

SECTION 32 ASSESSMENT

AUCKLAND CITY DISTRICT PLAN: ISTHMUS SECTION

PLAN CHANGE 123 - MT EDEN CENTRE PLAN

1.0 Background

1.1 Introduction

Proposed plan change 123 introduces a centre plan for Mt Eden village. The objective of the plan change is to provide an individual planning approach for Mt Eden village to deal with the specific amenity values associated with the village. The focus of proposed centre plan is to maintain and enhance the character of Mt Eden village. This is proposed to be achieved by the identification of certain buildings that are worthy of specific controls as *character defining* or *character supporting* with specific provisions to protect these buildings. The map on page 2 of the centre plan in Appendix A identifies which buildings have been identified as *character defining* or *character supporting*.

2.0 Statutory requirements for plan changes

2.1 Part II, sections 31, 32, 72, 74 and 76 of the Resource Management Act

Section 74(1) of the RMA states as follows:

A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part II, its duty under section 32, and any regulations.

Section 72 states as follows:

The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.

The following provisions of section 76 are also relevant:

- (1) *A territorial authority may, for the purpose of –*
 - (a) *Carrying out its functions under this Act; and*
 - (b) *Achieving the objectives and policies of the plan, -include rules in a district plan.*

- (3) *In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities, including, in particular, any adverse effect.*

Section 32 states that an evaluation must be carried out by the local authority before a proposed plan change is publicly notified. Under section 32 (3) an evaluation must examine:

- (a) *the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and*
- (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

Sub-section (4) goes on to say that:

For the purposes of this examination, an evaluation must take into account –

- (a) *the benefits and costs of policies, rules, or other methods; and*
- (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

3. Background Research and Public Consultation

3.1 Consultants Reports

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In order to assist with the section 32 report the council commissioned consultants to provide two reports which would provide background information and also provide recommendations on how to proceed with the centre plan. The consultants reports are:

- ***Mt Eden village: Character/Heritage Study; prepared for Auckland City Council (City Planning) by Boffa Miskell, R.A Skidmore, Matthews & Matthews Architects and Salmond Reed Architects; April 2004***

This report concluded that there were a number of character and heritage factors that contribute to the distinctive and defining qualities of Mt Eden village. These character and heritage qualities represent a valuable resource to the community and city and required appropriate management. Overall the report recommended that collectively these qualities were worthy of protection.

The report concluded that it would be appropriate to address the relationship between the village's character and heritage elements that are collectively important to retain and/or reinforce. The report also recommended the boundary of the character/overlay zone which coincides with the proposed centre plan boundary (see map of centre plan boundaries in Appendix A).

- ***Mt Eden Village Accessibility Study Report, GHD consultants. April 2004***

GHD Consultancy Ltd undertook an audit, which focused on identifying:

- Current pedestrian environment in and around Mt Eden village in terms of convenience, safety and amenity
- Current situation of cyclists
- Present vehicle parking situation

The conclusions and recommendations of the study are as follows:

- Develop policies to improve the efficiency and attractiveness of passenger transport through the village;
- Development short to long term traffic management options;
- Develop policies to improve the safety and attractiveness of walking and cycling in Mt Eden and beyond.

The conclusions and recommendations from these reports are referred to throughout this section 32 report.

3.2 Public Consultation

The first phase of public consultation was held in October and November 2003. This consultation focused on gaining initial feedback from the public regarding issues and options for the future of the village. This involved:

- Meetings have been held with key people and groups to advise that council will be working on a centre plan, and obtain feedback on Mt Eden Village issues.
- City Scene article, website on centre plans
- Press release (suburban newspapers, Herald, etc)
- Random survey with residents
- Open days held at Mt Eden village

Over 100 people responded by attendance at the open days and/or sending in comments sheets containing their ideas for the future of Mt Eden village.

Five hundred residents of Mt Eden were surveyed randomly regarding their attitudes to the existing amenity and facilities at the village and where they would like to see improvements. The results of this survey were collated and used as background to the centre plan work.

The second phase of public consultation was held in October and November 2003. This consultation focussed on seeking public feedback to four scenarios. These scenarios placed an emphasis on different issues as follows:

- Scenario 1 - protect and enhance the built environment with character/heritage controls

The heritage/character focused approach looked at giving a strong emphasis to the elements of Mt Eden's built heritage and character, being significant components of the Centre's environment. The aim of this approach was to protect and enhance the built environment with heritage/character controls in conjunction with incentives, such as not needing to fully comply with current parking requirements.

