

SECTION 32 REPORT – VARIATION 132B – THE BALMORAL & SANDRINGHAM CHARACTER OVERLAYS

1.0 Overview

This report summarises the evaluation undertaken by the council of a variation (denoted as 132b) to proposed plan change 132 – the character overlay in terms of section 32 of the Resource Management Act (“the Act”).

Proposed plan change 132 – the character overlay provides a character overlay for six town centres. It introduced a range of controls with an emphasis on the retention and enhancement of the character elements that contribute to making each of the town centres unique.

Variation 132b (the subject of this section 32 report) is a variation to proposed plan change 132. It introduces two new town centres, Balmoral and Sandringham, to the character overlay. Therefore, the provisions of plan change 132 will be applied, through variation 132b, to the Balmoral and Sandringham town centres.

The main conclusions are as follows:

- It is considered that the objective is the most appropriate means for achieving the purpose of the Act because it will help protect natural and physical resources which have important character value, while enabling people and communities to provide for their social and cultural wellbeing by encouraging development that is sympathetic to the identified character of Balmoral and Sandringham.
- An evaluation of the policies and methods, having regard to their efficiency and effectiveness, concludes that they are the most appropriate for achieving the objective because they encourage an assessment of the character values of each town centre; the identification of buildings that contribute to that character and include rules, assessment criteria and design guidelines that directs new development to ensure that it protects, maintains and enhances the identified character of Balmoral and Sandringham in accordance with the objective.
- Consideration of the benefits and costs of the policies and methods, as well as the risk of acting or not acting, concludes that the benefits of the proposed variation outweigh the costs, and there is sufficient information on the subject matter because of detailed background character/heritage reports, the assessments of individual buildings and experience of how the character overlay works to ensure that the risk of acting is understood and is minimal.

2.0 INTRODUCTION

2.1 Purpose of this report

This report has been prepared to meet the requirements of section 32 of the Resource Management Act.

2.2 Background

In response to community concerns raised about character and broad heritage issues in traditional town centres, the city development committee resolved that council officer's report on the possibility of developing a character overlay for some business zones.

On 25 June 2003, the combined committees of council resolved to adopt the committee recommendation to develop the character overlay. The plan change came about because community and political concerns were raised that some business centres that have character and/or broad heritage features, were vulnerable to change due to accelerating development pressures. This could adversely affect the character or broad heritage features that define these centres.

On 8 September 2004 the city development committee resolved that plan change 132 be endorsed for public notification. It currently applies to six town centres. These are: Upper Symonds Street, Ellerslie, Eden Valley (Dominion Road), Kingsland, Grey Lynn (Surrey Crescent) and West Lynn (Richmond Road).

The plan change contains provisions to achieve the following:

- Identify particular buildings that are character defining and/or character supporting. Character defining buildings are chosen because they are considered to make a major contribution to the character and heritage of the town centre and their removal could seriously diminish that particular centres acknowledged character and broad heritage features. Character supporting buildings contribute to the character and "sense of place" but are not of particular historic, social or architectural value.
- Require a discretionary activity resource consent for the removal, construction or additions and alterations to character defining buildings.
- Require a restricted discretionary activity resource consent for the removal, construction, or additions and alterations to character supporting buildings.
- Require a restricted discretionary activity resource consent for those sites that are neither character defining or supporting where it is proposed to construct or relocate a new building or carry out additions that exceed the height of an existing building on the site.
- Provide criteria to assess resource consent applications against.
- Include design guidelines to provide applicants with a guide for building design.
- Include rules in relation to verandahs, aerials and the like, carparking and accessways.

It was anticipated that once in place the character overlay might be applied to other town centres on the Isthmus, should they have sufficient character to warrant their inclusion. On 8 May 2006 council released its decision on plan change 132. Seven appeals to the plan change were subsequently received and are currently being worked through.

At its meeting on 27 September 2006 the Eden Albert community board resolved to fund character/heritage studies on the Balmoral and Sandringham shopping centres (refer **appendix A & B** respectively). These involved an analysis of the following:

- History of each centre;
- The underlying landscape context,
- Urban structure;
- Streetscape; and

- Building/architectural styles

This information was collated into a summary statement of significance identifying the values which contribute to the character of each town centre. Buildings were categorised as either character defining or character supporting based on the above and an area to be included within the character overlay was recommended.

On 14 August 2008 the city development committee determined that that the character overlays for Balmoral and Sandringham proceed as notified public plan changes, subject to consultation and feedback.

