that the following assessment criterion is added to **Rule D18.8.2.1(4)** as follows:*

(c) Maintaining a building services space of not less than 1200mm between the walls of existing or proposed dwelling/buildings on adjacent sites regardless of the location of the intervening site boundary.

The Association seeks the Auckland Council adjusts the proposed Plan Change with the amendments outlined below:

1. **Amend Rule D18.6.1.7** to include the words “and other structures” wherever they are struck out in the text of PC26. | 226.2
2. **Amend Rule D18.8.1.1(3)** by adding to sub-para (a) – “while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/ building to allow repairs, maintenance and painting. | 226.3
3. **Amend Rule D18.1.2.1(4)(c)** by adding - “while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/building to allow repairs, maintenance and painting. | 226.4

The Association wishes to be heard in support of this submission.

Dirk Hudig – Co-chair Herne Bay Residents Association inc.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Mark Donnelly

Organisation name: Eden Park Neighbours' Assoc.

Agent's full name:

Email address: mark.donnelly@xtra.co.nz

Contact phone number:

Postal address:
13 Walters Rd
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:

HIRB We support the underlying zone HIRB for sites with greater than 15m frontage YARDS We oppose the reduction in the rear yard from 3m to 1m. FENCES We understand the intention of the Special Character rule, however are concerned that it needs to take account of property security issues. Both in the restricted discretion and assessment. In cases in our area, the fence heights have increased to 1.8m over the years, often based on security and littering issues. Our understanding is that in cases where a group of properties already have existing heights greater than 1.2m, that would be taken into account as there would be little to no streetscape impact of an additional property having a greater than 1.2m height. However, as with front yard rules, this could maybe be spelt put more clearly. However we would suggest an assessment criteria be established to allow for property security issues to be taken into consideration.

227.2
227.3

227.4

Property address:

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:

In general we are supportive of the intention of Plan Change 26, to confirm the fact the Special Character overlays take precedence over the underlying zones – which was what we thought was the

original intention – and on which we submitted/supported during the Unitary Plan process. As Council's original intention was that the controls and rules within the Special Character overlays, would take precedence over the underlying zone controls and rules, we concerned where the Plan Change deviates from that. We also wish to ensure that the relevant objectives and policies for the Special Character Overlays are also given effect to by the plan change. HIRB We support the underlying zone HIRB for sites with greater than 15m frontage YARDS However we oppose the reduction in the rear yard from 3m to 1m. We can find little justification for this in the plan change analysis and are concerned it will allow for over building of the special character lots, and adversely impact the heritage character and historic lot formations. In our view those boundary controls protect not only the amenity of the site in question, but also the amenity/special character of the adjoining properties, and the streetscape character. This amenity is important when seen against the costs of maintaining these historic and valuable character buildings, valued by the AUP, and both the immediate and wider communities. The rear yard amenity, in our view is important to protect. We see risks in this approach and would suggest a more conservative approach, in retaining the previous Special Character Overlay rear yard rules. Also, we're concerned further minor dwellings will invariably have some streetscape character impact, both front and from wider perspectives, eg corner sites etc FENCES We understand the intention of the Special Character rule, however are concerned that it needs to take account of property security issues. Both in the restricted discretion and assessment. In cases in our area, the fence heights have increased to 1.8m over the years, often based on security and littering issues. Our understanding is that in cases where a group of properties already have existing heights greater than 1.2m, that would be taken into account as there would be little to no streetscape impact of an additional property having a greater than 1.2m height. However, as with front yard rules, this could maybe be spelt put more clearly. However we would suggest an assessment criteria be established to allow for property security issues to be taken into consideration.

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

227.1

Details of amendments: Retain 3m rear yard ./ add security assessment to fences

Submission date: 12 July 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 PROPOSED PLAN CHANGE 26

Clause 6 of Schedule 1, Resource Management Act 1991

To: Auckland Council (**'Council'**)

Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142
Attn: Planning Technician
via email: unitaryplan@aucklandcouncil.govt.nz

Submitter: The University of Auckland (**'University'**)

1.0 SCOPE OF SUBMISSION

1.1 This is a submission on Proposed Plan Change 26 (**'PC26'**) named "Clarifying the relationship between the Special Character Areas Overlay and underlying zone provisions". The specific aspects and provisions of PC26 that this submission relates to are set out in the **Schedule**.

2.0 REASONS FOR SUBMISSION

2.1 For those provisions of PC26 that the University supports in the **Schedule** below, those provisions:

- (a) will promote sustainable management of resources, will achieve the purpose of the RMA and are not contrary to Part 2 and other provisions of the Resource Management Act 1991 (**'RMA'**);
- (b) will enable the social and economic well-being of the community in the Auckland region;
- (c) will meet the reasonably foreseeable needs of future generations; and
- (d) represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.

2.2 For those provisions of PC26 that the University opposes in the **Schedule** below, this is because without the amendments proposed by the University, those provisions:

- (a) will not promote sustainable management of resources, will not achieve the purpose of the RMA and are contrary to Part 2 and other provisions of the RMA;
- (b) will not enable the social and economic well-being of the community in the Auckland region;
- (c) will not meet the reasonably foreseeable needs of future generations; and

(d) do not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.

2.3 Without limiting the generality of paragraphs 2.1 and 2.2, further specific reasons for the University's submission are set out in the **Schedule** below.

3.0 REFLIEF SOUGHT

3.1 The University seeks the following decision from Auckland Council on the PC26 provisions:

(a) That the proposed provisions be retained, or deleted or amended, as set out in the University's submission so as to provide for the sustainable management of Auckland's natural and physical resources and thereby achieve the purpose of the RMA. 228.1

(b) Such further or other consequential or alternative relief as may be necessary to fully give effect to the matters raised and relief sought in this submission. 228.18

3.2 Suggested relief to deal with the concerns set out in the University's submission is set out in the **Schedule**. However, there may be other methods or relief that are able to address the University's concerns, and the suggested revisions do not limit the generality of the reasons for the University's submission.

3.3 The University could not gain an advantage in trade competition through this submission.

3.4 The University wishes to be heard in support of its submission.

3.5 If others make a similar submission, the University will consider presenting a joint case with them at the hearing.



Colleen Seth
The University of Auckland, Acting Director Property Services

DATE: 11 July 2019

Address for Service: The University of Auckland
c/- Barker & Associates Limited
PO Box 1986
Shortland Street
Auckland Central 1140
Attn: Sarah Burgess
Ph: 09 375 0900
Email: sarahb@barker.co.nz

SCHEDULE: DETAILED SUBMISSIONS AND RELIEF SOUGHT

	Provision	Submission	Relief Sought (marked in red, additions <u>underlined</u> and deletions struck-through)	
1.	Table D18.4.1 (A5A) and (A5B) (Activity statuses – fencing)	The University supports the proposed inclusion of these activity statuses, as they provide clarity.	Include activities (A5A) and (A5B) proposed in PC26.	228.2
2.	D18.6.1.1. Building Height Purpose	The University opposes the inclusion of part of the third bullet “maintain a reasonable level of sunlight access...” as this is not consistent with any of the purposes of the underlying zones, such as Residential – Single House. In the underlying zones, maintaining a “reasonable level of sunlight access” is attributed to the height in relation to boundary standard, and not building height.	Amend the third bullet of the Purpose as follows: <ul style="list-style-type: none"> maintain a reasonable level of sunlight access and <u>minimise visual dominance effects.</u> 	228.3
3.	D18.6.1.2. Height in relation to Boundary Clauses (1)(a) and (2)(a)	<p>The University considers that basing the permitted height in relation to boundary (‘HIRTB’) standard upon the site frontage width is inappropriate in respect to the Isthmus A sites contained within the overlay. Whilst many Isthmus A sites have frontages less than 15m in width, there is a high number that have frontages of 15m, or slightly greater, and still exhibit the characteristic of Isthmus A sites of closely built dwellings.</p> <p>The University opposes the inclusion of this parameter for all Isthmus A sites within the Special Character Area – Residential (‘SCAR’) overlay. The University seeks that the provisions are amended for the 3m + 45° to apply to all Isthmus A sites and sites with frontages less than 15m, and for the underlying zone provisions to apply to all other sites.</p> <p>Given that Isthmus B and C sites are typically larger and characterised by less dense built form, it is considered that the 15m provision can be retained for those sites.</p>	<p>Amend D18.6.1.2(1)(a) and (2)(a) as follows:</p> <p>(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 <u>side and rear boundaries</u> of the site <u>where:</u></p> <p>(a) The site is in the Special Character Area Overlay – Residential: Isthmus A; or has a frontage length of less than 15m</p> <p>(i) <u>For corner sites, standard D18.6.1.2 (1) applies from each frontage, where that frontage has a length of less than 15m.</u></p> <p>(2) <u>The underlying zone height in relation to boundary standard applies where:</u></p> <p>(a) The site is not is in the Special Character Area Overlay – Residential: Isthmus A; or has a frontage length of 15m or greater; or</p> <p>(b) <u>The site is a rear site.</u></p>	228.4
4.	D18.6.1.2. Height in relation to Boundary Clause (1)	The University supports the removal of the HIRTB planes from front boundaries which will make the SCAR provisions consistent with those applying to other residential zones.	Include the amendments to D18.6.1.2(1) proposed in PC26.	228.5

	Provision	Submission	Relief Sought (marked in red, additions <u>underlined</u> and deletions struck through)									
5.	D18.6.1.2. Height in relation to Boundary Clauses (3)-(6) (exclusion provisions)	The University supports the inclusion of the exclusion provisions set out in D18.6.1.2(2)-(6) which will make the SCAR provisions consistent with those applying to other residential zones.	Include the exclusion provisions set out in D18.6.1.2(2)-(6) proposed in PC26.	228.6								
6.	D18.6.1.2. Height in relation to Boundary	The University seeks that the provisions set out in underlying zones that do not require HIRTB from Open Space zoned sites exceeding 2,000m ² and Business-zoned sites, should be adopted in the SCAR overlay.	<p>Include the following provisions in D18.6.1.2:</p> <p>(7) <u>Standards D18.6.1.2(1) and (2) above do not apply to a boundary adjoining any of the following:</u></p> <p><u>(a) a Business – City Centre Zone; Business – Metropolitan Centre Zone; Business – Town Centre Zone; Business – Local Centre Zone; Business – Neighbourhood Centre Zone; Business - Mixed Use Zone; Business – General Business Zone; Business – Business Park Zone; Business – Light Industry Zone and Business – Heavy Industry Zone.</u></p> <p><u>(b) sites within the Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space - Community Zone exceeding 2000m²</u></p>	228.7								
7.	D18.6.1.3. Yards	The University supports the deletion of the 3m rear yard and the reversion to the underlying zone rear yard setback, however given that SCAR sites are characterised by existing closely-built dwellings, the University seeks for the 1.2m side yard standard to similarly be deleted and for reversion to the underlying zone side yard setback.	<p>Amend D18.6.1.3(1) as follows:</p> <p>(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:</p> <p>Table D18.6.1.3.1 Yards</p> <table border="1"> <thead> <tr> <th>Yard</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Front</td> <td>The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject site or six sites on one side of the subject site</td> </tr> <tr> <td>Side</td> <td>1.2m</td> </tr> <tr> <td>Rear</td> <td>3m</td> </tr> </tbody> </table>	Yard	Minimum depth	Front	The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject site or six sites on one side of the subject site	Side	1.2m	Rear	3m	228.8 228.9
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Side	1.2m											
Rear	3m											

	Provision	Submission	Relief Sought (marked in red, additions <u>underlined</u> and deletions struck through)												
8.	D18.6.1.4. Building coverage Clause (1)	<p>The University opposes the retention of the building coverage provisions being based on arbitrary thresholds relating to site areas.</p> <p>For sites that are marginally over their threshold there is a loss of between 5-10% permitted building coverage which substantially affects the develop ability of the sites given their small sizes.</p> <p>The University seeks for the legacy District Plan – Isthmus Section Residential 1 zone ‘formula’ for calculating permitted building coverage, paved area, and landscaped area to be instated for Isthmus A sites.</p> <p>Several examples of University properties are provided as follows:</p> <ul style="list-style-type: none"> 70 Seafeld View Road, Grafton, is 336m² in area. Sites 200-300m² are permitted to have 45% building coverage, however sites 300m²-400m² are permitted to have 40%. The site therefore loses 5% of permitted building coverage (the equivalent of 16.8m²). Under the Isthmus A formula, the site would have a permitted building coverage of 45.93%; and 9 Glasgow Terrace, Newmarket, is 372m² in area and subject to the same coverage provisions as above. The site loses 5% of permitted building coverage (the equivalent of 18.6m²). Under the Isthmus A formula, the site would have a permitted building coverage of 43.5%. <p>The proposed changes sought are considered to be appropriate as they reflect that the pattern of subdivision which has sites that range in size. Typically, smaller sites have greater building coverage and having standards that respond better to each site, allows for reasonable use of a site.</p>	<p>Amend D18.6.1.4(1) as follows:</p> <p>(1) The maximum building coverage for sites in the Special Character Areas Overlay – Residential: <u>Isthmus A</u> 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: <u>Isthmus A</u> below:</p> <p>Table D18.6.1.4.1 Building coverage in the Special Character Areas Overlay – Residential: <u>Isthmus A</u></p> <table border="1" data-bbox="1361 520 2007 1139"> <thead> <tr> <th>Site Area</th> <th>Building Coverage</th> </tr> </thead> <tbody> <tr> <td>Up to 200m²</td> <td>55 per cent of the net site area</td> </tr> <tr> <td>200m² – 300m²<u>500m²</u></td> <td>45 per cent of the net site area <u>Per cent of the net site area =</u> <u>35+[(500 – A) x 0.06●]</u> <u>Where A = site area (m²)</u> <u>● = 6 recurring</u></td> </tr> <tr> <td>300m² – 500m²</td> <td>40 per cent of the net site area</td> </tr> <tr> <td>500m² – 1,000m²</td> <td>35 per cent of the net site area</td> </tr> <tr> <td>Greater than 1,000m²<u>500m²</u></td> <td>25<u>35</u> per cent of the net site area</td> </tr> </tbody> </table>	Site Area	Building Coverage	Up to 200m ²	55 per cent of the net site area	200m ² – 300m² <u>500m²</u>	45 per cent of the net site area <u>Per cent of the net site area =</u> <u>35+[(500 – A) x 0.06●]</u> <u>Where A = site area (m²)</u> <u>● = 6 recurring</u>	300m² – 500m²	40 per cent of the net site area	500m² – 1,000m²	35 per cent of the net site area	Greater than 1,000m² <u>500m²</u>	25 <u>35</u> per cent of the net site area
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9.	D18.6.1.5 Landscaped area Clause (1)	<p>The University opposes the retention of the landscaped area provisions being based on thresholds relating to site areas for Isthmus A sites, based on the reasons described under 8. above.</p>	<p>Amend D18.6.1.5(1) as follows:</p> <p>(1) The minimum landscaped areas for sites in the Special Character Areas Overlay – Residential: <u>Isthmus A</u> is the percentage of net site area listed in Table D18.6.1.5.1 Landscaped area in the Special Character Areas Overlay – Residential: <u>Isthmus A</u> below:</p>												

228.10

228.11

	Provision	Submission	Relief Sought (marked in red, additions <u>underlined</u> and deletions struck through)										
			<p>Table D18.6.1.5.1 Landscaped area in the Special Character Areas Overlay – Residential: <u>Isthmus A</u></p> <table border="1"> <thead> <tr> <th data-bbox="1359 300 1671 347">Site Area</th> <th data-bbox="1671 300 2004 347">Landscaped area</th> </tr> </thead> <tbody> <tr> <td data-bbox="1359 347 1671 432">Up to 200m²</td> <td data-bbox="1671 347 2004 432">28 per cent of the net site area</td> </tr> <tr> <td data-bbox="1359 432 1671 630">200m² – 500m²</td> <td data-bbox="1671 432 2004 630"> 33 per cent of the net site area <u>Per cent of the net site area =</u> <u>40-[(500 – A) x 0.04]</u> <u>Where A = site area (m²)</u> </td> </tr> <tr> <td data-bbox="1359 630 1671 715">500m² – 1,000m²</td> <td data-bbox="1671 630 2004 715">40 per cent of the net site area</td> </tr> <tr> <td data-bbox="1359 715 1671 794">Greater than 1,000m² <u>500m²</u></td> <td data-bbox="1671 715 2004 794">50 <u>40</u> per cent of the net site area</td> </tr> </tbody> </table>	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 <u>Per cent of the net site area =</u> <u>40-[(500 – A) x 0.04]</u> <u>Where A = site area (m²)</u>	500m² – 1,000m²	40 per cent of the net site area	Greater than 1,000m² <u>500m²</u>	50 <u>40</u> per cent of the net site area
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 <u>Per cent of the net site area =</u> <u>40-[(500 – A) x 0.04]</u> <u>Where A = site area (m²)</u>												
500m² – 1,000m²	40 per cent of the net site area												
Greater than 1,000m² <u>500m²</u>	50 <u>40</u> per cent of the net site area												
10.	D18.6.1.6. Maximum impervious area	The University opposes the retention of the impervious area provisions being based on thresholds relating to site areas based on the reasons described under 8. above.	<p>Amend D18.6.1.6(1) as follows:</p> <p>(1) The maximum paved <u>impervious</u> area for sites in the Special Character Areas Overlay – Residential: <u>Isthmus A</u> must not exceed the percentage of net site area listed in Table D18.6.1.6.1 Maximum paved <u>impervious</u> area in the Special Character Areas Overlay – Residential: <u>Isthmus A</u> below:</p> <p>Table D18.6.1.6.1 Maximum paved <u>impervious</u> area in the Special Character Areas Overlay – Residential: <u>Isthmus A</u></p> <table border="1"> <thead> <tr> <th data-bbox="1359 1098 1671 1145">Site Area</th> <th data-bbox="1671 1098 2004 1145">Paved <u>Impervious</u> area</th> </tr> </thead> <tbody> <tr> <td data-bbox="1359 1145 1671 1230">Up to 200m²</td> <td data-bbox="1671 1145 2004 1230">17 <u>72</u> per cent of the net site area</td> </tr> <tr> <td data-bbox="1359 1230 1671 1415">200m² – 500m²</td> <td data-bbox="1671 1230 2004 1415"> 20-65 per cent of the net site area <u>Impervious area =</u> <u>Site area minus minimum landscaped area permitted under D18.6.1.5 above</u> </td> </tr> </tbody> </table>	Site Area	Paved <u>Impervious</u> area	Up to 200m ²	17 <u>72</u> per cent of the net site area	200m ² – 500m ²	20-65 per cent of the net site area <u>Impervious area =</u> <u>Site area minus minimum landscaped area permitted under D18.6.1.5 above</u>				
Site Area	Paved <u>Impervious</u> area												
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200m ² – 500m ²	20-65 per cent of the net site area <u>Impervious area =</u> <u>Site area minus minimum landscaped area permitted under D18.6.1.5 above</u>												

228.11

228.12

	Provision	Submission	Relief Sought (marked in red, additions <u>underlined</u> and deletions struck through)	
			500m ² – 1,000m ²	<u>25-60 per cent of the net site area</u>
			Greater than 1,000m ² 500m ²	<u>25-50-60 per cent of the net site area</u>
11.	D18.6.1.7. Fences and walls Purpose, and Clause (1)	<p>The new rules are designed to provide privacy for rear yards and outdoor spaces (through the 2m maximum height for other boundaries) and therefore this should be referenced in the purpose of the fence standards.</p> <p>The provisions as currently written under Clause (1)(b) are unclear and, as written, read as if fences between the side façade of a dwelling and the side boundary should be a maximum of 1.2m in height. If this is the intention of the provision then the University objects, as this would result in privacy and security issues. If this is not the intention, then the wording should be clarified. The rules would benefit from a diagram to aid in interpretation.</p> <p>The University also objects to corner sites being treated as having two front facades which would be subject to a 1.2m high fence height as this prevents outdoor living areas from being appropriately screened to provide for privacy. There should be an allowance for some of the frontage to comprise higher fencing.</p>	<p>Amend D18.6.1.7 as follows:</p> <p><u>Purpose: to manage the heights of fences and walls on front, side, and rear boundaries and within front, side, and rear yards to:</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> <u>provide privacy for dwellings and particularly rear outdoor areas where this would avoid significantly obscuring the visibility of the dwelling from the streetscape.</u> <u>minimise visual dominance effects to immediate neighbours and the street.</u> <p>(1) Fences <u>and walls and other structures</u>, or any combination of these, in the Special Character Areas Overlay - Residential must not exceed <u>a the height specified below, measured from 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.</u></p> <p><i><insert Figure D18.6.1.7.1 Fence heights for front sites shown overleaf></i></p>	