- Scenario 2 - more efficient movement of vehicle traffic through the village and providing more carparks very close to the village. The emphasis would be on retaining the existing street pattern and streetscape while improving pedestrian facilities. Improvements would still be made to carparking facilities but not at the expense of character/heritage aspects. Also improvements would be made to passenger transport facilities provided they were in keeping with the character/heritage concept

- Scenario 3 - improve the efficiency and quality of facilities for pedestrians, cyclists and passenger transport users while continuing to acknowledge that motor vehicle transport is the dominant transportation mode. The main aim of this approach would be to enhance the opportunities for safe and efficient walking and cycling opportunities around and through the village. Also, emphasis would be given to improving bus stops and the efficiency of bus/cycle lanes through the village in terms of their location and the length of time that they would apply.
- Scenario 4 - to retain the status quo with little additional intervention/controls. The approach would seek to provide a balance between the streetscape concerns and allow for flexibility in modern development/design.

The moderate change approach aimed to retain the status quo with little additional intervention/controls. This approach sought to provide a balance between the streetscape concerns and allowing for flexibility in modern development/design. This approach recognised that, to a certain degree, the area would change on its own but that there could be increased awareness of the qualities that contribute to Mt Eden's character through such non-statutory means as brochures.

The feedback from the public has emphasised four main issues being the retention of Mt Eden village's heritage/character; retention of the village's mixed use nature (retail, café, restaurant, residential etc.); resolution of transportation issues (pedestrian, cycling, buses and private motor vehicles) associated with the location of the village on a busy district arterial road and attention to streetscape.

This feedback aided Council staff and the working party in the development of the proposed Plan Change.

4.0 Section 32 analysis of proposed plan change 123

4.1 Objectives

Under sub-section 3 (b) it is necessary to consider the following:

Whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives

The proposed policies and rules are considered to be the most efficient and effective ways of achieving the objectives of the Plan for the following reasons.

- **Part II of the Resource Management Act 2004**

In the 2003 amendment to the Resource Management Act 1991 an additional matter of national importance was added to section 6. This requires that the council shall recognise and provide for:

(f) The protection of historic heritage from inappropriate subdivision, use, and development

It is stated that in section 7(3) of the Act that particular regard shall be given to the recognition and protection of heritage values of sites, buildings, places, or areas.

The proposed rules in the centre plan help to achieve this objective by identifying buildings as either character defining or character supporting and by applying additional controls to the redevelopment or replacement of these buildings to ensure that the character of Mt village is maintained and enhanced.

- **Auckland Regional Policy Statement**

Under section 2.3.7 of the policy statement it is stated that:

Auckland's heritage is important because it gives Auckland its uniqueness and sense of identity, but some of this is under threat.

Objective 5.3.1 of the statement is to “*preserve or protect a diverse and representative range of the Auckland Region's heritage resources*”

The proposed rules in the centre plan help to achieve the relevant objectives and strategies outlined in the policy statement by applying additional controls to the redevelopment or replacement of buildings that are identified for their heritage and character values. This will help to ensure that the character of Mt village is maintained and enhanced.

- **Auckland City: Growth Management Strategy**

The growth management strategy is interlinked with the Auckland Regional Growth Strategy. The strategy sets a broad strategic direction for urban development within the city, which identifies areas where residential growth will occur – called “Areas of change” and areas where no great change is planned – called “Areas of stability”.

Mt Eden village is within an “Area of Stability” in the council's growth management strategy. This strategy was reviewed in 2003 and it was at that time that it was confirmed Mt Eden as an area of stability. Mt Eden is an area of stability because it has the following characteristics:

- Significant character or heritage qualities that limit the capacity for future growth;
- Environmental qualities that would be compromised by increased urbanisation;
- Limited opportunities to create more community facilities, open spaces or services to meet increased demand

It is considered appropriate to develop plan rules which will assist in maintaining and enhancing the significant character and heritage qualities in and around Mt Eden village that have been recognised in the Growth Management Strategy. The provisions in the proposed centre plan are consistent with the Growth Management Strategy in that this strategy incorporates Mt Eden as an area where no great change is planned.

- **District plan**

Centre plans are identified in the District Plan as a mechanism for encouraging and facilitating the stability and vitality of individual business centres throughout the Isthmus. The District Plan already contains provisions for four centre plans at Otahuhu, Onehunga, Ponsonby and Parnell.

In section 8.5 of the plan “Planning Methods” centre plans are discussed in general and this discussion is summarised as follows:

- They represent an individual planning approach, identifying matters such as separate rating districts for parking, main street programmes, amenity improvements, infrastructure, relaxation in certain circumstances of standard activity and development controls and the imposition of special controls to maintain acknowledged community or heritage features.
- Centre plans will usually be applied to Business 2 or 3 land but may also be applied to open space or residential land where such land forms part of the identified business centre. This is to ensure that a centre plan is comprehensive and encompasses all aspects of the business centre.
- A centre plan is developed by the council in conjunction with the business and community groups.
- Once a centre plan is developed it will be notified as a plan change and through the plan change process incorporated into the district plan. The centre plan is seen as dynamic and can be progressed and refined over time.

