

# **Section 32 report**

## **Plan change 163, Isthmus District Plan**

### **Changes to the Residential 1 & 2 special character provisions**

## **1.0 Background**

### **1.1 Introduction**

Proposed plan change 163 has been drafted to amend the Auckland City District Plan - Isthmus Section to incorporate revised provisions for the Residential 1 & 2 zones. This report has been prepared to meet the requirements under s32 of the Resource Management Act which outlines the duty to consider alternatives and assess benefits and costs of the plan change.

The plan change has been developed in response to concern from the public that the current provisions do not provide the degree of protection of special character in these zones that was intended.

A set of guidelines has also been developed to provide assistance on how to comply with the objectives, policies and assessment criteria for building activities in the Residential 1 & 2 zones. The guidelines will be appended to the Isthmus Plan and will be a statutory document. The guidelines are an amended and updated version of the existing guidelines in Annexure 4.

Proposed plan change 163 is attached as **Appendix a**, with the proposed architectural design guidelines part of the plan change attached as **Appendix b**.

### **1.2 Summary**

The Residential 1 and 2 zones are special character zones introduced when the Isthmus section of the plan was notified in 1993. Along with the Residential 3 and 4 zones, they are intended to reflect areas that contain certain character environments.

The Residential 1 zone contains predominantly early character buildings constructed prior to 1940. The Residential 2 zone contains a mixture of older period housing, newer housing, with a predominant treed and landscaped quality.

The current provisions of the plan provide for a range of activities such as new buildings and alterations as controlled activities in the Residential 1 & 2 zones, with demolition of buildings being a permitted activity. The controlled activity criteria reference a non-statutory design guideline. This has proven to be difficult to use as a tool to influence good design outcomes. Council has restricted its control to the design and appearance aspects of these activities only.

Controlled activities cannot be declined, and conditions placed on a resource consent for these activities cannot "frustrate" the application. With a much greater level of development occurring in these zones, it has become difficult under the current provisions to respond to the loss of character that is occurring through some unsympathetic design and in some cases the loss of buildings. Cumulative adverse

effects are leading to a loss of the special character for which the Residential 1 and 2 zones are valued.

The plan change proposed seeks to ensure that building and development is designed in a manner that protects the special character of the zones. For the Residential 1 zone, the focus is on maintaining built character, and for the Residential 2 zone, the focus is on maintaining the blend of built character and landscape qualities.

The proposed plan change seeks to make removal or demolition a restricted discretionary activity for all pre-1940 buildings in the Residential 1 and 2 zones, and subject to assessment for notification. This will allow an additional layer of protection for the city's built heritage.

Where a pre-1940 building is to be demolished, the contribution of that building to the streetscape is able to be considered as part of the wider street context. Other criteria will look at the building's age, design features, and physical state to investigate whether or not restoration or renovation is possible. Affected parties written approvals may be sought and notification may be considered. Should the criteria for demolition of a pre-1940's building not be met, the consent to demolish or remove the building can be declined. The use of the 1940 date will target the majority of buildings in the Residential 1 zone, and a smaller portion of the buildings in the Residential 2 zone.

The plan change seeks that front yard fences or walls in the Residential 1 and 2 zones be altered to become a development control. A new fencing rule is proposed for the Residential 2 zone to ensure that visibility of well-landscaped front yards, period housing and mature trees is maintained through controls on height and the visual permeability of fences and walls.

To achieve good character design that complements the local context, a site and context analysis will be required for development in the zones. Similar context-based analyses have been incorporated developed elsewhere in the District Plan (refer to appendix 10 – Residential Design Guide for Developments in Residential Zones in Specified Growth Areas). The design and appearance rules and criteria will utilise a statutory-based architectural design guideline attached to the plan as an appendix.

The proposed plan change seeks that the activity status for new buildings, additions and alterations be made restricted discretionary. These activities will continue to dispense with any requirement assessment of affected parties or notification, unless special circumstances apply. Council will have the ability to decline a resource consent if it is inappropriate in terms of its design and appearance.

For the Residential 1 zone, the plan change seeks to alter two existing development controls. The provision for landscaping within the front yard is currently 60% landscaped permeable surface. A large number of applications have been received to modify this development control, as the sites are generally narrow in width, and people wish to provide off-street parking. Given this it is proposed that the amount of landscaped permeable surface required in the front yard be reduced to 50%. The other change to the development controls relates to the building in relation to boundary control. There is currently no building in relation to boundary control on the road boundary. For corner sites in the Residential 1 zone, this has enabled the potential for increased building bulk as a building is able to be constructed up to the 8 metre

maximum height limit close to two road boundaries, often with small front yards. The change seeks that the standard Residential 1 building in relation to boundary control (3m +45°) will apply to the longest boundary of a corner site, better controlling the potential for an out-of-scale building.

Overall, it is expected that the proposed plan change will lead to better protection of Auckland's built heritage and special character through avoiding inappropriate use and development.

## **2.0 Part II, sections 31, 32, 72 and 76 of the Resource Management Act (RMA)**

### **2.1 Statutory considerations**

The RMA sets out the obligations and functions of council and in particular the evaluation that must be undertaken before the notification of a change to a District Plan. Before adopting an objective, policy, rule or other method in the District Plan, the council must ensure that the proposed provisions meet the requirements of the Resource Management Act 1991 through an assessment of the matters outline in section 32 of the 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 31 sets out the council's functions for the purpose of giving effect to the Act. The council's functions include *‘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 RMA before publicly notifying a plan change. Section 32(3) 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 this*

- 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.*
- (4) *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.”*

Part II of the RMA states that the purpose of the Act is to promote the sustainable management of natural and physical resources where 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 well being 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.”*

Sections 6 and 7 set out the principles that give guidance as to how to achieve the purpose of the Act under section 5.

Section 32 matters are assessed below under the following headings:

- Whether the proposed objectives are the most appropriate way to achieve the purpose of the Act
- 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
- Whether the proposed rules have the purpose of achieving the objectives and policies of the Plan
- 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.

## **2.2 Whether the proposed objectives are the most appropriate way to achieve the purpose of the Act.**

The plan change proposes one new objective and alters three existing objectives; it is therefore necessary to examine the extent to which the objectives are the most appropriate way to achieve the purpose of the Act.

An amendment is proposed for Objective 7.3.2.

- To identify ~~maintain and enhance~~ **and protect** the recognised character and amenity of residential environments.

The proposed amendment seeks protection of existing amenity, particularly in relation to heritage qualities of certain areas.