2.3 Variation 132b

Variation 132b seeks to apply the provisions from plan change 132, as detailed above in section 2.2, to the Balmoral and Sandringham town centres. The rationale for this is to protect the character of Balmoral and Sandringham as good examples of the City's traditional town centres, which have character and broad heritage features that are worthy of some form of protection.

The variation includes a number of character defining and character supporting buildings based on the recommendations of the Balmoral and Sandringham character heritage studies. The variation is consistent with the recommended areas in the character/heritage studies. It is noted that the Sandringham character overlay area includes a building zoned Residential 6A. This site contains a building which is considered to contribute to the character of Sandringham and which is used for commercial activities, as such it has been included in the variation. Land zoned open space has also been included in the variation in both Balmoral and Sandringham. These open space areas have been included because they define the northern and southern entrances to the Balmoral and Sandringham town centres respectively. Therefore, should there be any community facilities located on these reserve areas in the future it is considered important that they are consistent with the character of the town centre.

It is noted that the Dominion Road passenger transport route designation between Balmoral Road and Rocklands Ave is located to the rear (east) of the existing character buildings at 588-636 Dominion Road. Essentially the alignment of the character overlay does not conflict with the designation. Therefore, for some of the properties which abut the designation the entire site has not being included in the character overlay. Instead the character overlay alignment follows the building footprint and the rear part of the site which doesn't contain any buildings (and is located within the designation) has been excluded from the character overlay. However, it is noted that the designation denotes a 'proposed pedestrian access route to the passenger transport system' from Dominion Road in an east-west direction. This goes through a site that is denoted in the variation as having a character defining building on it. Notwithstanding this, it is noted that consultation with the transport strategy department of council (refer section 2.4 below) indicates that changes to the designation and/or passenger transport along Dominion Road may occur in the future.

2.4 Consultation

Consultation with potentially affected parties was undertaken via a public meeting on 4 November 2008. Balmoral and Sandringham were identified as town centres that were being considered as appropriate for inclusion within the character overlay. The attendees

were advised of the character/heritage reports that were undertaken for each centre and the conclusions that were reached in these reports. The background to plan change 132 and its implications in terms of the consenting requirements was also outlined and the attendees were shown examples of how the character overlays are working in other centres.

The feedback covered a variety of issues which are outlined as follows:

- There were concerns about the costs that would be imposed on people wanting to undertake development, with the variation not offering monetary incentives or rates relief.
- Concerns were raised about the timeframes and difficulties in obtaining resource consent, particularly as it related to the requirement for technical advice, and how it had the potential to exclude many developers from the process.
- Concerns were raised about why the buildings were chosen to be included in the character overlay (retention of an Anglo style) as they were just old buildings. Some attendees considered that the sites could house bigger, modern practical buildings, or groups of sites could be redeveloped to create something like St Lukes or Sylvia Park.
- The importance of developing a distinctive identity for these centres was raised, with some attendees stating that it is cost prohibitive for businesses to promote the area.
- There were issues around access to Balmoral, heavy traffic use and a lack of parking putting off customers. The attendees were advised of the designation and the potential of public transport to increase support for this area. The attendees identified a need for accessible parking within the Balmoral area.
- Questions were also raised about the infrastructure surrounding Balmoral particularly in relation to waste water and stormwater.
- Some attendees indicated there were positives derived from applying the character overlay to Balmoral and Sandringham in that it can provide a consistency of design and encourage good quality development.
- Part of the redevelopment and improvement of centres can come from businesses or business associations having pride in their buildings and areas e.g. removal of graffiti and fixing broken windows etc.

Some feedback forms were returned to council reiterating the comments made at the public meeting and stating their opposition to the character overlay, particularly as it relates to Balmoral.

A separate meeting was held with a representative from the Warehouse who indicated it would have been preferable to have a centre plan for Balmoral rather than apply a character overlay.

A separate meeting was held with representatives from the transport strategy department of council. The transport strategy representatives noted that in the future there may be changes to the Dominion Road passenger transport route designation. This may result in an additional access points from Dominion Road to the designation, which between Balmoral Road and Rocklands Ave is located to the rear (east) of the existing character buildings at 588-636 Dominion Road. However, at this stage no options assessment had

been undertaken about possible changes to the designation and passenger transport along Dominion Road.

In addition to this public meeting, the notification of variation 132b to plan modification 132 – the character overlay provides an opportunity for further public participation through the formal submission process. Additionally council officers have passed on some of the concerns unrelated to the variation to the relevant council departments.

3.0 RESOURCE MANAGEMENT ISSUES AND OBJECTIVES

3.1 Issues

The resource management issues identified by the district plan include the obligation of council to have particular regard to the recognition and protection of the heritage value of sites, buildings, places or areas. To give effect to this obligation, the Plan must:

- identify those heritage resources worthy of preservation; and
- adopt suitable measures to secure the preservation of identified heritage resources.