The proposed centre plan is consistent with existing provisions in the district plan which advocate the centre plan as a method of maintaining and enhancing the significant qualities of an identified business centre in conjunction with business and community groups.

4.2 Alternatives

Under subsection 32 4(b) of the RMA it is necessary to assess the plan change in terms of the benefits and costs of policies, rules and other methods.

This section sets out a description of the proposed plan change, the existing plan provisions and other methods that could be used to meet the objective of providing a cohesive planning framework for the future of Mt Eden village. Costs and benefits of each method are also discussed.

4.2.1 Proposed Controls in the District Plan

Proposed Mt Eden Centre Plan

4.2.1.1 Summary

In summary the centre plan includes provisions related to the following:

- identification of certain buildings as *character defining buildings* or *character supporting buildings*. These buildings are subjects to bulk and location and design controls which provide a level of protection;
- rules related to the construction or relocation of new buildings;
- a parking exemption of up to 10 spaces is offered for scheduled, character defining and character supporting buildings when a change of use or adaptive use of the building is undertaken, and the character of the building is maintained or enhanced;
- all sites within the centre plan are subject to the “special character area” in Part 27 of the Auckland City Consolidated Bylaw.

- Developments subject to a resource consent will be assessed in terms of personal safety considerations.
- Specific Controls for Residential 7a zoned sites between Grange Road and Fairview Road;
- Controls to protect stone walls on sites that lie between Grange Road and Fairview Road.

4.2.1.2 Character/heritage

The character/heritage study (Boffa et al, 2004) considered that based on the research, assessment and analysis undertaken “*character defining*” buildings and elements are those that make a major contribution to the character and heritage significance of the centre, and if removed would create a serious loss in identified character. The study conclusion was that their retention is strongly advocated.

The study also concluded that Mt Eden village contains a number of buildings that can be categorised as “*character supporting*” These buildings may form part of an intact group of traditional mainstreet buildings, but are not of particular historic, social or architectural value on their own.

In order to protect these values the study recommended that the removal, redevelopment and/or extensive alteration to character defining buildings should require a resource consent. For character supporting buildings it was considered that their retention and ongoing use was also desirable, however potential change would be more readily accommodated in these locations without detract from the identified character of the centre. If their redevelopment was controlled by a resource consent process, there would be opportunity for direction to respond to identified character, and review of proposals.

The area encompassed by the proposed centre plan extends in a southward direction from Valley and Oakland Roads down Mt Eden Road to Windmill and Woodside Roads. The area also includes the Essex Road carpark and the service lane and the public reserve which are located behind the shops between Essex Road and Ngauruhoe St. The centre plan map Appendix A sets out the proposed area to be covered by the centre plan.

The area of the centre plan was supported by the character/heritage study (Boffa Miskel et al.) which considered that Mt Eden Road formed the commercial spine of the village, with “*two retail cores with buildings built to the street boundary creating a continuous retail edge*” (ibid. p 62).

The study also recommended the retention of the residential areas between the two commercial blocks, which was described as follows:

Between the two retail cores, respect the development pattern characterised by stand alone buildings, set back from the front boundary, combined with specimen tree planting and stone boundary walls.(p 63)

The proposed plan change includes the above residentially zoned areas that fall between the commercial area, and just north of Valley Road and from Rautangi Road because it is agreed that these areas form part of the village environment. While retaining a largely residential character many of the buildings on these sites

contain commercial activities. It is considered important to retain the relatively open, residential character of these sites and for future development to occur in a manner that does not detract from the character of the village.

Several of the sites zoned Residential 7a that are situated between Grange and Fairview Roads contain stone walls along their frontages and along their side boundaries. The stone walls contribute to the visual character of this part of the village and for this reason the centre plan introduces a control that protects these walls from demolition or significant alteration.

4.2.1.3 Signs

While recognising their part in creating the commercial character and activity in the centre, their impact on the streetscape of the centre must be recognised. Signs should therefore be sympathetic to the architectural pattern of the buildings and should not detract from the visual appearance of the heritage elements and the streetscape. The centre plan provisions require that all signs within the centre plan area comply with the rules under Special Character Area in part 27 of the bylaw as mentioned above.

4.2.1.4 Costs and Benefits

The potential costs and benefits of implementing the proposed plan change are summarised below.

Benefits

- The centre plan enables inclusion in the district plan of particular planning controls for Mt Eden village that better suits that centre's particular characteristics
- The centre plan reinforces Mt Eden's uniqueness by enabling a number of controls to be introduced specifically for this area, without affecting other business and residential zones;
- The proposed controls will still allow a reasonable level of development to occur within sites affected by the Centre Plan but at a level which does not adversely affect heritage values in the area;
- The fact that changes or removal of character defining buildings will be assessed as a discretionary activity will enable the council to refuse consent to proposal which would have more than minor effect on character and amenity.
- In limited circumstances applications could be notified such as when activities did not comply with some of the development controls. This will enable local concerns about the activity to be addressed prior to activities being established.
- The council will have the ability to place appropriate conditions on developments within the area affected by the Centre Plan.
- Owners and occupiers of buildings classified as character defining or character supporting will have the opportunity for a parking shortfall of up to 10 parking spaces per site. This will make adaptive reuse of existing buildings a more viable option than replacement which would require full compliance with parking standards.