228.12

228.14

228.15

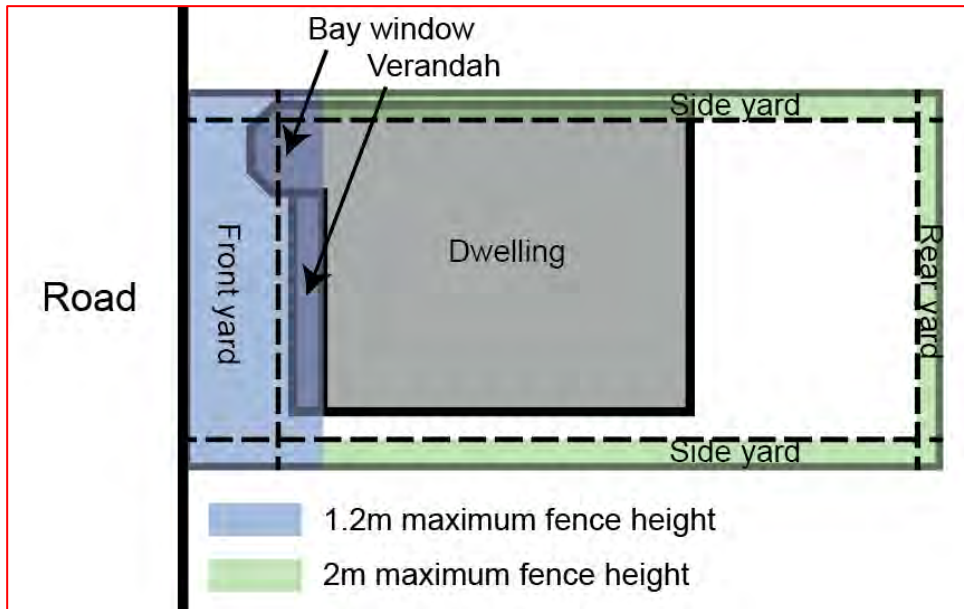
228.16

228.13

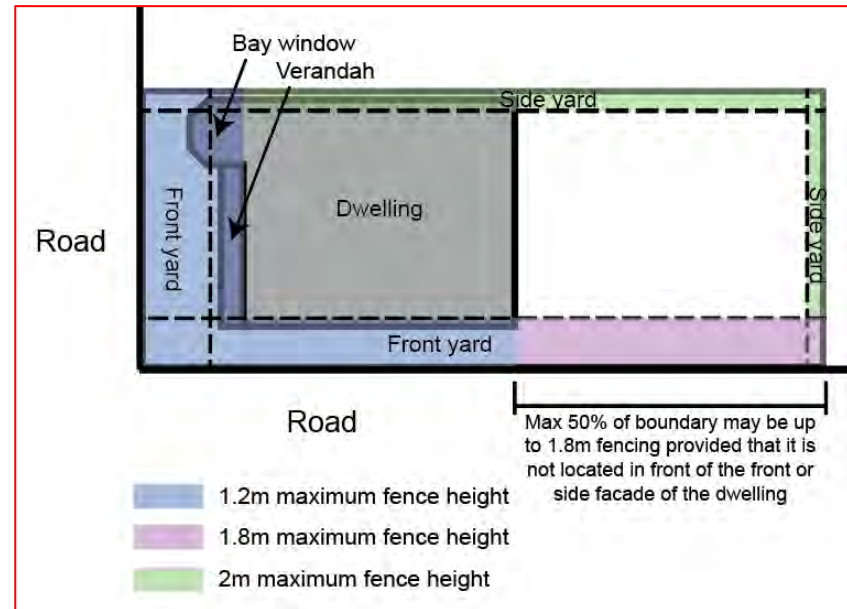
	Provision	Submission	Relief Sought (marked in red, additions <u>underlined</u> and deletions struck through)
			<p>(d) <u>Houses on corner sites have two front facades, except that on one site frontage, up to 50% of the frontage length may comprise fencing up to 1.8m in height, provided that this is not located in front of a front or side façade of the dwelling.</u></p> <p><insert Figure D18.6.1.7.2 Fence heights for corner sites shown overleaf></p>
12.	E38.8.2.6 Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business Clause (3)	The University supports the proposed inclusion of this clause as it clarifies that the minimum site areas for the SCAR sites should take precedence over the underlying zone, however it remains unclear which activity statuses under Table E38.4.2 should be applied to a proposal for subdivision of a SCAR site.	Amend the subdivision provisions to make it clear that vacant subdivision of SCAR sites requires consent under (A24) and (A25) only, and not (A16) and (A17).

228.17

D18.6.1.7.1 Fence heights for front sites



D18.6.1.7.2 Fence heights for corner sites



The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Laurence Slee

Organisation name:

Agent's full name: Laurence Slee

Email address: lauriesleenz@gmail.com

Contact phone number: 09 5346404

Postal address:
3 Estuary Views
Shelly Park
Auckland 2014

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:

D 18.1 Exclusion of Howick from location with special character provisions, including aesthetic, physical and visual qualities of the area, and community association

Property address:

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:

Howick should be subject to the same protections as all other special character areas

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

229.1

Details of amendments: Inclusion of Howick

229.2

Submission date: 12 July 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: Natasha Markham

Organisation name:

Agent's full name:

Email address: natasha@maud.nz

Contact phone number:

Postal address:
16 Franklin Road
Freemans Bay
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:
PC 26 - overall D18.6.1.3.1

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 side yard of 1.2 metres does little to support special character as many of the existing older homes are built much closer to the boundary. Reducing the minimum side yard would bring this rule in line with the single house zone, thus providing further clarity and consistency.

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

230.1

Details of amendments: Amend D18.6.1.3.1 and reduce the side yard to 1 metre to provide greater consistency.

230.2

Submission date: 12 July 2019

Supporting documents
Plan Change 26 Submission.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.

No

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



M A U D

MARKHAM ARCHITECTURE
+ URBAN DESIGN

Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

12 July 2019,

To whom it may concern,

Re: Submission on Plan Change 26, Amendment to D18.6.1.3.1 Yards

My name is Natasha Markham. I am an architect and an urban designer. As an architect my practice is frequently involved with properties in the Special Character Overlay areas. As an urban designer, I am a panel member and chair of the Auckland Urban Design Panel; a Chair for the Hobsonville Design Review Panel and Chair for the Auckland Housing Programme Technical Advisory Group. These different roles give me a very good insight into the technical aspects of carrying out work within Special Character Overlay areas; the effects of current Unitary Plan interpretations on property owners; and the broader picture of how planning regulations affect overall built form and which tools make a meaningful contribution to desired outcomes.

Following the Environment Court decision on Auckland Council v. London Pacific Family Trust, the interpretation of the relationship between the Single House Zone and the Special Character Overlay has added considerable additional complexity to developing properties in affected areas. Issues can be summarised as follows:

- confusion for property owners in understanding how their properties might be developed
- confusion for neighbours understanding, in real terms, how their properties might be affected
- considerable additional work (and therefore cost) in designing and demonstrating how additions and alterations relate to two conflicting sets of development controls
- considerable additional time (and therefore cost) in processing resource consents
- loss of development rights over and above those established in the area, and therefore potentially property value, for clients

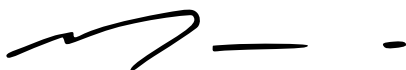
In terms of maintaining special character and established built form in Special Character areas, there are no obvious benefits to the current interpretation of applying both sets of development controls as the Single House Zone rules do little to recognise the subdivision pattern and existing built form in Special Character areas. These typically differ from more contemporary neighbourhoods with sites being narrower and longer. Further, the Single House zone rules, provide negligible additional residential amenity and in fact may compromise wider residential amenity because they encourage building in the centre of narrow sites, thus reducing consolidated areas for landscaping (and the planting of large trees) throughout the neighbourhood.

For these reasons, I am generally supportive of the proposed changes outlined in Plan Change 26 which clarify the relationship between the underlying zone and the overlay. I do not support rule D18.6.1.3.1 Yards, specifically the minimum side yard of 1.2 metres and believe there would be benefit in reducing this to 1 metre for the following reasons:

- this would streamline the side yard rules for single house zone and the special character overlay, providing further clarity on this issue.
- the reduction of 0.2 metre to the side yard would have negligible effect on the Special Character area, where many of the existing buildings are located much closer to the side boundaries
- the single house zone table H3.6.8.1 provides for a minimum side yard of 1 metre whilst clause H3.6.8 provides these relevant purposes for this measure:
 - to maintain a reasonable standard of residential amenity for adjoining sites;
 - to enable buildings and services on the site or adjoining sites to be adequately maintained.This rule establishes that a 1 metre yard is sufficient to provide residential amenity to neighbouring properties and to provide access to homes for maintenance purposes.

In summary, I am supportive of Plan Change 26 with an amendment to D18.6.1.3.1 Yards to reduce the minimum side yard to 1 metre.

Yours faithfully,



Natasha Markham

Director

Registered Architect a.n.z.i.a.

BAS, BArch [Hons], MUrbDes [Hons]

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)

TOM ROWE

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

Address for service of Submitter

94 BURNLED TCE, SAND BAYHAM, AUCKLAND

Telephone:

09 360 7412

Fax/Email:

tom@rebstudio.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)

D18.6.1.7. (1)(a) & (b)

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

231.1

SEE 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

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

Date 12/7/2019

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.

12 July 2019

Re: proposed Unitary Plan change 26, submission: "That the maximum height be adjusted to 1.4m rather than 1.2m as per proposed clause D18.6.1.7 (1) (a) and (b)". | 231.2

Reasons for this:

1. Aesthetics

Having an additional 0.2m provides an additional buffer for sloping sections to have a level top to fences rather than a sloping fence which detracts from the special character buildings in this zone. Houses in this zone favour the horizontal line utilising horizontal weatherboards. A sloping fence detracts from this and on a sloping street the only solution to preserve a level or security and privacy is to introduce a stepped fence mid way thus detracting from the architectural fabric and character of the street.

2. Sight lines

The 50th percentile eye height of a man/woman is respectively 1.630/1.505m¹. From a pedestrian viewpoint adjusting the maximum fence height to 1.4m would not compromise the visual character of the street.

3. Security and safety

The "Auckland Design Manual"² recommends a non-climbable fence of 1.350m, refer attached FENCE_1350mm High Mesh and Pipe.pdf as reference drawing with the "Barriers, Gates and Fences, general information section"². An additional 0.2m to the proposed 1.2m of plan change 26 makes a fence significantly more difficult to climb. We have recent experience in the last two weeks of a burglar trying to steal a bike from our front veranda. The additional height would provide an additional level of security without compromising character and is in line with Auckland Council guidelines.

4. CPTUD

Crime prevention through urban design principles involve maximising visibility while minimising opportunity to commit crime. Overlay requirements necessitate a visually permeable fence (pickets with 20mm gaps). The above height change increases safety using CPTUD.

5. Precedent

There is ample precedent in our street of existing fences in excess of 1.2m high.

For the above reasons I request that Clause D18.6.1.7 (1) (a) and (b) be amended to:

(a) On the front boundary, or between the front façade of the house and the front boundary.

~~1.2m~~ 1.4m 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 to the front façade of the house.

~~1.2m~~ 1.4m in height.

Yours faithfully,



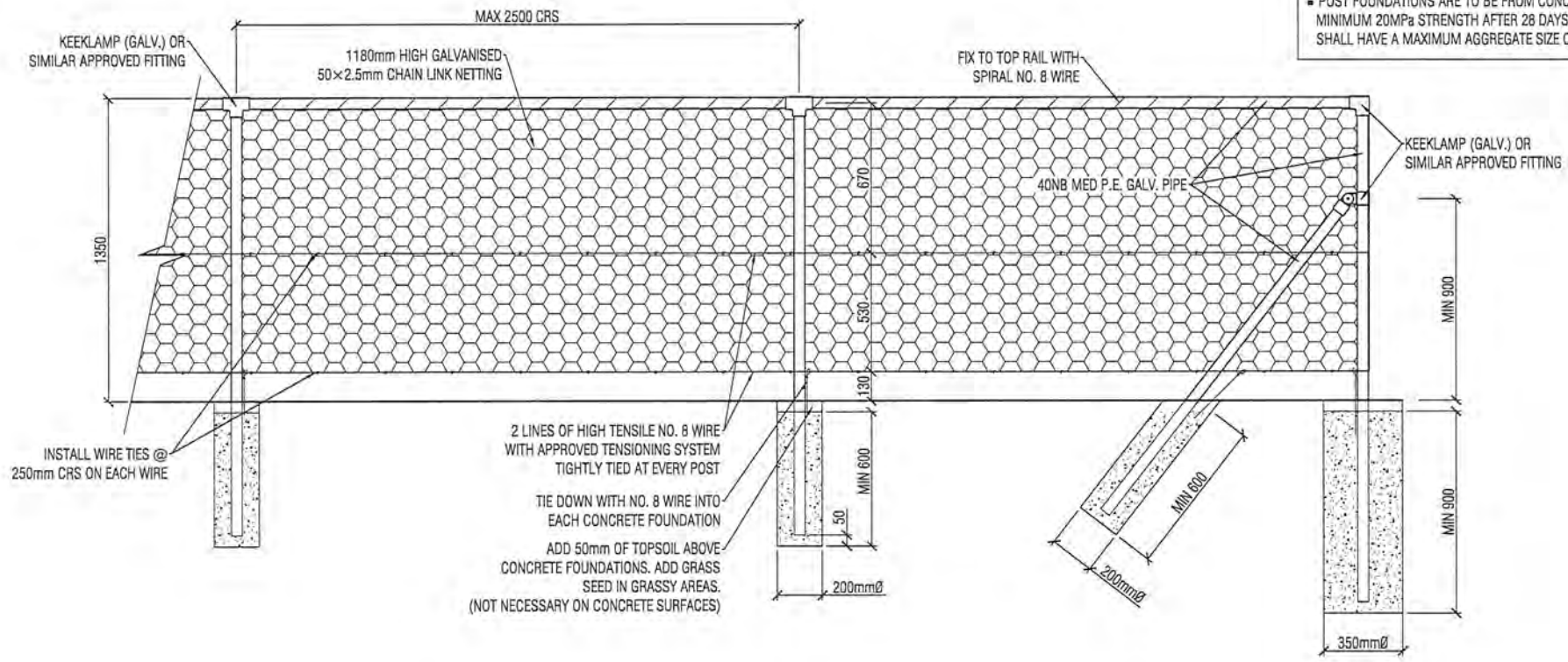
Tom Rowe
Architect
94 Burnley terrace
Sandringham, Auckland

¹ Source Metric Handbook Second Addition page "2-3" Table II

² <http://www.aucklanddesignmanual.co.nz/streets-and-parks/park-design/all-parks/park-elements/1350mm-high-mesh-and-pipe-fence>

01 TYPICAL FENCE ELEVATION
SHT - 1:20 @ A3

- NOTES:**
- NETTING INFILL:**
- SHALL BE GALVANISED 50mm x 2.5mm CHAIN LINK MESH OR EQUIVALENT. JOINS IN MESH SHALL BE MADE BY UNCLENCHING THE END LINK AND SPIRALING IN A JOINING LINK TO FORM A SEAMLESS JOIN.
- STEELWORK:**
- ALL PIPE AND FITTINGS SHALL BE HOT DIPPED GALVANISED. CUT ENDS OF PIPE SHALL BE COATED WITH INORGANIC ZINC BEFORE ASSEMBLY. ALL PIPE SHALL BE GRADE 250 MED PE PIPE TO BS 1387-1985, SIZES AS SHOWN ON THE DRAWING.
 - NO HOLES ARE TO BE DRILLED IN PIPE SECTIONS. WIRE IS TO BE TIED TO EACH POST (NOT THROUGH DRILLED HOLES).
- CONCRETE:**
- POST FOUNDATIONS ARE TO BE FROM CONCRETE HAVING A MINIMUM 20MPa STRENGTH AFTER 28 DAYS. THE CONCRETE SHALL HAVE A MAXIMUM AGGREGATE SIZE OF 20mm.



FENCE CORNER AND END POST WITH BRACE
INSTALL 2 PARALLEL TO FENCE CORNERS



AUCKLAND PARKLAND
DESIGN GUIDELINES
BUILT ELEMENT DETAILS

1350mm HIGH MESH AND PIPE FENCE

DRAWING NUMBER FEN_05		REVISION -	ENCLASSED © Auckland Council 2013. This best management practice sheet is an information guide only and is not technical or compliance advice. Its recommendations may not be complete or appropriate for all situations, and the person doing/arranging the work remains solely responsible for making their own assessments and doing the work properly, safely and in compliance with all laws and regulations.
SHEET SHEET 2 OF 15	SCALE AS SHOWN @ A3	DATE AUGUST 2013	

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Carolyn French Blaker

Organisation name: N/A

Agent's full name: Lyn Blaker

Email address: cflaker@gmail.com

Contact phone number:

Postal address:
14 Fernbrook Close
Burswood
2013
Auckland
Auckland
Auckland 2013

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:

1. Amend Part D18.1 by removing the words "other than Howick". 2. Expand the Special Character notation on the Planning Maps, to include the areas identified on the attached plan. 3. Amend the exception which states – There is no Special Character Overlay – Business: Howick. These words under Note 1 are to be deleted. 4. Provide an insertion in the tables in Part D18.1 to cover the special character Area Overlay in Howick for Business and Residential purposes. 5. Provide a clear description in Schedule 15 at Part 15.1.6.1 of the special character values attributable to Howick for both Business and Residential purposes.

		232.2	232.3
		232.4	
		232.5	
		232.6	

Property address: Stockade Hill

Map or maps:

Other provisions:
See attached PDF

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:

1. Howick has several special characteristics that require particular protection in the manner provided

for in Part D18 of the Auckland Unitary Plan (AUP). For that reason, it is requested that the exception provided for Howick in Part 18.1 is removed. Howick should be treated in the same manner as all other Special Character Areas and deserves a full explanation in Schedule 15 at Part 15.1.6.1. 2. I see that PC26 is an opportunity to address this long-standing omission in respect of Howick.

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

232.1

Submission date: 12 July 2019

Supporting documents

Stockade Hill Special Character height protection area_20190712121856.893.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:

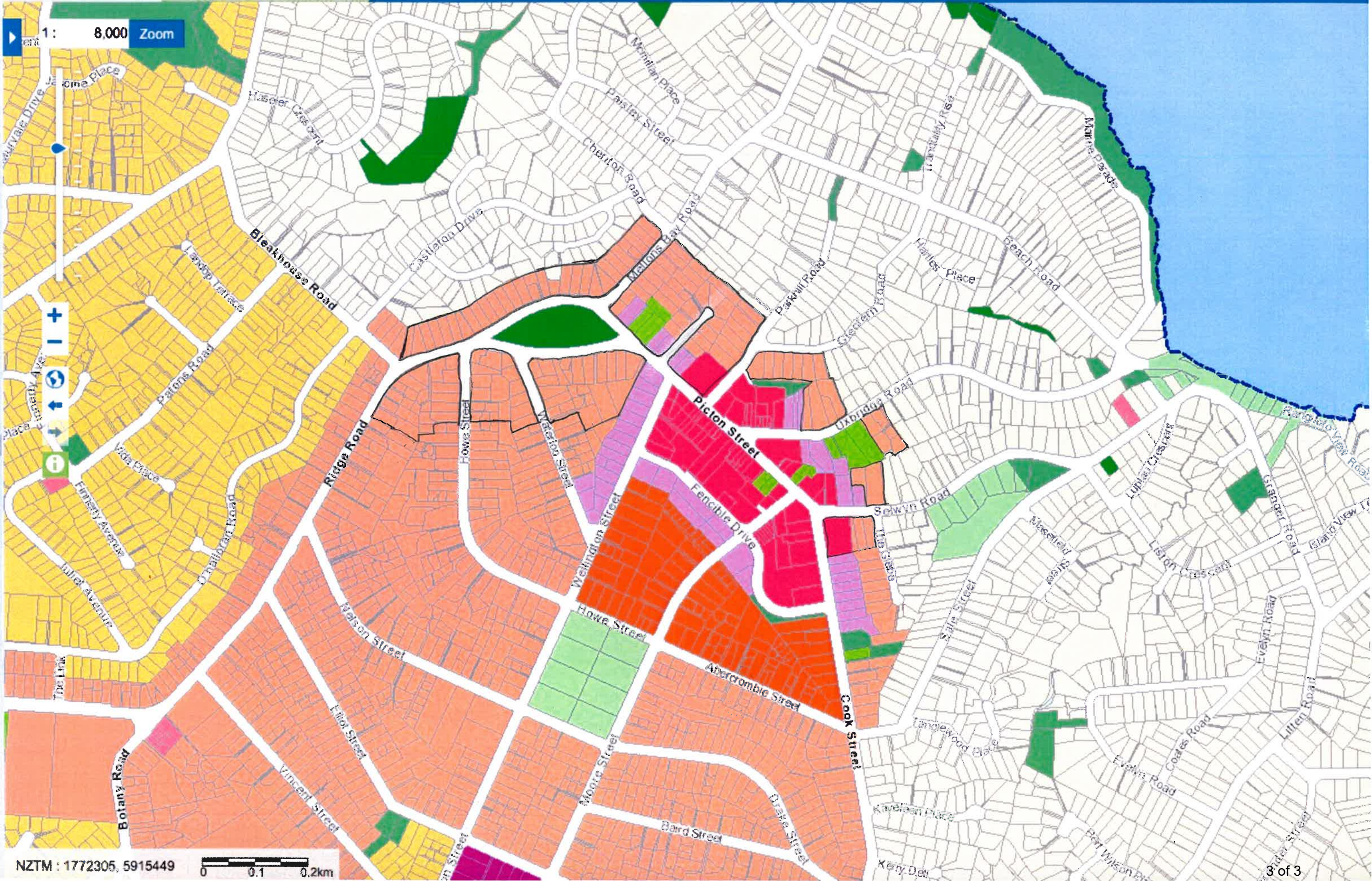
- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

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



1: 8,000 Zoom



NZTM : 1772305, 5915449 0 0.1 0.2km



Submission from the Birkenhead Residents Association on:

**Proposed Plan Change 26
Special Character Areas Overlay and the underlying zone provisions**

12th July 2019

Introduction

We welcome any initiative by Council to “clarify that, where there are corresponding provisions in the Special Character Areas Overlay in the Unitary Plan, they will prevail over corresponding provisions in the underlying zone.”