An amendment to the existing Residential 1 zone objective 7.6.6.1 is proposed as follows:

**Residential 1 (Built)**

*“To ~~promote~~ ensure the survival of the historic form and pattern of subdivision, buildings and streetscape in Auckland’s early-established residential neighbourhoods.”*

It is considered that the change better provides for the Council to meet its obligations under Part II Section 6(f), being the protection of historic heritage from inappropriate use and development. The re-wording reflects the more restrictive approach proposed by the plan change, in particular the proposed change to activity status for development and demolition controls, providing Council with the ability to decline inappropriate development. This change makes the objective the most appropriate way to achieve the purpose of the act.

An amendment to the current Residential 2 zone objective 7.6.2.2 is proposed as follows:

**Residential 2 (Built/Flora)**

*To ~~conserve~~ protect the landscape qualities of those residential areas which display a special blend of built and natural features, generally involving period housing, coupled with the presence of trees.*

The change to the wording better reflects that the intention of the Residential 2 zone is not so much to conserve (keep from harm or change) rather it is to protect the character and ensure that new development maintains the special character of the zone. The current use of the word “conserve” is better suited to the conservation of heritage items or in the context of conservation areas. The use of the word “protect” avoids potential confusion between heritage conservation and special character.

The following new objective is proposed for the Residential 2 zone:

*To protect the architectural values of buildings which contribute to the special character of the streetscape.*

It is considered that the proposed new objective for the Residential 2 zone reflects the importance of built development in the Residential 2 zone, and the contribution of this to the special character within the zone. After reviewing the objectives and policies for the zone, it was noted that it might be considered that the emphasis in the existing objective was the protection of the landscape qualities, rather than acknowledging the protection of built form. It is considered that the dilution of the importance of built form has led to an increase in the number of character houses in this zone being demolished, and incremental creep of inappropriate development into areas with very distinguishable areas of period housing-influenced character. The proposed new objective seeks protect the architectural values of period housing and to encourage an appropriate response to the context of the areas and to consider the contribution of built form in the surrounding area to the areas character.

By clarifying that the focus of the Residential 2 zone is on both the built form and

landscape qualities of the Residential 2 zone, it is expected that the same degree of importance will be attributed to each. This will better ensure that the character and form of buildings is will be managed in a sustainable manner and that the plan protects the special character of the Residential 2 areas from inappropriate development and use.

Overall, it is considered that the proposed new objective and the changes to the existing objectives are the most appropriate way to achieve the purpose of the Act by better promoting the sustainable management of natural and physical resources.

### **2.3 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 states that a function of council is to control any actual or potential effects of the use, development, or protection of land and associated natural and physical resources of the district.

The actual and potential effects of use of land in the isthmus that Council is seeking to control through this plan change fall within the following categories:

- Streetscape
- Heritage
- Amenity
- Design
- Character
- Dominance

#### **2.3.1 *Change of activity status for demolition, external additions and alterations, and new buildings in the Residential 1 & 2 zone***

The proposed provisions for Residential 1 and 2 seek to provide Council with a better framework by which to assess and control design of new development in these zones. More importantly, the proposed provisions seek to allow the council the ability to decline resource consent applications for new buildings and additions/alterations, where the design does not meet the assessment criteria for the zone. This is achieved by a change of activity status from controlled to restricted discretionary for new buildings, additions and alterations; and from permitted to restricted discretionary for the demolition or removal of pre-1940 buildings in the Residential 1 and 2 zones.

With greater discretion to approve and decline applications, Council will be able to influence good design outcomes for buildings that acknowledge their context. The provisions will enable a greater degree of control of actual and potential effects on character within the Residential 1 and 2 special character zones. In particular, it is expected that the retention and renovation of pre-1940 buildings in the zones will be encouraged if the existing building significantly contributes to the special character of the area.

### **2.2.2 *Site and context analysis***

The intent of a context-based analysis is to better provide for the character of particular areas, which, even within the same zones, is not static. This provision is intended to encourage architects and designers to give consideration to the wider streetscape and the building as part of their design response. It is expected this will lead to better design that maintains the special character of the zones, avoiding cumulative adverse effects arising from disparate and inappropriate development.

The rules do not restrict new or contemporary development from occurring. Rather the rules ensure that new development is not discordant and unsympathetic with the fragile amenity values of the special character of these areas. The particular focus for Council in relation to the context-based approach is the ability to better control the effects relating to design of new buildings, character of a particular area, and the streetscape.

### **2.2.3 *Fencing***

The Residential 1 & 2 zones contain a special character, being the built qualities in the case of the Residential 1 zone and the blend of built and landscape qualities in the Residential 2 zone. The special character is one that is appreciated by not only those people living in these zones, but also by people passing through the zones. In the Residential 2 zone, it is becoming apparent that the special character qualities are gradually being eroded through increased use of high solid block walls, sometimes up to and over 2 metres in height along the road boundary.

The proposed rules relating to fencing in the front yard for the Residential 2 zone will allow a degree of flexibility in terms of style of fencing, but most importantly will maintain the visibility of aspects of the zone's special character (which includes both built form and landscape qualities). Council will be able to control the effects on public amenity and appreciation of the landscaped and built qualities of the zones. In addition, the visual permeability component is consistent with CPTED principles (crime prevention through environmental design). Where privacy is required, planting can be used which provides considerably higher amenity to neighbourhood character and streetscape than solid walls.

A change to the rules makes the activity of fencing a development control rather than a separate activity for both the Residential 1 and 2 zones. The rules will allow for a permitted activity standard, with anything falling outside of this becoming a discretionary development control modification.

### **2.2.4 *Building in relation to the road boundary in the Residential 1 zone***

As part of the review undertaken of the existing Residential 1 and 2 provision, it was identified that the lack of a building in relation to boundary control on the road frontage meant that development on corner sites in the Residential 1 zone could potentially be overly dominant as it is currently possible to build up to the 8 metre maximum height limit close to both road boundaries. The Residential 1 zone contains a large variety of buildings, with varying setbacks and heights from the road, as when they were constructed, there were no rules relating to these aspects. Generally the buildings were lined up with similar setbacks within a street, but this was not uniform across the early neighbourhoods. The current lack of a building in relation to boundary control for the

road boundary recognises the variety of building setbacks.

However, for a corner site, this has led to the potential for out-of-scale development that has the potential to create adverse dominance effects. Buildings that are overly dominant then adversely affect the character of the streetscape and buildings in the vicinity.

It is proposed to amend the existing building in relation to boundary control to apply the standard Residential 1 3m + 45° control on the longest boundary. This recognises the standard shape for sites in the Residential 1 zone being rectangular, and ensures that buildings with similar bulk are constructed in a particular area. On the shorter road frontage, the building can be built to the maximum height limit (with the relevant yard setback) as can any other house in the Residential 1 zone. This will have the effect of limiting adverse dominance effects associated with dominance on two road frontages.