Since the notification and council decisions of proposed plan change 132 – the character overlay, the council has identified the Balmoral and Sandringham areas as worthy of consideration for inclusion in the character overlay.

3.2 Objectives

The resource management objective identified in proposed plan change 132 is set out below:

“To protect, maintain and enhance the identified character of traditional town centres throughout the Auckland Isthmus.”

4.0 STATUTORY REQUIREMENTS UNDER PART II, SECTIONS 31, 32, 72, 74 and 76 OF THE RESOURCE MANAGEMENT ACT 1991

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 2, a direction given under section 25A(2), its duty under section 32, and any regulations.

Section 31 sets out the council’s functions for the purpose of giving effect to the Act. The council’s functions include:

- (a) *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*

- (b) *The control of any actual or potential effects of the use, development or protection of land...*

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.*

In achieving the purpose of the Act, the council must carry out an evaluation under section 32 of the Act before publicly notifying a district plan or a plan change. Section 32(3), (3A) and (4) state as follows:

- (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*
- (3A) *This subsection applies to a rule that imposes a greater prohibition or restriction on an activity to which a national environmental standard applies than any prohibition or restriction in the standard. The evaluation of such a rule must examine whether the prohibition or restriction it imposes is justified in the circumstances of the region or district.*
- (4) *For the purposes of the examination referred to in subsections (3) and (3A), 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.*

The statutory requirements, including section 32 matters, are assessed below under the following headings:

- The extent to which each objective is the most appropriate way to achieve the purpose of the Act
- Whether the policies, rules, or other methods are the most appropriate for achieving the objectives
 - having regard to their efficiency and effectiveness

- taking into account the benefits and costs of policies, rules, or other methods
- taking into account 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.

4.1 The extent to which each objective is the most appropriate way to achieve the purpose of the Act

4.1.1 The purpose of the Act

Section 5 states that the purpose of the Act is ‘to promote the sustainable management of natural and physical resources’. Section 5(2) states:

- (2) *In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-*
- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Environment is defined in Section 2 of the RMA as including:

- (a) *Ecosystems and their constituent parts, including people and communities; and*
- (b) *All natural and physical resources; and*
- (c) *Amenity values; and*
- (d) *The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters:*

Section 6 of the Act identifies matters of national importance, which need to be recognised and provided for in achieving the purpose of the Act.

Clause		✓
(a)	<i>The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development</i>	
(b)	<i>The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development</i>	
(c)	<i>The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna</i>	
(d)	<i>The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers</i>	
(e)	<i>The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga</i>	
(f)	<i>The protection of historic heritage from inappropriate subdivision, use, and development</i>	✓
(g)	<i>The protection of recognised customary activities</i>	

Section 7 deals with ‘other matters’ which, in achieving the purpose of this Act, persons exercising functions and powers under the Act shall have particular regard to. The matters of particular relevance to variation 132b are identified below:

Clause		
(a)	<i>Kaitiakitanga</i>	
(aa)	<i>The ethic of stewardship</i>	
(b)	<i>The efficient use and development of natural and physical resources</i>	✓
(ba)	<i>The efficiency of the end use of energy</i>	
(c)	<i>The maintenance and enhancement of amenity values</i>	✓
(d)	<i>Intrinsic value of ecosystems</i>	
(f)	<i>Maintenance and enhancement of the quality of the environment</i>	✓
(g)	<i>Any finite characteristics of natural and physical resources</i>	
(h)	<i>The protection of the habitat of trout and salmon</i>	
(i)	<i>The effects of climate change</i>	
(j)	<i>The benefits to be derived from the use and development of renewable energy</i>	

Section 8 provides that in achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi).

4.1.2 Appropriateness in achieving the purpose of the Act

Variation 132b does not introduce any new objectives to the Isthmus Plan. However, it is considered appropriate to analyse why the objective introduced through proposed plan change 132 is the most appropriate way to achieve the purpose of the Act in relation to Balmoral and Sandringham.

The Character overlay objective:

“To protect, maintain and enhance the identified character of traditional town centres throughout the Auckland Isthmus.”

The purpose of the Act is to promote the sustainable management of natural and physical resources. The buildings in the character overlay areas are physical resources. It is considered that the objective is the most appropriate way to achieve the purpose of the Act for the following reasons:

- It will enable people and communities to provide for their social and cultural wellbeing by identifying physical resources that contribute positively to Sandringham and Balmoral’s character and by requiring further development to be sympathetic to that character.
- It is considered that the objective will sustain the potential of physical resources to meet the reasonably foreseeable needs of future generations by requiring applicants to demonstrate that new development will not destroy Sandringham and Balmoral’s distinctive character.