Any clarifications to Council regulatory systems are welcome, especially those relating to Special Character Areas that both Council and Residents are keen to protect.

We would like to submit the following observations and recommendations in order to improve the work already done by Council in the Proposed Plan Change 26.

233.1

Proposed changes/clarifications to Special Character Area Overlay Protections

Council proposes:

1. Decrease of rear yard setback requirement from 3m to 1.2m
2. That under certain circumstances one component of the height/boundary ratio will be to 3m
3. Addition of a “Purpose Statement” that will now recognise two story houses in Special Character Areas.

Impacts of these proposed changes will be detrimental to the special character attributes

- The changes will encourage more intensive use of smaller sections
- The changes will result in loss of amenity value eg:
 - a. Shading and loss of sunlight
 - b. Loss of space
 - c. Loss of privacy
- It encourages development/redevelopment that will intensify land use on sites of all sizes
- It will increase the ease of building 2 story housing.

The resulting increase in housing density is out of keeping with Special Character Areas and the intent of the Unitary Plan to protect them. The historical character of these areas will be diminished and future generations will lose an important connection to their heritage

We oppose these proposed clarifications/changes and ask that Council

1. Retain the 3m rear yard setback requirement.
2. Retain the underlying zones 2.5m height/boundary requirement.
3. Discourage the support for two storey buildings that are out of character to the Special Character Areas.

233.2

233.3

233.4

Note to these proposed changes

We note the Proposal states its purpose is to “clarify” and “refine”. This is misleading as these are significant changes and will have a major impact on Special Character Area protections.

Requested Addition to Proposal

We note the recent application for a development at 2 Tizard Road, Birkenhead exploits a loophole in the Integrated Residential Developments provision. It has allowed a proposal for an extreme case of an out character development in a single dwelling area to be put to Consultation with local residents. It is inappropriate for Residents to spend their own time and money in trying to uphold Council’s Unitary Plan especially for a proposed development so out of keeping with it.

We ask that Council add to Plan Change 26 a clarification as to the purpose of the Integrated Residential Development provision so the type of proposal for Tizard Road will be stopped the moment it is received by Council.

233.5

We also request that the zoning of the harbour-side of Tizard Road be included in the Special Character Overlay. It is unclear why it was excluded in the Unitary Plan.

233.6

Terminology in the Proposal

We note the following subjective terminology used in the Proposal:

1. “maintain the relationship of built form”
2. “reasonable” level of sunlight access
3. “minimise visual dominance” effects.

Issues with Terminology

- This style of terminology is open to different interpretations by different Planning Officers, Developers and their lawyers.
- Use of these terms will lead to inconsistent application.
- Different interpretations will enable “creep” in their application over time.
- This will lead to a diminishing of the amenity value of Special Character Areas.

We request that Council:

1. Remove the subjective terms for those that can be defined consistently.
2. Introduce objective terminology with solid definitions not open to “interpretation”.

233.7

Note to proposed Terminology

Council are already under attack for inconsistent application of the “harder” rules of the Plan and Special Character Areas. It would be an unfortunate and unacceptable consequence of this Proposal if it were to increase that inconsistency even further. Two examples:

1. Grant McLachlan (NZ Herald 6 March 2018) - “Simple planning rules like fence height, boundary setbacks, height-to-boundary, site coverage ...are not being complied with and the council is indifferent to it.”
https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12006948
2. Residents being told that yard infringements are “minor infringement” and to take the matter forward as a Civil case. These are Council Rules, Council should enforce them, not tell residents to do it themselves. The Birkenhead Residents Association has had strong concerns expressed by members that infringements are routinely being ignored.

Submission Process - Feedback

1. We note that a four week (extended by two weeks following recommendations from Councillors and other interested parties), is not a long period of time for certain sections of the Community to understand and make comment on the Proposal.
2. The changes are quite technical and the document full of jargon.
3. Both of the above points we believe, will mean not many submissions being received by Council. As we understand it, only 40 submissions had been received from a total of 30,000 requests for submissions being sent. We do not think this should be seen as a lack of interest by the community, more of a lack of time and understanding of the Proposal on the part of potential submitter's.
4. Many residents within Special Character Areas do not necessarily live in a home detailed as special Character but choose to live in those areas due to the inherent amenity value. We understand that they have not been invited to submit.
5. Following requests from local residents, the Birkenhead Residents Association requested a council officer attend a meeting to answer community questions. However an officer was not available to do this - instead another written statement was provided.

We request that:

1. Council work on how to make the submission process more accessible to the majority of potential submitters who are unfamiliar with the jargon and what the possible impacts of a Proposal are. 233.8
2. The timing of the proposed changes to the Special Character Areas Overlay protection is further extended and that all residents of Special Character Areas be given the opportunity to submit, not just those whose properties are covered by the overlay. 233.9

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: The Ascot Hospital and Clinics Limited

Organisation name:

Agent's full name: Anthony Blomfield

Email address: ablomfield@bentley.co.nz

Contact phone number: 0211339309

Postal address:
PO Box 4492
Shortland Street
Auckland Central
Auckland 1140

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:
Refer to attached submission

Property address: 90-94 Mountain Road, 1-3 Gilgit Road, Epsom

Map or maps: Refer to attached submission

Other provisions:
Refer to attached submission

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:
Refer to attached submission

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

234.1

Details of amendments: Refer to attached submission

Submission date: 12 July 2019

Supporting documents
Plan Change 26 - Ascot Hospital and Clinics Submission.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 A PUBLICLY NOTIFIED PLAN CHANGE
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO THE
RESOURCE MANAGEMENT ACT 1991**

From: The Ascot Hospital and Clinics Limited

Address: PO Box 9911, Newmarket, Auckland 1149

To: Auckland Council

Address: Private Bag 92300, Auckland 1142

Submission on: Plan Change 26 - Clarifying the relationship between the Special Character Areas Overlay (Residential and General) and the underlying zones

Introduction

1. Mercy Hospital, owned by The Ascot Hospital and Clinics Limited (“**Ascot**”) as a New Zealand-owned private hospital and clinics facility, is located at 15-17 Gilgit Road & 98-110 Mountain Road, Epsom, on a site with an area of some 2.4 hectares. The site is legally described as: Allotment 68-69, Allotment 88 and part Allotment 70 section 6 SOA DP 22029; Lot 6 DP 22728; Lot 9-10 Deeds plan 149.
2. Associated with the ‘primary’ Mercy Hospital site, Ascot owns the land at 90 and 94 Mountain Road, and 1 and 3 Gilgit Road (legally described respectively as Lot 1 Deeds 149, Lot 4 DP 372460, Lot 1 DP 23279 and Lot 2 DP 22728). Ascot also has an interest in the site at 11 Gilgit Road (legally described as Lot 6 DP 22728). A map is appended as **Attachment 1** which identifies Ascot’s landholdings and interests.
3. The ‘primary’ Mercy Hospital site is currently occupied by a range of purpose-built buildings housing a variety of hospital and healthcare facilities, together with associated ancillary at-grade parking and parking buildings.
4. The ‘associated land’ is occupied by former residential buildings, which have been altered (or consented for conversion and/or redevelopment) to accommodate healthcare facilities/activities, with ancillary at grade parking. The property at 1 Gilgit Road is currently being developed with a modern purpose-built healthcare facility, with the previous residential building removed.
5. The primary Mercy Hospital site and the associated landholdings are all zoned ‘Special Purpose – Healthcare Facility and Hospital’ (“**Healthcare zone**”) under the Auckland Unitary Plan (Operative in part) (“**AUP**”). The properties at 90 and 94 Mountain Road and 1 and 3 Gilgit Road are also subject to the Special Character Area Residential overlay (“**SCAR overlay**”).

Scope of submission

6. The premise of proposed Plan Change 26 (“**PC26**”) to the AUP is to clarify the relationship between the Special Character Areas Overlays (Residential and General) and the underlying zones.
7. This submission relates to Chapter D18 Special Character Areas Overlay (“**Chapter D18**”), and specifically to the relationship between the SCAR overlay and the underlying Healthcare zone that applies to the properties owned by Ascot at 1 and 3 Gilgit Road and 90 and 94 Mountain Road, Epsom, and for completeness the property at 92 Mountain Road, which Ascot does not own, shown in **Attachment 1** to this submission.

Background to Submission

Healthcare zone

8. Ascot filed a submission on the Proposed Auckland Unitary Plan (“**PAUP**”) when it was notified in 2013, and was involved in the hearings process to assist with the development of provisions that suitably reflected and provided for the nature of healthcare and hospital activities, and the opportunities, constraints and requirements that are inherent to such activities and facilities to ensure their development and intensification could occur in a manner that meets the healthcare needs of the growing population in Auckland. The provisions of the Healthcare zone in the AUP generally reflect the relief sought by Ascot in its submission on the PAUP.
9. In summary:
 - (a) The provisions of the Healthcare zone seek to enable healthcare facilities and hospital activities to occur in a manner that makes efficient use of constrained land resources, and to manage the adverse effects of such activities on neighbouring land with a ‘sensitive’ land use. The standards of the Healthcare zone, in particular, provide for the optimisation of sites (which are a scarce resource) with more permissive controls in respect of height and impervious surfaces.
 - (b) The Healthcare zone (which applies to a very limited number of sites) provides for, encourages, and enables hospitals and healthcare facilities to meet the health and wellbeing needs of the community, which is particularly important for a growing city as increasing numbers of people rely on these facilities to meet their needs and provide for their social, economic and cultural wellbeing.
 - (c) The Healthcare zone specifies that the zone standards are to be applied across multiple contiguous sites which collectively comprise a healthcare facility. The ‘primary’ Mercy Hospital site and the ‘associated landholdings’ are therefore collectively treated as a single ‘site’ for the purposes of applying the zone

standards, which significantly affects how impervious surfaces are calculated across the sites (for example).

Relationship between SCAR overlay and Healthcare zone

10. The SCAR overlay predominantly applies to land which is zoned Residential – Single House under the AUP, with over 99% of land subject to the SCAR overlay zoned Single House.¹ The balance of the spatial extent of the SCAR overlay applies to land with a variety of zones, including Business zones, Open Space zones, and the Healthcare zone.
11. The land owned by Ascot and the property at 92 Mountain Road (between Ascot’s landholdings at 90 and 94 Mountain Road) are the only land parcels which are subject to the SCAR overlay with an underlying Healthcare zone. These land parcels comprise 0.03% of the total land (in terms of area) which is subject to the SCAR overlay in the AUP. Therefore, the relationship between the SCAR overlay and the Healthcare zone is unique to Ascot’s landholdings (and 92 Mountain Road), and does not affect any other landholding in Auckland.
12. Under the AUP, land which is subject to a Special Character overlay is subject to both the provisions of the overlay and the underlying zoning, with the provisions of both having equal weighting and relevance. Such a structure recognises the different environmental effects that the overlays and zones are concerned with:
 - (a) The SCAR overlay is concerned with the effects of physical development on the identified special characteristics of an area which typically correspond to the era of development of surrounding buildings.
 - (b) The zone is concerned with the nature and pattern of land use and its efficient use and development, and the effects of physical development on the existing and planned character of the neighbourhood, and on amenity values of neighbouring land.
13. While the standards of the SCAR overlay closely resemble those standards of the underlying Residential – Single House zone, that is not the case when comparing the SCAR overlay to the Healthcare zone, where there is a distinct difference between the environmental outcomes that each layer is concerned with. This arrangement results in a unique situation where the underlying Healthcare zone and the SCAR overlay are (at times) seeking to achieve different built form outcomes.
14. Table 1 below provides a summary of the standards of the SCAR overlay under the AUP, the standards of the SCAR overlay as sought to be amended by PC26, and the standards of the Healthcare zone. The SCAR overlay standards for building coverage, landscaped area and impervious surfaces vary relative to the size of a site.

¹ Section 32 Report, Attachment 1.

The summary of the standards in Table 1 reflects a site with an area greater than 1,000m², being the size of the combined Ascot landholdings.

Table 1

Standard	SCAR Overlay – current	SCAR Overlay – proposed	Healthcare zone – current
Building height	8m plus 1m for roof forms	8m plus 1m for roof forms	Sites with a total site area up to 4ha: 16m Sites with a total site area greater than 4ha: 26m
Height in relation to boundary	3m + 45 degrees	Sites with a frontage length <15m: 3m + 45 degrees Rear sites or sites with a frontage length >15m: the height in relation to boundary standard of the underlying zone applies	The height in relation to boundary standard of an adjoining zone applies where a boundary adjoins a site in a different zone
Front yard	The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject site or six sites on one side of the subject site	The 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	3m
Side yard	1.2m	1.2m	Only where the site adjoins a site in a residential zone, open space zone or the Future Urban zone: 3m
Rear yard	3m	N/A	Only where the site adjoins a site in a residential zone, open space zone or the Future Urban zone: 3m
Building coverage	25% maximum	25% maximum	N/A
Landscaped area	50% minimum	50% minimum	N/A

Paved area/impermeable area	25% maximum (impervious surfaces only)	50% maximum (includes building coverage and impervious surfaces)	80% (includes building coverage and impervious surfaces)
Fences, walls and other structures	Maximum 1.2m in height	Front fences: Maximum 1.2m in height Other fences: Maximum 2m in height	Outdoor storage and rubbish areas shall be screened by a fence 1.8m in height

15. With those different standards in mind, relevantly a resource consent has been recently approved by Auckland Council for the redevelopment of the properties at 1 Gilgit Road, 90 and 94 Mountain Road. This involved the removal of a building from 1 Gilgit Road and the construction of a new modern healthcare facility. The approved development (which is under construction) comprises a building coverage of 25% of the combined site area, and impervious surface areas of 73%. While the building coverage complies with the SCAR overlay development standards, the area of impervious surfaces within the site exceeds the development standards for the overlay by 23% (but complies with the Healthcare zone standards). Such an outcome has been confirmed, by the granting of resource consent, as an appropriate scale and nature of development, having regard to the functional requirements for healthcare activities and the relationship of these sites with the wider neighbourhood and the character values of the area, relative to the outcomes that are intended by the SCAR overlay (in terms of the appearance of buildings) and the Healthcare zone (in terms of building mass and form).

Summary of Plan Change 26

16. PC26 seeks to amend the provisions of Chapter D18 to clarify that the provisions of the SCAR overlay take precedence over the corresponding provisions of an underlying zone. This is to be achieved by adding explanatory provisions within Chapter D18 which explains that the provisions of the SCAR overlay “replace” the underlying zone provisions.
17. As it relates to the standards of Chapter D18, PC26 proposes to include the following explanatory provision (at D18.6.1(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:

- a) Building height*
- b) Height in relation to boundary*
- c) Yards*
- d) Building coverage*

- e) *Maximum impervious area*
- f) *Landscaped area or Landscaping*
- g) *Fences and walls*

18. PC26 also seeks to introduce purpose statements to each of the standards of Chapter D18, which generally correspond to achieving both special character outcomes and residential amenity outcomes. They do not relate to outcomes that are relevant to the Healthcare zone.

Implications of Plan Change 26 to Ascot's Landholdings

19. The effect of PC26 will be to give precedence to the standards (and other provisions) of Chapter D18, which were originally crafted to manage the effects of built development on special character values. PC26 attempts to 'graft' other purposes to the standards to address other effects such as visual dominance and access to sunlight, to avoid a situation where such effects would not otherwise be considered in the event a proposal infringed the standards of the SCAR overlay (and those of the underlying zone).
20. PC26 does not seek to tailor the standards of the SCAR overlay further where the overlay applies to land with an underlying zone other than a residential zone.
21. With respect to the preparation of PC26:
- (a) The Section 32 analysis prepared by Auckland Council has assessed the environmental, economic and social costs and benefits associated with the identified options to achieve the purpose of PC26. This assessment has been undertaken for identified options which are categorised according to 'topics' which generally correspond to each rule and development standard of Chapter D18. The assessment undertaken is generic in nature, and is inherently focussed on the appropriateness of ensuring the Special Character overlay development standards prevail over the standards of an underlying residential zone. The preferred options have typically identified benefits of lower time-costs involved in interpreting the provisions and ensuring the Special Character overlay outcomes have a clear level of primacy.
 - (b) However, for land in the Healthcare zone, the amendments proposed by PC26 will create a significant level of uncertainty as to the manner in which the contrasting development standards of the SCAR overlay and the Healthcare zone are to be applied, and as to what scale of development is appropriate for the specific landholdings.
 - (c) The Section 32 Assessment has not addressed the implications of the proposed change to the outcomes that are specific to the Healthcare zone for the Ascot properties. The only references to the Healthcare zone in the Section 32 Assessment Report are to the yard standards that apply in the zone, and this

assessment is limited to stating that the yard standard of the SCAR overlay is “more enabling” than the corresponding yards standard of the Healthcare zone (which is incorrect as the yards standard only applies at the boundary of the zone with a residential zone, rather than to all site boundaries).

- (d) Beyond this, the Section 32 Assessment Report only refers to the Healthcare zone in the comparative summaries of the various development standards of the SCAR overlay and the respective underlying zonings that the overlay applies to. No assessment has been undertaken of PC26 as it relates to how the land owned by Ascot will be affected, or how the nuances of the provisions of the Healthcare zone integrate with (or do not integrate with) the SCAR overlay.
22. Ascot considers that the effect of PC26, as proposed, will therefore have unintended consequences for land within the Healthcare zone and SCAR overlay as:
- (a) The amendments proposed by PC26 will diminish the relevance of the standards of the Healthcare zone for the properties owned by Ascot, in respect of a proposal to use and develop the land for healthcare purposes in accordance with the intentions of the zoning. The properties owned by Ascot which are subject to the SCAR overlay do not display the typical characteristics of the SCAR Isthmus B overlay. The nature and scale of the development on the sites owned by Ascot reflects the use of this land for healthcare uses, and the functional and operational requirements of such uses. They do not reflect the ‘bulk and location’ outcomes that are anticipated by the SCAR overlay, particularly in respect of impervious surfaces with a large proportion of the land subject to the SCAR overlay occupied with at-grade parking.
 - (b) It is not appropriate in this situation to give primacy to a set of development standards which are contrary to the stated Healthcare zone outcomes or the nature and scale of development already consented for sites within the Healthcare zone. Any further impervious surfaces or other development would trigger a resource consent and a further assessment of effects, despite the nature of such development on the site being appropriate to, and consistent with the standards of the Healthcare zone.
 - (c) The proposed amendments will further derogate the ability to treat the Ascot properties collectively as a ‘site’ for the purposes of applying the standards of the zone, i.e. the properties at 1 and 3 Gilgit Road and 90 and 94 Mountain Road will no longer be included as part of the overall Mercy Hospital facility/site for the purposes of calculating impervious surfaces as a component of an integrated facility.
 - (d) Ascot agrees that the demolition of existing buildings and construction of new buildings should be subject to a consent process which relates to design and appearance matters and the overall contribution of built form to special character values. However, it is appropriate that the development standards of the

Healthcare zone take primacy over those of the SCAR overlay, to recognise that the sites have not been developed in a manner that is reflective of the ‘bulk and location’ outcomes anticipated by the SCAR overlay development standards.

- (e) The form and scale of development that is anticipated by the Healthcare zone is significantly different to that anticipated in the SCAR overlay, with those overlay standards being concerned with ‘residential’ outcomes, with completely different effects. The built form outcomes that are anticipated by the Healthcare zone give effect to the direction of the AUP which provides for significant social facilities and infrastructure to respond to the social and economic needs and the health and wellbeing of people and communities. In this respect, it is not appropriate to require primacy for the SCAR overlay to the land owned by Ascot, which would derogate from the context of the underlying zoning and would be contrary to the outcomes that are intended by the AUP for healthcare facilities.