### **2.2.5 *Front yard controls in the Residential 1 zone***

The proposed plan change seeks to amend the existing provisions of the plan as they relate to the front yard in the Residential 1 zone. Firstly, a change to the front-yard landscaping requirement is proposed, and secondly, a change relating to the provision of garaging within the front yard.

The review of Residential 1 areas identified that adverse cumulative effects were arising as a result of locating large double garaging within the front yard of a number of Residential 1 sites. When undertaken badly, this has resulted in the architectural forms of the villas being lost behind an accessory structure, with pitched roofing sometimes borrowed from the bay or dwelling roof, but dominating the gable elements of existing bays and porches due to inappropriate locations and size. This has resulted in the erosion of the traditional open and interactive view of buildings, front yards, and the street.

In addition, a review of the number of resource consents relating to front-yard landscaping in the Residential 1 zone indicated that a large number of consents were being applied for and approved to reduce the required minimum 60% landscaped permeable surface within the front yard.. The 60% is a standard area for most zones. It was considered that the use of a standard landscaping area for the Residential 1 zone did not address the special character of front yard of these sites, in particular given that the shape is generally narrow (generally 9-11 metres) and long. This reduces that the amount of frontage available for providing onsite carparking. The plan does recognise that given the built nature of the Residential 1 and 3 zones, that uncovered parking can occur in the front-yard.

For these reasons, the amount of required landscaping in the front yard is proposed to be reduced from 60% to 50%.

The yard requirement in terms of size and alignment with neighbouring properties has remained the same in the Residential 1 zone, however clarified slightly to note that the yard setback is to the dwelling, and not to any accessory buildings that may be located within front yards along the street.

It is expected that the proposed controls relating to the treatment of the front yard will

encourage better protection of the traditional streetscape by not allowing structures to obscure the architectural details of existing dwellings. In addition, the reduced front yard landscaping requirement better recognises the historical narrow pattern of subdivision, which is a unique characteristic of the Residential 1 zone. Overall these provisions will allow Council to better carry out its function of controlling adverse effects on the character of the Residential 1 zone.

## **2.4 Whether the proposed rules and policies serve the purpose of achieving the objectives of the Plan**

The changes to the rules and policies should be consistent with, and give effect to, the objectives in the Plan.

The Plan contains a number of objectives relevant to this proposed plan change. There are outlined below. Heritage is one of the areas of focus in Part 2 – Resource Management in the Plan, which sets out the principal objectives of the Council in achieving the sustainable management of the resources of the isthmus.

### **2.3.2 Heritage**

- *To retain and enhance the amenity of the district.*
- *To protect and conserve significant items of cultural heritage.*
- *To provide for further growth in activities while maintaining the quality of the built environment.*
- *To give particular recognition to taonga.*

The proposed changes to the rules relating to the Residential 1 and 2 character zones are considered to achieve the resource management objectives outlined above by protecting pre-1940's buildings in these zones. The rules will ensure that any new development that takes place in the Residential 1 & 2 zones is suitable in relation to the street's context, which in turn maintains the special character of these zones.

Part 7 – Residential contains the following objective:

### **7.3.2 Objective**

*To identify, ~~maintain and enhance~~ **and protect** the recognised character and amenity of residential environments.*

The proposed changes to the policies and rules seek to better protect the special character elements and qualities of the Residential 1 and 2 zones. The better protection of buildings and character in these zones will encourage building renovation, and in turn enhance the areas, their heritage value, and special character.

### **7.6.1 RESIDENTIAL 1 (BUILT)**

#### **7.6.1.1 Objective**

*To ~~promote~~ ensure the survival of the historic form subdivision, buildings and streetscape in Auckland's early established residential neighbourhoods.*

As mentioned, particular focus has been given to the importance of pre-1940's buildings in the Residential 1 and 2 zones through the introduction of a control on demolition or

removal of buildings. The proposed policies also reflect this change. The additional policies add further support to the importance of the front yard in the Residential 1 zone, the location of accessory buildings within it and the relationship of these with the dwelling. These policies are then reflected in the rules, assessment criteria, and proposed appendix relating to architectural design guidelines for the Residential 1 and 2 zones.

## **7.6.2 RESIDENTIAL 2 (BUILT/FLORA)**

### **7.6.2.1 Objectives**

- To protect the architectural character of buildings which contributes to the special character of the streetscape.
- To ~~conserve~~ protect the landscape qualities of those residential areas which display a special blend of built and natural features, generally involving period housing, coupled with the presence of trees.

Additional policies are proposed to emphasise the importance of architectural character in this zone, in particular the importance of period housing where this exists. The policies and assessment criteria seek to ensure that a site and context analysis is undertaken for new buildings, which ensures that new development fits into its environment.

The proposed front yard fencing rule and proposed additional policies relating to public appreciation of spaciousness in the zone recognise the objective of protecting the landscape qualities of the areas zoned Residential 2.

Overall, it is expected that the proposed rules and policies will serve the purpose of achieving the relevant objectives for the Residential 1 & 2 zones. The proposed changes to the rules will encourage a quality design response that better recognises the context and special character of these zones.

## **2.5 Whether the policies, rules, or other methods are the most appropriate for achieving the objectives**

The plan change seeks to better protect the special character in the Residential 1 and 2 zones. When forming possible changes to the existing provisions, a number of options were weighed for and against each approach. This enabled consideration of the best approach to achieve the objectives identified.

These options are outlined in the following tables.

### **2.5.1 Options for activity status – additions/alterations and new buildings in Residential 1 & 2 zones**

The following table sets out the options for the activity status for new buildings, additions and alterations in the residential 1 and 2 zones.

The Resource Management Act allows for a range of activity status', which include permitted, controlled, discretionary, non-complying and prohibited. Under these activity status', Council can look at the full range of effects, or restrict its discretion to certain aspects or effects of a particular development.

In relation to a discretionary activity, an authority can elect to have a rule to be able to notify an application citywide, just serve notice to affected parties (known as limited notified), or dispense with any requirement for approval from surrounding owners. This can occur whether the application is restricted discretionary or wholly discretionary.

Even if the authority has elected implement a rule to dispense with notification, a general right to notify an application is reserved under the Act where there are special circumstances.

When looking at the activity status for new buildings, a prohibited status has not been considered, given that building is anticipated in these zones. The matters relating to non-complying activities are the similar to those relating to full discretionary activities, with the addition of being required to have effects that are no more than minor, or not being contrary to objectives and policies. Using either of these activity status' for the above activities in the zones would be contrary to allowing development within the zone; and as such, they are not seen as suitable options.