Costs

- Applicants and the council will incur greater costs for development because of the additional assessment required for applications which would otherwise have been permitted.

- Because discretionary activities can be refused consent this introduces some uncertainty for land owners and developers regarding building style where the building is classified as character defining or character supporting.
- Inevitably some applicants will be notified which will result in greater monetary and time costs to developers and surrounding land owners.

4.2.2 Existing District Plan Controls

The development of the centre plan for Mt Eden village is considered necessary in order to contribute to the maintenance and enhancement of the character of the village. As discussed above, under section 8.5.1.3 of the district plan, centre plans are mentioned as a mechanism to apply to existing retail areas on the Isthmus in order to foster their stability and vitality.

Currently the area within the proposed centre plan is subject to several different zonings. These zone provisions are designed to a greater or lesser extent to ensure the maintenance and enhancement of amenity of the area. However these controls differ from the proposed plan change in that they do not provide the degree of protection necessary to protect those aspects of the centre which give it a unique and high quality character. The current zonings within the proposed centre plan area are outlined below.

- **Business 1 Zone**

The Business 1 zone is applied to existing small centres which can be found throughout the residential areas of the City. Their principal function is to satisfy local retail and service needs. Due to changes in people's shopping patterns the role of these small centres has changed and many have diversified in function and activity. Some are now locations for specialised small scale business activity.

The southern commercial area of Mt Eden village (located on the eastern side of Mt Eden Road between Fairview and Woodside Roads) is zoned Business 1. This centre appears to have maintained its viability and has diversified away from traditional "corner" shops. It contains a variety of shops including speciality shops (high quality homeware, furniture, childrens clothing, a toy/educational goods shops and a "scrap book" shop). The centre also contains a dairy and two takeaway food shops and a real estate agent.

Most of the above businesses have existed over the long term and the centre shows signs of remaining strongly retail.

The zone provisions provide for the maintenance and enhancement of the character of the sites within it in the following way:

- a) Providing for a wide range of business and non-business activities;
- b) By adopting controls which seek to protect residential zone privacy and amenity;
- c) By providing a degree of pedestrian amenity along the main retail frontage by requiring the provision of verandahs.

Currently the following may be built and/or established as a permitted activity (care centre, community welfare facility, educational facility – floor area limitations, healthcare centres, laboratories, non-permanent accommodation, offices, residential

units in an existing building, residential accommodation for persons whose duties require them to live on the site, retail premises – floor area limitations, workrooms).

Under 8.7.1A “Explanation for Permitted Activities” it is stated that permitted activities are those who generated effects are generally not expected to have any adverse impact on the environment if they comply with the relevant development controls.

It is also stated that these activities will take place within an enclosed structure and that this will ensure that the visual impact is unlikely to detract from the environment of the surrounding neighbourhood. The threshold effect rule under 8.7.1.1 of the plan allows for the provision of an educational facility, non-permanent accommodation or retail premises which have a gross floor area of less than 200sqm. Activities which attract or cater for large numbers of customers may be subject to further assessment because of their potential to generate adverse effects particularly in regard to traffic, parking and noise.

The controlled activity criteria under 8.7.2.1 (a) allow for additional conditions related to design and external appearance of buildings and structures to be imposed on a particular proposal where Centre Plan design guidelines exist.

The discretionary activity criteria under rule 8.7.3.2 contain some reference to design and appearance standards. However these are limited to consideration of a general statement in 8.7.3.2 (d) which refers to the need for buildings to be of a complimentary scale and should not overshadow or become overlay dominant. Criteria (o) refers to the need for a high standard of visual amenity and that landscaping may be required in relation to parking and loading areas.

- **Business 2 zone**

The Business 2 zone recognises the existence of the City’s traditional suburban retail centres. The plan’s objective is to provide flexibility in location, tempered by a need to prevent any significant adverse effects on the existing physical resource of established commercial centres. The plan also state under 8.6.2.2 as follows:

Those centres where community and business concerns are strong, will adopt Centre Plans which will identify and attempt to manage the specific resource management issues of the centre. It is expected that these Centre Plans will be important planning tools – reflecting community concerns, and coping with issues such as parking and traffic matters and the provision of amenity improvements. The development controls for the zone are expected to maintain or improve the amenity of these centres, over time, especially the pedestrian environment of retail dominant areas.