General Submission

- 23. Ascot opposes PC26, particularly as it relates to the relationship of the SCAR overlay and the underlying Healthcare zone to its landholdings, on the basis that the Plan Change will not:
 - (a) promote the sustainable management of resources, nor will it achieve the purpose of the Resource Management Act 1991;
 - (b) promote social and economic wellbeing; or
 - (c) enable the appropriate development of the spatially and physically constrained landholdings owned by Ascot in a manner that balances the outcomes anticipated by the SCAR overlay and the Healthcare zone, and therefore will not enable the efficient use, development and intensification of significant healthcare infrastructure.
- 24. Ascot submits that its landholdings, together with the property at 92 Mountain Road, are most appropriately managed by exempting the landholdings from the standards of the SCAR overlay, and giving primacy to the standards of the Healthcare zone, to manage the bulk and location of built form. The activity rules for demolition and construction of buildings under the SCAR overlay should continue to apply to manage the effects of such activities on the character values of surrounding neighbourhoods.
- 25. Ascot is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

Decision Sought

26. Ascot Hospital and Clinics Limited seeks the following relief:

- (a) That PC26 be amended to provide an exclusion to the standards of the SCAR overlay in D18.6.1 for land which is subject to the Special Purpose – Healthcare Facility and Hospital zone by including a new Rule D18.6.1(c) as follows:

- c) Notwithstanding D18.6.1(b), the development standards within D18.6.1 do not apply to land with an underlying Special Purpose – Healthcare Facility and Hospital Zone. For the avoidance of doubt, only the development standards of the underlying Special Purpose – Healthcare Facility and Hospital Zone apply.

234.2

OR

- (b) That PC26 be amended to provide an exclusion to the standards of the SCAR overlay in D18.6.1 for the landholdings owned by Ascot and the land at 92 Mountain Road by including a new Rule D18.6.1(c) as follows:

- c) Notwithstanding D18.6.1(b), the development standards within D18.6.1 do not apply to the properties legally described as Lot 1 Deeds Reg 149, Lot 2 DP 23279, Lot 1 DP 372460, Lot 1 DP 23279, and Lot 2 DP 22728. For the avoidance of doubt, only the development standards of the underlying Special Purpose – Healthcare Facility and Hospital Zone apply.

234.3

OR

- (c) As an alternative, and less preferred outcome, that PC26 be amended to require the standards of the SCAR overlay and of the Special Purpose – Healthcare Facility and Hospital Zone to apply with equal weighting by including a new Rule D18.6.1(c) as follows:

- c) D18.6.1(b) above does not apply to land which is subject to an underlying Special Purpose – Healthcare Facility and Hospital zone. For the avoidance of doubt, the development standards within D18.6.1 and the standards of H25.6 apply to land with an underlying Special Purpose – Healthcare Facility and Hospital zone.

234.4

OR

- (d) Such alternative relief that addresses the issues raised in this submission.

234.5

27. Ascot wishes to be heard in support of this submission.
28. If others make a similar submission, consideration would be given to presenting a joint case with them at any hearing.

Dated at Auckland, this 12th day of July 2019

Signature **THE ASCOT HOSPITAL AND CLINICS LIMITED**
by its planning and resource management consultants Bentley & Co. Ltd.



Anthony Blomfield

Address for Service:
Bentley & Co. Ltd
PO Box 4492
Shortland Street
Auckland 1141
Attention: Anthony Blomfield

Telephone: (09) 309 5367
Mobile: 0211 339 309
Email: ablomfield@bentley.co.nz

ATTACHMENT ONE



The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Megan Reeves

Organisation name:

Agent's full name:

Email address: megan_wallis@yahoo.com

Contact phone number:

Postal address:
50 John Street
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:
Chapter D18 Special Character Areas Overlay

Property address:

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:

I am not a planning or architectural professional and so my submission is not made in accordance with the technical terminology used within the provisions themselves. However, to the lay person the new "Purpose" statements for "D18.6.1.1 Building Height" and "D18.6.1.2 Height in Relation to Boundary" remain open to interpretation. It is not clear what "retaining the character of the streetscape" and "enabling built form the reflects the character of the area" means. It should be made clear that the intention is that any significant departures from the existing architectural style should not be visible from the street, whether that is directly in front of the property in question or from other vantage points in the surrounding streetscape.

235.2

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

235.1

Details of amendments: See attached.

Submission date: 12 July 2019

Supporting documents
Submission for SCA provisions.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.

No

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

12 July 2019

Supporting Document in relation to submission in relation to Proposed Plan Change 26

I am not a planning or architectural professional and so my submission is not made in accordance with the technical terminology used within the provisions themselves.

To the lay person the new "Purpose" statements for "*D18.6.1.1 Building Height*" and "*D18.6.1.2 Height in Relation to Boundary*" remain open to interpretation and retains a significant degree of subjectivity. It is not clear what "retaining the character of the streetscape" and "enabling built form that reflects the character of the area" means. ***It should be made clear that the intention is that any significant departures from the existing architectural style should not be visible from the street, whether that is directly in front of the property in question or from other vantage points in the surrounding streetscape.*** There are a number of examples in the Ponsonby area where two storey "modern" extensions have been permitted to heritage villas which due to size and style could be argued as overly dominant when compared to the heritage architecture. They are not immediately apparent when the property is viewed front on to the street, but become apparent with only a slight shift in position and also appear to be dominant over other heritage properties in the surrounding streets. Some "modern" extensions have become period pieces in their own right having been around for a while now and become even more distracting from the heritage architecture that these rules are designed to preserve if not well maintained and cared for.

It's important that heritage buildings are able to be adapted to modern life so that they are retained for the future, but it should be done in such a way that it is complementary to and cohesive with the existing style. Stark contrasts work well for buildings on a significant scale, however in smaller areas such as Auckland's residential heritage areas the contrast can be jarring and unsympathetic.

It should be made clear that compliance with the Height to Boundary rule is permissive only and is not a right to build in whichever style is desired. There are examples where compliance with the Height to Boundary rule has been taken as a right to build, resulting in decreased consideration of the other requirements such as sunlight and outlook of neighbouring properties.

Overall I welcome the clarification of the purpose, however submit that it remains overly subjective and could benefit from further definition of the rules' objective.

Megan Reeves

megan_wallis@yahoo.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 of Submitter: SAMSON CORPORATION LTD and STERLING NOMINEES LTD (“Samson”)
Address for Service: C/- Brown & Company Planning Group, PO Box 1467, QUEENSTOWN
Email: reception@brownandcompany.co.nz
Contact Person: J A Brown

Scope of submission

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

Plan Change/Variation Number

Proposed Plan Change 26 (**PC26**) to the Partially Operative Auckland Unitary Plan (**AUP**)

Plan Change/Variation Name

Clarifying the relationship between the Special Character Areas Overlay - Residential (**SCAOR**) 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)

All provisions but particularly Standard D18.6.1.2 (Height in relation to boundary)

Or

Property Address

2 Arthur Street, Freemans Bay
 2 Franklin Road, Freemans Bay
 80 Franklin Road, Freemans Bay
 57 Patteson Avenue, Mission Bay
 67 Arney Road, Remuera

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

Samson generally **SUPPORTS** Proposed Plan Change 26, subject to the matters raised in the following submission:

1. The details of the submission are:

- 1.1 Samson owns properties that are identified as being subject to a SCAOR with an underlying residential zone (the Residential – Single House Zone) of the AUP;
- 1.2 Samson supports the purpose of PC26;
- 1.3 Samson supports the modifications to the Chapter D18 clauses relating to the relationship between the SCAO and the underlying zone provisions;
- 1.4 Samson supports the modifications to D18.4 – Activity Table (including the preamble); and the modifications to D18.6.1 with the exception of Rule D18.6.1.2 – Height in Relation to Boundary;
- 1.5 On Rule D18.6.1.2, Samson supports part of the modifications to the rule and opposes other modifications, and considers that the rule should read as follows (the underlining and ~~strike through~~ are to the notified PC26 version of the rule):

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 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.~~

...

[consequential renumbering of the subsequent clauses]

2. The reasons for this submission are as follows:

- 2.1 Samson supports the purpose of PC26 for the reasons set out in *Proposed Plan Change 26 to the Auckland Unitary Plan: Clarifying the relationship between the Special Character Areas Overlay (Residential and General) and the underlying zones - Section 32 Evaluation Report* ('**the Section 32 report**') as follows:
 - (i) to ensure that the Auckland Unitary Plan appropriately specifies the relationship between the SCAOR and the underlying zone provisions; and

- (ii) to ensure that the development standards that apply to sites in the SCAOR are most appropriately targeted to managing the special character values of the areas to which they relate¹.
- 2.2 Samson supports the proposed modifications to D18.4 – Activity Table (including the preamble); and the modifications to D18.6.1, including the modifications to the standards for yards, impervious surface and fences in the SCAOR, because the modifications assist in achieving greater clarity and are more appropriately linked to the special character values they seek to maintain, particularly the relationship of built form to the street.
- 2.3 The removal of the requirement to apply a recession plane on the front boundary of sites in Rule D18.6.1.2 – Height in Relation to Boundary is supported because:
- 2.3.1 The removal better aligns the rules with the existing general character and typical architecture of the SCAOR, particularly in the Freemans Bay / Ponsonby area which includes early cottages, Victorian and Edwardian villas, and bungalows. These areas contain a significant number of dwellings of gable front design.
 - 2.3.2 The application of a recession plane on the front boundary would result in inconsistencies in the typical streetscape patterns that contribute to the character that the SCAOR seeks to maintain; its removal will therefore better achieve the objectives.
 - 2.3.3 A standard requiring recession planes with a starting height of three metres on the side and back boundaries would enable a greater flexibility of design for new buildings (and alterations and additions to existing buildings) which would in turn allow for design to respond positively to the special character values and context of the area as required by the policies in Chapter D18. Development would still be required to meet the other standards governing bulk and location (such as maximum height, building coverage and yards), therefore any actual or potential adverse effects would be avoided or adequately mitigated.
 - 2.3.4 The removal of the recession plane on the front boundary does not prevent a building design with a lower height in relation to the front boundary, where this is in keeping with the character of the streetscape.
- 2.4 The proposed addition into Rule D18.6.1.2 – Height in Relation to Boundary of the requirement for sites with a frontage of 15m or greater is not supported because:
- 2.4.1 The rationale behind the application of the standard to only those sites with a frontage less than 15 metres is identified in the Section 32 report (in the table on page 39 and supported by Attachment 5) as related to the early phases of development within Auckland, where lot sizes “tended”² to be smaller and frontage widths narrower. However, the suburbs identified as first and second phase development also contain lots with frontages in excess of 15 metres, with design that reflects the development patterns of the earliest

¹ Page 15, Section 32 report

² Page 42, Section 32 Report and Page 1, Attachment 5

areas of the city. The potential for variation, even in those areas where frontage width may be typically narrow, is recognised within the character statements for a number of areas in Schedule 15, and Attachment 5 states that, while characterised by smaller-scale development, first phase development was also “ad hoc” and “informal”³. The *Residential 1 Zone Study*⁴, which is identified as a source for Attachment 5, also acknowledges that areas may be developed over longer periods of time and therefore have variation in the pattern of subdivision/lot size. For example, the Ponsonby⁵ and the Freemans Bay⁶ areas are identified as being developed over a period of approximately fifty years, and therefore have a greater variation in character.

- 2.4.2 If the application of height in relation to boundary standards is to be different based on the phase of development area the site is located in, it would be more efficient to identify these areas spatially. For example, those suburbs identified as first or second phase development could be mapped, and the rule applied to that area.
- 2.4.3 Reducing the recession plane to the underlying zone standard (generally 2.5 metres) for those sites with frontages 15 metres or greater in length is arbitrary and could affect the original development patterns and therefore the special character of these areas. The purpose of standard D18.6.1.2 (as proposed by PC26) includes enabling a built form that reflects the identified character of the area. To apply the underlying Zone standard to those sites with frontages 15 metres and greater would not be enabling a built form that reflects the identified character of the area, as it could result in different standards being applied within one development phase.
- 2.4.4 Limiting the application of the rule to only those sites with frontages less than 15 metres is not efficient as there are other standards that operate on a sliding scale based on site size (such as building coverage) that are effective methods for controlling bulk and location on different-sized sites and to maintain special character.
- 2.4.5 Limiting the application of the rule to only those sites with frontages less than 15 metres is not the most appropriate way to achieve this purpose as set out above, and the relevant objectives of the Auckland Unitary Plan. In particular, the differentiation between sites of less than 15m frontage and sites with greater than 15m frontage, while appearing to remedy the confusion and inefficiency of the application of the SCAOR and underlying zone rules, creates new complexity by applying proposed standard D18.6.1.2(1) to selected sites within the SCAOR.
- 2.5 The provisions as proposed in this submission will better serve the principles of the Resource Management Act 1991 (“the Act”), in particular:
- (i) Section 7(b), in that increased building height in relation to boundary can provide for more efficient development of the land resources;

³ Page 1, Attachment 5

⁴ Matthews, A (2012) *Residential 1 Zone Study*, Plan Change 163

⁵ Ibid, page 30

⁶ Ibid, page 43

- (ii) Section 7(f), in that the increased building height in relation to boundary will allow for the enhancement of the quality of the environment through greater flexibility in building design;
- (iii) Section 7(g), in that increased building height in relation to boundary will enable better use of the finite land resources.

2.6 The relaxing of the provisions relating to height in relation to boundary will also enable the community to better provide for its wellbeing, and for sustaining the potential of the land resources to meet the reasonably foreseeable needs of future generations. Future development or redevelopment of the land to realise the opportunities afforded by increased height in relation to boundary would not result in any adverse environmental effects that cannot be adequately avoided or mitigated in that additional bulk and location standards would still need to be complied with. Accordingly, relaxing the standard for height in relation to boundary will be consistent with and achieve the purpose stated in Section 5 of the Act.

2.7 The Section 32 report and supporting documents do not provide empirical evidence or analysis of the dominance (or otherwise) of sites with frontages less than 15 metres in length to justify limiting the application of the standard. The table setting out the development phases does not appear to take into account the evidence in the *Residential 1 Zone Study* that a number of areas were developed over longer periods of time, and therefore had a greater variability in subdivision pattern and may not fit neatly into a development phase.

2.8 The subject matter of this submission can be augmented by further information (in further submissions and hearings) if there is any identified risk of action or not acting in respect of this submission.

3. Samson seeks the following decision from Auckland Council:

3.1 Modify Rule D18.6.1.2 in the manner set out in paragraph 1.5 of this submission, which as the effect of applying a three-metre starting height for recession planes, on the side and rear boundaries only, of all sites within the SCAOR, by:

3.1.1 Removing the restriction that applies Rule D18.6.1.2 to sites with a frontage length of less than 15 metres only and deleting the application of the underlying zone height in relation to boundary standard to those sites with a frontage length of 15 metres or greater in Rule D18.6.1.2(3)(a); or

3.1.2 Any other further amendments necessary to give effect to the intent of this submission.

236.2

236.3

Samson seeks the following decision by the Council:

Accept the proposed plan change / variation

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

Decline the proposed plan change / variation

236.1

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

As outlined in submission above

- 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)

12/07/2019

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.

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)

MATTHEW DOUGLAS EASTON

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

Address for service of Submitter

43 MARINE PARADE HERNE BAY AUCKLAND 1011

Telephone:

027 411 9141

Fax/Email:

eastonconsult@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

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

41 MARINE PARADE HERNE BAY

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: THE RM CONSENTED WORKS REF. LUC 603 033362 AT 41 MARINE PDE WILL BE ADVERSE TO US AT 43 MARINE PARKER BOTH IN BULK, LOCATION, HEIGHT. IT IS UNDERSTOOD THAT THIS LUC IS ON HOLD (CRAIG MAGEE) WHICH MEANS IT IS UNREASONABLE TO OBJECT WITHOUT KNOW WHAT PROPOSAL (continue on a separate sheet if necessary)

IS TO BE NOW SUBMITTED
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. 237.1

RESTRICT HIRB TO AVOID A THIRD LEVEL DECK AND BEDROOM BEING BUILT TO TOWER OVER OUR LAND & INCREASE THE OPPORTUNITY OF ADVERSE EFFECT & VIOLATION OF THE QUIET ENJOYMENT OF OUR HOME & LANDS REF. ATTACHED CONTD 237.2

- 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

contd. RELATIONSHIP SKETCH DWG A01.

THE MAIN LIVING LEVEL IS AT RL 12.59 (41) NEXT DOOR (43) IT IS 17.00m RL

W. Easton

12.07.19

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

Date

for MD & AD EASTON.

Notes to person making submission:

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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.

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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.

ATTACHED COPY LETTER: TO TONY REIDY 9 JUL 19 3P

- : TYPICAL CROSS SECTION DWG A01
- : ELEVATION SHOWING ROOF SEAR DWG A02
- : PLAN " " " DWG A03
- : COPY L2 BESPOKE DRCS SHOWING ALL WORKS CLEAR OF CPY BDY DWG A04
- : COPY SITE PLAN RECORDING ROW + CPY DWG A05

Before you fill out the attached submission form, you should know:

You need to include your full name, an email address, or an alternative postal address for your submission to be valid. Also provide a contact phone number so we can contact you for hearing schedules (where requested).

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious.
- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language.
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

* GIVEN THE VERY SHORT LEAD TIME IN
PREPARING A VERY BASIC SUBMISSION
I/WE SEEK THE RIGHT TO MAKE A
MORE DETAILED SUBMISSION UPON RECEIPT
OF THE REVISED APPLICATION.
WFB 12/07/19

237.3

Douglas Easton

From: Douglas Easton <eastonconsult@xtra.co.nz>
Sent: Tuesday, 9 July 2019 4:27 p.m.
To: 'Tony Reidy'
Cc: 'Matthew Wright'
Subject: RE: Proposed Plan Change 26 to the Auckland Unitary Plan

Tony

Thankyou for the Rule 26 proposed plan changes

My wife and I are particularly concerned about the development controls which apply to the 41/43 Marine Parade boundary where currently an LUC 603033362 relating to 41 Marine Pde permits the owners, C & R Anderson, to build a substantial residence that will impose extreme adverse effect on our property at 43 Marine Parade due to the current HIRB of 3m+45 degrees applicable to that boundary. The previous Operative District Plan limited such works to 2m+ 35 degrees being in the south west sector of the recessionary plane indicator. Later Council achieved a 2m+ 0 degrees recessionary plane to take from us the right to wall our property.

Council achieved a Environment Court order limiting our wall to 2m above a timber deck well within the property at 41 Marine Parade which effectively, in part, limits our wall to zero above our land. The control point location achieved rejects the legal boundary as the Development Control location and rejects to land level difference between 41 and 43.

The current proposal allows for a generous so called 'maintenance deck' to be built to replace an existing simple form hipped tile roof and extend to within 80 cm of our property elevated about 3m above the site platform and to be about 1m above our land at the boundary and then to build a box like bedroom atop the deck to tower over our land and home. We have no doubt that the 'maintenance deck' is or will become a recreation deck and serve to further violate our quiet enjoyment of our property.

Our loss of privacy security and safety would be guaranteed, and would serve to downgrade both extremely valuable properties. We are very determined that that is not going to happen.

A previous owner succeeded in persuading Council to inflict a 7 year campaign against my wife and I over the building of a 2m high wall (above our land at legal boundary) N Griffiths and daughter planning lawyer Susan Rhodes with a David Kirkpatrick by alleging the wall to be 'adverse'.

Neither Norma Griffiths nor Susan Rhodes offered one word of explanation to support their allegation of 'adversity' during 7 appearances to the Environment Court where my wife and I were harassed repeatedly by the very Council accommodating Judge Smith but resulted in no benefit passed to the complainants. Griffiths sold the property immediately on achieving an order which saw our wall reduced to zero meters above our land in places.

The current 41 owner, Anderson, has reinstated some of the wall that was demolished to meet the Court Order.

Judge Smith, ref. transcript, threatened to cite me for contempt of Court for quoting the Operative District Plan rule relating to the location of the control point for a permissible boundary wall when measured from our land at the legal boundary.

Council, with a team of 3 lawyers from Buddle Findlay, attempted to have removed a stand of mature NZ native boundary trees, some of which had previously been the subject of Resource Consent protection.

Council also inflicted a NZ Police raid on my wife and I to gather 'evidence' which, if there was any failed to be revealed in Court.

We are particularly concerned that in locations such as Marine Parade there is an unacceptable attempt by Council to downgrade the quality of the built environment by reducing side yards, raising heights limits and daylight indicators and site coverage.

These properties are extremely valuable and generate a significant rate revenue for Council and as such will not benefit from crowding wider higher homes onto the existing sites.

Our particular site, of over 2000msq, was recognised in the previous ODP as conferring significant amenity value to the district by having generous yards, which provide significant privacy, an older style residence with sympathetic roof form, modest height and offering landscaping with many mature specimen trees and it is our intention not to lose any of these qualities by having a neighbour tower over us.

Further we are particularly concerned that the Anderson development has been built over the Coastal Protection Yard which is not only contrary to the consented plans but is adverse to our use of the common Right of Way which allows our access to the Waitemata foreshore.

Our concerns have been formally notified to Council now for nearly 2 years and prior to the issue of both the pool development consent and the major rebuild of the home however no response to date has allayed our concerns.

Would you please provide copy of objection notice form relating to Rule Change 26, Unitary Plan zone regulation for 41 and 43 Marine Parade, any zone relevant information, plan policy and objectives and Coastal Protection Yard information.

Our concerns have previously been directed to Matthew Wright.

Thankyou.