- It is also considered that the requirement to apply for a resource consent for new development within the character overlay areas and the assessment criteria associated with those consent applications will enable adverse effects to be avoided, remedied and mitigated.

Therefore it is considered that the objective is the most appropriate way to achieve the purpose of the Act.

Section 6 of the Act outlines the matters of national importance that need to be recognised and provided for in achieving the purpose of the Act. In particular section 6(f) requires the protection of historic heritage from inappropriate subdivision, use and development. It is considered that the variation will help achieve section 6(f) of the Act in that it will identify some buildings as character defining or character supporting that do not justify scheduling in the district plan, but through their identification will ensure the retention of the special qualities of the town centres. In achieving the purpose of the Act it is considered that the objective helps 'recognise and provide' for historic heritage. However, it is acknowledged that judgement must be guided by the overarching purpose of the Act and as such the buildings that form part of Sandringham and Balmoral are physical resources that must be managed sustainably. In achieving this, protecting historic heritage from 'inappropriate use and development' should be recognised and provided for and considered as a matter of national importance in determining whether the variation promotes sustainable management.

Section 7, other matters, requires that in achieving the purpose of the Act particular regard be had to the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment. It is considered that the objective is the most appropriate way to achieve section 7(b) of the Act. It does not change the variety of activities that are permitted within the Business 2 zone. In accordance with the requirements of section 7(b), efficient use and development may result in a buildings removal and its replacement with a building that complements the character of Balmoral or Sandringham, or it may result in its retention. As the variation provides for both options to occur it is considered that it is consistent with section 7(b).

It is considered that the character of the Balmoral and Sandringham town centres contributes to their amenity values and as the objective seeks to retain that character then it is consistent with section 7(c) of the Act. It is also considered that the character of Balmoral and Sandringham contributes to the quality of the environment and as the objective seeks to retain that character then it is consistent with section 7(f) of the Act.

4.2 Whether the policies, rules, or other methods are the most appropriate for achieving the objectives

The following is an evaluation of the policies and rules in variation 132b that will apply to the Balmoral and Sandringham town centres and whether they are the most appropriate for achieving the objectives, having regard to their efficiency and effectiveness, and taking into account their benefits and costs and the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules and other methods.

4.2.1 Examination of the policies, methods and rules and whether they are the most appropriate for achieving the objectives

As outlined above the character overlay objective is to protect, maintain and enhance the identified character of traditional town centres throughout the Auckland Isthmus.

Policies

- By identifying, assessing and documenting appropriate town centres as character overlay areas.
- By promoting the survival of the historic form and pattern of subdivision, buildings and streetscape within the character overlay areas.
- By maintaining and enhancing the form, design characteristics and the appearance of the buildings within the character overlay areas.
- By ensuring that the core aspects of character and architectural style are maintained.

The first policy describes the process for including traditional town centres within the character overlay. In terms of achieving the objective it is considered that it is appropriate to identify Balmoral and Sandringham as possible town centres for inclusion in the character overlay and undertake a detailed analysis their respective character and heritage elements. The character overlay does not address the pattern of subdivision but by promoting the survival of the historic form of the buildings and the streetscape it appropriately helps protect the character of the relevant centres. Maintaining and enhancing the form, design and appearance of buildings within the town centre, specifically those identified as character buildings appropriately protects, maintains and enhances the character of those centres. The core aspects of a centres character and architectural style are identified in the character/heritage reports and as these contribute to the character of the centre their retention will appropriately help achieve the objective.

Methods

- By identifying and analysing the essential collective character defined by existing structures in each town centre.
- By identifying those buildings within each town centre which are considered to be character defining or character supporting.
- Through requiring either resource consent for works on buildings within the character overlay areas.
- Through providing design guidelines to assist applicants with alterations and additions to existing buildings, or in the design of new buildings.

Identifying and analysing the character of a centre is essential to enable the achievement of the objective because without having identified that character it is not possible to protect, maintain and enhance it as outlined by the objective. As some buildings can contribute to the centres character it is important to identify those buildings to ensure that the character of the centre is appropriately protected, maintained and enhanced. Requiring resource consent for works within the character overlay areas, and having design guidelines for assessing those applications, enables new development to be assessed as to whether it can protect, maintain and enhance the identified character of traditional town centres.