One objective of the Business 2 zone is to of encourage business and community groups to become actively involved in the specific character of individual centres and the further direction of them. The policy to achieve this objective is “*by introducing the concept of Centre Plans for individual centres where sufficient interest and support is given by the business sector and the community.*”

As discussed above in this report, the consultation undertaken by the council resulted in a clear view that the majority of respondents considered that a centre plan for Mt Eden was needed and that it should consider heritage/character issues. There was also an acknowledgment that, in doing so, other issues such as parking shortfalls

that occur as a result of redevelopment must be balanced as incentives to encourage/enable building retention.

The centre plan enables inclusion in the district plan of particular planning controls for Mt Eden that better suits that centre's particular characteristics and which aim to create a regulatory environment which best meets the needs and interests of the community. It is considered that the rules in the district plan that currently apply to the proposed centre plan area do not directly deal with the heritage and character values of the area and so are not meeting section 6(f) *the protection of historic heritage from inappropriate subdivision, use, and development* or section 7(e) of the act with regards to council having particular regard to the recognition and protection of the heritage values of buildings, places, sites, or areas.

For example, presently, removal of buildings other than those scheduled in the district plan is a permitted activity and any replacement building has only the standard development controls within the district plan to consider/comply with. The proposed plan change seeks that reference to the uniqueness of Mt Eden will be required for the replacement or redevelopment of buildings within the centre plan area. The introduction of a centre plan for Mt Eden will enable a number of controls to be introduced specifically for this area, without affecting other business-zoned centres within the isthmus.

It is noted that, while is one building in the proposed Centre Plan area that is specifically scheduled in the District Plan, the majority of historic/character buildings do not merit such protection, nor could they be justified as requiring such a level of protection or controls. It is considered, however, that a level of protection is necessary to ensure retention of Mt Eden's special qualities. It is clear that, within the area, under the provisions of the Business 2 zone there exist some buildings that have experienced few alterations or additions and some that are still intact. These buildings are deserving of a higher level of protection than afforded by this zone.

In other places, where a great deal more redevelopment has occurred, little of the original character of the area remains, however, these areas still have the potential to impact on the higher quality areas. Some further control related to heritage and character retention on redevelopment is therefore appropriate.

- **Residential 2b (Built/Flora)**

It is recognised that a special level of amenity exists in the zone which requires protection from the adverse effects of more intensive non-residential activities. Criteria are applied to resource consent applications for building construction on order to maintain consistency of architecture, form, proportion and material.

The density requirement is 600sqm for dwelling, with a maximum height limit of 8 metres. Construction or relocation of residential units (where the proposal complies with other district plan controls) is a controlled activity. Under 7.7.3 "Controlled Activities" the plan states it is the intent of the criteria to ensure that the design and location of buildings are sympathetic to the special character in the area.

This area is proposed for inclusion in the centre plan because of it's existing character values and its affect on the visual amenity of the village area. The proposed controls will assist in protecting the current character of this area.

- **Residential 5 (Low Intensity)**

This zoning is applied to areas characterised by detached homes of one or two stories on sites that have relatively generous open space to accommodate landscaping and leisure activities. The expected outcome for the zone is to maintain and enhance local amenity values to the extent that in time some of these areas will become special character areas of the future.

The density requirement is 500sqm for dwelling, with a maximum height limit of 8 metres. Construction or relocation of residential units (where the proposal complies with other district plan controls) is a permitted activity.

This area is proposed for inclusion in the centre plan because of its existing character values and its affect on the visual amenity of the village area. The proposed controls will assist in protecting the current character of these areas.

- **Residential 7a (High Intensity)**

The zone imposes minimal development controls on sites within the zone and allows for a relatively high level of intensity while protecting the surrounding area from any adverse effects resulting from development.

The density requirement is 200sqm for dwelling, with a maximum height limit of 10 metres. Construction or relocation of residential units (where the proposal complies with other district plan controls) is a permitted activity.

While the provisions in the Residential 2b and 5 zones discussed above, provide for a level of visual amenity control, the 7a zone provisions could result in development that would be out of keeping with the current character of the village. This area is proposed for inclusion in the centre plan because of its existing character values and its affect on the visual amenity of the village area. The proposed controls will assist in protecting the current character of this area.

- **Open Space 2 (Informal Recreation)**

The Open Space 2 zone is applied to land that is used principally for informal recreation. Enhancement of the surrounding environment, particularly regeneration and retention of native plan and trees is encouraged. Buildings are not encouraged in the zone. Any proposed changing room or public toilet would require controlled activity consent. Any other type of proposed building would require a discretionary activity consent.

- **Scheduled Buildings and Trees**

There is one scheduled building within the centre plan area. This is Greyfriars presbyterian church which is located at 546-552 Mt Eden Road, near the corner of Mt Eden Road and Windmill Road.