Regards

M Douglas Easton

For Douglas & Marlene Easton

From: Tony Reidy
Sent: Tuesday, 25 June 2019 2:36 p.m.
To: eastonconsult@xtra.co.nz
Cc: Unitary Plan <unitaryplan@aklc.govt.nz>
Subject: Proposed Plan Change 26 to the Auckland Unitary Plan

Hi Mathew – thank you for your enquiry regarding Proposed Plan Change 26. I am not sure if you are aware but the closing date for submissions for this plan change has been extended by 2 weeks until 12 July 2019. A public notice advising of this is to appear in the NZ Herald this Thursday 27 June 2019.

I have attached a copy of the actual plan change document. This will give you a good idea of what's intended. Also attached is a table showing what is to be considered now and how that compares to the proposed changes to the special character chapter.

In summary, the plan change seeks to clarify which rules apply to properties in the Single House Residential zone that also have a Special Character Overlay. When the Unitary Plan was prepared it was the intention that the Special Character Overlay Rules would "trump" the equivalent rules in the Single House zone. A recent Environment Court case has meant that is not so. The proposed Plan Change therefore clarifies what was intended. The rules would only affect a landowner if they were planning to build a new house or do additions to your existing dwelling, or construct a new fence.

There has been some misinformation that the Plan Change will weaken the controls applying to the Special Character Area, but this is certainly not the case.

I have also included a link to the Plan Change documents - [PC26](#)

If you have any questions after having a read, please do not hesitate to email me back. If you want to discuss it over the phone, please advise a suitable date and time and I can phone you back.

Regards

Tony Reidy | Acting Team Leader
Auckland-wide Planning, Plans and Places Auckland Council



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7.30m.

ROOF
RL 17.870

**EXISTING GL.
AT 43 VARIES**

CL 15.320

RL 14.50

ANDERSON
WALL INDICATION
(INCORRECT)

GROUND FLOOR
FFL 12.590

ANDERSON MAIN V
LIVING LEVEL 12.590

CL 12.300

BASEMENT
FFL 9.900

RL 17.00 GROUND FL.

APPROVED
RESOLVED CONSENTS
21 NOV 2017
AUCKLAND COUNCIL

o/s STAIRCASE
NOT SHOWN
ON CRABS
SECTION

Christian Anderson

christian anderson architects ltd
17 Princes St, Ponsonby Auckland 1011
PO Box 47144 Ponsonby Auckland 1144
New Zealand.
ca@christianandersonarchitects.co.nz
ph: +64 9 376 7370 mob: +64 21 777 370

christian anderson architects
c h i t e c t s

client : CHRISTIAN ANDERSON
project : 41 MARINE PARADE, HERNE BAY
drawing : PROPOSED ELEVATIONS

10-09-17 BC ISSUE
date

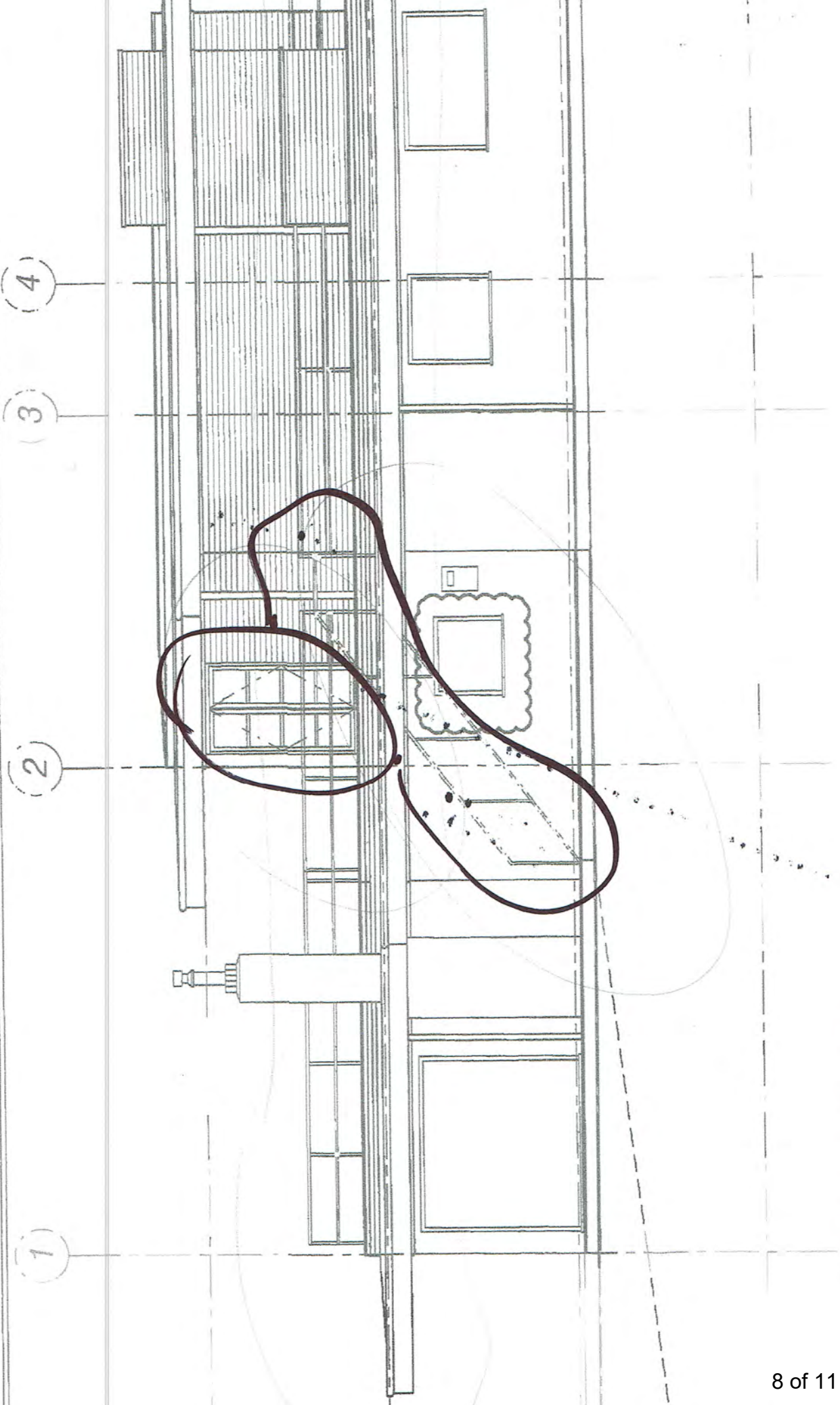
design: CTILA
drawn: AB
checked: CTILA
date: JUL 2017
scale: 1:100 @ A3

job no. 1517

issue: A2
sheet A2

NTS

Eng. A 01



DWG A 02

1 SOUTH ELEVATION
 A101 PROPOSED
 SCALE 1:100

⑤ 1000

7058

④ 1870

28840

5010

②

7000

①

7.0

EXISTING POOL

REL LAWN 8.800

PFL 12.500

LIVING

LOUNGE

BEDROOM

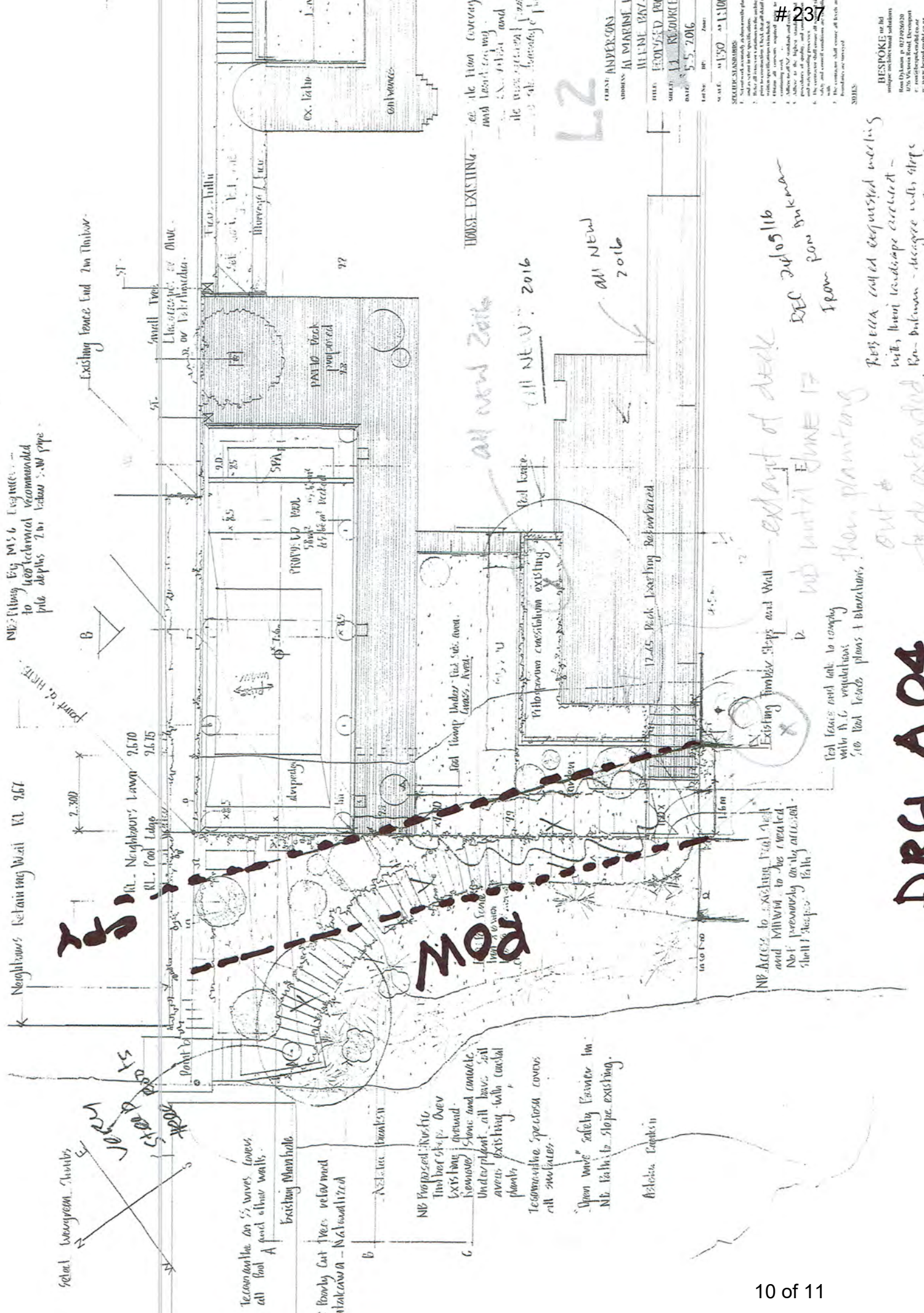
LAUNDRY

BATH

KITCHEN



DR4 A 03



NE: Paving E.g. MS6 Equivalents...
to meet technical requirements
for depths 2m below SW pipe

Neighbours retaining wall KL 9.67

Existing fence End 2m Timber

Neighbour's Lawn 9.570
KL Pool Edge 9.675

Small Tree
Likely to be removed

Remove the 20' x 20' concrete
all foot A and other walls

Existing Manhole

B: Poorly Cut Trees retained
shantakawa - Naturalized

NE: New Driveway

NE Proposed: New
Timber deck over
existing ground
Remove stone and concrete
Underpin all base soil
areas existing with coastal
plants

Remove the specimen covers
all surfaces

"Open wire" safety fence in
NE falls to slope existing

Asclepias speciosa

ROW
Right of Way

all new 2016

all NEW 2016

all NEW 2016

HOUSE EXISTING

see the plan covering
and landscaping
the area around
the house

L2

CLIENT: ANDERSON
ADDRESS: 11 MARINE AV
WELLS NZ
TITLE: LANDSCAPE
SHEET: 11 RESOURCE 6
DATE: 5.5.2016
SCALE: 1:50 or 1:100

SOILS
1. Soil work as per site plan
2. Soil work as per site plan
3. Soil work as per site plan
4. Soil work as per site plan
5. Soil work as per site plan
6. Soil work as per site plan
7. Soil work as per site plan
8. Soil work as per site plan
9. Soil work as per site plan
10. Soil work as per site plan

extend of deck

DEC 24/05/16

from

Real fence and gate to comply
with A.C. regulations
for Real fence plans + brochures

NE Access to existing pool deck
and MINIMUM to be created.
Not necessarily on the attached
sheet depths falls

Remove the specimen covers
all surfaces

Proposed call requested over
with front landscape circuit

deck extended. Re-bulwark - design with steps

DRG A 04

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 of Submitter: Andrew Body and Karen Paterson as trustees of GALATEA TRUST ("Galatea")
Address for Service: C/- Brown & Company Planning Group, PO Box 1467, QUEENSTOWN
Email: reception@brownandcompany.co.nz
Contact Person: J A Brown

Scope of submission

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

Plan Change/Variation Number

Proposed Plan Change 26 (**PC26**) to the Partially Operative Auckland Unitary Plan (**AUP**)

Plan Change/Variation Name

Clarifying the relationship between the Special Character Areas Overlay - Residential (**SCAOR**) 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)

All provisions but particularly Standard D18.6.1.2 (Height in relation to boundary)

Or

Property Address

10-12 Anglesea Street, Freemans Bay

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

Galatea generally **SUPPORTS** Proposed Plan Change 26, subject to the matters raised in the following submission:

1. The details of the submission are:

- 1.1 Galatea owns properties that are identified as being subject to a SCAOR with an underlying residential zone (the Residential – Single House Zone) of the AUP;
- 1.2 Galatea supports the purpose of PC26;
- 1.3 Galatea supports the modifications to the Chapter D18 clauses relating to the relationship between the SCAOR and the underlying zone provisions;
- 1.4 Galatea supports the modifications to D18.4 – Activity Table (including the preamble); and the modifications to D18.6.1 with the exception of Rule D18.6.1.2 – Height in Relation to Boundary;
- 1.5 On Rule D18.6.1.2, Galatea supports part of the modifications to the rule and opposes other modifications, and considers that the rule should read as follows (the underlining and ~~strike through~~ are to the notified PC26 version of the rule):

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 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.~~

...

[consequential renumbering of the subsequent clauses]

2. The reasons for this submission are as follows:

- 2.1 Galatea supports the purpose of PC26 for the reasons set out in *Proposed Plan Change 26 to the Auckland Unitary Plan: Clarifying the relationship between the Special Character Areas Overlay (Residential and General) and the underlying zones - Section 32 Evaluation Report* ('**the Section 32 report**') as follows:
 - (i) to ensure that the Auckland Unitary Plan appropriately specifies the relationship between the SCAOR and the underlying zone provisions; and

- (ii) to ensure that the development standards that apply to sites in the SCAOR are most appropriately targeted to managing the special character values of the areas to which they relate¹.
- 2.2 Galatea supports the proposed modifications to D18.4 – Activity Table (including the preamble); and the modifications to D18.6.1, including the modifications to the standards for yards, impervious surface and fences in the SCAOR, because the modifications assist in achieving greater clarity and are more appropriately linked to the special character values they seek to maintain, particularly the relationship of built form to the street.
- 2.3 The removal of the requirement to apply a recession plane on the front boundary of sites in Rule D18.6.1.2 – Height in Relation to Boundary is supported because:
- 2.3.1 The removal better aligns the rules with the existing general character and typical architecture of the SCAOR, particularly in the Freemans Bay / Ponsonby area which includes early cottages, Victorian and Edwardian villas, and bungalows. These areas contain a significant number of dwellings of gable front design.
 - 2.3.2 The application of a recession plane on the front boundary would result in inconsistencies in the typical streetscape patterns that contribute to the character that the SCAOR seeks to maintain; its removal will therefore better achieve the objectives.
 - 2.3.3 A standard requiring recession planes with a starting height of three metres on the side and back boundaries would enable a greater flexibility of design for new buildings (and alterations and additions to existing buildings) which would in turn allow for design to respond positively to the special character values and context of the area as required by the policies in Chapter D18. Development would still be required to meet the other standards governing bulk and location (such as maximum height, building coverage and yards), therefore any actual or potential adverse effects would be avoided or adequately mitigated.
 - 2.3.4 The removal of the recession plane on the front boundary does not prevent a building design with a lower height in relation to the front boundary, where this is in keeping with the character of the streetscape.
- 2.4 The proposed addition into Rule D18.6.1.2 – Height in Relation to Boundary of the requirement for sites with a frontage of 15m or greater is not supported because:
- 2.4.1 The rationale behind the application of the standard to only those sites with a frontage less than 15 metres is identified in the Section 32 report (in the table on page 39 and supported by Attachment 5) as related to the early phases of development within Auckland, where lot sizes “tended”² to be smaller and frontage widths narrower. However, the suburbs identified as first and second phase development also contain lots with frontages in excess of 15 metres, with design that reflects the development patterns of the earliest

¹ Page 15, Section 32 report

² Page 42, Section 32 Report and Page 1, Attachment 5

areas of the city. The potential for variation, even in those areas where frontage width may be typically narrow, is recognised within the character statements for a number of areas in Schedule 15, and Attachment 5 states that, while characterised by smaller-scale development, first phase development was also “ad hoc” and “informal”³. The *Residential 1 Zone Study*⁴, which is identified as a source for Attachment 5, also acknowledges that areas may be developed over longer periods of time and therefore have variation in the pattern of subdivision/lot size. For example, the Ponsonby⁵ and the Freemans Bay⁶ areas are identified as being developed over a period of approximately fifty years, and therefore have a greater variation in character.

- 2.4.2 If the application of height in relation to boundary standards is to be different based on the phase of development area the site is located in, it would be more efficient to identify these areas spatially. For example, those suburbs identified as first or second phase development could be mapped, and the rule applied to that area.
- 2.4.3 Reducing the recession plane to the underlying zone standard (generally 2.5 metres) for those sites with frontages 15 metres or greater in length is arbitrary and could affect the original development patterns and therefore the special character of these areas. The purpose of standard D18.6.1.2 (as proposed by PC26) includes enabling a built form that reflects the identified character of the area. To apply the underlying Zone standard to those sites with frontages 15 metres and greater would not be enabling a built form that reflects the identified character of the area, as it could result in different standards being applied within one development phase.
- 2.4.4 Limiting the application of the rule to only those sites with frontages less than 15 metres is not efficient as there are other standards that operate on a sliding scale based on site size (such as building coverage) that are effective methods for controlling bulk and location on different-sized sites and to maintain special character.
- 2.4.5 Limiting the application of the rule to only those sites with frontages less than 15 metres is not the most appropriate way to achieve this purpose as set out above, and the relevant objectives of the Auckland Unitary Plan. In particular, the differentiation between sites of less than 15m frontage and sites with greater than 15m frontage, while appearing to remedy the confusion and inefficiency of the application of the SCAOR and underlying zone rules, creates new complexity by applying proposed standard D18.6.1.2(1) to selected sites within the SCAOR.
- 2.5 The provisions as proposed in this submission will better serve the principles of the Resource Management Act 1991 (“the Act”), in particular:
- (i) Section 7(b), in that increased building height in relation to boundary can provide for more efficient development of the land resources;

³ Page 1, Attachment 5

⁴ Matthews, A (2012) *Residential 1 Zone Study*, Plan Change 163

⁵ Ibid, page 30

⁶ Ibid, page 43

- (ii) Section 7(f), in that the increased building height in relation to boundary will allow for the enhancement of the quality of the environment through greater flexibility in building design;
- (iii) Section 7(g), in that increased building height in relation to boundary will enable better use of the finite land resources.

2.6 The relaxing of the provisions relating to height in relation to boundary will also enable the community to better provide for its wellbeing, and for sustaining the potential of the land resources to meet the reasonably foreseeable needs of future generations. Future development or redevelopment of the land to realise the opportunities afforded by increased height in relation to boundary would not result in any adverse environmental effects that cannot be adequately avoided or mitigated in that additional bulk and location standards would still need to be complied with. Accordingly, relaxing the standard for height in relation to boundary will be consistent with and achieve the purpose stated in Section 5 of the Act.

2.7 The Section 32 report and supporting documents do not provide empirical evidence or analysis of the dominance (or otherwise) of sites with frontages less than 15 metres in length to justify limiting the application of the standard. The table setting out the development phases does not appear to take into account the evidence in the *Residential 1 Zone Study* that a number of areas were developed over longer periods of time, and therefore had a greater variability in subdivision pattern and may not fit neatly into a development phase.

2.8 The subject matter of this submission can be augmented by further information (in further submissions and hearings) if there is any identified risk of action or not acting in respect of this submission.

3. Galatea seeks the following decision from Auckland Council:

3.1 Modify Rule D18.6.1.2 in the manner set out in paragraph 1.5 of this submission, which as the effect of applying a three-metre starting height for recession planes, on the side and rear boundaries only, of all sites within the SCAOR, by:

3.1.1 Removing the restriction that applies Rule D18.6.1.2 to sites with a frontage length of less than 15 metres only and deleting the application of the underlying zone height in relation to boundary standard to those sites with a frontage length of 15 metres or greater in Rule D18.6.1.2(3)(a); or

3.1.2 Any other further amendments necessary to give effect to the intent of this submission.

238.2

238.3

Galatea seeks the following decision by the Council:

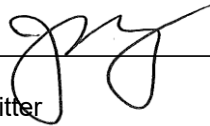
- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation

238.1

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

As outlined in submission above

- 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



12/07/2019

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.