Option	Benefits	Costs
1. Fully discretionary	<ul style="list-style-type: none"> <li>• Council can refuse consent</li> <li>• Application can be notified (allowing 3<sup>rd</sup> party involvement)</li> <li>• Allows Council a strong position to negotiate good design outcomes</li> </ul>	<ul style="list-style-type: none"> <li>• Likely increase in workload for Council, additional staff required</li> <li>• Extra cost to applicant for undertaking a full section 94 assessment</li> <li>• Extra cost to applicants if notified</li> <li>• Additional time delays</li> <li>• Cost of plan change process</li> <li>• Takes the focus away from design and appearance</li> <li>• Development controls already control potential adverse effects (other than design and appearance)</li> <li>• Little certainty for applicants</li> <li>• Application potentially notified citywide where effects are localised</li> </ul>
2. Restricted discretionary allowing for notification and service of notice (refer s93(2), s94D(2), s94D(3))	<ul style="list-style-type: none"> <li>• Council can refuse consent</li> <li>• Application can be notified (allowing 3<sup>rd</sup> party involvement)</li> <li>• Allows Council a strong position to negotiate good design outcomes</li> <li>• Only need to look at design and appearance of buildings</li> </ul>	<ul style="list-style-type: none"> <li>• Likely increase in workload for Council, additional staff required</li> <li>• Extra cost to applicant for undertaking a full section 94 assessment</li> <li>• Extra cost to applicants if notified</li> <li>• Additional time delays to</li> </ul>

		<ul style="list-style-type: none"> <li>undertake s94 assessment</li> <li>• Cost of plan change process</li> <li>• Activity status provided elsewhere in the Plan, potentially confusing for public and district plan users (new approach)</li> <li>• Little certainty for applicants</li> <li>• Application potentially notified citywide</li> <li>• 3<sup>rd</sup> party involvement may be unnecessary as Council is restricting its assessment to design and appearance only</li> </ul>
3. Restricted discretionary with no notification but service of notice as an option	<ul style="list-style-type: none"> <li>• Council can refuse consent</li> <li>• Allows Council a strong position to negotiate good outcomes</li> <li>• Can keep focus on design and appearance of buildings</li> <li>• Already an option in the Plan</li> <li>• Application not notified citywide</li> <li>• Allows input from persons who may be adversely affected by design and appearance</li> <li>• Cost to applicant less than if public notification was an option</li> <li>• Full s94 assessment not required</li> <li>• If application meets assessment criteria, provides certainty to applicants in terms of timeframes and costs</li> <li>• Option to notify under special circumstances available</li> </ul>	<ul style="list-style-type: none"> <li>• Small Increase in workload for Council to establish any affected persons</li> <li>• Additional time delays to potentially seek written approvals from affected parties</li> <li>• Cost of plan change process</li> <li>• Potential for misunderstanding between notification and service of notice</li> <li>• 3<sup>rd</sup> party involvement may be unnecessary as Council is restricting its assessment to design and appearance only</li> </ul>
4. Restricted discretionary with no notification and no service of notice	<ul style="list-style-type: none"> <li>• Council can refuse consent</li> <li>• Allows Council a strong position to negotiate good outcomes</li> <li>• Can keep focus on design and appearance of buildings</li> <li>• Activity status is already an option in the Plan</li> <li>• Application not notified citywide</li> <li>• No third party involvement (benefit for applicant)</li> <li>• Cost to applicant less than if public notification was an option</li> </ul>	<ul style="list-style-type: none"> <li>• Assumes no persons are adversely affected by design and appearance</li> <li>• No potential for third party involvement</li> <li>• Cost of plan change process, appeals possible</li> </ul>

	<ul style="list-style-type: none"> <li>• No s94 assessment required</li> <li>• If application meets assessment criteria, provides certainty to applicants in terms of timeframes and costs</li> <li>• Option to notify under special circumstances available</li> </ul>	
5. Controlled activity with service of notice on affected parties	<ul style="list-style-type: none"> <li>• Third party involvement enabled</li> <li>• Focus on design and appearance</li> <li>• Option to notify under special circumstances available</li> </ul>	<ul style="list-style-type: none"> <li>• Council cannot refuse consent, only impose conditions</li> <li>• Application of conditions limited (cannot frustrate consent and change what was applied for)</li> <li>• Very little negotiation ability for council to achieve good outcomes</li> <li>• Grey area as to what is negotiable for submitters, Council and applicant</li> <li>• Cost of plan change</li> </ul>
6. Status quo - leave as restricted controlled	<ul style="list-style-type: none"> <li>• Certainty to applicant</li> <li>• No plan change necessary</li> <li>• Focus still on design and appearance only</li> <li>• Option to notify under special circumstances available</li> </ul>	<ul style="list-style-type: none"> <li>• Council cannot refuse consent, only impose conditions</li> <li>• No potential third party involvement or consideration of affected parties</li> <li>• Application of conditions limited (cannot frustrate consent and change what was applied for)</li> <li>• Very little negotiation ability for council to achieve good outcomes</li> <li>• Grey area as to what is negotiable</li> </ul>
Recommended option: <b>4</b>		

## 2.5.2 Options for activity status - demolition

The following table sets out the options for demolition of primary buildings in the residential 1 and 2 zone.

Option	Benefits	Costs
1. Introduce a new activity in the District Plan controlling the demolition of primary buildings in the residential 1 and 2 zones	<ul style="list-style-type: none"> <li>• Council could potentially refuse consent to demolish a building</li> <li>• Application could potentially allow for 3<sup>rd</sup> party involvement for demolition</li> <li>• Allows Council a strong position to negotiate good</li> </ul>	<ul style="list-style-type: none"> <li>• Uncertainty that through controlling demolition the desired outcome of protecting the special character is achieved</li> <li>• Additional 'value based' assessment criteria required</li> <li>• Consent for demolition may be granted in the majority of cases.</li> </ul>