Rules

- Identify particular buildings that are character defining and/or character supporting and requires resource consent for their removal and/or demolition and additions and alterations to them.
- Require resource consent for those sites that are neither character defining nor supporting where it is proposed to construct or relocate a new building or carry out additions that exceed the height of an existing building on the site.
- Resource consent requirements in relation to verandahs, aerials, vehicle access and carparking.

As character buildings contribute to the individual centres overall character, their identification and the requirement for of resource consent for their removal, and/or additions and alterations to them, enables careful consideration of whether new development will protect, maintain and enhance the identified character of the traditional town centre in accordance with the objective. Some buildings are included within the character overlay areas but do not have character values that warrant their identification as character buildings. To ensure that new development unrelated to character buildings is also consistent with the identified character of the centre, in particular circumstances resource consent is also required. It is considered that this is important to achieve the objective of protecting, maintaining and enhancing the identified character of traditional town centres.

The character overlay also includes rules in relation to verandahs, aerials, vehicle access and parking. Verandahs can make an important contribution to the character of a centre and aerials, inappropriately sized or located can detract from those character values. Vehicle crossings and carparking areas can detract from the continuity of building frontages which in many traditional town centres is a important aspect of their character. In achieving the objective it is considered appropriate have rules which address these issues because a lack of regulation could result in development that detracts from the identified character of the traditional town centre.

4.2.2 Examination of the benefits and costs of the proposed policies, methods and rules

Policies and associated rules	Benefits of policies, methods and rules	Costs of policies, methods and rules
<p>Policy: By identifying, assessing and documenting appropriate town centres as character overlay areas.</p> <p>Method: By identifying and analysing the essential collective character defined by existing structures in each town centre.</p> <p>Rules: Placement of a character overlay for the town centres of</p>	<ul style="list-style-type: none"> • identifies and assesses the history and character of particular town centres for possible inclusion within the character overlay • helps retains the character and identity of Sandringham & Balmoral • allows for appropriate development which is 'in character' • contributes to the aim of a high quality built 	<ul style="list-style-type: none"> • imposes new consent requirements for Balmoral and Sandringham and creates uncertainty in procuring resource consents • potentially additional time and monetary costs of resource consents • potentially reduces property owners' development potential

Policies and associated rules	Benefits of policies, methods and rules	Costs of policies, methods and rules
Balmoral and Sandringham.	environment <ul style="list-style-type: none"> helps to maintain the amenity of the area. 	and may impact on property values
<p>Policy: By promoting the survival of the historic form and pattern of subdivision, buildings and streetscape within the character overlay areas.</p> <p>Method: By identifying those buildings within each town centre which are considered to be character defining or character supporting.</p> <p>Rules: Consent required for demolition or renovation of character defining and supporting buildings and for construction of a new building</p>	<ul style="list-style-type: none"> identifies those buildings that have character value for each centre encourages a built environment will contribute to the identity of the Balmoral & Sandringham town centres buildings of a scale and form that is relative to their context are encouraged innovative building design because of the need to ensure that the building makes a positive contribution to the streetscape 	<ul style="list-style-type: none"> identifying character buildings places additional controls on them and potentially makes it harder to redevelop them identifying character buildings can be perceived as ‘quasi scheduling’ may reduce property owners’ development potential and may impact on property values creates uncertainty in procuring resource consents
<p>Policy: By maintaining and enhancing the form, design characteristics and the appearance of the buildings within the character overlay areas.</p> <p>Method: Through requiring either resource consent for works on buildings within the character overlay areas.</p> <p>Rules: Consent required for new buildings as well as for additions and alterations to existing buildings. Verandah and aerial controls. Controls on the location of vehicle access and parking, and parking exemptions for character buildings.</p>	<ul style="list-style-type: none"> streets will have a higher level of amenity, interest and enjoyment for pedestrians and other users the built environment will contribute to the identity of Balmoral and Sandringham as town centre encourages buildings of a scale and form that is relative to their context innovative building design because of the need to ensure that the building makes a positive contribution to the streetscape encourages the reuse of existing buildings parking exemptions and access controls encourage retention of a coherent 	<ul style="list-style-type: none"> potentially additional time and monetary costs of resource consents potentially reduces property owners’ development potential and may impact on property values creates uncertainty in procuring resource consents the carparking dispensation can result in fewer on-site parks exacerbating existing carparking issues within the centres