12 July 2019

Leys Institute Library

20 St Marys Road,

Saint Marys Bay

Re: Proposed Plan change 26 – Clarifying the relationship between the Special character areas Overlay and underlying zone provisions to the Auckland Unitary Plan

This is show receipt of handwritten submission and typed submission relating to above proposed plan change 26.

Marian Kohler completed a submission online. However, did not receive notification that it has been received. Therefore, please accept this as proof.

Lucia Mataia

Manager – Leys Institute Library

A handwritten signature in cursive script, appearing to read 'Lucia Mataia', written in dark ink.

(1)

12/7/19 #239

Submission on Plan Change 26:

Name: Marian Kohler
email: mariankohler03@gmail.com
address: 4 Herne Bay Road
Herne Bay
Auckland
Post code 1011.

→ The specific provisions of the proposal that my submission relates to are:

E38.8.2.6 Subdivision of sites identified in the S.C.A.O. - Residential & Business

(3) the minimum net site area controls within Table E.38.8.2.6.1 S.C.A.O. - Residential & Business subdivision controls take precedence over those within Table E.38.8.2.3.1 minimum net site area for subdivisions involving parent sites of less than 1 hectare - Submission relates to Isthmus A S.C.A.O. - Residential in S.H.Z.

D.18.6.1.2 Height in relation to Boundary

(1) Buildings in SLAO-Res must not project above 45 degrees recession plane measured from a point 3m above ground level along side & rear boundaries of the site where:

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

D.18.6.1.3 Yards

The deletion of 3 metre setback standard for rear yards

D.18.6.1.7 Fences & Walls structures "
The deletion of "~~other standards~~"
from this standard

D.18.8.1 Matters of Discretion.

The insertion of D.18.8.1.1.3(c)

The matters of discretion (or equivalent standard) in the underlying zone.

(3)

I OPPOSE the above specified provisions of Plan Change 26 and submit that they should be amended for the following REASONS:

1. These proposals are contrary to the objectives and policies of Auckland Unitary Plan H 3.2, H3.3, D18.2 and D18.3 (incl. D 18. 3 (3)).
2. The objectives of the overlay are to maintain and enhance existing special character areas over and above general provisions of the underlying zone; in this case SHZ. The operation of the overlay should not result in reduction or removal of key amenities provided by the SHZ, or result in intensification: more specifically:
 - A. Increasing the potential for subdivision in selected parts of the underlying SHZ-specifically in Isthmus A SCAO-residential.
 - (a) Reduction of the net minimum site from 600 square metres to 400 square metres by operation of the overlay taking precedence amounts to removal of a fundamental cornerstone and amenity of the SHZ. The vast majority of affected properties listed on Table E38.8.6.2.1 comprise Isthmus A SHZ properties.(See PPC 26 Evaluation table in 5.8)
 - (b) No relevant maintenance, enhancement or amenity value is produced by increasing the subdivisional potential in Isthmus A properties. The later housing areas of Isthmus A, which still contain subdivisible sites, are characterised by having a variety of larger sites (see UP Schedule 15-SCA statements). Further subdivision with new infill housing would destroy or detract from their existing special character, an integral part of which is larger sites.
 - (c) Council acknowledges the vulnerability of Isthmus A properties to increased subdivision/development in its Evaluation PPC 26 in 5.8 Chapter E38; Subdivision Urban.
 - (d) UP Schedule 15 does not contain any map for Isthmus A areas. Many people may be unaware that their property is subject to any subdivisional rules other than SHZ rules Public consultation for PUP showed preservation of SHZ as major concern.
 - (e) Most other SCAO categories have not had minimum vacant site reduced below 600 square metres e. g. Isthmus B, although often these categories of SCA are intermingled within a locality. Isthmus A should not be disadvantaged in terms of density.
 - (f) The adverse effects of this specific part of Plan Change 26 affect too many people and are too major to justify inclusion in its current form.
 - B. More permissive standards for building height in relation to boundary i.e. 3m plus 45% recession plane instead of 2.5m plus 45% under SHZ rules.
 - (a) Results are loss of amenity: more shadowing, loss of light and greater bulk and visual impact of buildings.
 - (b) The under 15 metre frontage length qualification does not take into account long narrow shaped sites or irregular shaped sites. These along with many sites of less than 15 metre frontage length, which are larger than 600 2m, do not require standards designed for very small sites.
3. Some of the proposed changes to reduce or delete particular standards in the SCAO rules act to reduce amenity values and do not produce maintenance or enhancement , specifically:
 - C. Yards: The reduction of the 3 m setback in rear yards to 1 m.
 - (a) This reduction is out of keeping with the traditional older SCAs where houses were built closer to the front boundary with more spacious back yards.

- D. Fences and Walls: the deletion of “other structures” from standards for fences and walls.
- E. Insertion of new rules for Matters of Discretion, namely underlying zone assessment criteria.
 - (a) Opposed where allows more permissive result than SCAO rules.

I

④

I accept the plan modification with amendments by Council.

239.1

→ The amendments I am submitting ~~of~~ to Council are:

→ Amend E.38.8.2.6.1 to delete Isthmus A S.C.A.O Residential properties in S.H.2 from Table E38.8.2.6.1 or alternatively amend E38.8.2.6(3) to state that Isthmus A S.C.A.O. residential properties in SH2 are not included in Table E38.8.2.6.1

239.2

→ Amend D.18.6.1.2 to limit 3m plus 45 degree recession plane standard to properties that have less than 15m frontage length and are less than 400sqm net size.

239.3

→ Amend D.18.6.1.3 Yards to reinstate 3m setback standard for Rear yards

239.4

⑤ D. 18.6.1.7 Fences & walls

Reinstate " other structures in
his standard.

239.5

→ D. 18.8.2. Assessment Criteria.

* Limit D. 18.8.2.1(3)(c) to
criteria which do not permit
more density or intensification.

239.6

→ I wish to be heard

→ I do not have a trade connection
or advantage of any description.

→ I would agree to joining
with other parties making
similar submissions

→ I am not adversely affected
in terms of (natural) environment

Marian Kohler 12/7/19.

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) David Abbott (Chair)

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

The St Mary's Bay Association Inc.

Address for service of Submitter

P O Box 47376, Ponsonby, Auckland 1144

Telephone: Fax/Email:

Contact Person: (Name and designation, if applicable) David Abbott

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:

The reasons for the views of the association are set out on the attached addendum sheet.

(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.

240.1

The amendments requested are set out in the attached addendum sheet

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

 (D.H. Abbott)
Signature of Submitter
(or person authorised to sign on behalf of submitter)

12 July 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.

Addendum to submission by The St Mary's Bay Association Inc. dated 12 July 2019 on proposed plan change PC26

The plan provisions that this submission relates to are:

1. The Association generally supports the purpose and intention of PC26. It is acknowledged that PC26 overcomes a problem created by the Council's previous incorrect interpretation of the relationship between the Special Character Areas Overlay that covers much of Herne Bay and St Mary's Bay and the underlying zoning which is predominantly Single House Zone.
2. At Rule D18.6.1.7 the Association seeks to retain the inclusion of the words – "and other structures".
3. The inclusion in Rule D18.8.1.1(3) of consideration for the maintenance of dwellings within an SEA overlay to ensure there is enough space between adjacent walls of existing or new dwellings to allow the maintenance and decoration of the adjacent façades on both properties. It is considered that a minimum distance of 1200 millimetres between adjacent walls of dwellings on separate sites, regardless of the location of the intervening title boundary, is adequate space to allow the erection of scaffolding or other equipment for the maintenance, repair and painting of the adjacent façades.
4. Related to the additional matter of discretion set out above the Association requests an amendment to Rule D18.8.2.1(4) by inserting a minimum distance between adjacent walls or façades of existing or proposed buildings to ensure maintenance of those walls can be achieved.

The reasons for the views of the association are:

1. In respect of **Rule D18.6.1.7** the Association requests the inclusion of the words – "**and other structures**" because there are many structures other than fences and walls which are able to adversely affect the amenities of neighbouring properties. The provision for "and other structures" was included by the Independent Hearings Panel following submissions made by the Association during the hearings on submissions arising from the proposed Auckland Unitary Plan. There is no explanation or reason for the omission of these words which have been in Rule D18.6.1.7 since the AUP was made operative. There is no s32 explanation.
2. The matter of discretion which the Association requests be added to **Rule D18.8.1.1(3)** is to ensure that any infringement of the side yard standard includes the consideration of whether the façade of an adjoining dwelling/building can continue to be maintained (repairs, maintenance and painting) in the event that the infringement is granted consent. This is a simple matter that has been in the previous legacy Auckland District Plan and previous Auckland District Schemes for at least 40 years. No infringement should be considered without a full assessment of its effect on the maintenance and amenity of the closes façade/wall of an adjacent house/building.

3. In support of the requested matter of discretion set out above, the Association requests that the following assessment criterion is added to Rule **D18.8.2.1(4)**:

(c) Maintaining a building services space of not less than 1200mm between the walls of existing or proposed dwelling/buildings on adjacent sites regardless of the location of the intervening site boundary.

The amendments that the association seeks are:

- | | | |
|--|--|-------|
| 1. Amend Rule D18.6.1.7 to include the words “and other structures” wherever they are struck out in the text of PC26. | | 240.2 |
| 2. Amend Rule D18.8.1.1(3) by adding to sub-para (a) – “while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/ building to allow repairs, maintenance and painting. | | 240.3 |
| 3. Amend Rule D18.1.2.1(4)(c) by adding - “while ensuring that there is enough space between the wall of the subject dwelling/building and any adjacent dwelling/building to allow repairs, maintenance and painting. | | 240.4 |

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)

PATRICIA GRINLINTON

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

Address for service of Submitter

19 CALLIOPE ROAD, DEVONPORT, AUCKLAND. 0624

Telephone:

09 445 9288

Fax/Email:

patgrinlinton@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)

D18.6.1.3 yards; subdivision. E38.8.26

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

241.1

The reasons for my views are:

Please see attached separate sheet.

(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.

- 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

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

12/7/19
 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.

**Patricia Grinlinton
19 Calliope Road, Devonport.
Submission on proposed plan change 26.**

Page 3

The reasons for my views are:

Yards 18.6.1.3.

I do not agree with this proposal to delete the 3 m rear yard setback to 1 metre.

241.2

This would mean that any potential new building on the property at the rear of mine would come right up to my back yard boundary fence.

In terms of visual impact, daylight shading and amenity/quality of life this proposal is unfair and unacceptable. **The rear boundary setback should remain at 3 metres.**

Subdivision

Table E38.8.2.6 Special Character Overlay

I object to the proposed reduction of the standard minimum lot size to 450 m² under the Single Housing Rules. This change would have detrimental consequences for me in terms of what can be built on my next door property. The implications are loss of visual impact, daylight shading, loss of amenity and thus quality of life. **The 600 m² should prevail.**

241.3

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Carolyn Fay Martin

Organisation name:

Agent's full name: Carolyn Martin

Email address: carolyn.martin@roche.com

Contact phone number: 021942836

Postal address:
18 Massey Avenue
Greenlane
Auckland 1061

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:
All rules relating to PC 26 - Special Character Areas Overlay.

Property address: 18 Massey Avenue, Greenlane, Auckland 1061

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 reason being is the special character zoning relates to an overall neighbourhood look and feel. In a street of 34 houses only half the street is subject to the special character zoning. Of the 18 houses included in the special character zone all the NZ Government houses within this zone have been excluded a total of 5 houses. There is a further private house that has been excluded. Of the remaining twelve houses two of these houses already have garages within the front 4 to 10 metres. This leaves 10 houses scattered on neither side of the street therefore is no longer a consistent open front lawn appearance. Our property is last the property on the even numbered houses and therefore the section next door was subdivided some decades ago. The front lawn is also the south facing part of the section and wish to retain the ability to build so as to retain the sunny Northern aspect at the back for outside living. In addition we have all day parking and noise from the a popular kindergarten and feel we need to have a 2 metre high fence at the front for both privacy and noise reduction. We

feel our property is more suited to have the Single character home zone only without the restrictions of the character zone overlay. For the question below I'm not sure whether we should be asking for Decline the plan modification or Amend the plan modification if it is not declined. We are asking for exclusion of 18 Massey Avenue, Greenlane, Auckland 1061 from the Special Character overlay rules/conditions.

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

| 242.1

Details of amendments: We are asking for exclusion of 18 Massey Avenue, Greenlane, Auckland 1061 from the Special Character overlay rules/conditions.

| 242.2

Submission date: 12 July 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.

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 – relates to Chapter D18, Special Character Areas Overlay – Residential and Chapter E38 – Subdivision – Urban Unitary Plan

By Carolyn Fay Martin – for 18 Massey avenue, Greenlane, Auckland 1061

The following is a visual documentation to support the written online request for amendment being an exclusive of 18 Massey Avenue, Greenlane from the Special Character Areas Overlay.

1. Aerial Photo showing 18 Massey Avenue borders the zone change and the number of houses excluded within those in the Special Character overlay. There is no consistent open street frontage zoning.



2. Photos of houses in the Special Character Area Overlay where house, garages and or/parking have been allowed in the 4 to 10 metre front yard or less i.e. with 0 to 4 metres of the street frontage.

Property 11 Massey Avenue – garage within first 4 metres of the section



Property 11 Massey Avenue – along with the garage in the front 0 to 4 metres there is also minimal grassed area.



Property 14 Massey Avenue – garage within front yard zone which also has a 2m + hedge



Property 12 Massey Avenue – new house is within first 4 metres of the section



4 Massey Avenue – Parking within first 4 metres of front zone/yard:



3. Houses in zone where no open front yard and or hedges at 2 metres +
1 Massey Avenue, no open front yard hedge at 2 metres +



17 Massey Avenue, no open front yard, no grassed area in front yard either parking or decking. Directly opposite 18 Massey Avenue.



6 Massey Avenue, no open front yard, as 2 metre + hedge



4. Properties next to and diagonally across from 18 Massey but the start of the change of zoning for the rest of the street.

18A Massey Avenue next door to 18 Massey Avenue. 18 A is also a subdivided section with two dwellings.

Note: 18A has a garage right on the property edge i.e. 0 metres from road front.



19A Massey Avenue, is diagonally across from 18 Massey but the start of the change of zoning for the rest of the street.

19 A is also a subdivided section with two dwellings.

Note: 19A has a garage right on the property edge i.e. approx. 0.5 - 1 metres from road front. Fence at 2 metres



The picture for 19A also shows the kindergarten in close proximity (left side of photograph) which can be noisy and has a lot of traffic associated with it, including in weekends when the kindergarten is rented. Therefore, don't want to lose the ability to have a 2 metre fence on the front southern boundary for privacy and block noise.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Michael Fitzpatrick

Organisation name:

Agent's full name:

Email address: radfitz@mac.com

Contact phone number:

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:

1. HEIGHT IN RELATION TO BOUNDARY 2. REAR YARD SETBACK 3. MINIMUM LOT SIZE

Property address:

Map or maps:

Other provisions:

Only the 3 rules stated in the box above.

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:

1. HEIGHT IN RELATION TO BOUNDARY The SCAO 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 SHZ for all of Auckland 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 with the 3m @45 degree envelope. 2. REAR YARD SETBACK There are boundary limit for side yards in the SCAO which require that no building is less than 1.2m from the boundary. However for the rear yard the proposal is to reduce the current 3m boundary to just 1m. This has a significant visual impact of new building as seen from neighbouring properties. Also, a very important consequence of relaxing the 3m setback for the rear yard is the impact it could have in areas of Devonport where sections near corner junctions have rear yards adjacent to side yards. The ability to build as close as 1m from the boundary to a neighbour's side yard would have significant impact on the value and enjoyment of a neighbours property even it is in their back garden.

3. MINIMUM LOT SIZE It is proposed that the minimum lot size specified in the Special Character Overlay: North Shore Area A, being 450m², will prevail over the underlying zoning: Single House Zone minimum lot size being 600m². This will have a significant visual impact from the street and/or neighbouring properties, and will detract from the enjoyment of neighbours property and reduce the amount of private green space in areas characterised not only by the houses but also the many beautiful gardens and mature trees.

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

| 243.1

Details of amendments: 1. HEIGHT IN RELATION TO BOUNDARY: Apply SHZ rule of 2.5m vertical height and then a 45 degree incline to SCAO. 2. REAR YARD SETBACK: Retain current rule of 3m setback for rear yards in SCAO. 3. MINIMUM LOT SIZE: Retain SHZ standard of 600m².

| 243.2

| 243.3

| 243.4

Submission date: 12 July 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: Julie Raddon Raddon

Organisation name:

Agent's full name:

Email address: jr3232@icloud.com

Contact phone number:

Postal address:

Stanley Point
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:

1. HEIGHT IN RELATION TO BOUNDARY 2. REAR YARD SETBACK 3. MINIMUM LOT SIZE

Property address:

Map or maps:

Other provisions:

Only the 3 rules stated in the box above.

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:

1. HEIGHT IN RELATION TO BOUNDARY The SCAO 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 SHZ for all of Auckland 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 with the 3m @45 degree envelope. 2. REAR YARD SETBACK There are boundary limit for side yards in the SCAO which require that no building is less than 1.2m from the boundary. However for the rear yard the proposal is to reduce the current 3m boundary to just 1m. This has a significant visual impact of new building as seen from neighbouring properties. Also, A very important consequence of relaxing the 3m setback for the rear yard is the impact it could have in areas of Devonport where sections near corner junctions have rear yards adjacent to side

yards. The ability to build as close as 1m from the boundary to a neighbour's side yard would have significant impact on the value and enjoyment of a neighbours property even it is in their back garden. 3.MINIMUM LOT SIZE It is proposed that the minimum lot size specified in the Special Character Overlay: North Shore Area A, being 450m², will prevail over the underlying zoning: Single House Zone minimum lot size being 600m². This will have a significant visual impact from the street and/or neighbouring properties, and will detract from the enjoyment of neighbours property and reduce the amount of private green space in areas characterised not only by the houses but also the many beautiful gardens and mature trees.

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

| 244.1

Details of amendments: 1. HEIGHT IN RELATION TO BOUNDARY: Apply SHZ rule of 2.5m vertical height and then a 45 degree incline to SCAO. 2. REAR YARD SETBACK: Retain current rule of 3m setback for rear yards in SCAO. 3. MINIMUM LOT SIZE: Retain SHZ standard of 600m².

| 244.2

| 244.3

| 244.4

Submission date: 12 July 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 of Submitter: R & M Donaldson
Address for Service: C/- Brown & Company Planning Group, Box 1467, QUEENSTOWN
Email: reception@brownandcompany.co.nz
Contact Person: J A Brown

Scope of submission

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

Plan Change/Variation Number	Proposed Plan Change 26 (PC26) to the Partially Operative Auckland Unitary Plan (AUP)
Plan Change/Variation Name	Clarifying the relationship between the Special Character Areas Overlay - Residential (SCAOR) 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)	All provisions but particularly Standard D18.6.1.2 (Height in relation to boundary)
-------------------	---

Or

Property Address	14 Collingwood Street, Freemans Bay
------------------	-------------------------------------

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

R & M Donaldson generally **SUPPORT** Proposed Plan Change 26.

1. The details of the submission are:

- 1.1 R & M Donaldson own a property that is identified as being subject to a SCAOR with an underlying residential zone (the Residential – Single House Zone) of the AUP;
- 1.2 R & M Donaldson support the purpose of PC26;
- 1.3 R & M Donaldson support the modifications to the Chapter D18 clauses relating to the relationship between the SCAOR and the underlying zone provisions;
- 1.4 R & M Donaldson support the modifications to D18.4 – Activity Table (including the preamble); and the modifications to D18.6.1 insofar as they relate to sites with a frontage less than 15m;
- 1.5 On Rule D18.6.1.2, R & M Donaldson support the application of a three-metre starting height for recession planes on the side and rear boundaries;
- 1.6 On Rule D18.6.1.2, R & M Donaldson support the modification to the rule that removes the requirement to apply a recession plane on the front boundary of sites within the SCAOR.

2. The reasons for this submission are:

- 2.1 R & M Donaldson support the purpose of PC26 for the reasons set out in *Proposed Plan Change 26 to the Auckland Unitary Plan: Clarifying the relationship between the Special Character Areas Overlay (Residential and General) and the underlying zones - Section 32 Evaluation Report* as follows:
 - (i) to ensure that the Auckland Unitary Plan appropriately specifies the relationship between the SCAOR and the underlying zone provisions; and
 - (ii) to ensure that the development standards that apply to sites in the SCAOR are most appropriately targeted to managing the special character values of the areas to which they relate¹.
- 2.2 R & M Donaldson support the proposed modifications to D18.4 – Activity Table (including the preamble); and the modifications to D18.6.1, including the modifications to the standards for yards, impervious surface and fences in the SCAOR, because the modifications assist in achieving greater clarity and are more appropriately linked to the special character values they seek to maintain, particularly the relationship of built form to the street.
- 2.3 The removal of the requirement to apply a recession plane on the front boundary of sites in Rule D18.6.1.2 – Height in Relation to Boundary is supported because:
 - 2.3.1 The removal better aligns the rules with the existing general character and typical architecture of the SCAOR, particularly in the Freemans Bay / Ponsonby area which includes early cottages, Victorian and

Edwardian villas, and bungalows. These areas contain a significant number of dwellings of gable front design.