There are several scheduled trees in the centre plan area as follows:

E08-30 – Totara tree at 461 Mt Eden Road

E08-10 - Pohutukawa at 465 Mt Eden Road

E08- 9 - Pohutukawa – 465A Mt Eden Road

E08 – 11 – Silky Oak, Puriri on road reserve, cnr Mt Eden Road and Disraeli Street

- **General Tree Protection (5C.7.3.3 C)**

General tree protection applies to indigenous trees that are more than 6m in height or with a girth (measured at 1.4m above the ground) greater than 600mm. These trees may not be damaged or destroyed without resource consent. Activities within the dripline of these trees require resource consent.

The existing tree controls are considered adequate and no additional tree controls are proposed for the centre plan.

- **Additional Limitations**

E05-29 – View Protection Volcanic Cones Affected Areas

Under clause 5C.7.6A the plan imposes special height limits on areas to protect significant views to the volcanic cones. Application to exceed the volcanic sightline special height limit are considered as a non complying activity resource consent. The plan states that as a general rule such applications will be publicly notified. In considering and application to depart from the special height limit the Auckland Regional Council is deemed to be an affected body.

The entire area covered by the proposed centre plan is affected by the volcanic sightline special height limit. In this particular areas the height limit for any building or structure is 9 metres. The Business 1 and 2 height limit (10m and 12.5m respectively) exceeds that permitted by the volcanic sight line.

E08-19 is the designation over the council carpark in Essex Road. The designation requires as follows:

All activities, works and buildings not fully described in the notice of requirement shall be subject to either:

- (a) *a new notice of requirement, which shall be publicly notified, pursuant to Section 168A of the Resource Management Act; or*
- (b) *a notice to alter the designation, pursuant to Section 181 of the Resource Management Act, which notice shall be publicly notified unless the alteration is minor and the affected persons agree in accordance with the provisions of Section 181(3) of the Act.*

The existing additional limitations are considered adequate and not changes are proposed to these as part of the centre plan.

- **Parking**

Under 12.7.1 of the Plan the council has the following objective and policies:

To ensure that the impact of activities on the capacity and safety of the road system is adequately catered for, so as to avoid adverse impacts on the environment.

Policies

- *By requiring activities to provide adequate off-street parking and loading facilities.*

- *By providing opportunities to alleviate parking deficiencies within existing commercial centres.*

The parking strategy under 12.7.2 of the plan recognises that the demand for parking is a generated effect of most activities and that this has the potential to impact adversely on the environment of the areas. To avoid or reduce these adverse effects the plan rules require that provision is made for adequate off-street parking and loading facilities for all activities. The provision of parking is primarily the responsibility of the property owner or occupier.

Under 12.7.2.2 “Existing Commercial Centres” it is stated that the council recognises problems regarding traffic and parking within established commercial centres. The following points area made:

- Many centres are of a linear form, located along arterial roads, and built at a time when public transport rather than private transport was paramount.
- Off street parking in these centres is often inadequate and difficult to access;
- There is increasing traffic congestion through many of these centres;

As a result the council takes a different approach to off-street parking in these centres. Generally all development or activity is required to provide its own individual parking. However, individual provision of off-street parking spaces in these existing centres is not always appropriate. Therefore the council prefers the establishment of centralised, visible and easily accessible parking areas (for both pedestrians and vehicles) to the rear of or adjacent to the centre. In order to achieve this the council provides for either separate rating areas and/or a special parking zone. Under the Resource Management Act 1991 the council is permitted to take financial contributions for parking spaces in lieu of their provision on site. These spaces may either be part of an existing publicly owned carpark or may be used to provide further public parking in the locality of the development making the contribution.

The proposed centre plan includes similar additional rules to those in the Parnell centre plan in terms of vehicle parking. In particular, where an existing building is either *character defining* or *character supporting*, and a new activity is proposed for that building, up to 10 onsite vehicle parking spaces may be waived where the developer intends to retain and/or enhance the existing character.

In both the Parnell and the Ponsonby centre plans it is acknowledged that the provision of required parking can be to the detriment of older character buildings which currently have little or no available off-street parking. It is proposed to take the same approach for Mt Eden village and place the main priority on the maintenance and enhancement of character, while still acknowledging the importance of on-site parking, but not to the detriment of site character.

The report by GHD consultants recommends that further investigation be carried out into possible improvements that could be made to the existing parking situation in and around the village. The Transport Planning division of council is about to prepare a parking plan for Mt Eden. This will cover both operational and regulatory parking issues. This parking plan will be able to address the parking issues in and around Mt Eden village in a more comprehensive manner than is possible through the centre plan process.

In the feedback received during public consultation clear concerns were expressed about traffic and parking problems. However, having considered the solutions to some of these problems most of those who responded on traffic and parking issues did not want major changes to the current situation. When weighing up parking solutions and the retention of Mt Eden's heritage and character many considered that the heritage and character was of greater importance than additional parking areas which would necessarily remove some of the existing character of the village and its environs.