	<p>outcomes</p> <ul style="list-style-type: none"> <li>• Provides an incentive to encourage the retention of existing buildings</li> <li>• Allows an assessment of the heritage contribution of the existing building in a streetscape analysis</li> <li>• Consistent with other recent plan changes (Parnell Centre Plan, St Heliers Centre Plan) which control demolition</li> <li>• Potentially avoids the demolition of character buildings especially in the residential 2 zone where there are no conservation areas</li> </ul>	<p>unless historical value/contribution says otherwise, in which case the building should have been scheduled / been considered for inclusion with a conservation area</p> <ul style="list-style-type: none"> <li>• Potentially doubling up as the replacement building would currently require resource consent (is the replacement building the real issue then?)</li> <li>• Careful definition of 'demolition' required</li> <li>• Increase in workload for Council, additional staff may be required</li> <li>• Cost of plan change process, appeals possible</li> <li>• Additional time delays/cost for resource consent applicants</li> <li>• Education of general public may be necessary as introducing new activity in these zones into the Plan</li> <li>• Difficulties may arise when linking demolition consent to consent for new development as it may be unenforceable and vires (applicant may lodge new building plans to get demolition consent but may never proceed with that building – lodging a new one once building has been demolished)</li> <li>• Not all buildings warrant demolition to be controlled (i.e may be unsafe/unsanitary), is a blanket approach justified when a site by site assessment has not been undertaken to assess merits of controlling demolition?</li> </ul>
<p>2. Retain status quo – leave demolition as a permitted activity in the District Plan</p>	<ul style="list-style-type: none"> <li>• Avoids the cost of a plan change</li> <li>• Other District Plan provisions control design and appearance of replacement buildings</li> <li>• Avoids additional cost of resource consent for property owners</li> <li>• Avoids confusion between conservation areas and special character zones (demolition requires resource consent in conservation areas)</li> <li>• More certainty for applicants</li> </ul>	<ul style="list-style-type: none"> <li>• Relies on other methods such as heritage orders/scheduling to prevent demolition of character buildings</li> <li>• Council has no control over demolition of character buildings</li> <li>• Once a building is demolished, an opportunity is lost for ever to protect it, even if it contributed significantly to the special character of the street</li> <li>• Potential for cumulative effects arising from the loss of historic pattern of buildings</li> <li>• No incentive to encourage</li> </ul>

	<p>with no third party involvement for demolition</p> <ul style="list-style-type: none"> <li>• Recognises perceived 'right' to develop a site</li> </ul>	<p>retention of existing building</p> <ul style="list-style-type: none"> <li>• If building is already demolished, the council is not able to accurately assess how that building contributed to the special character of the street (encourages demolition prior to seeking consent for replacement building)</li> </ul>
<p>3. Make demolition a discretionary activity for buildings that have been constructed prior to a particular point in time</p>	<ul style="list-style-type: none"> <li>• Allows the council to assess how much the existing building contributes to the heritage of the streetscape</li> <li>• Provides a greater incentive to encourage retention of heritage/period buildings</li> <li>• Information may be discovered about the history of a building that may give it more importance than was previously known and increase it's heritage value</li> <li>• Allows an assessment of the viability of the house</li> <li>• Recognises houses prior to a particular date as being important contributors to the city's built heritage and special character</li> <li>• Council can restrict the exercise of its discretion to specific matters relating to the effects of demolition</li> <li>• Approach suited to Residential 1 where there is general buildings of uniform age</li> </ul>	<ul style="list-style-type: none"> <li>• Possibly viewed by public as de facto scheduling</li> <li>• Cost of plan change process</li> <li>• Potential time delays and uncertainty for resource consent applicants</li> <li>• Careful consideration required over whether this demolition applies to the whole of the building or part of the building</li> <li>• May not be as relevant for Residential 2 zone as there are many buildings that are from later periods, state housing etc.</li> <li>• Careful consideration required for the definition of demolition</li> </ul>
<p>4. Amend the existing District Plan provisions to include a new rule that demolition of existing buildings is a permitted activity where a resource consent for the replacement building has been approved by the council (otherwise a discretionary activity).</p>	<ul style="list-style-type: none"> <li>• Allows the council to assess the replacement building having regard to how much the existing building contributes to the special character of the streetscape</li> <li>• Provides a small incentive to encourage retention of existing building</li> <li>• Provides greater certainty for the public in that a building will not be able to be demolished unless council has consented to replacement building</li> <li>• Allows the council to focus on/assess the replacement building as opposed to the demolition of the existing building</li> <li>• Sends a clear message that</li> </ul>	<ul style="list-style-type: none"> <li>• Cost of plan change process</li> <li>• Confusing if property owners want to demolish first prior to obtaining resource consent for replacement building</li> <li>• Potential time delays and uncertainty for resource consent applicants as they would be unable to demolish existing building while waiting for replacement building resource consent to be processed.</li> <li>• Implications if someone does not want to replace a building on the site.</li> <li>• Careful consideration required over whether this demolition applies to the whole of the building or part of the building</li> <li>• Careful consideration required</li> </ul>

	<p>council want to assess replacement building prior to existing building being demolished</p> <ul style="list-style-type: none"> <li>• Approach suited to the Residential 2 zone where there is a greater variety of building ages</li> </ul>	<p>in the definition of demolition</p> <ul style="list-style-type: none"> <li>• Focuses on replacement building and not heritage values of existing building</li> <li>• Does not distinguish between age of buildings</li> </ul>
<b>Recommended option: 3</b>		

The Residential 1 zone contains predominantly period housing from the late Victorian, early Edwardian era. The Residential 2 zone contains smaller amounts of early period housing from the Edwardian era in Herne Bay through to English cottage revival, garden suburb movement style and areas of tudor buildings, however a much higher percentage of the buildings are from the modern era than in the Residential 1 zone, with a large amount of emphasis being on the flora characteristics of the zone. It is recognised, however, that the early period buildings in the Residential 2 zones provide a significant contribution to the special character of these areas, and in some areas, dominate the character.

When determining a suitable date for the zone, various building styles and progressions were considered. Up until the 1910's the villa style predominated, with progression after World War I to larger garden suburb buildings. The 1930's saw the introduction of the Californian influence on bungalows, with lower pitched roofing, and a progression into modern styles. During World War II, development slowed and the modern styles became prevalent. The 1940 date, near the beginning of World War II, is proposed as a cut-off date due to the slowing of development at this time and the greater influence of modern styles, and will generally encompass most dwellings in the Residential 1 zone. The intention is that demolition of buildings should be focussed on dwellings built after this date, with renovation and refurbishment encouraged for pre 1940 buildings.

### 2.5.3 Options for the building in relation to boundary control for road frontages in the Residential 1 zone

The following table sets out the options for the introduction of a 3m + 45° building in relation to boundary control on road frontages in the residential 1 zone (there is currently no such control).