Policies and associated rules	Benefits of policies, methods and rules	Costs of policies, methods and rules
	building frontage <ul style="list-style-type: none"> encouraging 'in character' development may lead to buildings attracting a premium price over time. 	
<p>Policy: By ensuring that the core aspects of character and architectural style are maintained.</p> <p>Method: Through providing design guidelines to assist applicants with alterations and additions to existing buildings, or in the design of new buildings.</p> <p>Rules: Consent required for new buildings as well as for additions and alterations to existing buildings Verandah and aerial controls Controls on the location of vehicle access and parking, and parking exemptions for character buildings</p>	<ul style="list-style-type: none"> with parking being located off of street frontages streets will have greater amenity and interest and provide improved enjoyment for pedestrians will help retain the character and promote the specific identity of the Balmoral and Sandringham town centres innovative building design resulting from the need to ensure that car parking is screened from the street. 	<ul style="list-style-type: none"> potentially additional time and monetary costs of resource consents potentially reduces property owners' development potential and may impact on property values creates uncertainty in procuring resource consents

4.2.3 Consideration of the risk of acting or not acting

The risk of not implementing these policies and rules in Balmoral and Sandringham is that inappropriate redevelopment may occur in these town centres and consequently the overall identity, character and amenity of the areas may be detrimentally impacted. The risk of implementing these policies and rules is that they may result in additional development costs, greater uncertainty and potentially reduced property values. However, it is noted that creating a consistent streetscape may lead to buildings attracting a premium price over time. It is considered that the available research on the benefits of recognising character values and encouraging good urban design means, and experience in administering the character overlay and other character mechanisms such as centre plans, that there is sufficient information to be able to justify the policies and rules relating to the protection of the character of Balmoral and Sandringham.

Taking into account the benefits and costs, and the risk of acting or not acting, it is considered that the policies and rules are the most appropriate for achieving the objective. On balance, it is considered that the benefits outweigh the costs because a high quality built environment is important for the identity and on-going success of the Balmoral and Sandringham as town centres.

4.3 Options

The following options are the main alternatives that the council has considered as a means of achieving the objectives:

- do nothing
- non regulatory methods
- a character overlay that takes different approaches
- application of a centre plan
- scheduling additional buildings

An analysis of each of the above options is set out below.

4.3.1 Option 1 – do nothing

Instead of preparing variation 132b to proposed plan change 132 the existing provisions of the Plan could be retained in their current format.

Benefits (including efficiency and effectiveness)	Costs
People are familiar with and understand the existing provisions.	Little opportunity to influence the form/design of development.
Not imposing additional controls and associated costs on developers/property owners/occupiers from the requirement for resource consent applications to be made for additions, alterations or demolition of the buildings.	Possibility of poor quality or inappropriate development occurring and a loss of character values if particular buildings are altered or destroyed.
Certainty to developers and property owners in that the removal of buildings would continue to be a permitted activity.	The urban design and character outcomes sought by the variation would not occur and the built environment of Balmoral and Sandringham may be degraded over time.

Taking into account the risk of acting or not acting it is considered that there is sufficient information on the character merits of both town centres to proceed with the variation.

4.3.2 Option 2 – Non regulatory methods

Instead of controlling development through the district plan, non-regulatory methods could be used that include research, education, training, providing information, brochures and the purchase of buildings.

Benefits (including efficiency and effectiveness)	Costs
While still outlining the character values	Consideration of this information and

of particular buildings and the centre as a whole it will have less impact on property owners/occupiers and developers by not requiring resource consent to address character issues.	applying it towards new development would be at the discretion of developers as these methods would be non-statutory. The alteration or loss of character defining or character supporting buildings could have implications for the character of the town centres as a whole.
The purchase of buildings would provide council with complete control over them and their development.	This method cannot deal with all the issues by itself, and works best when combined with other methods.
Will not detract from property values.	Purchasing buildings would be cost prohibitive and inconsistent with the approach taken through the rest of the plan.
	This would provide the council with very little control over development.

Taking into account the risk of acting or not acting it is considered that there is sufficient information about the non regulatory methods to acknowledge that on their own these are unlikely to protect the character values of both town centres.

4.3.3 Option 3 – A character overlay that takes another approach

A character overlay approach with different rules i.e. controlled, restricted discretionary or non-complying activity status for removal of character defining buildings could be prepared for the area.

Benefits (including efficiency and effectiveness)	Costs
A controlled activity consent would provide developers with greater certainty about consent being granted, yet would still enable some degree of input into the form of new development.	As controlled activity consent must be granted it may result in development which is inappropriate for either Balmoral or Sandringham.
<ul style="list-style-type: none"> • A restricted discretionary activity consent for all new development would allow council to refuse consent for ‘out of character’ development. • Could exclude the public from the process which may reduce risks, time and costs. 	<ul style="list-style-type: none"> • It would still be necessary to obtain a resource consent for new development. • Assuming the need for public notification was only allowed under special circumstances it would exclude public input to most applications, meaning the issues were not addressed in a public and participatory manner. • It would mean changing the provisions in plan change 132 as they applied to the six other centres in the character overlay¹.