2.3.2 The application of a recession plane on the front boundary would result in inconsistencies in the typical streetscape patterns that contribute to the character that the SCAOR seeks to maintain; its removal will therefore better achieve the objectives.

2.3.3 A standard requiring recession planes with a starting height of three metres on the side and back boundaries would enable a greater flexibility of design for new buildings (and alterations and additions to existing buildings) which would in turn allow for design to respond positively to the special character values and context of the area as required by the policies in Chapter D18. Development would still be required to meet the other standards governing bulk and location (such as maximum height, building coverage and yards), therefore any actual or potential adverse effects would be avoided or adequately mitigated.

2.3.4 The removal of the recession plane on the front boundary does not prevent a building design with a lower height in relation to the front boundary, where this is in keeping with the character of the streetscape.

3. R & M Donaldson seek the following decision from Auckland Council:

- 3.1 Confirm the provisions of PC26 insofar as they relate to sites with a frontage less than 15m; and | 245.2
- 3.2 In particular; confirm the application of a three-metre starting height for recession planes, applying on the side and rear boundaries only; and/or | 245.3
- 3.3 Any other amendments necessary to address the matters raised in this submission. | 245.4

I seek the following decision by Council:

- Accept the proposed plan change / variation | 245.1
- 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



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

12/07/2019

 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.

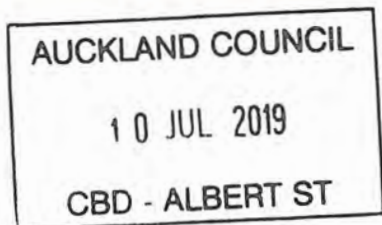
Submission on a notified proposal for policy statement or plan change or variation

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)

Nyo Ban Liang & Henmy Widijanti Sawang

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

Address for service of Submitter

10 Elgar St, Royal Oak, Auckland

Telephone:

09-6243431

Fax/Email:

ptkpunz@xnet.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 27

Plan Change/Variation Name

Amendments to Schedule 14.1 Schedule of Historic Heritage

The specific provisions that my submission relates to are:

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

Plan provision(s)

E38.8.2-6 Subdivision of sites --- Residential and Business Item (3)

Or

Property Address

Or

Map

Or

Other (specify) Table E38.8.2.6.1 Special character Areas Overlay - Residential and Business subdivision controls

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

① The Auckland City Rate is too high due to large backyard.

The reasons for my views are: Reducing the land area would reduce rate.

② Reducing minimum net site area allows sub division of land which allows additional houses to be built on established suburbs. ③ We live on the corner of the street and there is a big land at the back of property. Due to being a corner site, access to the back of the property is easy and will not impact on the character of the area. Also a tastefully designed moderate single storey dwelling will tie in well aesthetically with street frontage properties on Raukunga Ave. (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.

246.1

within table E38.8.2.6.1 the minimum net site area for Isthmus B2 shall be adjusted from 600 M² to 400 M²

246.2

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 (Nyo Ban Liang)
(or person authorised to sign on behalf of submitter)

Date 8-7-2019

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: Tania Fleur Mace

Organisation name: Grey Lynn Residents Association

Agent's full name:

Email address: hello@greyllynresidents.org.nz

Contact phone number: 021 826 426

Postal address:
C/- 24 Dryden Street
Grey Lynn
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:
D18.8 Assessment – Restricted Discretionary Activities D18.5 Notification D18.1.1 Matters of Discretion D18.6.1.3 Yards And also other matters relating to the Special Character overlay

Property address:

Map or maps:

Other provisions:
Also other matters relating to the Special Character overlay including extent of overlay in Grey Lynn and processing of consents covered by the Special Character overlay.

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 submission.

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

| 247.1

Details of amendments: See attached submission.

Submission date: 12 July 2019

Supporting documents

GLRA Plan Change 26 Submission.pdf

About Grey Lynn Residents Association - information for plan change 26 submission.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? 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 Auckland Council's Plan Change 26: Clarifying the relationship between the Special Character Areas Overlay and underlying zone provisions

The specific parts of the proposed plan change that our submission relates to are:

D18.8 Assessment – Restricted Discretionary Activities

D18.5 Notification

D18.1.1 Matters of Discretion

D18.6.1.3 Yards

And also other matters relating to the Special Character overlay

We wish to have the provisions identified above amended.

We generally support the idea of a plan change that removes ambiguity and provides clear direction on the planning rules that apply in areas covered by the Special Character overlay. However we ask that the plan change be amended in to address the issues noted below and also that further work be undertaken to extend the Special Character overlay in Grey Lynn and remedy the problems that occur in the processing of consent applications.

Grey Lynn is fortunate in having well preserved special character streetscapes many of which are covered by the Special Character overlay. The rules governing development within the overlay need to be robust and decisions involving discretion need to be made by people with the appropriate skills and experience. We are well aware that the District Plan overlay that covered many character streetscapes in Auckland's eastern suburbs prior to the introduction of the Unitary Plan, failed to protect those streetscapes to the point where they lost their intact character and were therefore not included in the Special Character overlay in the Unitary Plan. Grey Lynn is now experiencing greater development pressure, probably similar to that of the eastern suburbs prior to the development of the Unitary Plan, and this puts our Special Character areas under greater threat. Therefore it is vital that the rules that apply within the Special Character overlay are clear, fit for purpose, and applied appropriately.

We are concerned that the Special Character overlay does not accurately reflect the full extent of character streetscapes in Grey Lynn. When the Unitary Plan replaced the former District Plans no further identification of established character streets in Grey Lynn was undertaken and the Special Character overlay was not extended beyond the extent of the Residential 1 zone identified in Grey Lynn in the early 1990s. There are a number of streets in Grey Lynn which have the exactly the same characteristics as streets that are covered by the Special Character overlay and yet are not protected by the overlay. It is not clear why this is the case. Selbourne Street is one example: only one block between Baildon and Firth Road was included in the Special Character overlay, despite the whole street being part of the Surrey Hills Estate subdivision, with similar housing types, streetscape and urban pattern as the block covered by the Special Character overlay.

Since the 1990s, many rundown villas and bungalows in Grey Lynn, that lie outside the area covered by the Special Character overlay, have been lovingly restored by owners who value the heritage character of their house, street and neighbourhood. The restoration of these properties has further reinforced the historic character of the area.

The Grey Lynn Residents Association asks that Council undertake a historic character assessment and field survey of the residential areas of Grey Lynn not currently included in the Special Character overlay, to allow the full extent of heritage streetscapes in Grey Lynn to be identified and protected with the Special Character overlay.

We believe that Auckland Council has done a very poor job of communicating what plan change 26 is about and what the changes will mean for residents who live within the Special Character overlay. Many of our members were confused by the information provided by Council. In order to meaningfully consult with residents, Council needs to ensure that information provided is clear and easy to understand.

Section D18.8 Assessment – Restricted Discretionary Activities

We would like to see a tightening of the rules around demolition within the Special Character overlay. Currently up to 30% demolition is a restricted discretionary activity. This allows planners who may lack experience in the heritage field to make inappropriate decisions allowing the demolition of a considerable amount of original built fabric. The process for making decisions in such cases needs to be more robust and should include input from a heritage expert. This would give the public a sense of reassurance that such decisions are not being made by people without the necessary skills and understanding of the intent of the Special Character provisions.

Section D18.5 Notification and D18.1.1 Matters of Discretion

Inconsistent decisions on consents in the Special Character overlay zones have caused considerable disquiet in the Grey Lynn community and this is exacerbated by such decisions often having no notification. Our Special Character streetscapes are a significant community, national and international asset. As Auckland Council had noted, Grey Lynn has:

‘the most extensive ranges of late Victorian and Edwardian timbered suburban housing in the world.’ (Draft Auckland Unitary Plan, Appendix 10.2)

The importance of these streetscapes means that Council should be much more cautious and considered in processing consents within the Special Character overlay and notification should be part of the processing of any applications that are at all contentious.

We note that the *Auckland Unitary Plan Overlays Analysis* written by Kath Coombes and Miriam Williams states that:

Only part of the SHZ is also subject to the SCAR overlay. A key difference between the SCAR and SHZ is that one of the matters of discretion for the SHZ relates to managing effects on the amenity values of neighbouring sites. There is no equivalent matter of discretion for the SCAR.

We note that there is no mention of amenity values of neighbouring sites in Plan Change 26. We believe that it is vital that amenity values of neighbouring sites are considered especially given that there is a more generous building envelope within the Special Character overlay than the Single House zone. Furthermore, house sites in Grey Lynn’s Special Character overlay areas are small by comparison to many other Single House zoned areas in Auckland so the effects of alterations or additions on neighbours’ amenity values are likely to be much greater within the Special Character overlay than within the Single House zone. We ask that Plan Change 26 includes consideration of amenity values of neighbouring sites.

Section D18.6.1.3 Yards

Plan Change 26 seeks to delete the 3-metre rear yards that are currently part of the Special Character overlay rules and replace this with the rear yard rules for the underlying zone. The Single House Zone rules require only a 1-metre rear yard and we oppose this change. We feel

that the 3-metre rear yard rule should be retained as this will provide a better living environment for residents in Special Character overlay areas with an underlying Single House zoning.

We seek the following decision by Council:

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

Tighten the rules relating to demolition within the Special Character overlay and ensure that decision making is robust and includes people with the relevant expertise. | 247.2

Notify resource consents in situations where there are any matters that are contentious. | 247.3

Include consideration of amenity values of neighbouring sites when assessing consent applications within the Special Character overlay. | 247.4

Do not replace the Special Character overlay rule relating to rear yards with the corresponding underlying zone rule. Instead, retain the existing 3-metre rear yard rule in the Special Character overlay and stipulate that this rule should apply rather than the underlying zone rule where the underlying zone is Single House. | 247.5

Other Matters to be addressed by Council:

Commit to conducting a survey of residential streets in Grey Lynn to identify additional areas that are not currently covered by the Special Character overlay but that warrant being included. Then prepare and notify a plan change to add the overlay to these areas. | 247.6

Ensure that the information from Council relating to future plan changes and other consultations is presented in a way that is clear, coherent and easy for members of the public to understand. | 247.7

We wish to be heard in support of our submission.

About the Grey Lynn Residents Association

Grey Lynn Residents Association (GLRA) represents the people of Grey Lynn. It does advocacy and activism work to make Grey Lynn the most liveable suburb in the world.

GLRA exists for the following reasons, as stated on its website (<https://www.greyllynresidents.org.nz/>):

- To provide a unified voice for the residents of Grey Lynn
- To promote and protect the interests and welfare of Grey Lynn residents
- To undertake advocacy and activism work to make Grey Lynn the most liveable suburb in the world

GLRA is an incorporated society and was incorporated in 2013. Membership is open to all and a committee is elected at an AGM each year. GLRA was formed in 2013 largely as the result of widespread community concern about the impact of the then Draft Unitary Plan. Since then, GLRA has engaged across a much wider set of issues, though planning and heritage remain important.

A needs assessment was undertaken by GLRA in 2015, surveying people who live, work, play and/or study in Grey Lynn (<https://www.greyllynresidents.org.nz/wp-content/uploads/Grey-Lynn-Needs-Assessment.pdf>). There were 516 respondents to the survey, 80% of whom lived in Grey Lynn (with smaller percentages from neighbouring suburbs such as Westmere and Ponsonby) and half of whom had lived in Grey Lynn for more than 10 years.

Respondents were asked what activities they did in Grey Lynn. The top three responses were parks, cafés and shops.

People were also asked what their biggest concerns were in Grey Lynn. These included the effects of intensification, threats to character, traffic and crime (Figure 1).

The survey also asked people what facilities they would like to see in Grey Lynn. The top three requests were a cinema, a pool and more cycle lanes/paths.

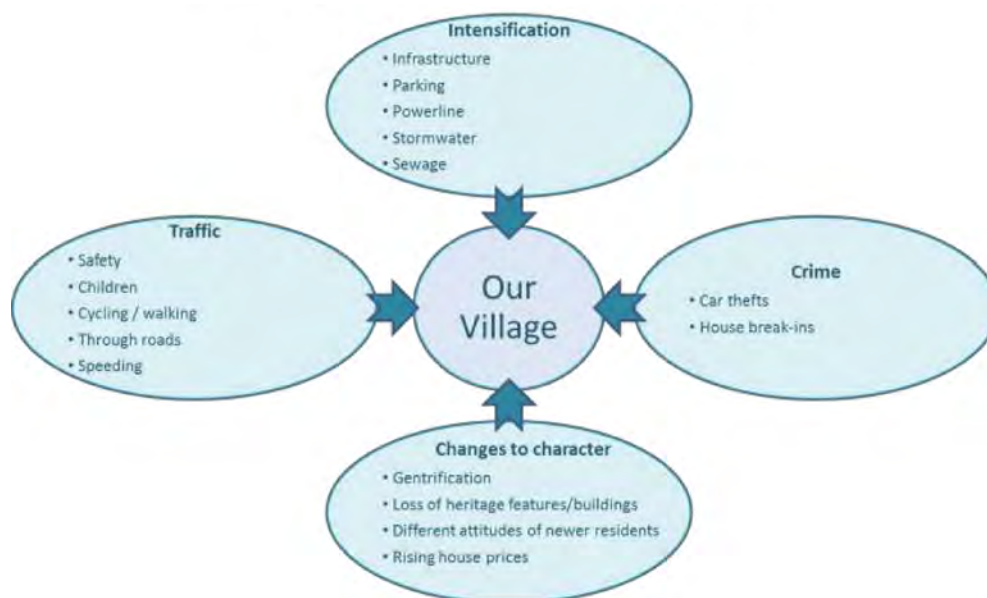


Figure 1: People’s biggest concerns about Grey Lynn

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Jacqui Goldingham

Organisation name:

Agent's full name: Jacqui Goldingham

Email address: goldie@kiwilink.co.nz

Contact phone number: 0211068508

Postal address:
goldie@kiwilink.co.nz
Auckland
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:
the change to relating to building height in relation to boundary, yards, paved areas and fences

Property address:

Map or maps:

Other provisions:
As I don't understanding the wording of the proposal I not sure which are the provisions have specified. I do not want people to be able to build closer or higher to their neighbours.

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? No

The reason for my or our views are:
To maintain the nature of victorian buildings in Devonport. As it an heritage Area modern building extentions and infill should not be allowed.

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

Submission date: 12 July 2019

Attend a hearing

248.2
248.3
248.4
248.5

248.1

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.

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:

Auckland Council
Private Bag 92300
Auckland 1142
unitaryplan@aucklandcouncil.govt.nz

Attention: Planning Technician

Proposed Plan Change 26 Submission

Submitter: K Vernon

1. This is a submission on the proposed Plan Change 26 to the Auckland Unitary Plan.
2. I could not gain an advantage in trade competition through this submission.
3. The specific provisions of the proposal that my submission relates to are:
My submission relates to all provisions of the proposal.
4. My submission is:
See attached submission document.
5. I seek the following decision from Auckland Council:
See attached submission document.
6. I wish to be heard in support of my submission.



K Vernon

Signed by typing name above

Attachment 1: Submission

Date: 12 July 2019

Address for service of the submitter:

kvernon@xtra.co.nz

PO Box 99124
Newmarket
Auckland 1149

Auckland Unitary Plan, Proposed Plan Change 26

Attachment 1 to Submission Form

Submission

Submitter: K Vernon

General

1. In principle I support the view that the Special Character Area (SCA) Overlay activity status and standards should take precedence (prevail) over equivalent provisions in the underlying Zone sections.
2. However this position is subject to the SCA Overlay containing a satisfactory set of rules and standards to achieve the Objectives. Unfortunately the amendments as currently proposed by Plan Change 26 are in my view not adequate for this purpose.
3. I also note that as currently formatted the Unitary Plan requires the activity status to be determined by the most restrictive rule applying [see Rules C1.6 (1) and (2)]. This ensures that the prevailing provisions cannot be less restrictive than the underlying Zone.
4. The Plan Change however envisages the possibility of the Overlay being less restrictive. This is a matter of concern. It is difficult to see why this would be necessary or appropriate. In this regard the existing structure of the Plan has some advantages as it would prevent less restrictive provisions being applied.
5. For the avoidance of doubt it is recorded here that I oppose any SCA Overlay provision that would be less restrictive than the corresponding provision in the Single House Zone chapter.
6. Further I note that there are a number of different SC sub-areas each with its own character statement however there is only one set of SC Overlay standards. This inevitably creates difficulty establishing an Overlay that is appropriate to prevail in all cases. It may be that the Overlay will require a degree of sectionalising to correspond with SC sub-areas, or groups of areas, if the priority approach is to work satisfactorily.
7. The s32 evaluation report at page 4 paragraph 3 advises that the Court's decision on Declaration proceedings means all provisions including the underlying Objectives and Policies must be applied. The amendments proposed by PC26 do not change this situation with regard to Objectives and Policies which is important for matters related to protection of amenity for residents and adjoining sites. I support this approach.
8. I do not support the SCA Overlay standards "replacing" the equivalent underlying zone standard. That is quite different to "precedence over" which establishes a hierarchy but still requires the underlying standards to apply where there is no conflict.
9. The Plan Change proposes to remove the reference to land use in D18.4 on the basis that Table D18.4.1 does not apply to land use activities. But this raises the question why not? It may very well be appropriate to further limit the activities that are permitted within the SCA Overlay to reinforce the single house residential character. This would be consistent with Objective D18.2.3 *"The adverse effects of subdivision, use and development on the identified special character values of the area are avoided, remedied or mitigated."*

Auckland Unitary Plan, Proposed Plan Change 26

Amendments

D18.4 - Activity Table

10. Retain the wording “..land use and..” in the first paragraph and amend the activity Table to ensure the following activities that are permitted in the underlying zone (based on the Single House zone “SHZ”) are a Discretionary activity within the SCA overlay (with reference to Table H3.4.1 activity use identifiers);

Residential - A4, A10, A12, A14
 Commerce - A19
 Community - A21, A27
 Rural - A30

(A discretionary activity status in Table D18.4 will override permitted status in underlying zones).

11. The proposed new paragraph 2 is acceptable noting that I oppose any provision that is less restrictive than the underlying single house zone.
12. The proposed new paragraph 3 is acceptable.

249.1

Table D18.4.1

13. The proposed addition of activities (A5A) and (A5B) is generally acceptable subject to proposed amendments to standard D18.6.7(1) and changing the description to “*Front, side and rear fences and walls*”.

249.2

D18.6- Standards

14. D18.6.1 Heading.
 The proposed amendment to the heading is acceptable.
15. The proposed new paragraph (a) is acceptable.
16. The proposed new paragraph (b) is not acceptable in its current form.
17. The intention is for the overlay provisions to prevail (take priority or precedence over) the underlying zone provisions not “replace” (*see the s32 evaluation report page 4 paragraph 6, and point (b) on page 5*). To this extend any aspect of the underlying standards that are not in conflict with the Overlay standards including Purpose will continue to apply.
18. If this was not the case underlying standards would be totally lost and the Overlay provisions would have to deal with the full range of planning issues not just Special Character.
19. Amend the proposed new paragraph D18.6.1(b) by deleting “*replace*” in line 2 and insert the words “*take precedence over*” and delete “..do not apply” at the end of the last sentence and insert the words “.. *apply to the extent that they are not in conflict with the corresponding standards in the SCA Overlay*”.
20. This is then consistent with the underlying zone Objectives and Policies and matters of discretion and assessment criteria continuing to apply.

249.3

Auckland Unitary Plan, Proposed Plan Change 26

21. For any proposal both the Overlay and underlying provisions must be considered but there will be a clear hierarchy established for the applicable standards to assist interpretation.
22. Also note that activities not included in the Overlay activity table D18.4.1, but listed in the underlying zone, are subject to the Overlay standards per new D18.6.1 (a).

D18.6.1.1- Building Height

23. The proposed Purpose statement is not entirely adequate for an overriding provision particularly in respect of adjoining properties.
24. Add a new bullet point "*Maintain a reasonable standard of residential amenity for adjoining sites*" | 249.4
25. This is necessary to ensure "*residential amenity for adjoining sites*" continues to be treated as an important priority consideration within Special Character areas.
26. This recognises that Special Character arises out of a combination of factors including the interrelationship of adjacent properties. If this is not clear in the special character statements they should be amended accordingly.