<b>Option</b>	<b>Benefits</b>	<b>Costs</b>
1. Amend the Isthmus Plan to introduce a 3m+45° building in relation to boundary control on all road frontage boundaries in the Residential 1 zone	<ul style="list-style-type: none"> <li>• Potentially avoids as much building bulk within the front yard by requiring it to be setback further or lowered</li> <li>• Will be consistent with other zones which have a building in relation to boundary control on the road boundary</li> <li>• Potentially reduces the dominance of buildings being built up to maximum</li> </ul>	<ul style="list-style-type: none"> <li>• Other development controls, specifically the front yard setback rule already helps to reduce dominance of buildings near the front of the site</li> <li>• Sites in this zone are generally smaller, therefore this control may decrease development potential on smaller sites</li> <li>• Potentially detracts from a characteristic of the residential 1 zone where built form tends to dominate the site (the</li> </ul>

	<p>height close to the road frontage (e.g 8m facades set 1m or 2m back from the road frontage boundary)</p> <ul style="list-style-type: none"> <li>Increases daylight access to the street</li> <li>Addresses some of the concerns raised by the public regarding dominance of buildings on corner sites</li> </ul>	<p>control will require buildings of a lesser height or set back further from the street)</p> <ul style="list-style-type: none"> <li>Control might not be that effective as most accessory buildings located to the front of sites would comply with a 3m+45° control as they would generally be less than 3m in height</li> <li>Cost of plan change process</li> </ul>
<p>2. Amend the Isthmus Plan to introduce a building in relation to boundary control <u>other</u> than 3m + 45° on road frontage boundaries (ie 2m + 55°)</p>	<ul style="list-style-type: none"> <li>Potentially reduces the dominance of buildings being constructed up to the 8m maximum height on road boundary frontages</li> <li>Control would be more consistent with other zones which apply a 2m+55° building in relation to boundary control on the road frontage boundary</li> <li>Addresses some of the concerns raised by the public regarding the dominance of buildings on the streetscape</li> <li>Will increase daylight access to the street</li> <li>Does not significantly change the District Plan provisions in a manner that would be confusing to District Plan users</li> </ul>	<ul style="list-style-type: none"> <li>Cost of plan change process, appeals possible</li> <li>Inconsistency with the existing building in relation to boundary control of 3m+45° applying to all other boundaries of a site in this zone (with the exception of defined sites as shown in Fig. 7.3C)</li> <li>Other development controls, specifically the front yard setback rule, already help to reduce dominance of buildings near the front of the site</li> <li>Sites in this zone are generally smaller, therefore this control may decrease development potential on smaller sites</li> <li>Potentially detracts from a characteristic of the residential 1 zone where built form tends to dominate the site (i.e even if the street is characterised by buildings close to the streetscape, this control may require them to be set back further into the site)</li> </ul>
<p>3. Amend the Isthmus Plan to introduce a building in relation to boundary control which will apply to one road frontage boundary of a corner site</p> <p><i>Note: this would not apply a BIRB control to every road frontage boundary in this zone, but only to one boundary of corner sites</i></p>	<ul style="list-style-type: none"> <li>Reduces the dominance of buildings being constructed up to the 8m maximum height on two or more road boundaries on corner sites</li> <li>Recognises that there would be no additional development advantage for corner sites</li> <li>More consistent with other zones which apply a building in relation to boundary control on the road frontage boundary</li> <li>Addresses some of the concerns raised by the public regarding dominance of buildings on corner sites</li> </ul>	<ul style="list-style-type: none"> <li>Cost of plan change process</li> <li>High buildings can still potentially be built close to one of the road frontage boundaries (depending on average front yard setback) and therefore still potentially dominate the site</li> <li>Other development controls, specifically the front yard setback rule already help to reduce dominance of buildings near the front of the site</li> <li>Control might not be that effective as most accessory buildings located to the front of sites would comply with a building in relation to boundary control</li> </ul>

	<ul style="list-style-type: none"> <li>• Will increase daylight access to the street</li> <li>• Will not further restrict development potential for the majority of sites in this zone (i.e as it would only apply to corner sites)</li> <li>• Potentially allows consistency of scale and character of buildings where built form is dominant on the road boundary along the street (on one road frontage boundary in the case of corner sites)</li> <li>• Does not significantly change the District Plan provisions in a manner that would be confusing to District Plan users</li> </ul>	
4. Retain status quo – no building in relation to boundary control on road frontage boundaries	<ul style="list-style-type: none"> <li>• Avoids the cost of a plan change</li> <li>• Other District Plan provisions such as front yard setback help avoid dominance of buildings</li> <li>• Retains the development potential for sites</li> <li>• Can allow consistency of scale and character of buildings where built form is dominant along the street / road boundary</li> </ul>	<ul style="list-style-type: none"> <li>• High buildings can potentially be built close to the road frontage boundary (depending on average front yard setback) and potentially dominate the site</li> <li>• Potentially results in building bulk near the road frontage boundaries</li> <li>• Provides a potential development advantage for corner sites</li> <li>• Can block access of daylight to the street</li> </ul>
Recommended option: <b>Option 3</b>		

#### 2.5.4 Options for controlling the effects of buildings on amalgamated sites or combined allotments

The following table sets out the options for controlling the effects of over-scale developments on amalgamated sites or combined allotments.

Option	Benefits	Costs
1. Introduce a new rule in the District Plan regarding amalgamation of sites in the residential 1 zone	<ul style="list-style-type: none"> <li>• Council could potentially refuse consent</li> <li>• Application could potentially allow for 3<sup>rd</sup> party involvement</li> <li>• Allows Council a strong position to negotiate good outcomes</li> <li>• Would send out a clear message that Council wants</li> </ul>	<ul style="list-style-type: none"> <li>• Currently, amalgamation does not require council approval (it is a process involving only District Land Registrar and property owners)</li> <li>• Amalgamation will not prevent a building being built over two CT boundaries (s37 of the Building Act) – this can occur regardless of Council controlling</li> </ul>

	<p>to retain historic development patterns</p> <ul style="list-style-type: none"> <li>• Will be educating the public about the intent of special character zones being wider than solely design and appearance of buildings</li> </ul>	<p>amalgamation</p> <ul style="list-style-type: none"> <li>• The issues surrounding amalgamation have arisen from a few isolated cases – plan change may be difficult to support considering the frequency of occurrence.</li> <li>• Controlling amalgamation will restrict property owners development potential and may result in additional cost to them</li> <li>• Increase in workload for Council, additional staff required</li> <li>• Cost of plan change process</li> <li>• Existing provisions in the zone already control the scale, form, bulk and location of development</li> <li>• Legal advice indicates that Council would not be able to control amalgamation as it is not a subdivision process.</li> </ul>
<p>2. Retain status quo – do not control amalgamation through the District Plan</p>	<ul style="list-style-type: none"> <li>• Avoids the cost of a plan change</li> <li>• No imposition on perceived 'property rights'</li> <li>• Building, form, scale and location of development controlled by other District Plan provisions</li> <li>• No additional cost for resource consent applicants</li> </ul>	<ul style="list-style-type: none"> <li>• There is no direction or guidance for property owners to respect historical development patterns</li> <li>• Large buildings may continue to be constructed over two or more lots which can impact upon the appearance of the street</li> <li>• This option does not address concerns raised over amalgamation</li> </ul>
<p>3. Give guidance in the design guidelines for building scale/location on amalgamated sites</p>	<ul style="list-style-type: none"> <li>• Council is sending out a clear message that it seeks to retain historical development patterns</li> <li>• Improving on existing District Plan provisions which is less confusing to District Plan users than introducing a new rule</li> <li>• Can avoid the issues surrounding amalgamation (i.e control 'bulk/rhythm/grain of development) through requiring a context based street analysis</li> <li>• Will be educating the public about the intent of special character zones being wider than solely design and appearance of individual buildings</li> <li>• Provides greater certainty</li> </ul>	<ul style="list-style-type: none"> <li>• Results in using specialised architectural language that is not commonly used or understood by the general public</li> <li>• Need for greater education to District Plan users about historical development patterns</li> <li>• Cost of plan change process, appeals possible</li> </ul>