¹ It is noted that this issue is an appeal matter for proposed plan change 132 and depending on the outcome the activity status for all new development, regardless of whether it relates to a character defining/supporting building, may be restricted discretionary.

A non complying activity status would signal that new development was not anticipated in the various centres and would be impose difficult regulatory hurdles.	It is not the intent of the character overlay to signal that new development is not anticipated.
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Taking into account the risk of acting or not acting it is considered that an approach which applies a controlled or non complying activity status is not appropriate. However, a restricted discretionary activity status for all new development may be appropriate as it enables the consent authority to refuse consent for new development where it is not in keeping with the identified character of the area.

Alternatively, a character overlay approach which does not identify character buildings and has assessment criteria/guidelines that apply to new development.

Benefits (including efficiency and effectiveness)	Costs
This would still enable the effects of new development on the character of Balmoral and Sandringham to be assessed.	This would require a more complex and detailed variation to proposed plan change 132, altering how it is applied to the existing six town centres and requiring more resources and time to develop than incorporating Balmoral and Sandringham into the existing plan change.
This may result in a simpler regulatory regime which is more easily understood.	There could be a lack of certainty about which buildings contribute to the character of particular centres, and without reference to particular buildings it would be less clear about the expected style of development.
Less emphasis on the specific buildings may result in a more forward looking plan change encouraging innovative new development.	There would be less emphasis on the character that is derived from specific buildings and this may result in their demolition or removal or unsympathetic additions and alterations to them and a resultant loss in character for the relevant centres.
	The relative consistency in the built form of the areas for Balmoral and Sandringham as a defining character element enables reference to the buildings themselves.

Taking into account the risk of acting and not acting it is considered that given the reasonably consistent building style as a definitive element in the character of the Balmoral and Sandringham town centres it is appropriate to identify particular buildings and apply controls around them.

4.3.4 Option 4 – Application of a centre plan

Instead of applying the character overlay to Balmoral and Sandringham centre plans could be prepared.

Benefits (including efficiency and effectiveness)	Costs
May provide protection and controls specific to the area allowing greater detail and individual control than would be provided by the generic character overlay.	Would require considerable resources and time to produce.
	Would elevate Balmoral and Sandringham inappropriately above the other areas covered by the character overlay and set a precedent for other areas.

Taking into account the risk of acting and not acting it is considered that for Balmoral and Sandringham it is appropriate to apply the character overlay rather than the centre plan because this approach adequately addresses the character issues of the respective centres without the need to apply an individual centre plan.

4.3.5 Option 5 – Scheduling additional buildings

Another alternative to that of the variation could be that of adding more buildings to the list of scheduled buildings within the District Plan.

Benefits (including efficiency and effectiveness)	Costs
Would provide greater protection/security than the character overlay.	Based on the criteria in the plan (Clause 5C.7.1.2.F) it is not possible to schedule those buildings identified as being character supporting, character defining or contributing to collective character as they would not be of the required standard to meet the relevant tests used.
	This approach would not reflect the council's current scheduling process and system.

Taking into account the risk of acting it is considered that there is sufficient information about historical aspects of the buildings to acknowledge that scheduling all of the buildings is too stringent a measure and not practical to protect the character of the town centres.

4.4 Conclusion

It is considered that the most appropriate option is to protect the character of Balmoral and Sandringham as sought in the variation to proposed plan change 132. This is because this variation provides the best level of character protection while still allowing the area to change and develop in an appropriate manner. Furthermore, the variation process will involve public notification, which will allow members of the public to become involved in the process.

In terms of risk, the areas have been identified as having a specific character and if the protection assigned from this overlay were not present it may result in a significant loss to the character of the town centre. It is considered that the existing mechanisms would not be successful in retaining the character of the areas. Given the background reports on the character and heritage values of the town centres, the assessments of the individual buildings and the experience in administering the character overlay and other similar regulatory mechanisms that the risks or acting or not acting are well understood.

4.5 Whether the proposed rules assist the council to carry out its function of control of actual or potential effects of the use, development or protection of land

Section 31 of the Act requires that every territorial authority shall have the following functions for the purpose of giving effect to the Act in its district:

- “(a) The establishment, implementation, and review of objectives, policies and methods to achieve the integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district:*
- (b) The control of any actual and potential effects of the use, development, or protection of land....”*

It is considered that the variation is consistent with the functions for territorial authorities because it achieves an integrated approach for the management of effects of the use and development of physical resources within the Balmoral and Sandringham town centres. It also provides a means for controlling the actual or potential effects of the use, development or protection of land within the defined areas.