D18.6.1.2 - Height in relation to Boundary (HIRB)

27. The proposed Purpose statement is not entirely adequate for an overriding provision particularly in respect of adjoining properties.
28. Add a new bullet point "*Maintain a reasonable standard of residential amenity for adjoining sites*" (see comment under Height). | 249.5
29. I do not agree with the 3m and 45 degree HIRB standard for sites with a frontage less than 15m as proposed under sub-clause (1). | 249.6
30. The purpose of the HIRB control is in part to protect sunlight access for neighbours and to minimise visual dominance effects on neighbours. This is an important aspect of Special Character. The fact that a site has less width does not change that requirement.
31. It would also mean all Rear sites, by definition sites with a frontage of less than 7.5m (although the working dimensions of the site will likely be considerably larger) would have a 3m and 45 degree HIRB standard on all boundaries which is less onerous than the underlying single house zone standard of 2.5m and 45 degrees.
32. Similarly front sites with a narrow frontage but a wider larger area behind would be able to adopt the less stringent HIRB standard. Some unusual outcomes could also arise on corner sites where the standard is controlled by one frontage only per sub-clause (1)(a)(i).
33. In my view the normal HIRB standard (in most cases the single house 2.5m and 45 degrees) should continue to apply regardless of the frontage width.
34. Any breach of this HIRB standard should require a notified consent with neighbours given the opportunity to be heard. | 249.7

Auckland Unitary Plan, Proposed Plan Change 26

35. In the single house zone the HIRB standard applies on the side and rear boundaries only. There is therefore a case to retain a HIRB standard for the front boundary in the SCA Overlay. The 3m and 45 degree control that currently applies is acceptable on the frontage only. This amendment to PC 26 is proposed. 249.8
36. The definition of Front boundary proposed by PC 16 and separate definition for Frontage is confusing, amendments are required.
37. The Figure D18.6.1.2.1 is misleading as the 3m step applies to sites with a frontage less than 15m only. If this Figure is retained the heading should be changed to *“Height in Relation to Boundary for sites with a frontage length of less than 15m”* [But note that I do not agree with sub-clause (1) or this Figure]. A separate Figure would then be required for sites with a frontage length of 15m and more. 249.9
38. The wording of sub-clause (1) is rather clumsy particularly when read with (2), (3) and (4).
39. The reference in (3) and (4) is to (1) only but probably applies to (2) also.
40. I am of the view that sub-clauses (1) and (2) could be combined and amended to provide for a 3m and 45 degree HIRB on the front boundary of front sites and the underlying Zone provisions applying on all other boundaries regardless of frontage width. 249.38
41. The replacement clause would read as follows;
- “Buildings in the Special Character Areas Overlay – Residential must not project above:*
- (a) *a 45 degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundary of the site; and*
- (b) *a 45 degree recession plane measured from a point 3m vertically above ground level along any front boundary (frontage) of the site”*
- (Include a Figure(s) that show this standard)*
42. The s32 evaluation report draws attention to areas where subdivision involved narrower smaller sites. But this just points to the need for the SCA Overlay standards to be divided into SC sub-area categories.
43. I would also note that a site with a 15m frontage is not particularly narrow. It is actually quite close to the width of a traditional quarter acre site.
44. Also using only a frontage width does not take into account the shape factor of the site. In particular rear sites as mentioned above. That is sites with a narrow frontage but ample width and area behind.

Auckland Unitary Plan, Proposed Plan Change 26

45. Further the 2.5m and 45 degrees HIRB standard is not particularly onerous. Before the unitary plan the HIRB standard for zone equivalent to single house consisted of a 2m step with a recession plane that varied from 45 degrees on the northern boundary to 35 degrees on the southern boundary.
46. At the end of sub-clause (3) I do not agree with the inclusion of the wording “.. or where a common wall is proposed.” If there is an existing common wall there is an existing use right but this is not a form of development that should be encourage in SC areas which are predominantly single house (*see the s32 evaluation report page 5 last paragraph*).
47. The current wording “.. or where a common wall is proposed” should be deleted and to ensure that any underlying provision does not apply the following wording added – “..*this provision does not apply if a common wall is proposed*” 249.10
48. The exemption should only apply to that section of the boundary occupied by an existing common wall. Amend the wording accordingly.
49. The gable end, dormer or roof projection provisions in (5) and (6) are also unclear. What does “*cumulatively*” mean in (5)(b). Is it the sum of all projections or the total length of any one projection as per figure D18.6.1.2.2. In my view it should be *the total sum length of all projections on any elevation*. 249.11
50. Also, (6) allows up to two projections per 6m of site boundary. Is that the total boundary length? For instance for a rectangular site with dimension 16m by 30m or total boundary length of 92m this calculation gives a figure of 30.6 projections. That seems excessive. It would be clearer to state the maximum number of projections allowed per site. I proposed not more than 4 projections per site. 249.12

Definitions - Building and Height

51. The effectiveness of the Height and HIRB standards is dependent on the definitions of Building and Height, particularly the number of exclusions and the limitations on those exclusions.
52. The standards apply to “buildings”, any structure excluded from the definition of building therefore avoid the height, HIRB, yards and coverage standards. Similarly there are specific exclusions from the definition of “Height” that allow the standards to be breached. Further there are more exceptions in the standards such as for gable ends and dormers under the HIRB rule.
53. The issue is that there are too many exclusion and the limiting parameters on those exclusions are inadequate.
54. A number of amendments are required to tighten-up these definitions to ensure the purpose and application of the standards is not unduly compromised. This is particularly relevant to Special Character areas.

Auckland Unitary Plan, Proposed Plan Change 26

Building definition

Table J1.4.1

Flagpoles, masts or lighting poles;

55. A cross section threshold of 1.2m is excessive (that is the size of a major tower). Reduce this figure to *150mm*.
56. The point of attachment should be at ground level for a 7m height. Installation within any Yard should be not permitted for structures of this type and height. Amend accordingly.
57. Alternatively apply a threshold of not more than *1m* above the applicable Height and Height in relation to boundary standard of the site, and not within any Yard.
58. The number of structures that are permitted to exceed normal controls on buildings should be restricted to “*..not more than 2 per site*”. Amend accordingly.
59. Amend the controls to ensure structures of this type are not installed in any Yard.

Table J1.4.1

Structures used as a dwelling, place of work, place of assembly or storage or that are in a reserve or camping ground;

60. The qualifier “*..in use for more than 32 days in any calendar year*” should be deleted. Amend accordingly.
61. Structures such as dwellings, place of work or assembly and storage that exceed a height of 1.5m must be treated as “buildings” without other qualifiers.
62. The addition of the word “and” under PC16 exacerbates the problem. Essentially this would allow a large “building” that is not in use frequently to avoid Height, HIRB, Yard and Coverage controls. If there is a need for a provision to cover temporary structures such as tents in camping grounds that should be dealt with separately. Mixing temporary and permanent type structure together is unwise.
63. Based on the current wording the exception would apply to any type of structure “*..in a reserve or camping ground*”. This requires amendment.
64. It is not unusual for District Plans to treat any structure whether permanent or temporary over 1.5m in height as a “building” with only very limited exceptions.

Exclusions

[Roof mounted chimneys (see PC16)], aerial and water overflow pipes;

65. This requires a control on the degree of projection through the Height and HIRB control and the number of projections permitted per site as follows – “*..that do not exceed the Height and HIRB standard of the site by more than 1m. Not more than 2 such projections are permitted per site.*”

Height definition

66. In item (2)(c) change the word “or” to “and” after sub-clauses (i) and (ii). The intent of this provision is to put a set of restrictions round the activity that establish thresholds for height, width and location that apply concurrently. Using the word “or” changes the interpretation.

Auckland Unitary Plan, Proposed Plan Change 26

- 67. In (2)(c)(i) after height add “...*and height in relation to boundary standard for the site (whichever is the lesser height)*...”
- 68. There is also no control on the number of projections. To address this add “*and ..(iv) more than 2 projections per site*” (does not exceed).
- 69. Similarly the word “or” must be changed to “and” in (2)(a) and (2)(b).
- 70. In item (2)(e) there is no threshold restrictions stated at all. To correct this add “*..that do not project more than 1m above the maximum permitted activity height and height in relation to boundary standard for the site (whichever is the lesser height), and provided that the cumulative horizontal length of all projections on any elevation does not exceed 3m.*”
- 71. Similarly, the terminology “*..cumulative width of all projections*” should be used in (1)(a), (2)(a), (2)(b) to limit the extent of projections allowed.
- 72. For item (2)(f) “guy wire” there is also no restrictions. Guy wires can be obtrusive and out of character particularly in residential areas. To correct this add “*.. provided that not more than 3 guy wires may exceed the maximum permitted activity height and height in relation to boundary standard for the site (whichever is the lesser height), and the cross section of any guy wire does not exceed 4mm*”.
- 73. In (2), (3) and (4) where the term “height” is used it must be “*.. height and height in relation to boundary standard (whichever is the lesser height)*...” to ensure the HIRB standard also applies. (HIRB is a method of calculating height at particular locations of the site).

249.15

D18.6.1.3 - Yards

- 74. The proposed Purpose statement is not adequate for an overriding provision particularly in respect of adjoining properties.
- 75. Add “*.. and to maintain a reasonable standard of residential amenity for adjoining sites*” (see comments under Height).

249.16

Table 18.6.1.3.1 - Yards

- 76. Reword for the Front Yard averaging calculation provision to ensure the sites included in the calculation must be in the same SC Area as the subject site, are Front sites only and must contain a dwelling.
- 77. Also, the option of (*up to*) 6 sites on one side to apply only where there are less than 3 sites on any side, to make up the required number of sites (that is 6 in total), for instance where there is only 2 on one side include 4 on the other.
- 78. Also include a figure to establish a minimum Front yard to avoid unusual outcomes – I propose “*..but not less than 3m*” (this is consistent with the Single House Zone).
- 79. Similarly include a figure for a maximum Front yard of “*.. and not more than 8m*”.

249.17

249.18

249.19

249.20

Auckland Unitary Plan, Proposed Plan Change 26

80. Increase the Side yard figure to 1.5m. Setback from boundaries is an important aspect of special character. The proposed figure of 1.2m is only marginally more than the underlying single house zone figure of 1m. | 249.21

81. For the Rear yard I do not agree with a total deletion of the provision from the Table. A Rear yard should be retained in the Table. A figure of 1m is proposed. This will provide certainty that a minimum figure is in place regardless of what might happen in the underlying Zone provisions (*note on rear sites all boundaries yards are Rear yards*). | 249.22

Other Yard issues

82. In sub-clause (2) delete “.. or where a common wall is proposed” and add ““..this provision does not apply if a common wall is proposed””. | 249.23

83. The exemption should only apply to that section of the boundary occupied by an existing common wall. Amend the wording accordingly.

D18.6.1.4 - Building Coverage

84. The proposed Purpose statement is acceptable.

85. In Table D18.6.1.4.1 the break point for larger sites is set too low. In the SCA larger sites up to say 1500 m² are relatively common. The underlying SHZ uses a flat 35% coverage figure regardless of lot size.

86. I propose that the last two lines of the table are amended to read;
500m² to 1500m² - coverage 35% of net site area
Greater than 1500m² - coverage 25% of net site area | 249.24

D18.6.1.5 Landscaped Area

87. In the proposed Purpose statement delete “..and trees”. The term “Landscaped Area” is a defined term there is no need to add other qualifiers. | 249.25

88. In Table D18.6.1.5.1 the break point for larger sites should be 1500m² as per for Building Coverage above. | 249.26

That is;
500m² to 1500m² - 40% of net site area
Greater than 1500m² - 50% of net site area

D18.6.1.6 Maximum (paved) impervious area

89. In Table D18.6.1.6.1 the break point for larger sites should be 1500m² as per for Building Coverage above. | 249.27

That is;
500m² to 1500m² - 60% of net site area
Greater than 1500m² - 50% of net site area

Auckland Unitary Plan, Proposed Plan Change 26**D18.6.1.7 – Fences (and) walls (and other structures)**

- | | | |
|-----|---|--------|
| 90. | Change the title to “ <i>Front, side and rear fences and walls</i> ” for consistency with underlying zone standards. | 249.28 |
| 91. | Amend the propose Purposes statement by adding “ <i>.and to allow for a reasonable level of privacy and security</i> ”. | 249.29 |
| 92. | The fence and wall height in (1)(a) and (b) is not adequate for reasonable privacy and security. Change the figure of 1.2m to 1.8m in each of these sub-clauses. | 249.30 |
| 93. | The wording of sub-clause (b) is somewhat confusing particularly in respect of fences between the house and side boundary and forward of the front façade of the house. It requires some rewording. | 249.31 |
| 94. | The defined term “dwelling” should be used rather than the undefined “house”. | 249.32 |
| 95. | The terms “fences” and “walls” are not defined but if 2.5m or less in height are not “buildings”. | |

D18.8 Assessment – Restricted discretionary activities

- | | | |
|-----|---|--------|
| 96. | The proposed addition of D18.8.1.1 (c) is supported. | 249.33 |
| 97. | The proposed addition of D18.8.2.1 (4) (b) is supported. | 249.34 |
| 98. | This provides important additional ties to the underlying provisions including Objectives and Policies. | |

E38 - Subdivision Urban

- | | | |
|-----|---|--------|
| 99. | The proposed addition of E38.8.2.6 (3) is acceptable. | 249.35 |
|-----|---|--------|

Relief Sought

- | | | |
|------|--|--------|
| 100. | The following relief is sought: | |
| (a) | Make changes and amendments to the Auckland Unitary Plan / Proposed Plan Change 26 as required to address the above submission points; and | 249.36 |
| (b) | Make such other amendments to the Auckland Unitary Plan as are necessary or appropriate as a consequence of the primary relief sought. | 249.37 |

K Vernon

12 July 2019

**SUBMISSION ON PLAN CHANGE 26 TO THE AUCKLAND UNITARY PLAN
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO THE RESOURCE
MANAGEMENT ACT 1991**

To: Auckland Council
Attn: Planning Technician
Level 24, 135 Albert Street
Private Bay 92300
AUCKLAND 1142

unitaryplan@aucklandcouncil.govt.nz

Name of Submitter: Southern Cross Hospitals Limited

Address: c/- MinterEllisonRuddWatts
PO Box 3798
AUCKLAND 1140
Attention: Bianca Tree

Introduction

1. This is a submission on behalf of Southern Cross Hospitals Limited (**Southern Cross**) on proposed Plan Change 26 (**Plan Change**) to the Auckland Unitary Plan (**Unitary Plan**). The Plan Change was notified by Auckland Council (**Council**) on 30 May 2019.
2. The Plan Change proposes changes to the overlay provisions in the Unitary Plan to confirm that the provisions of the Special Character Area Overlay – Residential and Business (**SCA Overlay**) take precedence over the underlying zone rules. The Plan Change also seeks to add new purpose statements for the standards in the SCA Overlay, and amend some of the development standards.
3. Southern Cross opposes the Plan Change in part and supports the Plan Change in part.
4. This submission relates to the following provisions of the Plan Change:
 - (a) The purpose statements included at the beginning of the development standards in section D18.6.1 Standards for buildings in the Special

Character Areas Overlay – Residential and in the Special Character Areas Overlay – General (with residential zoning); and

- (b) The following development standards:
- (i) D18.6.1.2 Height in relation to boundary;
 - (ii) D18.6.1.5 Landscaped Area;
 - (iii) D18.6.1.6 Maximum Impervious Area; and
 - (iv) D18.6.1.7 Fences, Walls and other structures.

Background to Southern Cross

5. Southern Cross has the largest network of private surgical hospitals and procedure centres in New Zealand, with ten wholly-owned hospitals as well as ten joint ventures operated in partnership with leading healthcare providers. Southern Cross is part of the Southern Cross Health Group.
6. Southern Cross provides essential social infrastructure and has an important role in the New Zealand health sector. In 2018, 80,000 New Zealanders were treated in a Southern Cross facility (compared with approximately 1.1 million in a public hospital).
7. Southern Cross' hospitals are located immediately adjacent to or within residential areas of towns and cities in New Zealand. They are also often located in proximity to public hospitals and other healthcare providers. New Zealand has significant projected population growth and an ageing population, which will require expansion in both the public and private healthcare services to keep up with the demand. It is important that Southern Cross maintains the development potential of each of its sites to meet current and anticipated capacity.
8. Southern Cross owns and operates Brightside Hospital, located at 3 Brightside Road and 149, 151 and 153 Gillies Avenue, Epsom, Auckland (**Brightside Hospital**). The sites at 149, 151 and 153 Gillies Avenue are zoned Single House and are subject to the SCA Overlay. Southern Cross has lodged Private Plan Change 21, which seeks to rezone Brightside Hospital to Special Purpose Healthcare Facility and Hospital zone and remove the SCA Overlay.

Trade competition

9. Southern Cross could not gain an advantage in trade competition through this submission.

Submission in opposition

10. Southern Cross opposes the inclusion of purpose statements at the beginning of each standard in D18.6.1 of the SCA Overlay.

Reasons for submission in opposition

11. The reasons for Southern Cross' opposition includes the following.
12. In general, the inclusion of purpose statements at the beginning of each standard in D18.6.1 of the SCA Overlay:
 - (a) is inconsistent with the relevant objectives and policies and framework of the Unitary Plan;
 - (b) is inconsistent with the purpose and principles of the Resource Management Act 1991 (**RMA**);
 - (c) does not meet the requirements to satisfy the criteria of section 32 of the RMA;
 - (d) will not meet the reasonably foreseeable needs of future generations; and
 - (e) is contrary to sound resource management practice.
13. Further, without derogating from the generality of the above, the inclusion of purpose statements at the beginning of each of the development standards in section D18.6.1 of the SCA Overlay is inappropriate for the following reasons:
 - (a) the purpose statements generally take a restrictive interpretation to the standards, which is not consistent with the plain wording of the standards;
 - (b) the effect of the standards in the SCA Overlay may be altered in a manner not anticipated by the Council as the standards would need to be interpreted in light of the purpose statements;

- (c) the purpose statements are unnecessary because the introductory section in the SCA Overlay clearly identifies the purpose of the SCA Overlay, which is to retain and manage the identified special character values of specific residential and business areas;
- (d) it is inconsistent with the purpose of Plan Change 26 because it introduces uncertainty about the interpretation of these standards in light of the purpose of the SCA Overlay;
- (e) it is inconsistent with the rest of the Unitary Plan, as no other overlays in the Unitary Plan include purpose statements within the standards section. This approach to drafting was only applied with zones and precincts, which prescribe the underlying rules and establish the overall nature of development in an area.

Submission in support

- 14. Southern Cross conditionally supports the amendments to the following development standards in D18.6.1 of the SCA Overlay (subject to the removal of the purpose statements):
 - (a) D18.6.1.2 Height in relation to boundary;
 - (b) D18.6.1.5 Landscaped Area;
 - (c) D18.6.1.6 Maximum Impervious Area; and
 - (d) D18.6.1.7 Fences, Walls and other structures.

Reasons for submission in support

- 15. The reasons for Southern Cross' conditional support includes the following.
- 16. In general, the amendments to the development standards in D18.6.1 of the SCA Overlay set out at 14(a)-(d) above:
 - (a) are consistent with the relevant objectives and policies of the Unitary Plan;
 - (b) are consistent with the sustainable management of physical resources and are otherwise consistent with the purpose and principles of the RMA;

- (c) will maintain and enhance amenity values and the quality of the environment;
 - (d) meet the requirements to satisfy the criteria of section 32 of the RMA;
 - (e) will meet the reasonably foreseeable needs of future generations; and
 - (f) are consistent with sound resource management practice.
17. Further, without derogating from the generality of the above, the amendments to the development standards in D18.6.1 of the SCA Overlay set out at 14(a)-(d) above are appropriate because they:
- (a) appropriately enable the purpose of the SCA Overlay;
 - (b) would effectively manage change and encourage ongoing maintenance of buildings in areas subject to the SCA Overlay;
 - (c) reduce uncertainty in the application of the development standards; and
 - (d) would be effective for retaining the physical attributes that define, contribute and support the special character of areas subject to the SCA Overlay, including streetscape qualities and cohesiveness.

Decision sought

18. The decision sought by Southern Cross is:
- (a) That the proposed purpose statement in each of the standards in the Special Character Areas Overlay be removed; 250.1
 - (b) Subject to the removal of the purpose statements;
 - (i) that the amendments to the height in relation to boundary standard D18.6.1.2 be allowed; 250.2
 - (ii) that the amendments to the landscaped area standard D18.6.1.5 be allowed; 250.3
 - (iii) that the amendments to the maximum impervious area standard D18.6.1.6 be allowed; 250.4

(iv) that the amendments to the fences, walls and other structures | 250.5
standard D18.6.1.7 be allowed; and

(c) Such relief and/or amendments to the Plan Change as may be | 250.6
necessary to address Southern Cross' concerns, as outlined above.

19. Southern Cross wishes to be heard in support of its submission.
20. If others make a similar submission, Southern Cross will consider presenting a joint case with them at a hearing.

DATED this 12th day of July 2019

Southern Cross Hospitals Limited by its
solicitors and duly authorised agents
MinterEllisonRuddWatts



B J Tree

Address for service of submitter

Southern Cross Hospitals Limited
c/- MinterEllisonRuddWatts
P O Box 3798
AUCKLAND 1140
Attention: Bianca Tree

Telephone No: (09) 353 9700
Fax No. (09) 353 9701
Email: bianca.tree@minterellison.co.nz