	<p>for property developers about council expectations on development patterns</p> <ul style="list-style-type: none"> <li>• If application meets assessment criteria, provides certainty to applicants in terms of timeframes and costs</li> <li>• Site amalgamation may give rise to special circumstances in some instances and the Council may choose to notify an application</li> </ul>	
Recommended option: <b>3</b>		

### 2.5.5 Options for front-yard fencing and walls in the Residential 2 zone

There are not currently any provisions that control fencing within the front yard within the Residential 2 zone. The following options were investigated as part of looking at introducing such a control.

Option	Benefits	Costs
1. Retain the status quo, do not control front yard fencing in the Residential 2 zone.	<ul style="list-style-type: none"> <li>• No cost for a plan change</li> <li>• Allows freedom for property owners to fence the property how they wish</li> <li>• Allows owners to provide for privacy to their standards</li> <li>• Property owners able to utilise solid fencing as one method to achieve acoustic privacy</li> <li>• No resource cost for owners for building a fence or wall provided it is not higher than 2m</li> </ul>	<ul style="list-style-type: none"> <li>• Large 2 metre high solid fences continue to get built</li> <li>• Continued loss of spacious character in a zoned valued for its spacious and well landscaped character</li> <li>• Solid fencing increases likelihood of crime, passive surveillance decreased.</li> <li>• Other methods are available to achieve acoustic privacy such as hush glazing.</li> <li>• Acoustic privacy only gained for ground level of a dwelling.</li> </ul>
2. Introduce a permitted activity standard for front yard fencing in the Residential 2 zone to maintain visibility into front yards	<ul style="list-style-type: none"> <li>• Maintain visibility of landscaping and spacious front-yard characteristics for which the zone is valued.</li> <li>• Acknowledges crime prevention through environmental design principles by allowing for natural surveillance</li> <li>• Reduces dominance effects on the streetscape of 2m high solid walls</li> <li>• Where privacy is an issue this can be gained through use of hedging which recognises the flora influence within the zone</li> <li>• No cost for resource</li> </ul>	<ul style="list-style-type: none"> <li>• Removes high solid fencing as an option for acoustic privacy</li> <li>• Reduces options for style of fencing</li> <li>• May be seen as overly protective and affecting property rights of owners</li> <li>• May be perceived as affecting a right to privacy</li> <li>• Cost of plan change</li> <li>• Increases cost of building a fence that falls outside possible permitted activity standards</li> </ul>

	consent so long as fence falls within the permitted activity standards	
Recommended option: <b>2</b>		

After reviewing the activity status for fences and walls, it was investigated at how best to implement a height limit and permitted activity standard.

Many existing fences and walls in the Residential 2 zone are stone, steel rail and picket, timber picket, board or a combination of these. Standard board and picket lengths are 1.2m and 1.8m. A review was undertaken of a suitable height for a solid wall or fence that would allow a smaller pedestrian to be able to view over the top of a wall, whilst also maximising the height of the fence. 1.6m was too high to gain a clear view, 1.4m allowed a reasonable view, and 1.2m (which is used in the Residential 1 zone) allows a very clear view. Consideration was given to the current permitted 2m height limit, and to give maximum potential for property owners, it was considered that 1.4m was the most suitable and reasonable height.

As the purpose of the control is to allow for visibility of the front yard and the dwellings within the zone, a second permitted standard was considered, where the fencing is visually permeable. This owner is then able to construct a fence or fence/wall combination with a degree of permeability. This would need to be greater than 1.4m, but less than 2m which is the maximum height for any structure on a boundary. When measured out, 2m was considered very high, 1.8m high but not imposing, and 1.6m as suitable, but a big departure from the currently permitted standards. As 1.8m is a standard picket size, this was considered to add weight to being a suitable size.

Consideration was given to noise and privacy effects and the potential impact the controls would have on these. In relation to privacy, it was considered that planting or hedging could be utilised in combination with or behind a fence or wall to act as a visual barrier, whilst providing for higher amenity than built form and also reflecting the flora nature of the zone. Noise was also considered as a potential reason for solid high fencing. In relation to this, noise flows over solid walls and will not protect second levels of dwellings due to the low height. In addition, there may be noise reflection issues to opposite neighbours. The use of solid wall is one option for noise control, but there are also other options such as hush glazing which can be fitted to existing window joinery. In any event, a person is able to apply for resource consent to modify the controls.

The current Residential 1 front-yard fencing requirement is handled as a separate activity in the residential activities table (section 7.7.1 of the Plan), however on review it was considered to be more of a development control. The fencing rules for both Residential 1 & 2 are proposed to be moved and inserted into 7.8.1 (Rules: Development Controls) of the Plan. Any variation to these permitted activity standards will require consent for a discretionary development control modification.

### **3.0 National and regional planning documents**

Section 75(2) of the RMA states:

(2) *“A district plan must give effect to any national policy or a New Zealand coastal policy statement*

*and must not be inconsistent with-*

- (a) a water conservation order; or*
- (b) the regional policy statement; or*
- (c) a regional plan for any matter specified in section 30(1)."*

It is considered that the proposed changes to the Residential 1 & 2 zone provisions in the Isthmus Plan will better align the plan with not only the Act, but also with regional documents such as the Auckland Regional Policy Statement (1999) and the Auckland Regional Growth Strategy (Nov 1999). There are no relevant sections in the regional plans.

The Regional Growth Strategy notes that recognition of cultural heritage as an important desired regional outcome to be achieved. The strategy encourages taking into account the values of identified cultural heritage areas, and their setting/context during (re)development.