Summary

In summary, as a result of information gained through public consultation and through the background consultants report it can be concluded that there is sufficient evidence for the centre plan to be included over and above the existing district plan controls for the Mt Eden village. It is considered that a centre plan is an appropriate mechanism in which to deal with issues that have been raised.

4.2.3 Related Issues

• Pedestrian Facilities

The council's Cycle and Walking Strategy (March 1998) has several objectives related to pedestrians that include the following:

- improve opportunities, convenience and safety for pedestrians;
- improve pedestrian access to areas of employment, recreation, schools, shops, transit stops and other public facilities;
- to ensure funds are available for the provision of pedestrian facilities;
- to promote walking as a viable mode of transport and part of Auckland's culture.

The report by GHD consultants Ltd commissioned as part of the centre plan undertook an audit of existing conditions for pedestrians in Mt Eden village. It was reported as follows:

The level of pedestrian amenity in most streets is moderate to excellent with good infrastructure (eg. footpaths, pram crossings, splitter islands at intersections allowing for pedestrian refuge) being complemented with street planting, street lighting and quiet residential and vibrant strips of retail shops and businesses along Mt Eden Road.

The centre plan process has identified several issues in relation to pedestrian safety and amenity. While these are outside the scope of the plan change, there are other avenues within council strategies and projects which will pick up and consider the issues and recommendations from both the public consultation and the report completed by GHD. The following are recommended in order to improve pedestrian safety along Mt Eden Road.

To be included in the Streetscape Plan for Mt Eden

- Maintain the Barnes Dance pedestrian crossing at Mt Eden/Stokes/Essex Road intersection;
- Upgrade side road footpath amenity lighting and car park, including vegetation trimming where street lighting is blocked.
- Ensure legal compliance with signs bylaw to remove footpath clutter
- Improve pram crossings and lip requirements

- Improve pedestrian amenity in side roads where there is high pedestrian activity, eg landscape/threshold treatments such as kerb extensions, refuge islands, splitter islands, vehicle tracking paths.

The following will also be considered by Transport Planning and Transport and Roding Services:

Provide a signalised pedestrian crossing on Mt Eden Road at Ngauruhoe Street and at Valley Road. These should be co-ordinated with the traffic light phases at the Mt Eden/Essex/Stokes Road interstecction.

- **Walking Trails**

The development and promotion of the existing walking trail has an impact on Mt Eden village and its business. By improving pedestrian facilities and promoting the Mt Eden walking trail, people will be more inclined to walk for both pleasure and business and also promote people coming into Mt Eden village. The Coast to Coast walking trail also passing just to the south of Mt Eden village is another connection that could be promoted with walkers stopping off at the village.

The council has also developed the Mt Eden Heritage Walking Trail which is an informal walking trail which takes walkers past business and residential sites of historical interest.

The proposed centre plan will help to achieve a high level of visual amenity within the centre plan area and this will enhance the heritage character of the area, help to retain the historic connections with the Maungawhau and therefore generally enhance the walking experience in the area.

- **Cycle Facilities**

Under part 12.6.2.6 of the district plan it is stated that the council wishes to encourage cycling as a means of travel and recreation and to improve road safety for cyclists. It is also stated that arterial roads often provide the shortest and fastest route between home and place of work. The plan recognises that many arterial roads on the Isthmus are not wide enough to provide separate facilities for cyclists.

The district Plan (12.6.2.6 Cycleways) states support for cycling as a means of travel and recreation and to improve road safety for cyclists. The plan states that Mt Eden Road is a district arterial road and the district plan recognises that arterial roads provide the shortest and fastest route between home and place of work. Mt Eden Road is a popular cycling route for commuters, school students and for recreational use although the council's priority is to maximise efficiencies for motor vehicles. This does not leave enough width to provide for separate facilities for cyclists. The existing width of the footpath cannot be narrowed due to the needs and amenities of pedestrians in the village.

The report by GHD consultants indicated that cyclists are currently riding where there are no dedicated shared bus/cycle lanes on Mt Eden Road. Due to road width constraints it is difficult to extend the existing shared facilities. Due to the road narrowness and significant roadside parking cyclists are at risk with opening of doors from parked cars.

While the recommendations for improving safety and efficiency for cyclists are outside the scope of the centre plan, it is recommended that the following suggestions should be included in the Mt Eden Streetscape project:

- cyclist awareness signage
- install cycle racks in a secure and safe place in key locations, such as outside De Poste

- **Stone Walls**

There are several examples of stone walls that are located on the front boundary of sites between Grange Rd and Fairview Rd, within the centre plan area. These walls contribute to the character of Mt Eden village and provision is made within the centre plan for their retention.

The stone walls of Mt Eden help to give the village a particular sense of identity and place. The centre plan area contains examples of these walls thus reinforcing the continuity between residential areas and the commercial areas of Mt Eden.

It is therefore proposed that plan impose special controls that will result in the retention of stone walls for the appreciation for present and future generations.