Furthermore, the proposed policies and rules assist the council to carry out its function of the control of actual or potential effects of the use and development of land because they ensure that the potential effects of inappropriate development in Balmoral and Sandringham are avoided, remedied or mitigated, particularly the potential effects of development not in keeping with the character of the area.

5.0 National planning documents

5.1 National and NZ coastal policy statements

Section 75(3) of the RMA states:

- (3) A district plan must give effect to –*

- (a) *any national policy statement; and*
- (b) *and any New Zealand coastal policy statement; and*
- ...

There are no national planning documents that are relevant to variation 132b as both Balmoral and Sandringham are not within the vicinity of the coastal environment.

5.2 Hauraki Gulf Marine Park Act 2000 (HGMPA)

Section 9(3) of the Hauraki Gulf Marine Park Act 2000, requires the council to ensure that:

... any part of a district plan that applies to the Hauraki Gulf, its islands, and catchments, does not conflict with sections 7 and 8 of this Act.

Section 7 recognises the national significance of the Hauraki Gulf and Section 8 provides management direction for the Gulf. Section 10 of the Act requires that sections 7 and 8 be treated as a New Zealand coastal policy statement under the Act. As the provisions of the variation will not significantly alter the type of development occurring i.e. buildings will still be altered or built, and do not concern infrastructure they will have no effect on the Hauraki Gulf and as such do not conflict with sections 7 or 8.

6.0 Regional planning documents

6.1 Regional policy statement

Section 75(3) of the RMA states:

- (3) *A district plan must give effect to –*
- ...
- (c) *any regional policy statement.*

The Auckland Regional Policy Statement 1999 (ARPS) is a statement about managing the use, development and protection of the natural and physical resources of the Region. It is considered that Chapter 6, Heritage, is broadly relevant to the variation and it is noted this has been modified by proposed change 8. The relevant objectives and policies refer to preserving or protecting a diverse and representative range of Auckland's heritage resources and the values of heritage resources being preserved or protected from significant adverse effects.

The variation seeks to protect, maintain and enhance the identified character of Auckland traditional town centres. It is considered individually and collectively Sandringham and Balmoral have broad heritage values that are representative of Auckland's traditional town centres and that application of the character overlay to them enables their values to be preserved or protected from significant adverse effects. It is considered that the variation is broadly consistent with, and helps give effect to, the ARPS.

6.2 Regional Plans

In relation to regional plans the variation cannot be inconsistent with an operative regional plan for any matter specified in section 30(1) and must have regard to any proposed regional plan on any matter of regional significance. The operative regional

plans address sediment control, farm dairy discharges and coastal matters. It is considered that the variation is not relevant to these operative regional plans and is therefore not inconsistent with them. The proposed Auckland Regional Plan: Air, Land and Water applies to the management of air, land and water resources in the region including: air, soil, rivers and streams, lakes, groundwater, wetlands and geothermal water. As with the other operative regional plans it is considered that the variation is not relevant to this proposed plan and is therefore not inconsistent with it.

6.3 Auckland City: Growth Management Strategy

Council's 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”.

Balmoral and Sandringham centres are within an “Area of change” in the council's growth management strategy and considered “urban living communities”. Urban living communities are areas considered suitable for residential growth, and are based around town centres that already have (or potentially will have) the transport, schools, open space, community services and shops needed to create a vibrant community.

The variation is considered to be consistent with the growth strategy, as it will maintain the character of the town centre and many of the qualities that make it an appropriate centre for growth, while allowing development to continue where suitable.

7.0 Procedures for monitoring

The council will monitor the effectiveness of variation 132b as a means of achieving the objectives and policies by:

- monitoring resource consents including the number of applications granted consent, compliance with consent conditions, and the effectiveness of those conditions
- monitoring complaints and enforcement actions.

8.0 Conclusions

The objective contained in the proposed plan change is considered the most appropriate for achieving the purpose of the Act as it provides for the retention and enhancement of those particular elements that contribute to making the Balmoral and Sandringham town centres are unique while still allowing efficient use and development of land where appropriate.

The policies and rules contained in the proposed plan change are considered to be the most appropriate as they are efficient and effective, and as the benefits of the policies and rules will outweigh the costs, particularly as the benefits will accrue long terms gains to the wider Balmoral and Sandringham areas.

The objectives, policies and rules are consistent with the council's functions under the Act as they ensure that any adverse effects of development on the character of the Balmoral and Sandringham areas provided for by the variation will be avoided, remedied and mitigated.

Appendix A

The Balmoral Character/Heritage Study

Appendix B

The Sandringham Character/Heritage study