The Regional Policy Statement under section 6 (Heritage) contains the following objectives:

- 1. To preserve or protect a diverse and representative range of the Auckland Region's heritage resources.*
- 2. To maintain, enhance or provide public access to the Region's heritage resources consistent with their ownership and maintenance of their heritage value.*
- 3. To protect and restore ecosystems and other heritage resources, whose heritage value and/or viability is threatened.*
- 4. To maintain the overall quality and diversity of character of the landscapes of the Auckland Region.*

The proposed plan change recognises Auckland's special built character and early period housing as contributing to that character. The character of this built heritage will be better protected by the plan change, ensuring appropriate development and maintenance of the zones' special attributes.

The proposed plan change does not impact on any of the provisions of the regional plan or other regional strategy documents apart from the growth strategy. In addition, the New Zealand Coastal Policy Statement and Hauraki Gulf Marine Park Act are not relevant to the plan change.

Overall, the proposed plan change is consistent with the relevant national and regional planning documents.

## **4.0 Iwi consultation**

As part of iwi consultation for this project, a report was considered at the Tangata Whenua Consultative Committee held on the 14th December 2004. The report sought feedback on any issues surrounding the existing residential 1 or 2 zone provisions.

Feedback received from Ngati Maru (Dave Robson) on the 26<sup>th</sup> January 2005 outlined a need to re-visit and strengthen the current provisions relating to the Residential 1 and 2

zones to avoid inappropriate or incompatible development. In summary, Ngati Maru considered that:

- accessory buildings should not be allowed in the front yard
- off-street parking should be encouraged alongside residential dwellings where possible
- views of dwellings be opened up by removing large trees in the front of the dwelling
- the council prohibit visible upper floor additions on villas and bungalows
- the council should require documentation of the building's construction, archaeological and architectural history
- stronger design criteria development to ensure the same architectural language is used
- demolition, removal or relocation of period houses should be non-complying

Overall, Ngati Maru consider there will be no adverse effects on the Maori values of Ngati Maru interests in light of any review of the provisions, and they are not opposed to proposed enhancements in the Rresidential 1 and 2 zones.

Feedback was also received from Ngati Whatua (Bernadette Papa) on the 2<sup>nd</sup> February 2005. Ngati Whatua sought that any review of the Rresidential 1 and 2 zone provisions provide a policy for the removal of noxious weed species and replacement with locally appropriate native species within the Rresidential 2 zone.

The issues raised by iwi have been considered in the review of the Residential 1 and 2 zones, and where considered suitable, incorporated into the proposed plan change.

## **5.0 Consultation undertaken to date**

### **5.1. Residential 1 & 2 zones survey**

A previous survey on the Residential 1 zone (amenity satisfaction) was undertaken in September 1999 by CM Research Ltd on behalf of the council. The survey was used to help evaluate whether existing controls were appropriate. The results suggested that there was a high level of satisfaction and that the controls in place were about right.

Council staff have undertaken a new survey (February 2005) of home owners within the Residential 1 and 2 zones. The purpose of the survey was to get feedback from home owners on the existing zone provisions as well as an indication of which direction the council should head in its review of the provisions.

Some of the questions in this latest survey were the same, or similar, as those questions asked in the September 1999 survey. This provided council staff with a benchmark when reviewing the results of the survey. The methodology used to undertake the survey focussed on property owners in the Residential 1 and 2 zones that live with Auckland City boundaries. The survey was then sent to every 15<sup>th</sup> property owner in the list, giving a sample of 1,000 property owners within the residential 1 and 2 zone. It was considered that the random sample of 1,000 property owners would provide an adequate feedback response that would not be biased. The results of the survey were considered as part of the review of the existing residential 1 and 2 zone provisions.

A total of 408 (41%) property owners responded to the survey, which indicates a strong level of interest in these special character zones (this figure includes survey responses received up until the 25<sup>th</sup> February). 69% of respondents knew that they lived in a special character zone, compared to 56% of respondents in the 1999 survey. Also 52% believed that the current level of control on development is about right, compared to 54% of respondents in the 1999 survey.

The majority of respondents agree with the front yard fence control in the residential 1 zone, but were split over introducing a front yard fence control in the residential 2 zone. The majority of respondents also believe that Auckland City should have the ability to decline resource consents for inappropriate new building construction and that Auckland City should control the demolition or removal of existing residential dwellings. Most respondents also believe that there should be more flexibility allowed for additions that are not visible from the street.

Overall, the survey results made it clear that residents in the residential 1 and 2 zone believe that the special character and architectural design of buildings needs to be maintained. A copy of the residential 1 and 2 survey, as well as an analysis of the results of the survey, is attached as **appendix c**.

## 5.2 Other consultation

This section lists consultation undertaken to date during the formulation of this plan change.

### Auckland City staff

Auckland City Environments	Warren Adler, Team Leader Compliance Monitoring Megan Tyler, Senior Specialist Planner Paul Arnesen, Senior Planner Resource Consents Mike Watson, Planner
City Planning	Kathryn Elliff, Senior Planner Sarah Nairn, Planner George Farrant, Heritage Manager Bryan Bennett, Senior Specialist Architech/planner

### External groups

New Zealand Historic Places Trust	
Housing New Zealand Limited (a significant property owner in these zones)	
Ministry for the Environment	
Auckland Regional Council	

New Zealand Institute of Architects - NZIA	
NZIA – Urban Issues Group	
New Zealand Institute of Landscape Architects Inc (Auckland branch) - NZILA	Sally Peake
The Tangata Whenua Consultative Committee	Bernadette Papa – Ngati Whatua o Orakei David Robson – Ngati Maru

The information and feedback received from the above groups during the consultation was considered in the preparation of the plan change.

While feedback on the existing Residential 1 and 2 provisions was sought from the Auckland Regional Council, the Ministry for the Environment, New Zealand Institute of Architects and the NZIA Urban Issues Group, no feedback/response was received, or the groups chose not to respond. However, all parties will have the opportunity to lodge submissions on the plan change once notified.

## 6.0 Conclusions

A plan change has been prepared to amend the objectives, policies and rules relating to the Residential 1 and 2 zones in the Isthmus Section of the Auckland City District Plan.

This report has undertaken an assessment as required under section 32 of the rules /provisions contained in the proposed plan change. The following conclusions are reached:

- The proposed rules assist the Council to better control the actual or potential effects of development in the Residential 1 and 2 zones.
- The changes to the objectives help to achieve the purpose of the Act
- The proposed rules and policies help to achieve the objectives of the plan.
- When compared with other options the proposed rules are the most appropriate option for achieving the objectives
- The proposed rules have no implications for national and regional planning documents.