- **Closing of a Portion of Ngauruhoe St**

During both rounds of public consultation several local people referred to a suggestion that had been included in a council project some years back, that the portion of Ngauruhoe St between Mt Eden Road and the eastern side of the service lane should be closed to traffic. This area would then become an open space reserve. The service lane would become a minor two lane road in order to provide access and egress to the residents of Ngauruhoe St. This idea was considered in the development of the proposed centre plan.

In the GHD consultant report it was considered that this would be a long term option that could improve traffic circulation. The report identified the intersection of Mt Eden Road and Ngauruhoe St as experiencing adverse capacity and safety issues.

The creation of a village square in this location would provide for an open space area near the centre of the village with a good outlook to the mountain. This proposal requires further investigation by the council and this is beyond the scope of the current proposed plan change.

4.3 Other Methods

The council is required to consider other means which may be used in achieving the purpose of the act and the costs and benefits of these. Other means that could be used are discussed below.

- **Overlay zone with no additional character controls under the centre plan.**

This was attempted but the result was a hybrid between an overlay zone and the centre plan. The overlay zone could provide general provisions however it could not be used to cover the specific issues for Mt Eden village such as the residential zoned

areas that are incorporated into the centre plan area, or for other features such as protection of the stonewalls.

Without the character controls within the centre plan the document referred only to a few relatively minor issues. The reader of the district plan would be required to consult various parts of the plan whereas it would be more efficient to have all provisions within the same part of the plan, i.e. in a centre plan.

- **Status quo**

The approach taken by the District Plan presently is to provide for activities and building development within the business zones throughout the Isthmus. This approach is satisfactory in many of the commercial centres in the city which may not have an identifiable physical character of amenity value. However this is less satisfactory in an area which does have character and amenity values which are of such significance that they set the area apart from other commercial centres in the city. These provisions of the various zonings of land that is contained within the centre plan area are discussed above. The range of controls within these zones provide varying levels of protection to the character of Mt Eden village. However, none of them provide a level of protection that recognises the level of significance afforded to the overall character and cohesion of Mt Eden village.

- **Liaison**

The council has a liaison role between landowners and other organisations that can provide assistance with achieving the maintenance of character buildings. These organisations include the Auckland Regional Council, New Zealand Historic Places Trust. However these agencies tend to deal with individual buildings which display highly significant heritage significance. The objective of the Mt Eden village centre plan is to maintain the current character of the village as a whole, rather than picking out individual buildings for protection.

- **Voluntary Methods**

Private landowners can choose to protect the character of buildings. Landowners may not be aware of the values of their buildings. It is therefore necessary to provide landowners with information about both of these topics. It is unlikely that all landowners will choose to protect the character of buildings. In order to maintain a coherent character in the village it is preferable to establish a set of rules that apply to all the relevant sites.

- **Waiving of Fees**

Where a resource consent application relates to character defining or character supporting building the Council could waive the associated fees.

The waiving of fees could extend to the costs of expert advice on the refurbishment or reconstruction of the building.

However this is not something that can be confirmed at this time as it requires further investigation.

4.4 The Risk of Acting or not Acting

Under section 32 (4) (b) the council is also required to consider the following:

The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods

There has been sufficient research carried out to act within an adequate degree of certainty that Mt Eden village warrants the level of protection that the plan change proposes.

4.5 Duty to Monitor

Under section 35 of the RMA the council has a duty to gather information and monitor how effectively it is carrying out its functions. In order to monitor the effectiveness of the proposed centre plan should it be implemented, it is proposed to commission consultants with expertise in heritage and character issues to carry out an evaluation of the centre plan area. This would occur approximately five years from the implementation of the plan change. The recent report carried out by Boffa Miskell et al would be used as a base line for the subsequent evaluation. The second part of the monitoring strategy would be to undertake a public consultation phase at around the same time in order to gain feedback regarding the effectiveness of the plan change.

5 CONCLUSIONS

A Section 32 analysis has been undertaken in relation to the extent to which the objective is the most appropriate way to achieve the purpose of the Act.

After analysis of these methods, it is concluded that the plan change proposed meets the requirements of Section 32 and fulfils the purpose, Section 5, of the Resource Management Act 1991.

Section 32 Assessment – Amendment

The following amendment to the section 32 report is necessary as a result of a change to proposed plan change 123 that was approved by the City Development Committee at its meeting on 11 August 2004.

Part 4.2.1.1 – third bullet point - the plan change as notified does not state a limit on the number of parking spaces that can be exempted from the District Plan parking controls on a site where a building is either scheduled, character-defining or character-supporting (see proposed rule 5.3)

It is noted that this control only applies when activities in existing buildings change or when the adaptive reuse of these buildings occurs through internal alterations or maintains an existing situation/activity that would require additional parking in terms of Rule 12.8.1 of the District Plan.